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Navigating the Human Side of Workplace Conflict: A Comparative Study of Organizational Ombuds' Similarities and Differences

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Navigating the Human Side of Workplace Conflict:
A Comparative Study of Organizational Ombuds' Similarities and Differences

by

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This dissertation was submitted by Linda N. Kovack under the direction of the chair of the dissertation committee listed below. It is submitted to the Halmos College of Arts and Sciences in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Conflict Analysis and Resolution at Nova Southeastern University.

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Dedication

Dedicated to current and future survivors of domestic violence and toxic relationships. Living in two realities has been one of life's greatest challenges. The solitude and silence as to life behind closed doors have immense rewards in the end. To aspire to greater heights for yourself is an incredible feat. The past is the past and should never dictate your future. Gather all your strength, take the first step, and never look back.

University---all of you deserve the corner penthouse office, preferred parking, and catered lunches. You are such a source of inspiration. I hope and pray I did justice to your professionalism and dedication to serve others.

To Suzanne, Stephanie, Jennifer, and Daniel, the four of you will always be my proudest accomplishment.

Deepest gratitude goes to Rich Wallach who has been a divine intervention in the later part of my life, and an absolute saint through this research process.

And to the greatest parents and role models, thanks Mom and Dad for believing in me. I look to the heavens and hope I made you proud. I love and miss you always!

As my dearly departed friend and attorney would tell me, "If you lost everything today, what's the *one thing no one could ever take away from you*?" That comment stumped me until I realized it is an education. If given another chance, I would do it all over again.

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Abstract

Navigating the human side of workplace conflict poses challenges. A gap in knowledge exists within an alternative dispute resolution option known as the organizational ombuds. Prior research referenced the ombuds' perception of his/her own role and functionality yet did not explore ombuds in differing organizational sectors. The research I explored was: What are the similarities and differences among and between ombuds in employment environments of higher education, the public or private sector, and the federal government? To address this question, I presented comprehensive case study profiles on a total of 8 organizations: 3 in higher education, 3 in the federal government, and 2 in the private sector, then analyzed their similarities and differences. Findings from my research support the view that ombuds in the 3 sectors all organized their role and function according to the International Ombuds Association's principles, which specifically addressed the core competencies of confidentiality, impartiality, independence, and informality. Ombuds assisted internal constituents as they follow resolution pathways of their choosing. The 8 organizations, mentioned solely as the "8" going forward, also had distinct differences developed organically and pragmatically to fit the needs of their unique organization. My research found ombuds assisted organizations to achieve their vision and mission by identifying trends, addressing workplace issues, facilitating dialogue, conducting systemic reviews, and implementing changes to empower and engage constituents while strengthening the financial bottom line. Serving at the discretion of leadership, the "8" contributed tangible and intangible value that enhanced the quality of work life for all employees.

Chapter 1: Introduction

Navigating the human side of workplace conflict has always left parties feeling

perplexed with the situation, causing everyone involved to feel vulnerable, now forced to

be involved in something extremely complicated, and worse, challenging and time

consuming. Traditionally, conflict has been treated as a zero-sum, win or lose

relationship that was burdensome, prolonged, adversarial, confrontational, and often

punitive. Workplace disagreements have been ignored, avoided, or perceived as a

personality clash and power struggle. Possible retaliation, retribution, reprisals, and

punishment were costly and brought litigious consequences when employee issues

surfaced. Addressing conflict was problematic in that the messenger was often penalized

instead of the instigator. Dual standards emerged when interpretations differed. Employee

issues were referred to formal internal channels like human resources, legal counsel, or

an outside vendor. Often employees feared the stigma attached to a constant complainer,

a troublemaker, someone who rocked the boat. Working relationships became tense and

reduced employee performance leaving workplace conflict an uninvited guest.

The Realities

Knowing conflict is inevitable, leadership armed themselves with pre-determined

options within the organization that severely limited pathways for resolution and failed to

provide employee satisfaction. While conflict resolution systems have limitations and

evolved as the organization responded to a specific issue in the past, assurances of

confidentiality and anonymity were not guaranteed once the systems began. Collective

bargaining contracts complicated the grievance process, extended the process and created

lengthy and often moot progress. Additionally, interpersonal conflict was often withheld

from the scope of this agreement. Resolution was impeded and employees were restricted by management decisions that enforced policies and procedures, past practices, and more formal resolution processes. Formal channels collected and maintained compliance data and accepted legal notice of claims against the institution that required investigation. Maintaining a neutral perspective within a formal channel was difficult, and data reporting was skewed toward utilization of the formal pre-determined pathways. Employee options for seeking resolution to conflict in their workplaces were very limited. The existing resolution systems tended to overlook many employee concerns, issues, and perceptions. Employees faced a burdensome process of finding discrete resolution without negatively affecting work performance and relationships. Reprisals and hostile work environments impeded cohesiveness between the employees that carried out the mission and leadership who created the vision. Internal resolution was often very time consuming for the individual in conflict, and often favored the organization rather than the employee. What was missing was the timely opportunity to have a candid dialogue about the reality of the workplace without fear of disclosure.

The Ombuds as a Remedy

Workplace conflict was not exclusive to any one organization, as often presumed by scholars and upper-level management. For over fifty years the federal government, private and publicly traded companies, educational facilities, and not-for-profit corporations have had a common connection through a unique and critical role referred to as the "Organizational Ombudsman/Person, Ombuds, or Office of the Ombuds." Historically, ombuds have served in a much-needed critical capacity for over a century. With a relationship mirroring the sanctity of the physician-patient privilege, the ombuds

has been the keeper of secrets and protector of identities. Yet, leadership has not only

failed to acknowledge the ombuds' ability to identify concerns, but to support and

maneuver available institutional resources. Ombuds were perceived to merely duplicate

available services. Conversely, ombuds enhanced and complemented existing strategies,

did not represent the institution, and did not advocate for a particular remedy. Unlike

other resources, ombuds were the "ear" when an employee needed to voice a concern

discretely and discuss potential scenarios. Skilled at reframing issues, these conflict

specialists identified differing viewpoints and alternative pathways for employees to self-

resolve dilemmas. The appointed ombuds provided a skillset and strong background in

conflict resolution, were knowledgeable about institutional resources, interpreted the

applicability of policies and procedures, were trusted by peers and colleagues, and

adhered to strict guidelines. Grounded in the philosophies and guidelines of strategy were

the glue that bound together the ombuds as a profession and a distinct discipline within

conflict resolution. These guidelines preserved the confidentiality of discussions,

maintained independence from management and leadership, protected identities, and

insured the ombuds' role and function remained neutral, impartial and nonjudgmental.

The informality of the ombuds' structure encouraged trust in not only the ombuds as a

person, but also the ombudsing process by which system-wide concerns could be brought

to the attention of leadership (Rowe, 1995). Nationally by 2020 nearly 1,800 ombuds

were actively involved in professional ombuds associations with the most prolific growth

in higher education institutions.

The importance of supporting an internal mechanism for conflict resolution led to

some universal parameters as to the ombuds' role, function and services provided to an

institution's constituency. As the organization's stethoscope, ombuds monitored the internal health by identifying potentially disruptive behavioral trends that impacted the organization's heartbeat. Ombuds functioned as the automobile's check engine light, ignored and annoying at first--until the engine stops. The International Ombuds Association (2021) recently compared a visit to the ombuds to the dentist – an unpleasant experience but on speed dial when needed. N. Powless, Ombuds at Syracuse University (2021) described ombuds that advise the driver there is a bump in the road they are about to hit, or a buffet table of conflict resolution options to choose from. Ombuds primarily assisted individuals and groups to explore and determine options to resolve conflicts. Ombuds engaged in facilitated dialogue, conducted outreach and trainings, generated options, and trained employees on problem-solving strategies. Ombuds were not part of management, had no power, and yet opened doors for unpleasant conversations. Ombuds did not set policy or enforce rules and served at the discretion of leadership. Considering the fear in confrontation and conflict, anonymity of the visitor was paramount. Ombuds refocused attention away from individuals and controversy and energized the workforce as a form of internal customer service to employees. Ombuds contributed both tangible (measurable) and intangible (non-measurable) worth to the institution as a systemic responsibility and catalyst for organizational change. Ombuds treat workplace differences in ways distinctive from formal channels. The critical role played by the ombuds was emphasized by the Katz, Sosa and Kovack (2018) simultaneous publication in the *Journal of the International Ombuds Association (IOA)* and the *Journal of the California Caucus of College and University Ombuds (JOCCCU):*

Universities [Organizations] that overlook the essence of typical workplace

disputes are neglecting the research that shows that procedural justice, a sense of

fairness, a commitment to halting offensive behavior, and psychological

satisfaction are just as important and related to the universities' [organizations']

interest in protecting its legal and financial resources as well as public reputation.

(JOCCCU, p. 31)

Research Question

A knowledge gap surrounds the ombuds' role and function, why they serve

others, what they do, and why they do what they do. Exploration of the organizational

ombuds across a variety of workplace settings would address the main research question

as to: Who or what is an organizational ombuds, and what are the similarities and

differences both within and among different sectors?

Examination of ombuds across a variety of organizations would expand the

knowledge base, specifically addressing the sub-questions:

1) What defines the ombuds as a conflict resolution practitioner and the ombuds

   as a profession?

2) What distinguishing features exist among and between ombuds in higher

   education, the public/private workplace sector, and the federal government?

3) How do the constituency and organization benefit from the ombuds' services?

The Debate

Long withstanding, the question of value is, why ombuds have remained an underutilized conflict resolution option has been professionally debated for decades? Literature has addressed the organizational ombuds from the practitioner perspective, especially in the federal and higher education sectors. However, no comparative study existed that explored and examined the public/private sector, higher education, and the federal government, especially the similarities and distinct differences.

In the United States ombuds helped navigate complex bureaucratic infrastructures, politics, leadership transitions, and interpreted policies and procedures. Ombuds identified interventions that diffused the potential for litigation and the lengthy controversial process associated with the court system. An ombuds' main concern was with the fairness involving the process of resolution without having a direct impact on the outcome. Utilization of ombuds' services minimized unwarranted distractions by bringing the team back to full circle by closing the loop where conflict was a flat spot, hiccup or glitch hidden from sight of leaders. Ombuds never promoted hidden agendas of going against the leadership or institution. Like a physician, ombuds used their stethoscope to listen to the pulse of the organization's heartbeat and identified barriers to full lung capacity in a way no other resource could, would or should. Ombuds served employees with the least amount of power especially when organizational change directly impacted the distribution of power itself. According to the Trist & Emery Tavistock Institute philosophy, "we believe as if certain things are true." If that was true, a power discrepancy was bias in action and ombuds addressed the disparity in power dynamics. The ombuds' role and function remained an option for constituents to make sense of their

personal experiences within those power dynamics over which they had no control. While empathy will always be a virtue to behold, historically, the ombuds has been the most emotionally intelligent individual within an institution. Of all employees, the ombuds exemplified a non-judgmental ability to measure workplace climate and examine the realities of workforce pressures versus the assumption of leaders. Ombuds then facilitated those unpleasant conversations with decision-making individuals. Employees brought issues to the surface. The issues were then brought to the forefront of leadership who could implement change to enhance workplace performance and improve the quality of work life for all constituents regardless of rank.

A Brief History of the Organizational Ombuds (Ombuds)

Based on the Scandinavian concept from the 1800s, ombuds in U.S. organizations initially provided services to a very limited constituency. Ombuds were established in the mid 1960s at higher education institutions but have been mandated in the federal government for decades. Both workplace sectors published comprehensive ombuds' annual reports as public information. Less was known about the corporate or public/private sector since ombuds' annual reports are presumed to be private or privileged information falling under corporate operational policies and procedures for non-disclosure.

Three-Sector Development

Higher education ombuds initially focused on undergraduate student services in response to the political divide during the Vietnam War. Eventually faculty and staff ombuds were established at the suggestion of faculty senate groups, administrators and advisory councils. To encourage the process, some faculty had an ombuds' role in

addition to a teaching assignment. Earlier, ombuds provided services only to tenured faculty, and did not include non-tenured or adjunct faculty members. Since staff members far outnumbered faculty and administration, leadership eventually recognized the need for the largest and least powerful segment to be included in the ombuds' service group. As of 2021, many higher education ombuds have expanded services to internal constituents including all faculty, leadership, administrators, deans, department chairs, support staff, temporary, student employees, and graduate students since issues dealt with evaluations and subjective interpretations. An advantage of academic ombuds being technologically savvy marketing gurus enables the use of social media as an outlet for networking opportunities to connect, educate and empower other ombuds associations. Around 500 higher education ombuds now belong to the International Ombuds Association (IOA, 2019), have published extensive annual reports, and present trainings at professional conferences.

Federal agencies were mandated to comply with congressional legislation establishing ombuds programs within each agency as far back as 1996 with the Alternative Dispute Resolution Act. The Administrative Conference of the United States (ACUS 2016.5 Report) was unable to accurately count the number of federal employees or federal agencies since not all agencies responded to a 2015 commissioned study and survey across federal sectors. ACUS 2016.5 described the current state-of-the-ombuds as of 2016 and identified two permutations, internal and external. Internal (employee) faced and external (advocate) ombuds served different government constituents through a variety of important and distinct, yet different, ombuds' roles and functions. Federal agencies were hierarchal, archaic, and notoriously slow to change due to the complexities

involved in government and legislation. Much of the literature on the ombuds' role and function has been provided by ombuds practitioners which revealed numerous similarities yet distinct differences between and among the federal agencies. Research as of 2021 found very extensive ombuds' annual reports were available as public information. Ombuds practitioners maintained professional members of the United States Ombudsman Association (USOA), the Coalition of Federal Ombudsmen (COFO), and the International Ombuds Association (IOA). Since federal agencies are among some of the largest employers, ombuds served a much more diverse constituency nationally including contractors, vendors, and those represented by collective bargaining units.

Due to internal rules and regulations, information about the public and private sector ombuds remained very limited and difficult to research. Since decisions are often based on short-term information needed to remain competitive, employees are unable to translate directives fast enough to address the changes. In this setting, the organizational ombuds remained the specialized conflict resolution approach when employees were in need of a stable, non-judgmental option to address workplace concerns and behaviors in a timely manner.

Knowledge-intense organizations are characterized by a continual state of flux that creates organic stress individually and within working groups. Flux encourages creativity and thinking outside the box. Ironically, the ombuds historically holds more information about the inner health and well-being of an organization and can see if an area is in distress or ill. Yet leaders often demand a dollar 'value' be placed on this non-management position that has the skillset to operate outside the traditional conflict resolution box of strategies. Unhealthy traits and company illnesses including turnover,

presenteeism, absenteeism, and sabotage increase when conflict remains unaddressed. Ombuds duties and responsibilities cannot and should not be compared to any other position within the organization since the uniqueness of the ombuds' contributions include both tangible (measurable) and intangible (non-measurable) contributions to employees.

"However, as important as the tangible data on return on investment might be, it is equally important for proponents of these services to also advocate for the value of the intangible benefits…*humanizes the institution* by providing 'zero barrier offices' that are safe, credible and accessible (Rowe and Gadlin, p. 217) and one in which ombuds become the one individual in a complex institution that the *constituents trust the most*" (Byer, p. 236)…to manage their distinctive governance cultures in a proactive manner and demonstrate commitment to their espoused values (JOCCCU, p.32).

Measurement of a contribution or "value" in the case of the ombuds is subjective since ombuds do not collect identifying data to maintain anonymity and confidence between the grieving employee and the organization, the pride their work on assisting and empowering employees as they navigate the human side of workplace conflict. The verbiage becomes argumentative as to what constitutes a "value" and who within the organization determines that "value?" Is it the chief financial officer or the perception of the employee who would have left the company had the ombuds' service not been an option? One benefited while the other merely speculated. One simply cannot assume value is only monetary, but instead, perhaps view the health and longevity of the company as valuable as well.

Purpose of Research

The evolution of ombuds revealed the role grew organically due to the nature and needs of the ombuds' organization, so no two ombuds' roles and functions are identical. The decision to design and establish an ombuds' office rests strictly on the discretion of leadership. The purpose of this study was to compare similarities, identify distinct differences, and examine the ombuds' unique role which reports directly to top-tiered leaders but was not considered part of the hierarchal management. Each ombuds provides a different and important organizational role and function and delivers services exclusive to their organization's constituency needs at that moment in time. Ombuds operate inside the organization according to parameters referred to as standards of practice created by the IOA. These standards of practice are the glue that binds the different ombuds together for the greater good of humanity in the workplace. Codes of ethical practices are also included since the sanctity of conversations with an ombuds, implying confidentiality, independence, neutrality, informality, professionalism, discretion, timeliness, and the presumption of a potential resolution that could be appropriate and situation specific.

Ombuds demonstrate commitment to the *espoused values* of the institution such as those from Marquette University (n.d.) described as "…*caring* about our employees and their emotional/psychological well-being as well as their productivity, *justice*, defined as fair processes and consistent implementation; and *excellence* defined as self-reflection and continuous institutional improvement" (IOA, p. 14).

Exploration into ombuds' services illustrate and illuminate many of the similarities and definite important differences between and among ombuds practitioners and their ombuds' office.

Organizational Ombuds Selection Criteria

No literature or study is known to explore diverse organizational structures until now with this research. A few studies did examine two, but none were comparative research involving ombuds in higher education, the federal government, and the public or private sectors. All four workplace sectors are known to be complex and hierarchal. Selection of organizations for the study was based on diversity by perusing public information posted online, professional membership rosters, conflict practitioner blogs, and ombuds' annual reports. Organizations were examined extensively and illuminated best ombuds' practices to answer what an organizational ombuds is, why he/she serves others, and what can be learned about the similarities and differences in the ombuds' role and function. Specific criteria that guided the study are examined in Chapter 3. An exploration of a variety of workplace environments would best address the research question and sub-questions and enhance the diversity of the ombuds' services available as an internal conflict resolution option for constituents. Ombuds' roles and functions were best illustrated when unrelated organizations were analyzed and compared. Although no studies had ever attempted to make a connection between and among these workplace sectors, selections included organizational ombuds' offices in existence for years, and a recently established office.

Diversity of these ombuds' organizations required the use of a self-designed outline so each ombuds' practice could be compared starting with a baseline. The history and evolution of the ombuds' office, supporting factors, charter, standards of practice, constituents served, annual reports, and contributions or value to the institution served as a foundational template upon which other studies can be conducted. A simple outline

would not adequately describe the details of each organizational ombuds. Instead, a descriptive profile provided unique details so a comparative study would identify similarities and distinct differences among and between ombuds' practitioners.

Limitations

The Covid-19 pandemic severely restricted contact, access to information and travel. Organizations responded differently to mandated shutdown of operations and struggled to transition from a face-to-face operation to a remote environment. The ombuds' office operations and availability were directly impacted by leadership's decisions. Some ombuds were more accessible than others, the timeliness to requests for information was delayed due to transitions, and uncertainty plagued the organization's constituents and leaders. Ombuds' annual reports traditionally followed the fiscal year and provided most of the information needed, however, the pandemic delayed publication. Additionally, investigations of websites, Google searches and social media were accessible and added to the research.

Chapter Outlines

Ombuds were found to level the playing field for those who feel overwhelmed or powerless and gave individual(s) a voice in the outcome. As the research will show the centuries-old lifespan of unresolved workplace conflict, very little was known about managing the human dynamic side of disagreements. No specific discipline existed to prepare ombuds for their role although conflict resolution training was available through professional membership or relevant collegiate coursework. Ombuds provided the "ear to bend" but did not have a universal definition. Ombuds had the most confusing pronunciation with a gender-neutral yet singular spelling, and an even more-confusing

perception of who and what an ombuds was, why anyone would want to utilize ombuds' services, and why ombuds--as employees--needed to resort to their own devices to resolve the conflicts traditionally handled through human resources and/or legal counsel.

Chapter 1 acted as a clarification chapter and brief overview of how workplace conflict arose and what steps to resolution have been attempted across the United States.

Chapter 2 included an intense literature review of organizations and a specific review of the ombuds' role itself. The literature examined an evolutionary institutional movement from viewing employees as liabilities to employees as assets with contributions to institutional sustainability and longevity.

Chapter 3 described the comparative case study or profile methodology using public information) to identify some of the best and most effective ombuds' roles. Each of the selected "8" profiles was an exclusive protocol established to assist internal employees only.

Chapter 4 profiled the "8" ombuds' pragmatic and organic growth with respect to the institution, its unique culture, vision, mission, and strategic plan for growth.

Chapter 5 included suggestions, recommendations, and implications that can be tweaked, incorporated, used as-is, or created from the ground up to make the ombuds an integral and viable option for employees who are faced with often career-ending decisions. Inclusion of the ombuds contributed significantly to an organization's competitive edge and reduced operating costs.

Chapter 2: Literature Overview

A general literature review explored the development of organizations while the

ombuds' specific literature examined the role and function as an option for workplace

conflict resolution. The overview provided insight into the intertwined worlds of how an

organization's development and shared experiences created a system made up of

revolving individual parts, and how the collaborative non-adversarial approaches used to

address internal conflict to the satisfaction of parties evolved.

The problem with shared cultures was that they are exactly that—shared—and

therefore subject to varying degrees of diverse experiences, interpretations and

perceptions. People interacting together under tight budgets and time constraints naturally

become involved in disagreements, and this is one of the most-costly killers of time and

limited resources for companies. Edgar Schein (2010) best described the process of

defining an organization's culture as a set of customs and rights operating within preset

parameters that included the founder's truth, reality and the way the world works. The

strategic way of doing business for that organization became somewhat of a tacit and

implied knowledge--unspoken yet followed by all, as a type of "just culture--the way it is

around here" standards of operation. Schein described this pattern of shared basic

assumptions learned by the group to solve problems of external adaptation for survival

and integration as a way for internal stakeholders to perceive, think, and react in relation

to these issues bombarding the institution (2010). These interactions or behaviors were

observed by outsiders, but difficult to decipher internally. Shared values become shared

assumptions trickling down and assimilated into the workplace as others become part of

the group. These phenomena defined leadership, helped outsiders understand the

organization, and exhibited norms, values, particular behavioral patterns, rituals, traditions, and shared histories from shared learning. The term "culture" implied patterns and integration of behaviors that form structural stability. The transformation shaped the dynamics of the organization and changes. The rules were assumed to apply to all organizational members, but the work climate was a group versus another group interacting with others. Embedded behaviors that were created had standards, values, languages, customs and traditions with a shared knowledge for socialization along with shared meanings of the group. These behaviors created the culture of the institution then became part of the vision, mission, and objective. Leadership could be transactional (keeping the momentum at the same pace), transformational (changing the mission and strategies to meet the new needs) and/or situational (each incident had a different leadership response). Schein (2010) argued not every group developed a culture but once a culture existed, newcomers assimilated into the working environment, behaviors were to be modified, and subcultures eventually emerged. A hierarchy or sub-hierarchy evolved, and power issues emerged to cause internal conflict. Schein posited that humans needed cognitive stability, but defense mechanisms often surfaced when different cultures made different assumptions about others based on their own values and perspectives (2010). McGregor (1950) had earlier argued correctly that consistent treatment in terms of basic assumptions about organizational behavior led to stability and predictable outcomes.

The functions and characteristics of management and leadership, two totally different aspects, were combined under the term 'management' and created conflict and chaos both internally and externally. Daft & Lewin (1993) emphasized incongruence

among organizational parts as being an additional factor for failure. The whole as a

system remained a function of intertwined parts to flow effortlessly and seamlessly.

Improper gap diagnosis heightened incongruence among the parts and was based on:

minimal data collection; failure to recognize internal and external forces and to review

historical data; funding issues; slow progress; micromanagement philosophy and

practice; minimal foresight; a fixed hierarchy; minimal division of labor and powerless

layers; position power; the inability to lead and motivate followers; hidden agendas, and

being at the mercy of the current economic climate. Employees were sanctioned for

expressions of individual viewpoints and perspectives which inhibited learning,

creativity, quality of work life, quality of productivity, loyalty, and employee

commitment. To change an organizational mindset or cultural paradigm, change had to be

articulated and made conscious. Much like in nature, when people do not feel safe,

survival strategy will emerge at the core of organizational culture. Ethical conduct and

integrity must be an embedded characteristic of the culture, its leaders, and employees.

Due to these conditions, workplace conflict became a personal issue with another

individual based on incompatible goals, interference from others, and limited resources

(Wilmot and Hocker, 2007). Conflict also was possible within groups and these same

frameworks or workplace teams. Organization development in the 21st century warranted

an explanation of ADR (alternative dispute resolution) and the internal conflict specialist

referenced as the ombuds.

Organization Evolution

In the 1500s, author Machiavelli laid the groundwork for unethical business

practices and corrupt management behaviors in his book *The Prince* which was the first

known how to succeed book that advocated practical rather than moral actions. By 1776 Adam Smith had written the *Wealth of Nations* describing a pin factory and division of labor, noting differences in work tasks and the resulting specialization of labor in eighteen different manufacturing operations and divisions of labor. As the Industrial Revolution evolved in the late 1800s to the 1980s, the idea of scientific management involving the principles of task specialization and production efficiency was featured in Frederick Taylor's book *Principles of Scientific Management*. By 1922, Max Weber's treatise on bureaucracy as an ideal type of organization was published posthumously and the principles of standardization, centralization, formalization, hierarchy of authority. The use of impartial rules and procedures then reinforced the advancements in scientific management.

During the 1920s the concept of collective bargaining through the formation of employee unions started a new phase in organizational development known as the human relations movement (also known as human resources). Elton Mayo's 1949 Hawthorne Western Electric studies of worker production and motivation intertwined with industrialism and post-industrialism saw similarities and differences. Global expansion in working environments, technology, social structure, organizational culture and physical/space/time structures involved tax incentives promoting outsourcing and decentralization of operations. This decentralization created another Pandora's box for standards of operation and workplace regulations. Laurence Peter (1969) formulated the Peter Principle suggesting that in any hierarchy every employee tends to rise to his/her level of incompetence where they remain until they depart the organization. Most important was Kurt Lewin's theory of organizational change that involved unfreezing,

change and refreezing behaviors with the concept of organizational homeostasis driving

and restraining forces impacting the organization's ability to function (1987).

Organizational homeostasis involved the value of the driving or restraining forces that

must be addressed before change occurred. Lewin suggested behavior was a function of

the person and situation. Behavior normally was goal oriented, and the basic unit of

behavior was an activity. Lewin created the formula $B = f(P,S)$ which eventually was

expanded by Festinger's theory of cognitive dissonance (1962) that focused on irrational

coping behaviors caused when an individual's perceptions did not jive with reality

creating tension and conflict. This conflict then caused a person to engage in some type

of coping behavior to regain control of their perspective.

Systems

During this same time frame Bertalanffy (1968) wrote his first article on general

systems theory (GST) which established the basis for systems thinking both in

management sciences and other disciplines throughout the latter half of the 20th century.

General systems theory was only recently applied to organizations to bring order out of

diverse approaches to organizational theory. Simply stated, GST suggested all parts,

components or subsystems of a larger system were related and dependent upon each

other. Each organizational system accomplished essential tasks or functions that

promoted or detracted from the survival of the entire system. Each system had its own

boundary and transforms inputs from other systems through a process into an output.

Katz and Kahn (1950) argued the open system included dynamic homeostasis, the

achieving level of constant energy exchange involved in the production cycle where

organization members shared a common view and perceptions reflected conditions of

their work environment. The dynamics of this organizational activity were seen as a system involving a complicated exchange of energy derived from influences that ranged from company profits through authority and role expectations, to factors associated with the job satisfaction of individual workers. Various forms of input were acquired (like a production cycle) and transformed into units of energy outputs that reactivated the cycle. The dynamics of the organization's activity were seen as a system involving complicated exchanges of energy. This energy was a set of influences that focused directly on the social structure and environment. Derived from core needs (from the primitive to elaborate in stages), the core production turned raw materials into actual consumable products that external customers would need, desire and eventually purchase. Simply stated dynamic homeostasis was the achievement of a level of constancy in the energy exchange process. And with any open system, organizational members played a major role in the environment, determined which parts of the environment were attended to or ignored, and placed a value on those parts. To do this, constituents shared a common view of their environment and their perceptions must have accurately reflected the condition of the environment. Organizations adapted their environment to member perceptions and proactively created an environment if needed.

Maslow's (1960) hierarchy of needs was inherent throughout organizations, but Douglas McGregor (1960) had created Theory X (authoritarian) and Theory Y (humanistic) attitudes and behaviors. Using Maslow's hierarchy, McGregor posited any human had an inherent dislike of work and must be coerced, controlled and micromanaged because individuals wanted to be directed to avoid taking personal responsibility. While this theory applied to the un-and under-educated and unskilled

workforce, it applied minimally to the educated, professional and exempt workforce. Theory Y posited humans were basically self-directed with work as natural as play, achievements rewarded, the seeking and accepting of responsibility with a high degree of creativity, full potential was utilized, and attempts to link a human ego with higher-level needs encouraged participative decision making and job enrichment theories. Theory Y relied heavily on self-control and self-direction indicating external control, and threats were not the only means to achieving organizational objectives. McGregor suggested any human under proper conditions learned to accept and seek responsibility and had the ability to use a high degree of imagination, ingenuity and creativity in solving their own problems. Theory Y was an integration principle creating conditions so that members achieved their own goals best by focusing on the success of the organization. These theories provided a better understanding of how to motivate but did not acknowledge the complexity of group or design differences. The National Training Labs (NTL) were established to research groups and group development. Thus, by the 1950s the human relations movement in industry was in full motion and spreading to other organizations in the public and private sectors plus academia. Chris Argyris expanded McGregor's X to XA and included interpersonal and group dynamics, organizational norms, higher degrees of structures, mistrust and poor relationships. McGregor's Theory Y was expanded to include self-directed, cohesive work teams, trust, concern and individuality, support and facilitative communication with trusting relationships. Argyris's theory was transactional leadership in action developed by Hersey and Blanchard (1969). Transactional leadership suggested that planning, organization, motivating and controlling continued as functions of the management of employees; however, leadership occurred any time one attempted

to influence the behavior of an individual or group. That influence, according to transactional leaders, was best fostered through an exchange of goods or services. There was an underlying assumption of the exchange of something like money as impetus for a change in behavior.

As the industrial age gave way to the information age, a heightened workplace complexity emerged in organizational theory and analysis. The 1972 wildcat strike at the General Motors Lordstown Auto Assembly Plant (Ohio) called national attention to the dysfunctions of dehumanized and monotonous manufacturing work. This rebellious strike resulted in picket line deaths which gave way to matrix organizational structures becoming quite common as the United States was losing worldwide economic hegemony. By the 1990s the origin of new organizational theories involved power, politics culture, gender, minority dynamics and global forms of organizations. Thus, by the beginning of the 21st century, the classical management of mass-production employees prevalent in the earlier 100 years had given way to a new way of thinking that valued diverse perspectives, less bureaucracy, employee input and empowerment with shared experiences and shared history within the organization that added to the uniqueness of the culture but posed problems when leaders attempted to manage that culture. As employees began to be viewed as part of the stakeholder group with a share of responsibility for the input of information and the output of the product, disagreements began emerging over differing points of view on issues, the sharing of limited resources, and global competition where work cultures were different.

Eventually, the concept of organization development evolved as the systemic effort of applying behavioral science knowledge to the planned creation and

reinforcement of organizational strategies, structures, and processes for improving organizational effort. One of the most important researchers of organizational design and structure was E.L. Trist who studied the English Army after World War II at the Tavistock Institute. Trist's first theories (1963) viewed working groups, organizations and society in an integrated manner. The Tavistock Institute remained noted for a collaborative mode of interventions that reduced the turbulence of ineffective work groups while addressing meta-problems about domain levels. Complex societies and rapidly changing environments cause problems that required several organizations to solve so domains were formed to solve the problems in work groups. Developing socio-technical systems (STS) was a response to Taylor's scientific management view of the rigid work design. Trist was cognizant that technology and structure helped create social climates for positive and negative relationships, productivity and goal attained. Trist posited long-term results were only achieved by the ongoing repetitive scanning of the organization components. Scanned were culture, mission, philosophy, environment, production, boundaries, issues and units. Trist viewed the organization as an open system and believed the work group was the focus of effort to change design. Along with Emery, Trist (1965) developed the theory of joint optimization that dealt with the redundancy of function.

However, problems leading to conflict needed to be addressed through communication interventions. Joseph Luft & Harry Ingraham (1955) designed the Johari Window, a quadrant of self-disclosure heuristic exercises dealing with the self and the self as viewed by others focusing on leadership ability and not personality factors, using strategies, feedback, disclosure and discrepancy. Intertwined in the communication were

the five conflict approaches of contending, yielding, avoiding and withdrawing,

accommodating and compromising. Hersey and Blanchard (1969) focused on leader

behaviors, follower readiness and task relationships suggesting groups must be assessed

to determine their ability, willingness and group readiness, and by 1988 had designed the

Leadership, effectiveness, adaptability and description (LEAD) instrument with respect

to follower readiness. LEAD (where the leader can function and change to meet the

group where it is) helped leader behavior relating to tasks by delegating, supporting,

coaching and directing. To enhance the LEAD transactional leadership instrument,

Hershey & Blanchard designed the Leader Profile Inventory (LPI) –arguing the ability

involved knowledge, experience and skills that an individual or group brought to a

particular activity or task. Follower willingness was the extent to which the individual or

group had confidence, commitment and motivation to accomplish the task. When

attempting to influence the activity of others, the probability of leader success has been

determined by what objectives were to be accomplished, what the group readiness level

was, the result of leadership interventions, what follow up was required, and what

leadership action should be taken. Thus, follower readiness was a useful concept for

making a diagnosis judgment.

Leadership involved the potential to influence others for compliance or

commitment and based on the concept of power. Power suggested potential influence

from position (flows above you) or personal power (flows below). Power acted as a

perception and all behaviors were based on people [P=f(p)]. Power defined the capacity

that A had to influence B, so that B did something he/she would rather not do. Power did

not have to be actualized but can be one of several identified types. French and Raven

(1959), and the Hersey and Blanchard (1977) categories including coercive, connection, reward, referent, legitimate, informational, expert, and others. To obtain power one must learn to use organizational language and symbols, organizational priorities, power lines, develop professional knowledge and power skills, be proactive, assume authority, be a risk taker who beats their own drum, must meet supervisor's needs and must take care of oneself. Literature suggested good followers transform into good leaders. Thus, followers have a high readiness to be led when the power impact came from expertise, information, reference and was legitimate, yet a lower readiness when power was perceived as a reward, connection or coercive. Hersey and Blanchard (1969) posited the readiness of followers dictated the style of leadership that has the highest probability of success, but that the readiness of the followers also determined the power base a leader should have to induce compliance or influence behavior. To understand how organizations came to become viewed as a single entity dealing with multiple stakeholders, internal and external forces, and competition, we turn our focus on how that entity responded and reacted to conflict through a plethora of alternative dispute responses.

Spectrum of Organizational ADR Responses

Conflict response options were implemented as situation and/or context specific methods based on those individuals (also known as players), the overview or context of the conflict, and the perceived importance placed on the resolution of that particular conflict by the organization and its leadership. Inherent in the organizational culture were collective lenses that all employees utilized when dealing with internal disagreements or external threats (Constantino & Merchant, 1996). The assumption "this is how we do it

here" remained an unspoken but cultural behavior employees were expected to follow based on past reactions to conflict, whether it be workplace interpersonal, intra-or inter-group, and intra- or inter-organizational depending on the hierarchy and chain of command between the entity's divisions. Traditionally a win/lose strategy often referred to as the 'warrior' mentality persisted when dealing with consumer complaints, often using mandatory arbitrators to settle disputes. This win/lose strategy became a subset warrior culture when smaller divisions under severe budgetary constraints fought the more dominant cultures that may have shifted to needs or interest-based conflict resolution strategies.

Organizational responses to conflict traditionally were divided into fight or flight categories (Pondy, 1967). In the 'fight responses' were the "arrogance" where no root causes of the conflict were identified but the sense of entitlement or power to win existed, and the "engagement" perspective where the disputant was viewed as a battle opponent and the strategy was for the organization to win at all costs. The flight responses included the traditional denial perspective where excuses and garbage-can decisions were made to deny the conflict, avoidance where the 'turn the head and it will go away' attitude prevailed, and accommodation of not letting the conflict leave the room with discussions so confidential that resolution became a combination of denial and avoidance by appeasing the parties.

Constantino & Merchant (1996) posited five noteworthy perspectives observed in workplace unresolved conflicts. First, some organizations benefitted from unresolved disputes. Often attorneys, accountants, outside legal subcontractors, external consultants, and even the media gained financially while leaders distanced themselves from the

disputants, issues and blamed others. Second, unresolved issues gave momentum to an underused division like the internal legal department or even retainer-based attorneys paid whether there was work to be performed or not, which supported the traditional method of adversarial resolution or adjudication. This was a job perpetuation lens by which conflicts were viewed as profitable for those who are trained to use legal strategies to avoid resolution and heighten billable hours while clogging the judicial dockets. Third, the win/lose perspective meant money saved in a litigation where the intimidated party dropped out of the dispute, but damages to the organization's reputation far outweighed the money saved. Merely transferring the conflict to another party outside the organization did not solve the core issues at the root of the dispute. What could have been a viable and less costly resolution strategy could quickly turn into a high cost to all parties' strategy that weakened working relationships and damaged both the disputant and organization reputations. Fourth, to measure how effectively an organization responded to conflict, measurements must include the results of the effort, how long-lasting was the conflict resolution strategy chosen or implemented, and how relationships were affected and impacted by those decisions. Fifth, employees reported being directly impacted by the organization's response which contradicted their perspective of how conflict resolution should be handled, meaning employees also had a fight or flight response based on their personal cultural upbringing, baggage brought from prior experiences, and co-worker interactions. When the organizational lens conflicted with the personal lens, disruptive dissonance occurred, and questions arose as to maintaining the current status quo versus making improvements including viewpoints as to customer service and better performing work teams. Constantino and Merchant (1996) argued over

time the institution developed a pattern of responses available to employees along the conflict spectrum from simple face-to-face discussions through mediation and coaching, all the way through litigation or adjudication. My original pilot study in 2016 used the Schrage & Thompson Conflict Spectrum to initially explore the ombuds as a first-resource option where human experiences, perceptions, interpretation of those perceptions, and culturally developed emotions resulted in "gut reactions and knee-jerk behaviors." The Schrage & Thompson Conflict Spectrum (2008) provided relevancy when interpreting options for conflict resolution. CPP's Global Human Capital Report (2008), referenced as an influential study involving dogmatic perceptions of workplace conflict even in 2021, suggested leadership revisit and "rethink conflict's role in the workplace and many assumptions made pertaining to it" (p. 2).

Organization Development Framework

Organizational development (OD) practices and change management involved what is commonly referred to as the 5Ws: who, what, when, where, and the why of how change was going to take place; the way organizations addressed this change; how leaders and members sought and sustained change; how change was considered, planned, managed and measured; and how the need for change was planned, all dependent on the institution's core values. Application of these OD principles must be applied systemically to the change efforts focused on the overall systemic progress. "OD is also a highly values-drive, often democratic approach to managing change and learning processes in organization…often measured by the degree of participation in considering change and by the degree of commitment to sustaining change" (Constantino & Merchant, 1996, p. 20).

OD's whole systems approach embraced each different component as being essential to the whole. In retrospect, OD served as the "macro" framework since internal individuals were able to recognize the ways their organizations traditionally handled conflict, while also recognizing employees both involved in the conflict or indirectly affected by the resolution or lack thereof, approached resolution differently than the organization. Thus, recognition of these internal and external forces remained important steps when determining when and what types of alternative dispute resolution options should be designed and integrated to assist employees and stakeholders affected by resolution decisions.

Conflict resolution strategies have been recognized as an organizational system for over fifty years and as a system, OD has been "thought of as the who, what, and why of organizational action and change, addressing how organizations, their leaders, and their members seek and sustain change: considering, planning, managing, and measuring" (Constantino & Merchant, p. 19) when applying OD to the systemic nature of the organization's very existence. And just as individuals have value and ethics, each organization had inherent in its business nature a set of core values espoused by leaders who designed the culture which is practiced by employees when representing their employer. Constantino & Merchant (1996) espoused holistically the OD process identified "crucial components, the purpose, structure, leadership, culture and relationships with internal and external environments" (p. 21) and when OD was encompassed into the existing alternative dispute resolution system, organizations addressed conflict in a more comprehensive manner rather than approaching each conflict as it occurred on a case-by-case basis. This value driven approach to change and

knowledge management within the infrastructure increased participation and overall

sustainability of the new approaches to organization-wide conflict. OD practices

identified the need for change by including in the process those stakeholders who most

benefitted from the new conflict management system. When faced with challenges and

barriers, stakeholders who have been included in the change process were found to be

more committed to resolution while feeling empowered through the process they helped

to create.

The open system perspective focused on the dynamically interrelated parts within

the organization that sustained the culture and its working environment. Each interrelated

component, yet a separate dynamic to the broader system, contributed to the uniqueness

of each subsystem. Emery's and Trist's open system research (1970s) suggested each

component had distinctive characteristics, were part of the work system (primary

mission) of the organization, had a human system to carry out the work, with a reward

system (pay, etc.) for achieving the organization's goals and objectives, had a financial

component allowing the resources to be allocated to sustain and carry out the objectives

and services, plus an information system allowing the organization to monitor resources

and service delivery to its customers and constituents. When combined these subsystems

made up the whole while interacting both independently and cooperatively. "In this way,

open systems thinking encourages an emphasis on the whole and the interaction of the

parts, not on the parts themselves as discrete, self-supporting entities" (Constantino &

Merchant, 1996, p. 22).

The whole and integrated parts of the system remained important to the

sustainability of an organization's vision and mission. Until recently conflict

management was not considered to be a viable component of an organization, perpetuating the myth that if conflict was left alone, it would disappear. Thus, internal disputes were handled by human resources while external disputes were addressed by the legal departments that supported conflict and added to the overall costs to the organization in lost productivity, hostile work environments, absenteeism, presenteeism, and damage to individual and organizational reputations and public images. The OD approach incorporated the rights or power-based processes with an employee's interest or needs which blended organizational constraints and worker productivity and performance.

As Kurt Lewin suggested (1946), change occurred if current behaviors earmarked as ineffective or in need of change were unfrozen inside the system, so that the OD interventions could be value-and interest-based processes to enhance and add to the current ADR in place. Issue identification addressed through Lewin's force-field analysis were introduced during the problem-solving and gap analysis segments. To do justice to any change or transformation initiative, the change agent's perceptive, bias, and vulnerability must be addressed since aspects of the organization's conflict might be impacted by interventions chosen by the OD professional who coached and guided stakeholders though the change process. Lewin's theory of force-field analysis changed the status quo in any of three ways: 1) by increasing forces driving change, 2) by reducing forces restraining change, or 3) by converting restraining forces into driving forces. Lewin's philosophy explained stakeholders within the system knew its current state, so these individuals discovered or uncovered valuable information that led an organization through the unfreezing of old methods to address conflict and brought them

toward a more appropriate and responsive future (also known as ADR strategies).

Researchers more recently have argued that the technological proliferation of new data

caused major shifts to all organizational responses to conflict within their current

integrated conflict management systems (ICMS). Senge and Vaill (1989) believed 'a

permanent state of white water' or continuous learning was required in any ICMS that

included ADR to assess the effectiveness of the system itself. Any information collected

and added to feedback generated valid data about issues, provided opportunities for free

and informed choices, and encouraged the internalization of commitments to follow

through with change initiatives since stakeholders were empowered as participants

(Argyris, 1977). Trist and Emery, Argyris, Lewin and others viewed OD practices as part

of the "whole systems thinking is…the cornerstone of system conflict management

design" (Constantino & Merchant, p. 31). The concept of a learning organization applied

since constituents and specialists identified conflict and ways to address these differences

to increase employment satisfaction while decreasing dissonance. Thus, OD and conflict

management systems were intricately and explicitly linked to develop a framework for

systemic changes in the handling of the human side of workplace conflict.

Alternative Dispute Resolution (ADR) Systems

Research found alternative dispute resolution systems (ADR) to be highly

effective if properly implanted within an organization's culture, and reduced court

dockets including the costs associated with litigation and dissatisfaction with the

currently ineffective and inefficient adjudication process. ADR practices offered viable

options for resolving disputes. Progressive techniques reduced backlash of litigation,

preserved the institution's reputation, and created an internal culture where employees

were educated as to how to resolve their own disputes without outsider reliance to exacerbate an already contentious situation that could result in breaches of confidentiality.

Recent figures presented by the IOA suggested employers with high employee engagement show 10-15% increases in profitability (2019) providing an argument for employees learning to problem-solve their own disputes. Drawbacks occurred, especially when employees did not understand their rights and choices for alternative relief (Constantino & Merchant, p. 43). The notion that ADR was not an effective dispute resolution option was exacerbated when one specific strategy failed to bring about resolution, and parties mistakenly believed the whole system has failed them without exploring other options and determining the whys and timing of previous unsuccessful attempts. This premise was posited also by those inside the organization whose financial livelihoods were based on continued conflicts and perpetuating job functions giving these individuals impetus to promote continued and prolonged non-resolution, arbitration or costly litigation over involved parties focusing on interest-based strategies which limited outsider involvement. However, appropriate options were found to present shorter resolution times and mutual agreements that are viable and empowering to the parties themselves. Research indicated imposing limited alternate strategies was meant to force disputants to remain disputants because only two (either/or) options would not have resolved the issue. When disputants were not forced to employ strategies pre-selected by others, disputants had a voice in choosing and exploring options appropriate to their empowerment in resolving their disputes. Numerous proactive and progressive organizations have promoted the inclusion of the word 'appropriate' over 'alternate or

alternative' dispute resolution options in their standards of practice. As Constantino and Merchant argued (1996), "…the method of dispute resolution must be appropriate for the particular dispute or problem; there must be a fit between the process and the problem" (1996, p. 41). Zinsser (2014) strongly espoused adding the word "situational" to options arguing strategies were along a spectrum of interventions available.

Appropriate and alternative interventions offered a wider variety of resolution strategies. Countless organizations and institutions pre-determined strategies both internal and external disputants have access to that involved consumer arbitration, domestic and family violence situations, foreclosure, employment scenarios, ethical issues, collective bargaining agreements, and the like. Again, these were situational and often deemed appropriate enough to include in the fine print of contracts or standard operating procedures like warranties, product malfunctions, judicial systems, etc., with exceptions based on exclusivity and necessity of circumstances.

Setting the foundation for dispute resolution design systems, Fisher and Ury (1991) based their research on appropriate dispute resolution methodologies. This foundation incorporated numerous challenges uncovered as to: 1) what new systems would look like, 2) options or alternatives to be included, 3) who had access to the systems, 4) what options or alternatives or variations could be included, 5) how the options could be structured to be the most effective, 6) when, where, why and how would the disputants use the methods, 7) which methods could be chosen and under what circumstances, 8) what would motivate disputants to choose a particular methods, and 9) what skills or abilities would disputants possess to use the methods most successfully. As the dispute system concept gained prominence, many leaders questioned how these

options could prove valuable as a return on their investments and receive continued

support from upper management.

Research suggested the costs involved in organizational conflict could be reduced

substantially if dispute resolution systems were designed based on differentials in power,

rights, interests, timeliness, relevancy, and satisfaction. Changing from previous power-

based (formerly unions and more recently through boycotts and negative social media

postings) methodologies transitioned from rights-based options (determined by equity,

justice, diversity, culture, contracts, and the like formerly adjudicated by arbitrators or the

judicial system), to interest-based problem-solving options involving disputants

articulating their needs, desires, and concerns (including focus on lowered resolution

costs, more empowerment and buy-in for the self-designed resolution method), increased

personal satisfaction, and the ability to learn how to settle personal disputes in the future

while saving the working relationship. Using the OD strategies of gap diagnosis, action

design, implementation, and evaluation or an exit strategy, Ury, Brett and Goldberg

(1988) focused on changing the way humans deal with conflict and created a 6-system

design system that included: 1) a focus on interest-based methods, 2) use of a "loop back"

option to revisit previous viable methods, 3) low-cost rights, power backups, or option B,

4) the feedback discussion prior to and after as a lessons learned segment for future

reference, 5) creation of a dispute methodology spectrum from lowest to highest cost

alternatives, and 6) the resources, skills, knowledges and motivation necessary to ensure

dispute resolution procedures were made known to all stakeholders, were available and

internally/financially supported. Some dispute resolution models have been outsourced to

external parties like independent consultants who now have the burden of conducting the

initial gap analysis or root cause of the dispute or dissatisfaction. Other models have become rather specific and narrow in how they are applied organization wide, while most do not focus on the prevention aspect of the dispute resolution process which is more proactive versus the traditional reactive approach.

Ury, Brett and Goldberg (1988) found effective implementation of any change initiative like dispute resolution hampered by the organizational culture, resistance to change, incentive and reward structures, while more recently personalities, power structures, social media, shared resources, and the millennial workforce perspective of rapid resolution added resistance and restraining forces posited earlier by Kurt Lewin (1987) and others. Regardless, transformation from the earliest dispute resolution design systems into the integrated conflict management systems was considered a work-in-progress as best practices emerged based on evolutionary and evolving interests and changing workforce patterns. Researchers discovered the readiness level of the organization for implementation of various resolution strategies into the existing culture was a determining factor in the timing, the methodology (power, rights or interest-based) and the design of the system itself. Dispute resolution should continue to be an open system process, one that continually evolved as it included various new workplace scenarios, changing organizational dynamics and leadership styles, and reality that interest-based conflict resolution was in a state of constant flux and continual improvement while managing knowledge throughout the organization. Organizations with the mentality of following current trends like earlier MBO (management by objectives) or TQM (total quality management) practices were no longer the panacea in an ever-changing business climate. Gone are the days of being misled; stakeholders must

be empowered to help motivate and sustain the organization's new appropriate and alternative dispute resolution options that become best practices built into an effective and sustainable integrated conflict management system.

Different approaches to workplace conflict depended on how organizational conflict was viewed, handled, who in the hierarchy made the decisions, and whether a culture of avoidance, denial, control, fight or flight existed. Reporting internal conflict continued to be viewed as a sign of failure, retaliation or retribution. If conflicts were resolved, were the numbers and occurrences recorded? Were costs monitored to see trends? Were disputants satisfied with the resolution outcome? Were the working relationships harmed or enhanced? Did the organizational culture follow its vision and mission? The "Quit whining," and "It's not personal" reaction forced employees to reconsider loyalty. Lost was the motivation and camaraderie, now replaced with disappointment of looking to a complicated new role with equal pay or a lesser role with fewer responsibilities and longer hours. If only they had a voice!

Ury (1993) suggested the spectrum of alternative dispute resolution (ADR) approaches ranged from preventive, facilitated, negotiated, advisory, fact-finding, and imposed. This spectrum was applicable to the individual, groups, organizations, community and global levels (p. 127). Researchers have suggested resolution approaches at the preventative stage to be lacking and an area ripe for more study. One of the main concerns was how stakeholder training needs were being addressed. Ultimately, all roads led to the fact of involvement being imperative before the issue entered the conflict stage. The ombuds, a conflict resolution specialist, received specific training to deal with concerns, issues and conflict situations whereas others were not. In order to garner buy-in

and empowerment, stakeholders needed to have the proper training and educational opportunities to use appropriate pathways effectively. Therefore, the target audience had to be identified, and questions addressed as to who was being educated and trained. Who directly handled the assessment and evaluation and provided the trainings were as important as was the timing. If stakeholder concerns were not considered, what was the certainty these same stakeholders would use their new skills and training when addressing disputes? In assessing resources were these trainings available in the future and if so at what cost to the organization? And, at what point did an option have maximum impact to those disputants to lessen disruptions to the institution?

Benefits of Appropriate Dispute Resolution (ApDR)

What did stakeholders expect in return for their involvement in designing a new or enhanced ApDR system? Benefits included: peer recognition; teamwork; the design, implementation and rollout of the pilot program and subsequent phases; assistance in helping the organization achieve its mission, values and ethical enhancements; increased organizational efficiency and effectiveness; economics like performance increases and larger profit-sharing percentages; positive organizational publicity; relationship improvements; increased access to leaders and key stakeholders, and a positive self-image. Sosa (2019) delved deeply into the permanent psychological damage associated with unaddressed workplace conflict and serious after-effects that plagued employees and threatened their quality of work life. The ombuds' expertise with ApDR addressed the issue when the issue was freshest and least emotionally charged, whereas other ADR methods were time consuming for the ill-prepared employee.

Resistance to change was addressed through Kurt Lewin's force field analysis (1987). Once restraints to change were identified through behavioral observations, implementation addressed anticipated resistance by stakeholders as to the sources and types of constraints. Humans feared the unknown and resisted change. Costs both tangible and intangible needed to be openly discussed including possible actions and reactions. Internal constraints as to the organization's structure addressed issues of access and design implementation, including available resources. Leadership support is the key to success, but research suggested starting the rollout as a pilot program or rollout in small phases with the management of the implementation phase in relation to the 'whole system' discussed earlier. Any change initiative, if implemented properly, experienced highs and lows as the organization learned to handle different processes, the stakeholders accepted conflict as something they could deal with individually, the practitioners needed to step back and let the organization address the changes yet remain in the background for support if requested. Raines (2020) suggested stakeholders look to the organizational leadership and leadership needed to look back at the stakeholders by asking what can be done to improve the management of their organizational conflict?

Role of the Ombuds in ApDR

Differences of opinion and perspectives fueled disagreement, especially in the workplace. Research found regardless of the type of organization, location, or time in history, conflicts erupted despite attempts to problem solve, manage effectiveness and efficiency, and promote workplace harmony. Organizations, as entities, did not create conflict, but people working closely together especially under timelines and budgetary constraints, did cause dissention. Howard Gadlin (2007) explained commonalities found

in all alternative dispute resolution (ADR) strategies. First and foremost, any ADR strategy was an attempt to avoid formal administrative or costly litigation which are intentionally adversarial, time consuming, expensive, damaging to both parties' reputations, and inefficient since a 3rd party makes a ruling that benefitted one party over the other. Secondly, ADR strategies assisted parties in understanding differing points of view and differing interests or needs. Research found disputants adhered to an agreement if they had input into their options and alternatives rather than have a decision handed down by a 3rd party. Add to that the cost savings and timeliness of an acceptable settlement or agreement, and ADR options like mediation, facilitated dialogue, integrated conflict management systems, negotiation and variations became very appealing.

If the incorrect strategy was applied, the attempt at resolution was a failure but a failed strategy is an opportunity for the right person with the right skillset to improve the outcome. Some organizations pre-selected a given set of strategies and determined a particular conflict had only one option, such as a retailer's contract emphatically stating all disputes would be resolved only through arbitration using an arbitrator of the retailer's choice. Others like divorce and child custody conflicts within the judicial system have an assigned mediator to the case, but what if one party was a domestic abuser? For a successful resolution to be reached, it became obvious the appropriate dispute resolution intervention (ApDR) be selected specifically in relation to the conflict. The appropriateness would then ensure the involved parties have a favorable experience as they reach a viable settlement or agreement (Rowe, 2010; Gadlin, 2017; Katz, Sosa, & Kovack, 2018).

Gadlin (2010) suggested research has focused too much on the psychological aspects of interpersonal conflict dynamics and not enough on the systemic factors weighing heavily on the resolution options like the organizational culture, traditions, norms, language and terminology, hierarchy, chain of command, internal politics, policies and procedures, current practices and operational standards, and communication processes. When individuals learned how to handle conflict positively, past practices were gone, and new pathways were created which helped individuals learn to approach conflict as a learning experience with a positive outcome.

The ombuds' specialized training determined the appropriate options that would be presented to the visitor to ponder for that conflict. Ombuds, when part of a conflict management system identified recurring commonalities in the dynamics of disputes--commonalities that could not be explained in terms of the personal traits of the disputants who were quite different from one another. From that recognition came several ideas that led to the emergence of ADR and ombuds' programs (Gadlin, 2017). Both the ombuds and ADR have dual responsibility built into their conceptualization to identify and address the potentiality of conflict caused by systemic factors. Identifying and addressing issues remained major responsibilities of the ombuds who was trained to deal with uncomfortable subjects. Most individuals and organizations preferred the conflict avoidance stance (fight/flight) meaning conflict would eventually go away if ignored. And as a result, most individuals received no skill training in negotiating or communicating needs and interests due to the emotionality involved on both sides because no one stayed around long enough for resolution to occur. Ombuds understood the power of prevention and the processes involved in that prevention state. "People

identify with the organization when they feel they are treated fairly and that decisions are made fairly. When they identify with their organization, they are more willing to put the organization's needs before their own and more willing to work hard" (Gadlin, referencing Tom Tyler, 2017).

Significance of the History of the Ombuds

According to Peralta (2014), the ombudsman concept was said to have originated in China in the Qin Dynasty (221-206 BCE). During this brief 15-year tenure, the idea of the warring emperor utilizing an intermediary helped build a system to unify the rules and laws while giving the emperor the power to rule yet focus on the conquest of territories. Since the Chinese rulers believed in total submission of all their people, the original position was meant to be somewhat secretive, reporting directly and only to the emperor. While very little research was known to have come from the Qin Dynasty, historians believe what we now know as China became the first standard of bureaucratic government recorded (Peralta, 2014). While bureaucratic governments have survived, the idea of the impartial ombudsman has waned. Later the Romans and Turks expanded the role, but the Scandinavian countries as far back as the 11th century added the word "ombudsman" to their royal vocabulary to mean proxy or attorney (Clark, 2007). Terminology evolved and was herein referenced as the "ombuds" (singular, plural, individual, group, office, or program).

Koster (1973, p. 1) defined the "ombudsman as a kind of inspector general…empowered to: 1) investigate in confidence, without restraint, either upon receipt of a complaint or the ombudsman's initiative; 2) recommend to any official appropriate review of the facts; and 3) publicize findings or publicly criticize

malfeasance." Koster (1973, p. 3) described the "ombudsman as a new form of bureaucratic official reflecting earlier roots in tribal customs when a respected elder was empowered to discuss the tribe's grievances with the chief. The role of the ombuds expanded after the Scranton Commission (also known as the President's Commission on Campus Unrest) recommended campus governance reformation including some viable version of the campus ombuds. Some disagreement surrounded the creation of a campus ombuds but Koster credited Simon Frazer University in 1965, followed by Michigan State University and Cornell University. And while the ombuds had several powers, the ombuds was "specifically denied: 1) the power to overturn any decision of the existing authorities; 2) the power to intervene in any situation before existing review mechanisms have been attempted…and is not a short cut through the power structure" (1973, p. 6). Koster posited the ombuds was initially involved in two main issues: the general notion that social reality was a social construction, and the second involved operationalizing the ombuds' role in the context of a socially constructed reality like a university (1973, p. 8).

Utilized across multiple disciplines, the empirical research referenced the ombuds as a high-ranking independent neutral using alternative dispute resolution approaches intertwined with ethics, coaching, shuttle diplomacy, a face-saving option, and the authority to make recommendations for change. The Swedish legislature in 1806 created the role to appease the King of Sweden's need to apply the laws of authority and administration. Formally becoming part of the official governmental institution, the ombuds became a legitimate part of hundreds of governments often focusing on human rights (Sullivan, 2009). Thus, the ombuds continued as part of the hierarchy, yet

remained a stand-alone, independent entity with no decision-making authority while reporting solely and confidentially to the highest leadership position.

As a change agent, the role transformed through the centuries from a reactive to somewhat of a proactive visionary of the future issues possibly confronting an organization. Searching for alternatives within the scope of the organization's authority and their ability to accomplish change, ombuds have been excellent negotiators, have an internal sense of fairness while striving for outcomes beneficial to all parties, have had outstanding communication and interpersonal skills, have been able to deliver negative recommendations in a non-judgmental and professional manner, and must have in their own personal network individuals who can resolve a constituent's issues in a timely manner. An integral organizational change agent in the business and industry environments, government agencies have been notoriously slow to realize the value of or to capitalize on the investigative powers and the idea of confidentiality leading to increased efficiency, effectiveness and performance which have a direct connection to the organization's bottom line affecting sustainability (Shelton, 2000). Jansen's study suggested the need for an "advocate with broad investigatory and persuasive power but limited enforcement authority" (1971, p. 229) to handle grievances, gather facts and render a recommendation keeping the employer out of costly litigation.

Clark (2007) described the ombuds as a mediator between an organization and constituents to support the organization's rules, policies, and procedures, while advocating for fair and equitable treatment. The organizational ombuds (or OO) was employed by public or private entities as a confidential and information resource helping the organization work for change while promoting the values and ethical behaviors of

fairness, equity, justice, equality of opportunity, and respect (Rowe, 1995). Operating

outside the normal chain of command the organizational ombuds was a less-powerful

individual who may or may not be inside the organization itself. Direct access to the

higher leadership levels and the neutral issues helped foster independence and promoted

efficiency of the role and functionality. By borrowing ideas from business, the generic

approach was intended to change a workplace process or identify inappropriate behaviors

impeding process improvement, supervisory effectiveness and conflict resolution within

the organization.

Janzen (1971) compared the historical significance of the ombuds and compiled

identifiable characteristics and responsibilities to address problems resulting from

increased bureaucratization across multiple disciplines and agencies. Regardless of the

disputants, resentment, hostility and frustration surfaced as the parties suffered

individually from neglect and abuse while those who are utilized the services of the O's

office or participated in group resolution were able to exert considerable influence

(Janzen, 1971). The "impersonalization" issues were argued by Janzen as a philosophy

prevalent with an administration focused on apathy of an individual's dilemma, delayed

or even acknowledged an issue existed, and were more focused on the "system" while

ignoring the sources of conflict which ultimately affected productivity and performance

(1971). Verkuil (1975) credited Walter Gellhorn as the most highly touted source when

studying the ombuds' movement, emphasizing Gellhorn's recommendations the

"ombudsman be utilized as an external critic of various American institutions" (p. 848).

The concept of the ombuds was that of peace maker, peace keeper and peace builder yet

the ombuds remained in an adversarial position in relation to dispute resolution processes

because each reflected different underlying social and political values built into the decision-making process.

Ombuds have played an integral role in reducing litigation in the business environment for over fifty years with divergent models being modified to fit the needs and interests of their organizations and utilized to give voice and options to the often complex and political cultures of layered bureaucracy. The pragmatic creation of roles served particular policies and procedures. While there were commonalities, there were also significant differences leading to a lack of consistency. Eventually Hawaii, Alaska, Iowa, Nebraska and Arizona created ombuds' offices, but none occurred in areas highly populated (Stieber, 2000). Simultaneously, the corporate world had joined the band wagon with General Electric, Bell Laboratories, Anheuser-Busch, airline builder McDonnell-Douglas, and McDonalds leading the way to innovation. Even the Washington Post newspaper created an ombuds' position to address internal conflict at the earliest stage after accepting the value returned by resolving conflict with external customers and competitors through customer service strategies. After gunfire erupted within the U.S. Postal Service, the ombuds' position was created along with the REDRESS conflict management program (Resolve Employee Disputes, Reach Equitable Solutions Swiftly) which was a reactive stance rather than a proactive one meant to mitigate and reduce risk factors and loss of life. Research indicated most European democracies, Australia, Israel and New Zealand and England had national ombuds with jurisdiction to investigate complaints against all levels of their governmental agencies with several dating back to the mid 20th century. However, until 1991 when a conference

was held to specifically address the need in the United States for a federal resource, there was minimal guidance and much confusion resulted in non-compliance.

Recently, the ombuds' movement has proliferated in the United States across organizational sectors. Originating from the 1966 Nassau County (NY) establishment of one of the first governmental agencies to expansion across local, state and federal governing bodies (Stieber, 2000), ombuds continued to be viewed with skepticism since the role evolved in response to the culture of the organization acting as a change agent.

Commonalities were more profound than were differences between roles. Major issues included the addressing by ombuds of complex issues and broader concepts like intellectual property, discriminatory practices, hostile environments, and patterns of improper behavior. While corporate and academic complaints may have resulted in retaliatory or retributive actions, the federal ombuds was not subjected to backlash. Stieber (2000) referenced someone who was supposed to watch others was doing the watching in direct contrast to the impersonal, rigid and complex characteristics of large bureaucracies. Other commonalities included a mission to demonstrate fairness, accountability and equity which promoted trust in the ombudsing process which differed depending on organization, but "the product is the same: a chance for ordinary people, those without power or prestige, to be heard and to get fair treatment" (Stieber, 2000, p. 57).

Beginning as an option to reduce issues internally with employees and externally with the citizen taxpayers, the role of ombuds has been plagued with: ambiguity over the scope and span of responsibilities; a lack of common language; arguments by elected officials who believe their role was to serve the public and constituents; turf issues;

disparities in the interpretation and misinformation about the role of the ombuds; budgetary discrepancies over the value the office brings to the agency's bottom line; disagreements over confidentiality not only with the disputants, but also with the judicial representatives. Interpretation of the law suggested an ombuds was required to reveal confidential dialogue, and establishment would only add to the bureaucratic layers.

Conversely, research found ombuds served as a catalyst for positive organizational change. Ombuds identified patterns of negative behaviors that affected yearly systemic reviews conducted by leadership to assess program compliance and chart future growth. Ombuds provided a different view of the situation and made referrals to other departments when appropriate and adhered to strict standards based on approved guidelines or charters which detailed reporting lines usually to top leadership. Ombuds were not considered part of leadership or management but were a conduit for some of an organization's most secretive issues. Use of the ombuds in systemic reviews was often viewed as problematic, yet Susan Raines (2020) thoroughly addressed the systemic review process as being a positive because of the core standards of the ombuds' profession, specifically the confidentiality of the role.

The latest 2019 data from the IOA (International Ombuds Association) estimated around $369 billion yearly was lost to unresolved employee conflict. Return on investment (ROI) calculations involving ombuds' savings varied from $14 to $26 for every $1 spent, not including litigation. Any departmental budget showing that rate (14:1; 26:1) of positive return would be incredible, and these figures did not consider employee health costs, absenteeism, presenteeism, creativity and decision making.

Ury, Brett & Goldberg (1988) found organizational conflict involving power, rights and interests were imperatives to consider in organizational sustainability and profitability which remain tangible return-on-investment (ROI) measurements. K. Sosa's (2019) NSU dissertation focused on the intangible (non-measurable) factors like lost workdays (absenteeism or presentism), the cost of doing ombuds' work, and the psychological damage of unaddressed or unresolved workplace conflict. Yet, an ombuds provided somewhat of a therapeutic function as a listener, a non-judgmental empathetic ear for those voicing a concern. Worthwhile to note is that Eckerd College's Leadership Development Institution and researcher Dan Dana (2001, 2012) have developed some instruments to attempt to measure the costs of productivity, turnover, theft, and sabotage. However, these instruments have not gained overall acceptance yet as financial officers attempt to argue against the ombuds' position has having no dollar value within the organization.

The chronological timeline (Appendix A) used multiple contributors repeating much of the same information including research conducted by the ABA, 2002; Anderson & Stockton, 1990, 1991; Gadlin & Levine, 2008; Funk, 1969; Meltzer, 1998; Nabatchi, 2007; Rowe, 2010; and Pou, 2011. Gadlin & Levine's research found very few divisions between the federal ombuds because commonalities have bound them together and differences acknowledged that led to common practices within the federal sector. Another manual published by the Coalition of Federal Ombudsmen (2006) and their steering committee addressed record keeping, independence and confidentiality issues plus roundtable discussions encouraged the ombuds to attend and discuss issues to avoid failure and promote success. Stieber's (2000) research indicated little evidence observed

to correct deeper inter-agency issues but suggested persistent major problems identified by multiple agencies served as a catalyst to systemic change and management of conflict more efficiently, effectively. Stieber suggested consistency in the required components of culture needed to empower the ombuds to be independent and successful meeting and exceeding expectations of leadership.

Conflict in and of itself was inevitable but with alternative dispute resolution strategies and interventions, conflict was positive. How conflict was managed determined the perspective of effectiveness in the workplace. The goal was to develop macro-level strategies to lower the dysfunctional conflict and improve functional conflict. According to OzKalp, Sungur & Ozdemir (2009) dysfunctional conflict was a strain or breakdown of interpersonal relationships causing hurt feelings, emotions, anger, betrayal, with negatives involving loyalty, performance, satisfaction and commitment to organizational goals and the culture itself. Numerous researchers including Jehn (1995), Raham (2001), Wang, Jing & Klassik (2007), and Alghami (2011) found tensions and how timely managers responded to conflict correlated with teamwork, networking, partnerships and alliances. O'Leary and VanSlyke (2010) suggested conflict affected not only the institution's horizontal employees but also the vertical roles including all stakeholders. Additional power, organizational dynamics and employee worth created unresolved hostile work environments often resulting in over 50% of employee resignations and nearly 90% of involuntary departures due to conflict (Dana, 2001, 2012).

The emphasis placed on the ombuds' ability to actively listen, problem solve, communicate, remain neutral, and maintain confidentiality was of utmost importance to visitors to the ombuds' office. In 2014, Conflict Resolution Quarterly (CRQ) dedicated

the summer issue to the ombuds. Howard Gadlin, recently retired O practitioner at the

National Institute of Health, wrote "Toward the Activist Ombudsman: An Introduction"

(2014, pp. 387-402) describing the pivotal role of the organizational ombuds. J. Kathleen

Moore (p. 403-420) focused on "The Reflective Observer Model" encouraging the

ombuds to seek feedback and analyze reflective behavior, while Linda M. Brothers (421-

434) focused on the "Identity and Culture in Ombudsman Practice." S. Levine-Finley

emphasized the skill of conflict coaching in "Stretching the Coaching Model" and

Meyers and Witzler (447-462) focused on "Two Perspectives in Learning the

Organizational Ombuds Role." D. Michael (463-476) posited the "Prioritizing Practice

in Organizations and ADR Programs" while Gadlin concluded (477-480) the

organizational ombuds must continue actively pursuing the 4 pillars in "Toward the

Activist Ombuds: Conclusion." (CRQ, Summer 2014).

Formal and Informal Option

Formal and informal channels of resolution differed across the corporate, higher

education, and federal workplaces, so it is important to address guidelines. Legislation

included the 2002 Sarbanes-Oxley Act (SOX) to eliminate corporate fraud, the New York

Stock Exchange (NYSE), NASDAQ (National Association of Securities Dealers

Automated Quotations) and ACUS 90-2 (Administrative Conference of the United

States) mandate complaint channels be available to handle conflict in public corporations

and the government. Sadly, no such mandates were found to exist in academia (aka

higher education.) Only two levels of compliance were identified in academia: formal

channels where an institution was "put on notice" and by knowing of an infraction was

obligated to investigate, and informal channels where the ombuds operated under the

radar giving voice to an employee concern. Formal channels were perceived to use

intimidation factors to alter the resolution, while informal channels offered opportunities

to reveal concerns to a person and not just a computerized hotline. The beauty of this was

that the ombuds did not compete with formal channels but brought behavioral issues and

trends to the attention of leadership, identified areas needing managerial intervention,

made formal channels more efficient and accessible (i.e., coaching, mediating,

negotiating). These services provided a significant return on investment for constituents

versus litigation. Ombuds were guardians of an institution's assets and reputation but

confusion involved the role and function.

  Four essential characteristics of ombuds include independence, neutrality,

informality, and confidentiality. Functionality and accessibility have also been suggested.

McBride & Hostetler (2008) stated "corporate ethical behavior is essential to corporate

success" and the ombuds was "perhaps one of the most powerful governance tools

available to corporate boards today if they are to effectively promote best practices in

governance, risk management, and compliance" (p. 15). Unless institutions have informal

channels to pursue workplace conflict, unaddressed conflict increased the potential for

litigation even though research indicated a decline in the number of reporting violations.

  Workplace conflict affected managerial time spent dealing with employee

conflict. Using another person to solve a disagreement was a learned behavior. This

change process was part of organizational development theory where tacit behaviors were

ingrained in the institution's culture, addressed, modified, and then practiced by all to

become a new learned behavior as Lewin's (1980s) unfreeze theory suggested.

Ripeness and the recentness of a conflict dealt with mutual hurt, so a quicker resolution remains in the parties' best interests. Nabatchi & Bingham (2010) argued all institutions have some type of dispute resolution system by design or best practice that dealt with wrongful termination, employee evaluations, systemic reviews, favoritism, discriminatory treatment, interpersonal disputes, sexual harassment, and/or bullying complaints and unethical behaviors, situations that can ruin an employer's reputation immediately.

At some point in time nearly every institution faced a lawsuit from an employee. In fact, the EEOC indicated as recently as 2017 there were 26,978 cases filed with only 7% settled by the EEOC (2018a). Reports indicated around 15% were considered incomplete or inaccurate, and nearly 70% were dismissed due to "no reasonable cause" findings meaning the individual harmed must find a private attorney to handle a case in an extremely tight timeframe. Emotionally, the battle to find a satisfying resolution for the disillusioned employee because of a perceived wrong had never been more difficult and seemed so far away from justice. Howard (2010) found that employment attorneys indicated 19 out of 20 individuals failed to hire an attorney (In Raines, 2020, p. 106). No recent surveys could be found to dispute or update the claim. The EEOC indicated the average lawsuit lingers in the judicial system from 2 to 5 years after the average 10 months in the EEOC pipeline. Captain (In Raines, p. 107) reported 14% of employers win the lawsuit with 78% settled out of court. Websites such as the Society for Human Resource Management (https://www.shrm.org) suggested less than 5% of cases filed reached the court system, and most were never litigated. Hiring costs were estimated between 75% and 150% of an employee's salary. Susan Raines was correct (2020, p. 3)

in her assessment of organizations poorly predicting, preventing and managing workplace conflict, arguing the need for more informal employee channels. Regardless of the employment sector, alternate (and hopefully) appropriate dispute options existed within the institution itself to lessen the impact of conflict, some written, some not. One such option is the use of an impartial, unbiased, informal and knowledgeable individual often known as the O who rendered no opinion but offered avenues that the disputant(s) could pursue to resolve issues without costly litigation.

Extensive research has dealt with ombuds' perspective but very little existed from the stakeholder's perspective. While organizations may not have a distinct written protocol or procedure to handle conflict, there may be a traditional method verbalized and followed by line staff which is integrated into the institution's workplace culture. Lipsky and Avgar (2011) conducted extensive research into the management of conflict and advocated a proactive conflict management approach, one that complemented organizational strategic posturing and the existing structures. Departure from the traditional reactive stance was warranted since time and money can be saved with a broad scope of resolution options, tolerance and earlier resolution, multiple access to conflict practitioners offering multiple resolution options, and supporting structures that view positive conflict rather than negative reactions.

Raines (2020) suggested the ombuds' roles and functions enhanced proactive conflict management systems, were appropriate, informal, constructive, cost efficient, and suggested (p. 266) "the ombuds' contribution prevents those conflicts that can be prevented, resolves remaining conflicts early, and creates systems to identify, and address organizational problems proactively." The comprehensive literature review argued

internal conflict resolution strategies have strengthened nationally with some of the most comprehensive dispute resolution legislation created by the Federal Civil Rights Act of 1991, the American Disability Act of 1990, and the ADR Act of 1990, all of which expanded and promoted the OO roles and functions while encouraging interest-based negotiations with unionized institutions. Research indicated a proliferation in the establishment of ombuds in higher education institutions, however, nothing indicted growth in the federal or corporate sectors.

Adherence to Ombuds Standards

The International Ombuds Association (IOA) and the American Bar Association (ABA) have published Standards of Practice and a Code of Ethics, internal charters or legislative mandates. While some institutions followed the IOA/ABA standards, they may apply them differently since ombuds' offices are exclusive to the organization.

The IOA (2019) included over eight-hundred global members as the largest organization of conflict practitioners in the world (www.ombudsassociation.org/about-us/mission-vision-and-values/ioa-best-practices-standards-practice). Other ombuds organizations included the United State Ombuds Association (USOA), the Coalition of Federal Ombuds (COFO), the Association for Conflict Resolution (ACR), the Board of Certification for Certified Organizational Ombudsman Practitioners (CO-OP®), regional associations, the Institute for Collaborative Engagement (ICE), and the Negotiation Center for Excellence each promoting qualifications to become an ombuds. Charters for official incorporation of the ombuds' position were available from the ABA: Section for Dispute Resolution's Standards for Establishment and Operation of Ombudsman Offices. The IOA also offered certification testing for the Certified Organizational Ombudsman

Practitioner with strict standards determining who can sit for the examination to earn the CO-OP® designation.

Definitions

Citing the IOA definition ("Why the Word Ombudsman," 2017), "…the word "Ombudsman" was Scandinavian for "representative" or "proxy." The term was gender-neutral in origin (but male perceived) and used by the IOA to communicate to the widest possible community. For purposes of clarification, the ombuds was a position which may be referred to by several different titles or names depending on its inclusion within the governmental, private/public sector, or higher education.

> An Organizational Ombudsman is an individual who serves as a designated neutral within a specific organization and provides conflict resolution and problem-solving services…does not advocate for individuals, groups or entities, but rather for the principles of fairness and equity. The Organizational Ombudsman does not play a role in formal processes, investigate problems brought to the office's attention, or represent any side in a dispute. ("What is an Organizational Ombudsman?", 2017)

Is an ombuds an employee relations or human resource professional? The International Ombuds Association (IOA) described the difference in "What is an Organizational Ombudsman?", (2017):

> Employee Relations and Human Resource (ER/HR) professionals assist managers and employees of the organization in establishing, following and applying Human Resource-related policies and procedures… The only advocacy role is for fairness and equity.

The IOA website further described the differences between an organizational

ombuds and an attorney ("What is an Organizational Ombudsman?", 2017):

> The Organizational Ombudsman's role is quite different from that of a lawyer,
>
> who is associated with more formal processes and the legal system. An
>
> Organizational Ombudsman maintains neutrality and impartiality when working
>
> with visitors, while a lawyer must advocate for his or her client and generally uses
>
> adversarial approaches to resolve issues. Though some Organizational
>
> Ombudsmen may have legal training and experience with issues of the law,
>
> Ombudsmen do not provide legal advice.

Research Assumptions

The literature review found earlier strategies that distinguished between each

party's position, underlying needs and interest often leading to intractable conflicts and

dissolved relationships. As each party reacted to the other's actions, a spiral of hostility

and heightened escalation of the conflict ensued as emotions fueled reactions. Earlier

Western conflict strategies focused less on the needs and interests of the less powerful

party and were biased toward the more powerful individual. By incorporating a variety of

strategies from a non-disputant perspective, Western conflict resolution has been

introduced to a plethora of 'soft power' interventions enabling cooperation of the parties,

the exchange of power, the legitimization of the party's perspectives, and the persuasive

or integrative power associated with bargaining and compromising postulated by Kenneth

Boulding (1989).

Boulding believed the emphasis should reduce the 'threat power' toward the

intertwining of 'exchange and integrative power' and to transform an asymmetric conflict

into a symmetric conflict, parties need to change the imbalances of power and injustice

and restructure a more equitable and just solution and future relationship. The parties'

incompatible goals were further complicated by a mismatch in relationships and conflicts

of interests, perceptions and misperceptions, emotions, bitterness and often hatred. By the

end of the Cold War period in the late 1960s, conflict dynamics began to focus on

internal conflicts and symmetric conflicts where the power base was more equalized

through a variety of intervention methods, slowly giving impetus to the O.

Addressing the Knowledge Gap

Certain assumptions were believed to be true, based on research and prior author

publications:

1. Ombuds operated under either a corporate charter or organizational creed.

2. Ombuds were not part of a collective bargaining unit.

3. Ombuds reported patterns or themes of behavior to the highest-ranking

   individual.

4. Ombuds were protected from testifying in litigation unless noted.

5. Ombuds were not problem-solvers, merely offer avenues to explore

   resolution.

6. Ombuds were not required to maintain data, use visitor's names, or

   interactions.

7. Ombuds' roles and functions varied according to the employment scenario.

8. Ombuds provided some type of an annual report for constituents.

According to N. Wilkin, a dispute was narrowed to a simple equation (April 16,

2017, p. 1 blog): expectations of ourselves or of our situation minus our expectations of

the other disputant or the other side of the situation.

Expectations are the focus of a resolution process and if our side has no

expectations, then there is no dispute; however, if our expectations of the other

side is greater, there is a negative effect or a dispute…To bring about resolution

we need to know what we expect from the other party (reciprocal demands rather

than emotional descriptions), why our expectations from the other party are

important including their emotional core, values and motivations behind their

expectations, and my/your/our personal expectations in this situation. Apply the

same standards they expect of the others to themselves, thereby bringing about a

quicker and more viable resolution. (Wilkin, 2017)

The literature has shown the value to the stakeholder and institution itself when

the ombuds played a proactive role within alternative or appropriate dispute resolution

options. Nearly every peer-reviewed article has been researched and published by

ombuds practitioners. Considered for their expertise in mostly federal internally facing

positions, he/she described his/her personal perspectives of how they performed the

services they performed and provided to the constituents who were within their specific

federal agency. Federal ombuds indicated very few opportunities to interact with other

practitioners except at national conferences. Many ombuds indicated numerous leads or

supervisory ombuds interacted with multiple staff ombuds who then delivered services.

many of whom were represented by union collective bargaining units. Peer-working

groups have been indicated as a needed activity to learn from others. In contrast, higher

education ombuds were splintered by governance structures, independent of their

discipline and research funding, experienced turf issues over scarce budgetary resources,

some represented leadership promotion for additional federal funding, and a persistent

ambiguity over unclear roles and expectations of those in the hierarchal chain of command.

The issue then became how the literature would be incorporated into an ombuds' specific literature review that explored what exactly was an ombuds, what function the ombuds played within the institution, and how the ombuds was defined as a conflict resolution profession. The ombuds' specific review critically analyzed and differed from the general literature review in that: 1) the research question was identified, 2) inclusion and exclusion criteria were included, 3) parameters were identified, 4) studies were identified based on these predefined criteria, 5) data was extracted, and 6) an evaluation made of the risk of bias in the findings. The author expanded the PICO (population, intervention, comparison, outcome and time) process to SPIDER: sample, phenomenon of interest, the design, evaluation, and the research type. The ombuds' specific review was characterized by clear, unambiguous research questions, was derived from a comprehensive literature review of all studies, criteria existed that were uniform and replicable in the future, and a rigorous appraisal of findings was conducted. According to the Cochrane Collaboration (2015, p. 1), "systemic reviews are attempts to identify, appraise and synthesize all empirical evidence that meets prespecified eligibility criteria to answer a given research question." The ombuds' specific review created a "model" to diagnose an organization's internal health or status. Narrowing allowed exploration and examination of some equalizing factors so an 'apples to apples' comparison could be conducted.

The ombuds' specific review delved beyond the grey literature that was described as writing not controlled through commercial publishing formats and included technical

and research from government entities, working papers, dissertations and theses, ongoing and unpublished studies, conference and meeting abstracts, informal communication with experts, blogs, and Google searches. The author perused ProQuest Dissertations & Theses Global, and World Cat, the U.S. based network of libraries and services for organizational ombuds, and the Google advanced search used one term with AND, synonyms "any/or" and a narrowed search using websites using .ac (academia), .edu (educational), .org (organization), .gov (government), and .com (commercial domain).

Ombuds' Systemic Research

Numerous articles on federal and higher education ombuds were found, however very little involved the corporate ombuds' role. Nothing was written or discussed from the stakeholder perception. Miniscule information from the corporate practitioners was available except when reporting results of litigation either in the media or in annual reports. This uncertainty of the ombuds inclusion in conflict resolution options was revealed as early as the 1997 study by Pepperdine University School of Law and Cornell University that found only 10% of Fortune 1000 corporations and only 6% of Fortune 500 corporations utilized ombuds (Zinsser, 2014). The IOA indicated about 400 higher education out of 900 members represented higher education institutions (2019).

A goal of systemic research was to collect secondary data to support a summary of the current state-of-the-ombuds. The ACUS 2016.5 Report summarized findings across the federal agencies making the studies reproducible across government institutions. The significance of ACUS 2016.5 cannot be downplayed. Since the federal government continued as the largest employer in the U.S., managing the human side of conflict was complex. The ACUS taxonomy developed an innovative nomenclature

(internally or externally facing) which reflected the uniqueness of each federal agency's ombuds. ACUS found variations in how ombuds were authorized, who their constituents were, how ombuds practiced the standards, the type of data kept, primary functions of their office, focus on single or multiple issues, service to individuals or groups of employees, and whether authorized to act as a systemic change agent. ACUS fulfilled the need to create structure to describe and understand what the research identified as existing typologies which did not translate well. In question was the federal ombuds' value as to reducing legal costs, humanizing government, becoming agency ambassadors, enhancing the reality ombuds could be systemic change agents, improving employee morale and increasing customer engagement. The agency mission ultimately was advanced with the ombuds making major contributions to agency policy and procedures according to ACUS. Since ombuds are mandated in agency conflict management systems, following standards of practice was essential to define their profession, create consistency of practice, help manage expectations of the agency's constituents while developing trust and credibility which was needed to defend confidentiality if legally challenged. ACUS 2016.5 found federal ombuds followed the IOA standards of independence, neutrality and impartiality, confidentiality, and informality. Differences in ombuds definitions existed and characteristics of internally facing ombuds included informality and were viewed as being credible to build trust between the office and constituents by exhibiting fairness. Some ombuds were obligated to testify (depending on the charter parameters) but most are protected by ADRA 1990's provision on confidentiality. Case law and commentary emphasized the scope of confidentiality.

Of importance to ombuds offices was the ACUS 2016.5 extensive Preamble with 16 explicit recommendations acknowledging the intangible value of ombuds' roles and functions. The recommendations defined and promoted best cross-federal practices including suggestions for establishment and management of ombuds offices for agencies and the U.S. Congress. Interesting was that no traditional or classical ombuds existed within the federal agencies even though they were initially created in that capacity. The proliferation of federal ombuds was a response to an emerging profession and discipline. ACUS strongly suggested modification of the ombuds title for consistency, access to legal counsel without conflicts of interest, and the creation of a designated central federal ombuds entity as the main resource office for procedural accuracy.

While federal research was abundant, difficulty arose when assessing relevant studies across higher education marking the "11" study as being significant (Katz, Sosa & Kovack, 2018). However, performing searches and extracting data from corporate research was difficult and time consuming since very little was revealed or archived. Volkov (2013) addressed the downside of a having a carefully defined ombuds' role including the cost of operating an office that collected confidential data in a compliance setting and indicated the use of toll-free hotlines was more extensive than previously thought. Employees feared retaliation by untrained operators unable to make referrals but opened investigations based on collected information. Charles Howard (2010) reported on the NAVEX Global 2015 benchmark report the median of 1.3 per 100 employees used an available ombuds which represented an increase over the 2010 figures. When issues are addressed by non-ombuds, the time to close a case averaged 39 days creating an "erosion of employee trust" (Howard, 2016; Bogoslaw, 2015). Volkov (2013) also

addressed the risk of tripping over a chief compliance officer's level of authority which in

the corporate world translated to duplication of services where one office reported and

the other was immune. Ombuds shared information vertically and supplemented the

compliance officer's reporting of potential risks and problems which required addressing

potential violations of corporate policies and procedures to meet compliance audits under

numerous federal laws.

Bogoslaw's (2015) article on corporate ombuds' programs focused on the creation

of a culture where employees do not fear retaliation for voicing a concern. Considering

the demands of compliance for not only federal reporting but also stakeholder return-on-

investment, convincing an employee to step forward improved engagement and trust in

the ombuds' skills. IOA President Charles Howard (partner at Shipman & Goodwin LLP,

and author of *The Organizational Ombudsman Handbook*) suggested whistleblower

complaints often resulted in retaliation rather than an opportunity for the institution to

address what could possibly be a systemic issue. Systemic issues were exemplified

through the Enron scandal where the Enron Corporation employees testified to

intimidation when attempting to report fake holdings and off-the-book accounting

procedures that resulted in shareholders and employees forbidden from selling their stock

shares. Complicity resulted when Arthur Andersen's audit and accountancy partnership

allowed Enron stock shares to fall to pennies during bankruptcy amid the mountain of

fraudulent debt and toxic assets employees were forced to hide. The 2001 Enron and

Arthur Andersen debacle resulted in almost immediate federal legislation known as the

2002 Sarbanes-Oxley Act corporate compliance protections while WorldCom, Lehman

Brothers, and Washington Mutual collapsed. Other than human resources, employees had

no other option to voice their concerns. In the end massive prison terms were imposed on the Enron's key leadership, but employees had little satisfaction in losing their employment and pensions.

The reporting of changing relationships often made employees uncomfortable so ombuds ensured thousands of employees remained with the institution. Since issues discussed with an ombuds were not reported without express permission of the employee, there was a definite and significant advantage to confidentiality. Former American Express' chief ombudsman stated employees were proud "to work for a company that cared enough about its employees to provide this confidential resource" (website with no reference, n.d.) In the 1990s American Express was in a corporate state of upheaval involving its credit card when the new CEO instituted an employee survey followed by a task force and employee recommendation to create an ombuds' office which exists today. A shareholder lawsuit at Pfizer Pharmaceutical resulted in 2011's creation of an ombuds offering complete confidentiality through the office's independence which reported to the board of directors twice yearly. Pfizer reported over 2,400 issues have been brought to the forefront by more than 1,000 visitors in 3 years "empowering employees to deal with these issues on their own…providing tools to have a more constructive conversation, saving the company time and resources" (Shore in Bogoslaw, 2015). In 2012 Baker Hughes' (BH) ombuds' office opened with an additional option – the information specialist – described as a requirement of the BH charter which conducted a yearly evaluation in conjunction with an ombuds' governance committee (OGC), the only OGC to be uncovered in the systemic research. Responding to a quarterly report, the OGC suggested modifications in communication forms emitting from the ombuds' office.

Bogoslaw (2015) found the OGC includes cross-departmental representatives from Baker
Hughes ensure front-line employees have access to the ombuds' services.

Zinsser (2019) updated his initial $14:1 investment to $22:1 based on Baker-
Hughes' distinguished best practice describing the ombuds as a function that did
casework and also was a major component of the standards of operation. Zinsser
acknowledged leadership skepticism of the ombuds' utilization continued yet believed
25% of non-compliance issues were identified earlier by ombuds being described as
"organizational radar" which pilots needed to navigate better. Noted attorney and
ombuds' author Charles Howard suggested external auditors could review ombuds' office
procedures, notify leadership, and track the timing of specific issues to determine whether
behaviors spike at any time to identify endemic issues (2010).

Carolyn Stieber's (2000) *57 Varieties* described the evolution of the ombuds' role
and function using divergent pathways showing more commonalities than differences
with future issues delving into intellectual property, environmental issues, and continued
discrimination. Ombuds have very strong individual role conception with the occupation
itself gaining support, growth and vigor as audiences gained in-depth understanding of
the Os' services. In academia the ombuds may have a tenured position to return to if
given flex time, and while appointed, they might not hold any rank which gives the
ombuds freedom to criticize differently with a higher degree of independence to protect
fairness across campus. Johnsrud (2003) argued academia ombuds served with no
authority on issues of carelessness, waste, and fraud, stating (p. 109) "speaking out
depends on the level of security in their position, the climate fostered in the work
institution, and knowledge of existing protections" in reference to behavioral

inappropriateness, unethical behaviors or illegal use of research funds. Johnsrud argued the term "whistleblower" was a colleague term referencing a co-employee who refused to engage and/or report illegal or wrongful activities with the most obvious vendettas coming in the form of reprisals, retribution, or retaliation. Stieber (2000) found academia averaged 60% support staff who have no tenure, were subjected to cost containment, social discomfort, and workplace hostility yet voiced concerns and suggested improvements that benefit the institution.

Since 1995, the *Chronicle of Higher Education* has featured articles on restructuring of departments as a form of reprisal, anonymous allegations resulting in retaliation and forced voluntary terminations, EEOC findings of hostile work environments, the misuse of research-related funding or fiscal mismanagement as major issues surrounding poor management, abusive supervisors and plain negligence. California State University at Fullerton experienced retaliatory concerns resulting in state audits and underlings being blamed for negative independent audit findings with Johnsrud (2003) finding nearly a doubling of whistleblower complaints since early 2000. Ironically, the U.S. Department of Health and Human Services had a proposal to curtail fraud suspended making agencies responsible for voluntary training for employees on internal misconduct. Ombuds' commonalities were found by Stieber (2000), Johnsrud (2003), and Lipsky (2010), while reporting on employee trepidation was found by Johnsrud (2003), Lipsky (2014) and Rowe (1995). As Stieber (2000) argued, "Although the process in achieving objectives of fairness and accountability may differ, the product is the same: a chance for ordinary people, those without power or prestige, to be heard and to get fair treatment" (p. 57). Regardless of workplace sector, the ombuds'

independence was the hallmark of their position that enhanced the office's credibility. Even though ideas have been borrowed and usefulness was a perception by those served, the principles of 'ombudship' or 'ombudsing' emanated from ombuds' own perception of their work and contribution as the ombuds considered the facts while sorting the just from the unjust, the normal administration from maladministration. Utilization of an ombuds allowed all parties involved in the issue to work together even though an employee may have brought attention to the workgroup. Rowe (2009, 2010) emphasized this value to others stating the lower the profile the ombuds kept, the more difficult to determine contributions to improve the academic environment, especially when their actions prevented something from happening in the form of a lawsuit or grievance. Being safe, credible and readily accessible, the value of the ombuds was methodologically difficult to measure since no official records were kept and the office stressed confidentiality. Rowe, Gadlin and others posited a delay occurs because individuals do not come forward immediately, often contemplating alternatives like employee hotlines, emails, phone, letters, anonymous communications, and intranet systems. Consequently, senior managers may already be cognizant of more serious cases of unacceptable behaviors that have been ignored or condoned by leadership (Gadlin, 2014; Rowe, 2010; Lipsky, 2012).

Lipsky's 2012 survey of Fortune 1000 corporate conflict respondents noted considerable variations of the ombuds, the use of employee 1-800 hotlines, early neutral evaluation and case assessment, conflict coaching, and open-door policies. Working with Cornell University's Survey Research Institute, the 1997 survey was perceived as the most comprehensive survey focused on the corporate use of ADR. A replication study conducted in 2012 concluded ADR continued to grow as a conflict resolution system,

meaning a comprehensive, proactive approach, with a broad scope of interest- and rights-based methods within the system using new survey items to capture emerging ADR developments. Initially interviews were conducted with only 368 of the 606 original Fortune 1000 general counsels. However, Lipsky believed the 368 well represented the cross section of responding industries and employees. Numerous manufacturing corporations had ceased to exist while retail and service industries expanded. Lipsky (2012) found usage of ombuds' functions had increased about 60%, mediation had increased along with two non-1997 survey techniques of early neutral evaluation and assessment. Arbitration experienced a decrease of about 40% over 1997 figures citing time consumption, complexity and the high cost of litigation.

Corporate use of ADR techniques, especially the ombuds' functions, paralleled growth in academia and the federal sector. While the ombuds' function was referred to as part of an institution's conflict management system, the emphasis on employment disputes being resolved internally was heavy. Organizational systems have mandatory characteristics, a connected set of elements coherently organized in a way to achieve something through its structure, were self-organized, have a hierarchy, and were resilient as the components become more interconnected. Berna (2014) described systems, as broken (not working properly), failed (not productive), or sick (not producing what was intended). Observation of the ombuds across federal, corporate and higher education indicated the ombuds continued as a system to address workplace conflict, but what does the ombuds mean and why does this matter (Berna, 2014)? While 40% of the corporations rarely used any ADR techniques over and above traditional methods, Lipsky et al. (2014) noted "factors within the organization such as management's attitudes about

conflict, rather than factors outside an organization, such as the industry…determine the corporate choice of a conflict management strategy." Anderson & Stockton (1990) argued for ombuds within the US government, while Lubbers conducted a 2003 survey on federal agency external ombuds but until ACUS 2016.5, no further research was gathered on the ombuds' permutations. No further federal action on ACUS recommendations was found. While more than 50 years old, the ombuds remained an emerging phenomenon still considered to be in its infancy stage in the United States.

Who Benefits?

Humans, as social beings, need to be listened to, felt understood, and want to have a voice. This social interaction had an impact which challenged any institution to create an environment where employees felt secure reporting possible misconduct using internal mechanisms addressing issues without retaliation. Dervan (2009) found at least 56% of employees have observed misconduct regarding ethics, policies, and the law, but are hesitant to report due to fears of retaliation making research into the ombuds' role and function imperative.

Benefits derived from the ombuds' specific literature found ombuds capable of identifying potentially problematic and systemic issues involving organizational policies and procedures. Ombuds were the direct link between employee concerns and those in leadership who could implement needed changes. Ombuds were the holders of organizational secrets and provided the true picture of an organization's internal health. Ombuds services were: 1) administrative functions where working relationships were established and maintained, 2) facilitated dialogues with top administration who could implement suggestions and recommendations, and 3) provided system-wide to all

employees. Ombuds advocated for fair and equitable enforcement of the institution's policies and procedures. Risks were mitigated when ombuds prevented unnecessary workplace conflict or assisted in the management of resultant disagreements. Ombuds were found to be the only internal resource to provide a confidential channel for surfacing employee issues.

Research has focused on distinct audiences of ombuds' practitioners for decades. Lipsky (2011) addressed the corporate, Rowe (1995) addressed the federal, and Raines (2020) addressed academia. To create greater interest in the ombuds, a study from differing organizational sectors was a realistic starting point which would widen interest across disciplines.

Nothing in the literature review was found to be even remotely like the study, thus making this attempt to collect similarities and differences a protocol or pilot study which opened the door for expanded research. The protocol "8" study addressed a gap in the knowledge and literature. The comparative qualitative methodology best addressed inclusion of the ombuds as an option for workplace conflict dispute resolution.

Chapter 3: Methodology

The term "ombuds" referred to both an individual and a process. Ombuds

monitored an organization's internal health much like a medical stethoscope monitored

heartbeat and lung capacity and diagnosed potential issues. The process of ombudsing

was an ideological format balancing fairness and equality regardless of power or gender.

Power resided in the process and the ombuds merely provided non-biased, impartial

guidance according to the organization's policies and procedures. Ombuds protected

those with the least power who suffered perceived injustices yet provided equal access

for every constituent. The ombuds' specific literature found ombuds' services were like

the toppings for ice cream where an individual could sample and determine the most

favorable favor(s).

Research Design

Exploration and explanation of the ombuds' phenomenon were best addressed by

a comparative case study methodology since no other studies were known to exist (Berg,

2004; Maxwell, 2013; Marshall & Rossman, 2016; Creswell & Poth, 2018; Stake, 2005,

2010; Yin, 2018. The process of uncovering evidence developed into a protocol or

template for future research. Data would support an informed decision, link the findings,

and provide information as to what ombuds do, why ombuds do what they do and for

whom. Analysis would determine if a connection between ombuds' role and functionality

actually existed within the boundaries of different environments including higher

education, the public/private (aka corporate) sector, and the federal government. And

unlike occurrences of universal certainty found in relationships that occur with regularity,

there are "no such laws found in the social sciences" (Berg, 2004, p. 15).

Social science attempts to make sense of these "patterns" of occurrences. Humans attempt then to create or refine some theory or "comprehensive set of statements or propositions that describes different aspects of some phenomenon" (Berg, 2004, p. 15). These interrelated patterns, ideas, processes, relationships, and events were interpreted as being an intentional process to identify specific research questions and then search, select, appraise, summarize and combine evidence to address the research question (Denzin & Lincoln, Eds., 2011, pp. 12-21).

Focus

To equalize the ombuds' role and function to identify similarities and differences between and among organizational ombuds in diverse organizations, parameters needed to be established.

- First, the literature revealed a possible missing connection existed within the public/private (corporate) sector, the federal government, and higher education ombuds.

- Second, a decision was made to focus the research specifically on ombuds serving internal constituents, commonly referred to as employees. This broad category encompassed volunteers, temporary, part-time, full-time, and seasonal individuals with assigned tasks to serve the organization, and included faculty, staff, graduate students, managers, support staff, and executive leaders. Translated, title and position were irrelevant since internally facing ombuds offered services to all constituents equally.

- Third, the research questions could be best addressed if a diversity of organizations were analyzed, so agencies which have re-known ombuds'

practices or were rarely featured could bridge the gap between what is known

about organizational ombuds and what is not.

- Fourth, pre-determined categories could best narrow the information gathering

  so a realistic comparison could be made.

- Fifth, a comparison of similarities and distinct differences revealed the variety

  of tangible (measurable) and intangible (non-measured) contributions made by

  ombuds for systemic organizational change regardless of workplace sector.

- Sixth, the diversity of selections verified organizational ombuds evolved

  organically in response to the need for appropriate dispute resolution not

  included within the traditional realm of formal options available to

  constituents.

A gap in the research existed as to the ombuds' contributions involving cost

effectiveness and utilization by those seeking alternatives other than formal grievances,

litigation or departure from their employers. A comparative study might spark renewed

enthusiasm in the ombuds' role and function (Marshall & Rossman, 1999; Creswell's

summaries, 2009; Stake, 2010; Yin, 2018).

Data Collection Strategy

Prior organizational patterns of dealing with conflict have set the foundation upon

which the ombuds' practice has been evolving. The dual literature review was a typical

practice in dissertation writing to add current findings to tacit knowledge about the topic

(Creswell, 2009). Keywords were identified, articles located and determined to either add

substance or were rejected for irrelevance. A literature map via sticky-tabs blended

articles included cross-employment sectors and provided a useful organizing device for

positioning this study within the larger body of knowledge on the topic of the

organizational ombuds. The quantity of federal ombuds articles was the greatest and most

historical. This trend was thought to be changing as the proliferation of ombuds'

practitioner articles have been perceived as a way to interact among other practitioners

through the written word. Data was collected from public websites using the most recent

ombuds' annual reports unless deemed important to the organization's evolution.

Use of the semi-standardized interview strategies gathered information because

the interviewee was in the moment and rekindled responses were natural and a short

phone conversation with the "8" ombuds filled in gaps or clarified information.

Approach to Inquiry

The American Psychological Association or APA (2020, p. 96) stated "…the

processes of qualitative research are often iterative versus linear, may evolve through

inquiries, and may move between data collection and analysis in multiple formats." Case

studies were commonly utilized to study a specific phenomenon in law and business. A

comparative descriptive research examined multiple ombuds with emphasis on the

detailed activities of people, experiential inquiry and context of action to make sense of

what had occurred (Stake, 2010, p. 15). Since human behavior of ombuds was the

instrument studied, the struggle was with the individual meaning (micro) rather than the

macro interpretations (larger groups). These experiential incidents changed across time

and varied by person involved giving insight into complexities that can be generalized

across cases. Stake (p. 63) posited "probe experience until the experience is credible…the

problem is more important than the method…people know a lot about a thing then find

connections and interpret…they didn't understand complexities…and what they need to

know then find it" (pp. 71-72). The comparative study met Yin's (2018) five component elements: 1) study questions, 2) study propositions, 3) identification of the analysis units, 4) logical linking of the agencies, and 5) criteria for interpreting the findings, lead to the typology of case studies.

Analysis

Since no similar studies were known to exist, no computer program was used to code or analyze data. APA (p. 17) suggested observations shed light on the needed research and the "researchers are the analytic tool…developed an intimate understanding…to enhance sensitivity to data…are typically better attuned to nuances, implicit meanings, and systemic connections" making the researcher interpretation different from the reviewers. Qualitative case studies (p. 17) are "systemic focus examining ways in which social processes actions, or discourses are structured." Materials were separated into elements by essential features and relationships within the organization. Some materials were organization specific, while others were generalized and common characteristics. These commonalities or similarities were separated from the distinct differences. To comprehend the vastness of the information, a spreadsheet chart distinguished the characteristics. A descriptive analysis provided insight into the community in which the ombuds functioned, responded, acted, and reported within the hierarchies of higher education, the public/private sector and federal agencies.

Rationale for Approach

The research question and sub questions suggested this comparative strategy to be a "building block study" defined by George and Bennett (2005) as being a series of phenomenon, when put together, would offer a more comprehensive overview. To create

an overview across multiple agencies, parameters would be needed, data collected, and assessed. Basic ombuds' characteristics were assumed to be inherent in organizations, similar but not exact in performance, with most similar and least similar, and most different and least different comparisons made. Foundationally, the key characteristics were taken from the IOA. The analysis was qualitative since no quantitative studies were available to replicate or test, and information was gathered for triangulation and validity.

Triangulation

Triangulation is the process of measuring distances between points and observation of the research issue from at least two different points. Public information collected from organizational websites, ombuds' annual reports, published articles, blogs, social media and brief discussions with ombuds for clarification helped develop a comprehensive understanding of the ombuds' phenomena. Overwhelming information required meticulous management and analytic consideration using the IOA and ABA Standards of Practice and Code of Ethics. Accumulation of data helped increase the validity as to what an ombuds provided to his/her specific constituency, and reduced conjecture and subjectivity. Triangulation followed the classic strategy as to whether new information was consistent with what was already known about the individual case and now the quintain.

Causal mechanism was referenced as being" Y happened because of A, despite B (Salmon in George and Bennett, 2005, p. 145), whereas A meant a set of participating causes and B referenced a potentially empty space of opposite causes…for example the car drove off the road due to inappropriate speed and sand on the road despite good visibility and the driver's alertness" (Ibid p. 37). To apply this concept to the ombuds'

role, Y (employee remained engaged in positive conflict-relationship rebuilding after contacting the ombuds for available options), A was the workplace conflict itself affecting at least two coworkers, despite B (institutional environment, cultures and behaviors causing dispute initially never were addressed.) The only change was how the ombuds helped the visitor learn to handle interpersonal conflicts to improve their emotional intelligence, improve their personal perspective and remain actively employed and engaged.

Description of Participants (N=8)

The researcher's background in human resources, organizational development, and change management helped manage and influence the study. Prior publications served as impetus and motivation to embrace the unknown. Experience in Fortune 500 companies and entrepreneurship provided insight into the need for a less-cumbersome, tedious and intimidating conflict resolution path for employees. Doctoral credentials included a dual concentration in crisis management and organizational conflict.

The selection of participants required extensive exploration involving published ombuds' annual reports from public information websites, and professional ombuds' association membership lists. A diversity of internally facing (employee focused) organizational ombuds would offer the most profound comparison to illuminate similarities and differences between and among workplace sectors. The ACUS 2016.5 Report examined the federal ombuds' agencies and highlighted several considered to be best-in-class ombuds' offices. The U.S. Department of Energy dealt with a remote workforce including contractors. The National Aeronautics and Space Administration had location-specific, rotating, part-time ombuds assigned by each center's director. The

Federal Emergency Management Reservist Ombuds addressed systemic issues with temporarily deployed reservists. Higher education focused on widely researched North Carolina State University, a large state institution utilizing a non-employee ombuds. The University of Florida System's multi-campuses underwent an umbrella accreditation process during the study. Syracuse University, a mid-sized private institution, just celebrated the first full year of ombuds' services during the pandemic. Mars, Incorporated remained a generational family-owned private corporation with a globally recognized ombuds' office in existence for over 20 years. The American Red Cross continued as a 501(3)c not-for-profit corporation functioning with a re-known ombuds' practice credited for bringing the organization back from the brink of extinction.

Specific Evidence

The issue of subjectivity has been controversial since the vast majority of ombuds' information was authored by ombuds viewing his/her role as a conflict practitioner. No study existed that 1) was from the constituent viewpoint of the ombuds' services, and 2) addressed a three-sector workplace; hence, the study was able to dissect and identify specific roles and functions the organizational ombuds played in successful conflict resolution. To address the ombuds' importance would have to examine the "what if" perspective. What recourse or pathway would an employee choose if the ombuds' service was not available internally? What would happen if every ombuds' office was exactly the same? The answer would provide specific pieces of evidence as to the similarities and distinct differences among and between ombuds and workplace sectors.

By separating the ombuds' role and function into manageable elements, essential features and their relationships surfaced and eventually became a distinct profile. The

"whole is more important than the sum of parts" making the comparative case study ideal for Karl Popper's "falsification" where a hypothesis was considered to be scientific when conditions under which the hypothesis could be refuted (Flyvbjerg, 2011, p. 305). Falsification was one of the most rigorous tests with revision or rejection of the proposition as an option (Berna, 2014). Arguments continued as to whether the researcher had 'arbitrary judgment' often referred as disciplinary subjectivity. Popper's example of "all swans are white" described the comparative research process as being in-depth (Flyvbjerg, 2011, p. 305), yet a "black swan" appeared.

The user-of-services' lens was the black swan. To connect the multiple workplace environments a template was designed to compare the organic and pragmatic evolution, examine the process of ombudsing, include the dysfunctional work relationships, address the history and reporting structures, and determine what guidelines bound the selections together. The protocol included observation, inquiry, explanations and interpretation that set a precedent for future studies of organizational ombuds. While ombuds have been utilized in the federal and corporate sectors, prolific growth has occurred recently in higher education organizations. The specific evidence from the comparative study supported the premise organizations utilizing ombuds mitigated the cost of conflicts, preserved relationships, and encouraged a continuous improvement environment.

Case studies were not replicable because changes have already taken place. However, a case study was considered reliable when the same conclusions could or would be reached with subsequent studies. The objective was that careful inspection would not prove anything specific, but each case presented another learning opportunity.

Data Sources

Data was collected via the organization's repository available as public information. No confidential information was accessible. No personal assumptions were made in the analysis. Data was analyzed to the best of the researcher's ability based on prior experiences and education, and generalized terminology was incorporated. Ombuds' annual reports, practitioner blogs, association websites, and reference to prior authored publications enhanced the interpretation of data. The "8" ombuds practitioners were verbally contacted for clarification purposes to fill in gaps within the study.

Specific Protection Measures

Every effort was made to protect ombuds from risks, specifically:

- Voluntary and Informed Consent – Ombuds were made explicitly aware of the purpose of the study, expectations, and the request to merely address "gaps" found in perusal of websites and annual reports. Ombuds knew in advance the NSU Institutional Review Board had approved the exploratory case study format.

- Control of the Collected Data – Ombuds were made aware no confidential information was to be collected.

- Disclosure of Study Results – Ombuds were informed prior to any communication that a copy of the report would be available to them.

External Preparation

Most of the preparation was done prior to contacting potential participants. Communication remained brief, pointed, and filled in the gaps found during analysis. Every effort was made to locate information prior to contact.

Pre-determined Category Analysis

The study explored and examined pre-determined categories, specifically:

1. similarities and differences within the employment scenarios,

2. similarities and differences between and/or among the employment scenarios,

3. evolution and history of each office, number of ombuds, qualifications, certifications, reporting structure, number of clients, types of issues, resources available, etc.

4. functionality of the role, operating standards, types of constituents, reporting lines of authority, formation such as a charter, task force, multi-disciplinary discipline advisory boards, flavor of the month, competition, lawsuits, etc.

5. most valuable knowledges, skills, and attitudes (KSA) and how often these skillsets were utilized.

6. internal and turf issues, duplication of services, metrics used for data collection.

7. ROI (return on investment) and the intangible and tangible value measurements and analysis? How often? What metrics were used to measure the contribution(s) of the ombuds office? How did the ombuds measure his/her effectiveness and value to the stakeholders? How did the institution's constituents measure the value of the ombuds ADR services? What issue(s) caused distress and friction among the institution's leaders and the ombuds office?

Carefully chosen, the emergent organizational ombuds' profiles became collective comparisons with discernable features referred to as themes. These themes enabled

interpretations and provided understanding of the ombuds' role and function. In employment settings leaders guided followers to accomplish the institution's vision and mission, goals and objectives. Employees of differing skill levels and expertise blended with the potential for disagreements.

Analytic Considerations

Implementation of an ombuds office provided evidence leadership has made a commitment to institutional sustainability. With litigation costs easily averaging over $100,000 reported by Dana (2012), Gilin Oore et al. (2016) suggest approximately 5-10% of individuals involved in workplace conflict pursued formal solutions. Having a voice is the catalyst for organizational change. One of the most prevalent arguments against the ombuds' function focused on the bias factor since upper management or leadership was the power structure under which all subordinates operated and received a paycheck for their efforts. The ombuds' role often served at the sole discretion of leadership which added a political aspect, the fiscal comptroller who collected budgetary information, and the cultural aspects that often punished or ostracized an employee for voicing a concern. Researchers have described these scenarios involving discharge, retaliation, poor performance appraisals, merit raises, demotion, workplace ostracization, sabotage, and verbal altercations as being quite common. Thus, one of the weaknesses of not creating an ombuds position was assumed to be potential abuse of the system. This research represented a first step in discovering and identifying variation in the ombuds offices and the scope of their activities while identifying the promising avenues for further exploration. No template was available to follow, thus, there was no right or wrong. What may work well in one institution could be a failure in another. Again, acting as a drone

over the ombuds office was a viable research option, much like viewing the entire forest as a whole and each of the trees, or building a house from the foundation up using a blueprint.

Implications

The significance of the "8" was of paramount importance since the research was a current evidence-based format. The format established initial cross-agency core competencies, the knowledge and skillsets needed to enter the ombuds' position, added to the existing literature from current practitioners, documented the growth within the field as workplace conflicts broadened, and helped identify possible criteria to measure and evaluate program contributions. Arguments will continue over the validity and usefulness of a role with no parameters that reported directly to the top leadership or board of directors. Merely making assumptions without in-depth research would continue the ambiguity regardless of workplace sector. The world of the ombuds remained in a continual state of flux and progress. Exploration of the "8" found far too many questions remain to be identified, collected, analyzed, and researched.

Chapter 4: Findings and Surprises

Case Study Specifics and Consistencies

Meticulous management of data and analysis considerations developed a structure or profile of the 8 organizational ombuds. Due to the length of the comprehensive study, a synopsis and unanticipated surprises provided a generalized overview as to how ombuds addressed issues, collaborated with other resources, and optimized conflict resolution strategies available within his/her institution. Examination and exploration of ombuds' role and functional within each institution included:

- History and evolution

- Development of the ombuds' office

- Governance

- Structure and location

- Ombuds (and/or staff) backgrounds and credentials

- Reporting lines

- Knowledge, skills and attitudes (KSAs)

- Standards of practice

- Constituent services, concerns and issues

- Record keeping and caseload

- Ombuds' activities and demographics of available options

- Strategic and systemic review responsibilities

- Perceived contributions to institution

- Exemplar or best practices if identifiable

North Caroline State University

Faculty and Staff Ombuds Office.

Origin and Evolution

Originally pursued in the 1970s by the Faculty Senate in response to challenges within the faculty grievance system, North Carolina State University (NCSU) formed a committee in 2008. An "Ombuds Update" (2011) led to a 2012 a resolution passed by the Faculty Senate to create the position through a Request for Proposals (RFPs) to identify qualified candidates. The RFP approach incorporated North Carolina public record laws that eventually led to the discrete location for the O office. Roy Baroff, J.D., CO-OP® was appointed in 2014, and opened the Ombuds Office in 2015 serving faculty. Staff members were included by January 2017. By 2020 nearly 30 hours per week for Faculty and Staff Ombuds work was the norm. The Ombuds was a one-person office.

How the Office Developed

A Resolution on Ombuds (R1:2012-2013) was adopted November 27, 2012 after more than forty (40) years of contemplation. At the onset, NCSU's Faculty Senate formed a task force and created enough interest and support to pursue research by including individuals representing offices that would be impacted by the ombuds or could work with the ombuds to resolve issues from a broad perspective. NCSU leadership viewed the ombuds as an enhancement, a position taken by those departments who often viewed the ombuds as a duplication of services without the reporting structure and requirements (R. Baroff, personal communication, April 21, 2020). With this position the ombuds was not perceived to be encroaching on services budgeted with mandatory reporting and data collection requirements. Skepticism by delegates from the financial,

human resources, union or collective bargaining units, the legal team, and even the top leadership could be detrimental to the cause of the ombuds within the alternative or appropriate conflict resolution strategies. The ombuds was considered by stakeholders and leadership to be a viable contributor to an engaged and empowered workforce.

Governance

The ombuds reported directly to the NCSU provost and the chancellor. A comprehensive Ombuds Charter was the result of a smaller ad hoc working group and defined the roles and responsibilities of the ombuds ("Charter Agreement, North Carolina State University Faculty Ombuds Office, 2015).

Ombuds Structure and Location

The NCSU Ombuds Program is in an off campus building in Raleigh, NC. Telephone calls were the preferred contact method. Baroff estimated 30 hours per week was needed to gather all data, compose all correspondence, make personal contact with every department and dean, and meet regularly with the NCSU leadership. In its 6th year, the ombuds was considered both as a practice and discipline to be in a very young stage where expansion was possible as the workforce and relationships through technology and knowledge management became more complex.

Ombuds Background and Credentials

Roy Baroff served as NCSU's Staff and Faculty Ombuds bringing his extensive experience as a mediator, arbitrator, and 30-year attorney to the office. Roy described himself as a conflict engagement expert whose goal was the empowerment of visitors to become their own problem solvers through his extensive workshops and training initiatives. Baroff earned the CO-OP® (IOA's Certified Organizational Ombuds

Practitioner) designation in 2017. Additionally, Baroff was the 1st faculty and staff

Ombuds, served more than 6 years as faculty ombuds and 3 years as staff ombuds, and

served on the IOA's Board of Directors. His prolific articles and blogs maintained a high

profile especially during the work-at-home directives. As an adjunct professor, Baroff's

mediation, negotiation, conflict resolution, and facilitation skills helped him to remain

unbiased, analytic, and neutral. Baroff's advocacy for the ombuds as a discipline and

profession will enhance the upcoming "Ombuds Model Act" promotion at state levels.

Reporting Lines

Baroff reported to the University Chancellor and Provost, the University Vice

Chancellor for Finance and Administration, and the University Vice Chancellor for

Human Resources. A pilot program to include staff began in June 2017. Included in

frequent discussions were trends, issues, concerns, and aggregate visitor data. The

Ombuds Office did not serve as a campus security authority as outlined in the Clery Act

and the Violence Against Women Act (VAW) (Section 40002, 1994 (U.S.C. 12291) nor

the VAW Reauthorization Act of 2019. As Baroff stated, "…the ombuds sees the 3rd side

of an issue" (personal communication, 03/26/2020). As to human resources, Baroff

considered a tri-collaboration as part of NCSU's effort to resolve employee disputes. The

ombuds functioned as part of the conflict resolution system. Confusion existed because of

the nature of the ombuds role and position. Continual efforts by Baroff (blogs, website

updates, trainings, webinars, etc.) encouraged employees to consider utilization of the

institution's informal resources to solve issues before resorting to more formal

procedures.

Staff Background and Credentials

Baroff was a solo practitioner, an attorney, and IOA CO-OP® certified.

Knowledge, Skills, and Attitudes

The NCSU Ombuds Charter Section D specified the competencies required as 1) current knowledge and understanding of applicable NCSU policies and procedures, 2) effective communication skills, 3) the capability to maintain approaches that are balanced and objective, and 4) formal IOA training (Appendix B). Short but savvy videos posted on the ombuds' website created a working relationship between faculty and staff. The "town hall" forum helped create a direct link to circumvent the cumbersome and impersonal task of responding to emails that lacked the human connection needed to build cohesion between leaders and the faculty who delivered the institution's services. Baroff designed an executive coaching resource for departmental deans and chairs. Prior review of the literature has indicated only about 3% of those who assume academic leadership positions are properly trained and prepared to step into these positions (Katz et al., 2018). Baroff indicated the need for a coaching checklist for interim or shadowing leaders to address issues involving faculty and faculty, faculty and leadership, leadership with leadership, faculty and staff, and staff and leadership. Key interpersonal skills of empathy, active listening, paraphrasing, asking open-ended questions while maintaining the 4 IOA pillars (confidentiality, neutrality, impartiality, and independence). Being emotionally intelligent during highly charged emotional discussions maintained a balance and clear perspective with the visitor. Baroff periodically reviewed his role as a navigator of resources using his handout "The Ombuds Role Information" during the first visitor's meeting 60-minute appointment.

<u>Standards of Practice</u>

The NCSU Ombuds Office adhered to the four pillars espoused by the International Ombudsman Association (IOA) Standards of Practice and the Code of Ethics, in addition to the American Bar Association Standards and Ethical Practices. The pillars appeared on ombuds' brochures and posters advertising services throughout the institution. The NCSU Faculty Ombuds 2016 Report stated "(the ombuds) …operates independent of ordinary line and staff structures and exercises sole discretion over whether and how to act regarding individual matters or systemic concerns".

<u>Constituents, Services and Issues</u>

NCSU had around 35,500 students, 2,200 adjunct and faculty members, and over 6,500 staff members (R. Baroff, 2020). Employees were protected by the SHRA (State Human Rights Act) and exempt employees under the EHRA (Exempt from Human Resources Act) in North Carolina General Statute Chapter 126 (SPA SHRA Employment, n.d.). Baroff noted in his initial annual report that senior faculty member issues focused on current work and career progression but lacked Statements of Mutual Expectation (SMEs) including a missing connection with NCSU leadership. Demographics indicated professors, associate and assistant professors contacted the ombuds more frequently than did deans. Baroff's Post Contact Survey feedback was implemented as soon as possible. His "Be Nice Campaign – Hard on Problems and Soft on People" encouraged respect and appreciation for cross-departmental disciplines and colleagues.

Under the NCSU Ombuds Charter, the ombuds "does not formally investigate, mediate, arbitrate, adjudicate or in any other way participate in formal internal University

processes or actions" (2015, p. 4). The ombuds' authority included discussions with faculty members and others, access to information, access to separate and independent legal counsel in order to fulfill required functions but did not provide psychological counseling, impose remedies, nor testify or serve as a witness or participate in hearings unless required by law (2015, p. 5). As an independent employee, the NCSU ombuds is not authorized to receive notice of misconduct, crime(s), grievance, research misconduct or fraud, misuse of North Carolina state property, discrimination or sexual assault (2015, p. 6). Baroff provided facilitation, training, conflict coaching, group interactions, but not formal mediation under the Charter. Per the Ombuds Charter, administrative records were retained for one year (i.e., annual reports). The ombuds was required to destroy notes and materials once the case has been resolved. Conversations are not recorded.

NCSU demographics indicated an increase in visitations to the Ombuds Office likely was due to continuous networking, a heavy online presence, and increased marketing. Noteworthy was the visitor increase due to Baroff's outreach initiatives. The initial 2015-2016 case totals included 116 faculty only, increasing in 2017 to 159 including staff, to 209 by 2018, and 223 by 2019. While numbers seem large, there were incidents that did not become cases, some were resolved partially, and some not resolved to the visitor's satisfaction at all (Baroff, personal communication, March 26, 2020).

Figure 1

NCSU Visitors by Year
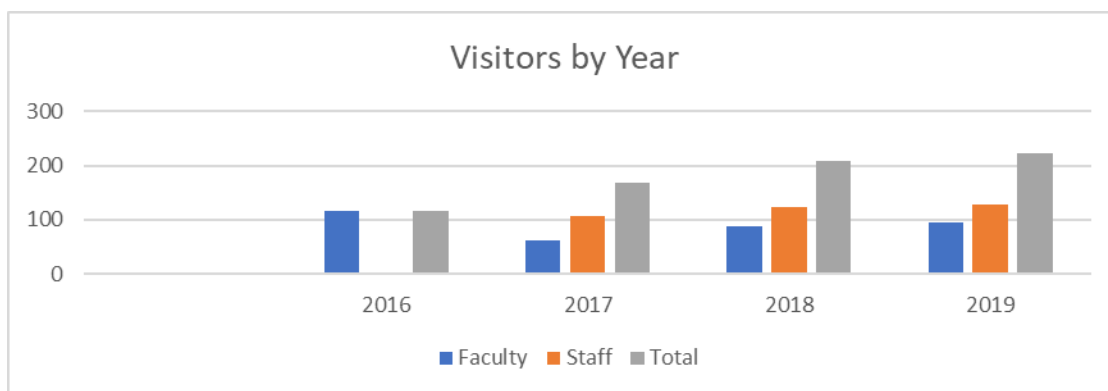
Baroff continued to follow the IOA Reporting Standards. The 2019 Annual Report indicated 578 hours have been expended in direct ombuds' activities (i.e., Lunch and Learn, meetings with over 60 faculty offices, "Meet the Faculty and Staff Ombuds" videos, blogs, increased trainings, workshops, webinars, interactive sessions, posters, in-service time, educational outreach) with over 975 faculty and staff contacts. Baroff's educational awareness marketing strategy tracked the numbers of constituents reached individually and in groups. Over 8,500 faculty (appointed) and staff were at NCSU. The 223 cases for 2019 represented about 3% of the workforce. As Baroff explained (personal communication, March 26, 2020), "the NCSU Faculty and Staff Ombuds is navigating unchartered waters: the constituents know we exist, but are unsure what services are provided and what issues they can present in a confidential discussion. Our numbers are small, but the impact is large versus a larger resource with smaller numbers served." Baroff's efforts in 2019 "serve as an alternate communication channel to further integrate and connect services on campus…supplements existing conflict engagement services" ("Message from the NC State Faculty & Staff Ombuds Roy Baroff", 2019). Faculty and

staff phone contacts were reduced to 29% in 2019 while in-person visitation increased significantly to 66% from 4% in 2018 (NCSU Ombuds Annual Report, 2019).

Annual reports contained an appendix with case data for the previous year. Activity data was collected including demographics, gender, role, ethnicity, length of service, and age, referrals from other departments, presentations, colleagues, print materials, and internal or external suggestions. NCSU's demographics for visitors were broken into tenured faculty, tenure track, non-tenure track (now referred as to professional track), SHRA, EHRA non-faculty, graduate and post-doctoral students. Faculty roles categories include professor, associate professor, assistant professor, college and department leadership, other educational associates, employees with no supervisory duties, directors or associate directors, and supervisor or manager. The Eddy-Hunter BIFF hostile communication (brief, informative, friendly and firm) was posted by Baroff on 12/29/2020 to utilize effective communication strategies for the upcoming 2021 year.

Baroff reported relationships with supervisors remained the number one issue followed by relationships with peers and colleagues. Direct services to individuals were the NCSU Ombuds' first role including meetings with deans, department heads, and faculty groups. Consultations, workshops, meetings with the Chancellor and Provost to discuss trends and system information were then followed by intense networking and office promotions. 2019 saw a 9% increase in faculty and 5% increase in staff cases since 2018. Issues with management and supervision, career advancement, faculty review and career issues remained at the forefront. This increase was immediately addressed through Baroff's presentations on conflict styles and the purposes of conflict.

Table 1

NCSU Reporting Categories for Faculty and Staff Cases

IOA Reporting Categories	2017 Faculty	2017 Staff	2018 Faculty	2018 Staff	2019 Faculty	2019 Staff
Evaluative Relationships	34%	51%	37%	54%	30%	45%
Career Progression & Development	25%	16%	16%	15%	19%	15%
Legal, regulatory, financial	16%	10%	14%	6%	14%	9%
Peer & Colleague Relationships	14%	5%	5%	3%	13%	6%
Values, Ethics & Standards	4%	1%	6%	3%	1%	0%
Compensation & Benefits	4%	3%	6%	4%	5%	1%
Services/Administrative Issues	2%	5%	5%	6%	4%	0%
Safety, Health, Physical Environment	2%	3%	5%	6%	0%	0%
Organizational, Strategic & Mission	0%	7%	5%	3%	13%	16%

Ombuds Activity

Baroff, as NCSU's trusted ombuds' navigator, accelerated changes recommended from feedback surveys. Conflict coaching continued as one of the major activities as more than 60 departmental meetings were held in 2019. Baroff helped visitors identify institutional resources and made confidential inquiries as to possible outcomes and scenarios without breeching confidentiality, while conducting facilitation of difficult topics using conflict assessments and conflict style inventories. 2019 saw ongoing concerns about direct reporting structures addressed through management culture trainings to build accountability and managerial actions into performance evaluations (R. Baroff, personal communication, April 20, 2020). Baroff also encouraged better communication for staff development along career paths, with additional outreach efforts clarifying faculty review and career issues but indicated the post-tenure review process is newer and in need of further attention on its implementation. More connections were built, more networking and outreach efforts along with educational opportunities and office promotions were conducted so the O remained as a zero-barrier resource.

Figure 2

NCSU Ombuds IOA Activities
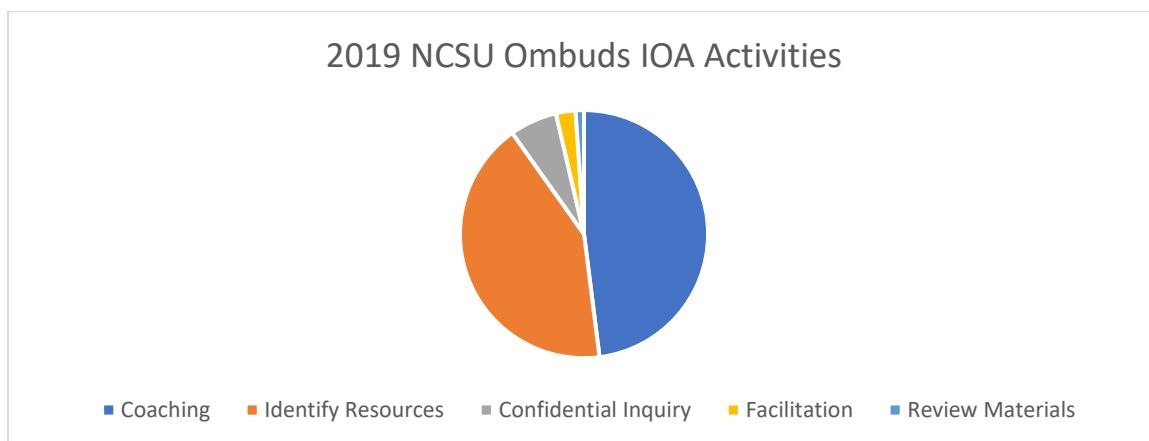
Visitor Demographics

In 2019 tenured faculty visits saw a 10% reduction while tenure track issues had a slight increase. A significant increase in visits were from individuals like lecturers or adjunct faculty who felt devalued, and as a result, these individuals became part of the professional track designation instituted in 2019. SHRA (North Carolina State Human Resources Act) employees (12-month probationary status) had a decrease in visits, while EHRA (leadership with fixed salaries, i.e., senior academic deans, chancellors, dentists, etc.) had an increase since staff were included in 2017 but a 4% decrease since 2018. Graduate students and others did have an increase, but this could be attributed to outreach efforts by Baroff to be an all-inclusive ombuds' office.

Teaching faculty career path expectations and performance evaluations were clarified which helped reduce some visits, but a significant increase was from departmental leaders from 2017 to 2018 and a decrease in 2019 due to outreach efforts. Non-supervisory staff numbers remained high with Baroff's trainings and workshops gaining prominence through a significant online presence opening avenues for

confidential discussions without involving coworkers. Departmental leadership visits were becoming more frequent, again due to the online presence of Baroff's efforts (personal conversation, April 20, 2020). Research has shown employees are ill-prepared to assume leadership roles. As a result, Baroff implemented management training workshops across campus with referrals through his presentations, colleague and coworker interactions. He also published a high impact E-newsletter, weekly blogs and hyperlinks for assistance. Pandemic information reassured employees as the university updated changes and continued to be at the forefront of communication.

Systemic Review Responsibilities

Systemic reviews were integrated into the NCSU annual reports including 6 major systemic issues, common to all workplace sector employees.

1. Perceptions of administration and leadership were distorted, finding a lack of connection between themselves, the administrators and university leadership.

2. Minimal training and support existed for leadership roles. The role of the ombuds proactively addressed this systemic issue through the updated podcasts, interactive web training, workshops, and executive coaching resources.

3. Concise articulation was needed for expectations, standards, and directions to faculty who questioned reappointment, promotion and tenure processes, and decisions.

4. Compensation that was unbiased and perceived as fair ensure equity issues were addressed.

5. Decision-making communications needed to be clear and concise by actively engaging stakeholders who were affected and directly impacted by the decision of leadership which empowered a bottom-up buy-in. While those affected may not agree with the decision implemented, they perceived their input was considered by leadership. One of the benefits of employee input was the decision can be revisited in the future to improve the decision-making process.

6. Lastly, retirement and succession planning needed to be addressed to assist with the faculty transition process. Baroff found good working environments and brainstorming various possibilities including 'phase' or 'term' retirements kept faculty and staff relationships positive. Most importantly, staff members needed to believe the ombuds was not encroaching on their power, status, or services provided to constituents.

Baroff initially introduced two major initiatives. "Meet the Faculty Ombuds" and "The Be Nice Campaign - Hard on Problems, Soft on People" to stakeholders and then rolled out a pilot program to include staff members in the Ombuds Office services. Baroff attended faculty meetings, remained a presenter at professional conferences, facilitated NCSU's 13 college leadership meetings, met yearly with the chancellor and provost, and attended but did not participate in committee meetings. The chancellor and provost were kept up to date on systemic issues including aggregate data used to publish the annual report. Baroff remained of the most proactive and prolific practitioners by designing newsletters and initiates blogs and discussions to maintain constant contact with stakeholders.

The NCSU Ombuds' role was to guide and accelerate change by navigating critical decisions for lasting impacts per the Charter. Legal and compliance issues were addressed first, followed by changes to empower and strengthen the NCSU culture. Baroff's background and expertise have prepared him as Ombuds to handle potential behavioral patterns to transform the workplace into a more ethical, fair, empowered and engaged workforce. When a conflict of interest was possible, the ombuds was mandated to take the necessary steps to disclose and/or avoid the conflict. The ombuds' role and function were to fill in gaps as to options where other services do not reach what was the problem and how to adequately and appropriately address the issue. Baroff's observations and considerations were explained in the comprehensive annual reports which included faculty perceptions of "not being connected" to leadership. The workload of leaders was an issue and Baroff addressed this through management executive coaching sessions plus a checklist for new leaders was created. RPT (reappointment and promotion/tenure) issues included sessions on NCSU's standards of operation and explanations as to the role of the Ombuds to assist with workplace concerns.

Perceived Value to Institution

Data collected and used included an exit survey on what avenues the visitor might have taken if the ombuds was not an option. Responses ranged from keeping silent, being slower in action, continued workplace struggles, filing formal grievances or lawsuits, pursuit of other employers and contacting other internal resources. Since the ombuds was independent from but connected to the institution itself, marketing was imperative so ongoing "Meet the Faculty Ombuds Program" connected people with the institution. Gender bias was addressed within the equity issues, decision making included those who

need to be involved and informed creating employee buy-in and engagement, and the

management of faculty transitions within uncomfortable workplaces versus other

opportunities or retirement. Educational outreach continued to be an ongoing priority to

keep all employees up to date. Videos have been created and archived, blogs were

utilized, weekly newsletters keep those tele-working due to the pandemic, along with a

weekly live interactive webinar.

<u>Promising Best Practices and Benchmarks</u>

Tangible Value.

Attempts to monitor the value of the Ombuds Office were continual with NCSU's

Post Contact Survey administered by an independent third party. The survey in 2019 had

a 19% response rate, but the 41 responses were anonymous, voluntary, and available after

a visitor contact with the Ombuds to garner information on Ombuds' materials, the

contact and visit process, the physical location and discretionary features. A Likert 5-

point scale from strongly agree to strongly disagree asked direct questions from the

visitor's perspective. Some responses were significant like Question 5 – "If you had not

contacted the Faculty/Staff Ombuds Office, what do you think you would have done?"

and Question 6: "After contacting the Faculty/Staff Ombuds Office, what did you

actually do?" (NCSU, Post Contact Survey Data Appendix B, n.d.). Visitors indicated

they would have contacted other internal resources, may have filed a grievance, several

would have contacted an attorney, but 9 indicated they had planned on leaving NCSU.

After dialogue with the ombuds only 1 pursued an attorney and only 3 contacted other

resources. Out of the 41 responses 98% strongly agreed their discussions were timely,

95% strongly agreed their discussions were comfortable, 93% the ombuds helped identify

options for their consideration, 79% strongly agreed they were better able to handle their situations, 67.5% felt personally better after their discussion, and 92.5% would recommend others to Baroff's office. Question 6 responses indicated 30 visitors used the ombuds to move their situation forward.

Quotes available in Appendix B of the NCSU Ombuds Annual Report 2019 included "…pertinent information including NCSU policy information that would have taken me a long time to locate on my own." "Really appreciated the possible avenues of direction that were provided. I had a sense of relief and felt significantly better about my situation after having spoken with Roy." "…politely nudged in a positive direction" … "language to use and responses that might be appropriate for various scenarios" … "very safe space…incredibly helpful." Some staff comments included: "huge weight had been lifted off my shoulders." "…invaluable for a healthy working environment at the university. To sum it up, everything is much better. My conversation with X was exactly what I needed…are on the same page and taking appropriate steps to help me balance work and my challenges at home."

Intangible Value.

Baroff suggested his solicitation of stakeholder and visitor feedback offered the most comprehensive set of resources to NCSU employees. To Baroff, employee input was not just a motion in and of itself, "it is valuable for sustainability and growth of services" (personal communication, March 26, 2020). Baroff discussed how most ombuds are not prepared to make compelling arguments for their value to the institution and visitors including distinguishing features. Traditionally, hierarchal leadership lacked trust in systems over which they have no control. The ombuds' contributions were

intangible and difficult to measure. Since ombuds also conduct training and workshops, the position was viewed as being a duplication of services provided by human resources. Baroff believed his constant relationship building across the campus developed a "comfort level with what you are doing as the ombuds that doesn't interfere or intrude on their professional duties." Baroff suggested "State legislation like that supporting the long-term care ombudsman (LTCO) is needed across the board to build ombuds' practices. No legislation supports the organizational ombuds yet and this is concerning since the practice is an emerging discipline" (NCSU Ombuds 2019 Annual Report).

Conclusion and Roy Baroff's Recommendations

> In a discussion with Baroff (April 21, 2020), he continued articulating,
>
> …documentation is important to clarify the NCSU ombuds' role and functions. Basically, we are on the outside looking in. As a measure of success, we are not sure what's successful and what isn't. Since this a self-reporting use of the office, visitors are reporting the impact of the ombuds on their options.

As an independent contractor (IRS 1099 designee), Baroff was not a university employee, and has not been evaluated formally yet by NCSU, but believed it plausible that other ombuds could conduct peer reviews of his performance and range of services.

University of South Florida System

Ombuds Office.

Origin and Evolution of the Ombuds Office

The Florida Board of Governors oversaw the University of South Florida System (USF) at the Tampa main campus, St. Petersburg, and Sarasota-Manatee. A 13-member Board of Trustees appointed a USF System president who then appointed a chancellor.

Each campus achieved separate accreditation, a separate mission, and strategic plan. In 2020 the campuses consolidated their collective accreditation as "One USF." Over 50,000 students were served by a combined faculty and staff of over 17,000 employees (employees and student support).

How the Ombuds Office Developed

Public universities in Florida were mandated by the State Board of Governors to implement on-campus student ombuds in 2015. USF President, Judy Genshaft, engaged in discussions with Steven Prevaux (then General Counsel) to explore a USF system-wide process to manage and resolve earlier workplace conflicts which had escalated through Prevaux's office. Prevaux was appointed as the first Ombuds Officer in 2016 "to empower the success of faculty, staff, and administrators across the USF System by independently enabling informal, confidential, and neutral resolution of workplace conflict and concerns in alignment with USF's strategic mission and values" ("What We Do," 2017).

Governance

"A formal charter for the USF System created ombuds' parameters to achieve the highest standards of corporate governance and ethical behavior by providing and maintaining a confidential means for employees to raise or discuss concerns and issues without fear of retaliation" (Appendix C Preamble, CHARTER for the USF System Ombuds Office effective January 4th, 2016). Using the IOA suggestions in "Nuts and Bolts: Establishing and Operating a College or University Ombuds Office" (n.d.) and Code of Ethics, the USF System Ombuds Office was created with the simple definition as "one who assists individuals and groups in the resolution of conflicts or concerns" (IOA,

2016). The USF Charter established fundamental tenets and described the ombuds as being unlike any other USF function. The Mission Statement of the Ombuds Office's main purpose was "…empowering the success of faculty, staff and administrators across the USF System. By independently enabling informal, confidential and neutral resolution of workplace conflicts and concerns in alignment with USF's strategic mission and values" (USF Ombuds Services, n.d.). Descriptors also included examples of what an USF ombuds did and did not do, plus sample workplace scenarios to provide a reason to contact one of the 3 campus ombuds.

Prevaux (CO-OP®) collected aggregate visitor data and followed the IOA Reporting Categories. Information as to budget and staffing was public, while confidential information was not maintained and identities are not recorded in keeping with the IOA standard operating procedures and the established ethics (S. Prevaux, personal communication, June 8, 2020). USF ombuds' mission-critical core values included professionalism, fairness, empowerment and collaboration as a pathway to standardizing human resource functions and offering harmony to visitors.

When necessary, the USF Ombuds may "be provided with legal counsel separate and independent from the University when reasonable…or demands for documents or testimony related to any litigation" (USF Charter, 7.0 Jurisdiction, Authority & Limits, 2016, revised March 21, 2019).

Ombuds Structure and Location

Easily accessible on the Tampa campus, Steven Prevaux, reported directly to the USF President Steven Currall, Ph.D. who replaced Dr. Judy Genshaft. This was a change in leadership since Prevaux's appointment as USF's first ombuds. Prevaux was ombuds

for faculty, staff and administrators with one support assistant. Jennifer Schneider, Ph.D., was a full-time ombuds serving undergraduate, graduate and professional students and has a staff assistant on the Tampa campus. Schneider reported to Prevaux. Satellite campus ombuds reported to the campus chancellor and collaborated with Prevaux.

Ombuds Background and Credentials

Steven Prevaux served as USF General Counsel before launching the USF System Ombuds Office in January 2016. Prevaux's background in conflict resolution included service on the Board of Directors for the International Ombuds Association, the IOA CO-OP® designation, was a Certified Trainer in Workplace Conflict Resolution, completed the TKI session in Advanced Conflict Management, and served on the Dispute Resolution Section (Ombuds Committee) of the American Bar Association. Assisting was Cheryl Lesko, the USF Ombuds Office Administrator.

Staff Backgrounds and Credentials

Members of the USF Ombuds Office held multiple cross-discipline degrees and attended conferences. Prevaux and Schneider (personal communication, June 8, 2020) posited the USF Ombuds Office demonstrated value by "helping to normalize an employee's reality." Both found a value proposition in conflict resolution skills offered as employees express the "it" that was creating a "bump" in their workplace scenarios. "USF employees seek a workplace environment they love, and conflict can affect work performance, efficiency, and the reputation of USF" (S. Prevaux, 2020). Mitigating liability was imperative so ombuds provided resolution options while listening, learning, reflecting, and giving visitors a full hearing without retaliation or retribution which helped USF retain high-performing talent.

Knowledge, Skills and Attitudes (KSAs)

At USF, the "soft" people skills were considered an essential skill set to further communication efforts, assisted in productivity, enhanced the high-performing talent, and created a happiness where employees looked forward to coming to work and performing their roles. When asked about the pandemic response and whether a software program would ever be considered, the USF Ombuds both agreed the human element of interaction cannot be replaced by artificial intelligence. Prevaux and Schneider described the ombuds dealing with human beings, so there were no repeated tasks, no refined data sets, no programming to replace human interaction, making it impossible for a computer application to fully capture the "essence" of an individual's concern.

Standards of Practice

The University of South Florida System adhered strictly to the International Ombuds Association's (IOA) Standards of Practice and the Code of Ethics. The IOA's logo appeared on brochures and websites describing services offered to faculty, staff, and administrators, and reiterated the confidentiality, informality, neutrality, and independence of all USF practitioners regardless of campus setting. Additionally, a USF workplace Confidential Conflict Assessment was administered as a point of clarification as to the severity of a potential concern before an appointment was made. As a member of the American Bar Association (ABA), Prevaux also adhered to the guidance and ethics promoted by the ABA. USF also incorporated "guideposts for enhancing corporate culture" that were established on March 24, 2020 as Principles of Community. Several legislative mandates regarding race and Title IX challenges were addressed by the ombuds during the accreditation consolidation of 2020.

Constituents, Services and Issues

The USF System employed approximately 16,300 faculty and staff (USF Faculty
and Staff Profile, the Pocket Fact Book 2019-2020). The breakdown for the 2018-2019
academic year included 2,126 faculty, 485 part time faculty, 1,483 adjunct faculty, 2,997
administrative, 1,945 support staff, and 1,568 others. According to the USF ombuds'
website, the United Faculty of Florida (UFF), advertised chapter bi-monthly meetings
about the USF ombuds' office conflict resource available under the Collective Bargaining
Agreement that informed members of the university's new service (UFF Biweekly 11
August 2016). Of interest was the section on systems that lowered emotions, repaired
communications, established a common ground, and built from that point using the
services of an ombuds who was trained to deal with conflict. Prevaux interacted with the
UFF leaders emphasizing "UFF's grievance process only deals with contract violations,
while the USF Ombuds Office can deal with a wider range of ills" describing the
alternative dispute resolution movement in contrast to litigation
(http://www.uff.ourusf.org).

The ombuds' website "What We Do" section (n.d.) included an option to
"develop, examine and reality-test options" plus the "Make an Appointment" information
referred to the "Bullish Roadmap to Conflict Resolution" to guide viewers through the
10-step ombuds' process: arrive, advise, confide, decide, devise, describe, repair the
divide, revive, revise, and thrive. "Bullish" referred to Golden Braham Bull morphed into
Rocky D. Bull in honor of Florida's cattle raising facilities similar to the Texas Longhorn
mascot ("About USF | Traditions", n.d.). By following the roadmap to resolution, an
individual unfamiliar with the USF Ombuds Offices easily translated their concern into

various stages of rational options using the website to decide if their perception of the situation warranted a voice with someone who has the skill set to be an unbiased confidant. The roadmap put aside employee fears of retaliation for speaking up. The ombuds continued to administer the CDP-1 Conflict Dynamics Assessment with a customized participant profile that encouraged faculty and staff input. Prevaux reported 170 individuals in FY 2019-2020 received individualized reports addressing participant constructive and destructive responses to conflict stressors.

The USF Board of Trustees issued a notice for all 3 campuses to make employees aware of the mandated "One USF" accreditation consolidation process. The Florida Excellence in Higher Education Act of 2018 required "The University of South Florida System…to consolidate accreditations under one umbrella…officially completed on July 1, 2020" (https://www.usf.edu/system/board-of-trustees/system-consolidation/). In anticipation Prevaux conducted outreach and clarification sessions to larger groups to address employee concerns and experienced an upturn in faculty and staff inquiries due to the "ambiguity of the unknown" during the transition. Long-term changes were internal stressors that impacted systemic changes. Since USF Ombuds were at the core of systemic issues, their value was demonstrated by the number of deans and administrators who sought the ombuds' input through continual meetings and dialogue.

Figure 3

USF Visitors by Year
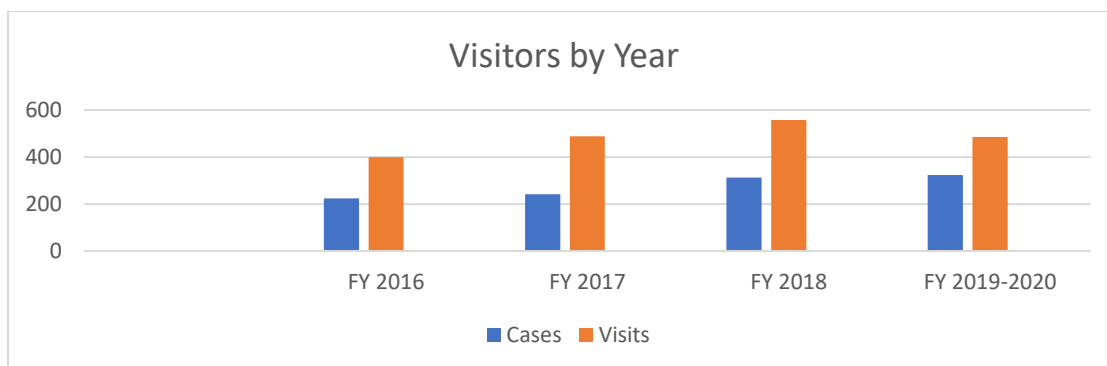
The USF Ombuds encouraged appointments since emails were part of the university electronics. Notable were the proliferation of ombuds contacts as presentations increased indicating employees and administrators were becoming more familiar with the ombuds' role and function especially during the accreditation merger. The USF Ombuds Office 2019-2020 Annual Report (FY2019-2020) collected data for 323 visitors that included 486 facilitated discussions with 163 ongoing matters which was an indicator of the ombuds resources leading to around 93% complete or partial resolution. Satisfaction after meeting with the ombuds resulted in 88% of visitors strongly agreeing ombuds offered options, 36% (118) indicated informal resolution while 30% reported policy clarification. Academic Affairs included 199 cases or 61% of the ombuds' caseload for FY 2019-2020 (p. 7). The sharp increase in primary concerns involved evaluative relationships, legal and policy issues, and a focus on accreditation brought on by the pandemic. Rollout of the "Principles of Community" ground rules or dialogue engaged 45% of all USF faculty, 60% of staff, and over 3,000 students. Numbers decreased for peer relationships, career progression and standards. "Trending Workplace Concerns" (p. 3) followed IOA's reporting categories with "anonymized aggregation" for data analysis.

FY 2019-2020 figures reported 30 visitors would have filed formal complaints, 29 would have changed employers and 39 felt they learned self-help skills (p. 10). Administrators (38%) were the largest participant group, followed by 85 (42%) of tenured faculty members, and 50 (15%) of staff contacted the ombuds in FY 2019-2020. The employee category of visitor 1-5 years of employment was 31%.

Evaluative relationships involved 82 new concerns, 66 were regulatory matters, and 43 involved organizational strategy and mission (p. 8). To address these issues the ombuds provided more informal facilitated mediations and communications that included values, professionalism with a strong emphasis on collaborative dialogue.

Table 2

Empowering Resolutions (FY2019-FY2020 Ombuds Report, p. 7)

TYPE	PERCENTAGE
Informal Resolution	36.31%
Resolution	30.46%
Referral Resolution	16.31%
Partial Resolution	9.85%
Ongoing	4.62%
No Resolution	2.46%
Full or Partial Resolution Satisfaction	93%

Ombuds Office Mission Core Values

Prevaux and his team offered visitors an overview of what to expect when they visit an office. Extensive descriptions as to the IOA pillars of confidentiality, neutrality, informality and independence were enhanced by essential the USF ombuds' core values including professionalism to expect the highest and best outcomes, fairness and consistency with integrity, empowerment giving visitors several different paths to successful resolution, and collaboration which meant an inclusive, collegial and teamwork approach to any concern brought to the USF ombuds' attention.

<u>Outreach Efforts</u>

Increased attendance at workshops and networking events resulted in more patronage at the ombuds offices. There were 50 1st year presentations in 2016 reaching about 400 employees. FY 2019-2020 indicated 120 presentations reached over 1,350 employees. The marked increase is due partially to the accreditation merger but also the addition of several workshops on conflict styles, conflict dynamics and conflict profiles, an increase in interest and attendance by department heads, supervisors and newly appointed leaders interested in conflict resolution options.

Figure 4

USF Ombuds Outreach Efforts
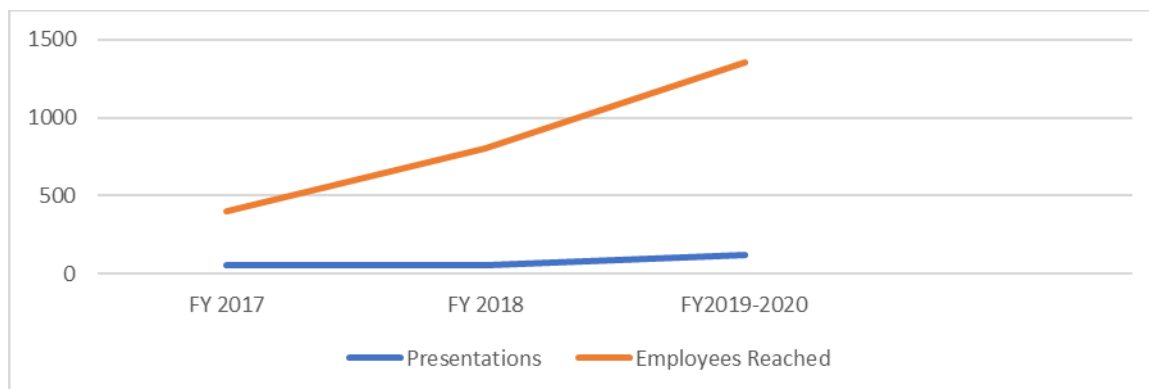
FY 2019-2020 Academic Affairs represented 61% (199) of initial presentation units. Initiatives intensified with increased interest in faculty, staff and administrators completing the CDP Assessment (USF, Outreach and Training, 2018, p. 8). Work teams have received increased attention by the USF Ombuds Office. Turnover, job alignment, uncivil and non-collegial behaviors, bullying, adverse treatment and behaviors, relationships, interpersonal conflicts, reputational issues, and access to resolution resources are universal employee concerns so outreach and educational efforts focus on the inter-personal relationship aspects. Legal, regulatory and financial cases involved

perceived misconduct, contractual or grant accountability, and fraud. Accreditation consolidation added to the ombuds' outreach efforts.

Prevaux adhered to IOA Reporting Categories including compensation and benefits, evaluative relationships, peer and colleague relationships, career and development, legal issues, safety, service and administration, organizational, values and other miscellaneous categories. The number of visitors to the ombuds' offices and visitor concerns increased due to pandemic uncertainty and accreditation consolidation and decreased due to continual outreach and networking efforts.

Role Demographics

Prevaux's annual reports presented a demographic breakdown as to faculty (tenured and non-tenured), operations or administration, supervision and staff, and other/external. Visitors may not always perceive personal satisfaction since not all visitor concerns were resolved, many were referred, and ombuds' discretion decided other actions were more appropriate. Annual USF System Ombuds Office Reports (FY2-16 to FY 2019-2020) indicated a correlation between earlier length of service issues being addressed. Categories 0-5 years represented most cases, followed by tenure or promotions were issues between 5 and 10 years of service. The lowest incidences involved those with 30 or more years of service. Retirement, confusion over the accreditation consolidation, departmental restructuring, downsizing, new leadership, and evaluations were addressed by ombuds' services and options.

Figure 5

Length of Service Issues
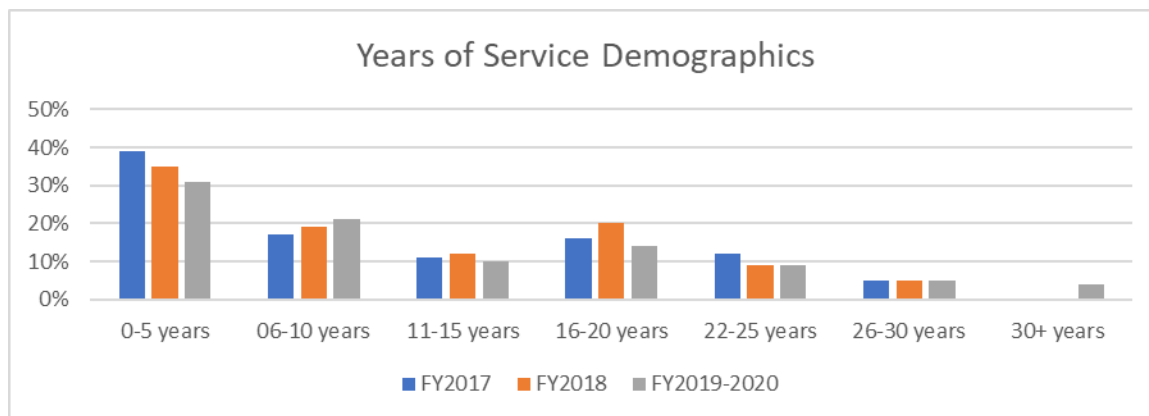
Prevaux utilized the PEW Research Center categories to monitor visitor ages. The non-partisan Washington, DC based "Fact Tank" analyzed issues, trends, and workplace attitudes, then generated facts and data. FY 2019-2020 the ages of visitors to the USF System Ombuds Office were important since a larger number were in the Baby Boomer category. Employees born from 1946-1964 were in near end-careers where incomes contributed greatly to retirement planning. Generational significance did account for an increase in Generation X visitors ("Accessible Services Open to All", n.d., p. 6).

Systemic Review Responsibilities

Tangible Value.

USF ombuds' annual reports had very high-resolution satisfaction. Due to differences in perceptions, not all visitors followed up with internal options, and some found their own paths. The FY2019-2020 USF Annual Report indicated 118 cases were resolved informally. As an attorney, Prevaux reiterated the value of early attention to employee concerns when the parties could address issues themselves and continued the working relationships. A higher resolution rate reduced turnover and costs associated

with a vacant position and recruiting expenses, (estimated to take 24 days to fill for staff

per discussions with the USF ombuds team on June 8, 2020), talent remained aligned

with USF's mission, adversarial behaviors and treatments were addressed early and

corrected through trainings, strained communication was reduced, reputations were not

harmed, consistency in departments was maintained, and access to resolutions became

part of a "lessons learned" forum. The main campus and both satellite campuses

collaborated while catering to each specific issue individually. Reflecting on Deni

Elliott's successful track record of resolving conflict at the St. Petersburg campus before

the USF President Dr. Genshaft, and Steven Prevaux established the USF Ombuds Office

in 2016, the finding of an immediate replacement reflected the chancellor's perception of

value to the campus.

Intangible Value.

Introduction of personal conflict assessment tools, sessions on conflict dynamics,

and personal profile styles were essential tools to enhance interpersonal positive

relationships considering the diversity and cultural differences that are inherent not only

in life but also in working relationships. While designed as an ongoing and influential

part of the USF System Ombuds' toolbox of conflict resolution strategies, an employee

would be able to enhance his/her personal emotional intelligence level and become a life-

long problem solver, both job-transferrable skills. As the USF System Ombuds Annual

Reports indicated, transparency in dialogue with clearly stated expectations of parties in

conflict, performance feedback, and mutual respect greatly increased chances for positive

resolution, reduced chances for tension, and surprise, especially at the leadership level.

One of the most important characteristics of the USF System Ombuds Office was its focus on systemic abuse of power. Since USF pursued massive research grants, Prevaux and his team track:

- potential negative behavioral trends,

- conflicts of interest especially where grant funds were involved,

- offensive behaviors that could lead to hostile work environments,

- neglect of professional duty,

- misappropriations for departmental funds, questionable practices in research,

- violations of USF policy and collegial relationships.

These items also scored high in the annual reports so collaboration among the ombuds enhanced delivery of conflict resolution information.

Courses of ombuds' actions for FY 2019-2020 indicated 14 visitors chose to ignore their situation, 39 were able to help themselves and 30 would have pursued more formal and adversarial resolution pathways ("Ombuds: Cost Effective Alternative", p. 8). Success of the USF System Ombuds Office was evident from the top leadership down through the newest of staff members. Annual reports touted the perceptions of many visitors ("What faculty, staff and administrators said in 2018 about the Ombuds Office" and "What our visitors are saying about the Ombuds Office", 2017). Comments as to appreciation were numerous "…it was great to have a sophisticated discussion" … "I have already sent a person to you for guidance." … "I thought you handled the situation superbly!" … "I feel that my work environment has turned to a productive and positive one." … "So many resources that I had no idea I even had…doors and opportunities have opened up." "…be more positive and not let problems or frustrations weigh so heavily

on me." One of the most prolific was "I don't have words to express my thanks to you…for conflict resolution at USF…friendly, dynamic, super-efficient, accessible" and "Extremely professional, an outstanding asset to the USF community."

An open discussion with Prevaux and Schneider (personal communication, June 8, 2020) indicated their excitement in creating an environment conducive for faculty, staff, and students to interact during the accreditation consolidation. Bringing together each campus originally designed with different focuses under one umbrella accreditation with a nearing deadline during the pandemic of Covid-19 was overwhelming. Stakeholders and constituents continued to express satisfaction knowing the ombuds' option was an impartial, informal and voluntary forum that was not retaliatory to give them a voice as they navigated workplace challenges. The comment "It was on the top of my list of the most favorite meetings I've had at USF" (FY2019-2020, p. 11) alluded to the facilitative and collaborative environment Prevaux's team created.

Transitions during FY2019-2020 included mandated consolidation into One USF, a new USF president, the global pandemic, Title IX issues and racial equality dialogue.

Strict adherence with the IOA's and the ABA's Standards of Practice and Code of Ethics plus the USF System's mission-essential core values of professionalism, fairness, empowerment and collaboration elevated USF into an exemplar case study. As Prevaux commented (personal communication, June 8, 2020), "…how we communicate is as important as the substance of what we are communicating about."

U.S. Department of Energy

Office of the Ombudsman.

Origin and Evolution of the Ombuds

The U.S. Department of Energy can be traced back to a letter composed by Albert

Einstein to U.S. President Franklin D. Roosevelt in 1939 in reference to a menacing

threat of nuclear chain reaction using uranium being produced in Germany. The U.S.

Corps of Engineers established the Manhattan Engineering District and a scientific

weapons laboratory at Los Alamos National Laboratory (LANL). The Atomic Energy

Act of 1946 transferred the Manhattan Project assets to civilian leadership eventually

evolving into a conglomeration of agencies under the U.S. Department of Energy (DOE).

How Office Developed

Earlier legislative attempts to create an ombuds' office began in the 1990s under

the Office of Economic Impact and Diversity. Accusations of internal racial profiling

plus issues related to workplace injuries and energy-related illnesses were surfacing, and

by June 2000 computer disk drives purportedly disappeared from LANL. Addressing

DOE personnel issues became paramount. Asian Pacific American (APA) employees and

scientists were alleged to have participated in espionage leading to a controversial crisis

in 2000 that questioned loyalty and patriotism of employees, the general public and the

DOE's APA workforce. The incident(s) involved the People's Republic of China,

polygraph tests, and a terminated APA scientist who was a naturalized American citizen.

APAs were a significant percentage of DOE's workforce which was now aging,

competitive, and scientifically talented, but continued to be suspiciously viewed because

of communism. The creation of an Office of National Ombudsman in January 2000

evolved into one of the benchmarked ombuds' programs across the federal government and the DOE officially established the Office of the Ombudsman in March 2012. The DOE's multiple ombuds are viewed "as a catalyst in building trust and producing positive change to advance a diverse, hospitable, and productive work environment" according to Wu (2001, pp. 9-19).

Wu continued describing the ombuds' services to include four distinct areas including:

1. referrals, coaching, facilitation, interest-based conflict resolution, and handling sensitive cases throughout the agency,

2. measuring workplace environment in terms of diversity and hospitable efforts,

3. strict adherence to standards of practice by coordinating all ombuds-related functions and services, and

4. being a catalyst for systemic changes in a respectful environment (2001).

Earlier versions of the ombuds' initiatives delivered some of these services but did not practice with independence, neutrality and confidentiality supported by the IOA (International Ombuds Association), ABA (American Bar Association) and COFO (Coalition of Federal Ombudsmen) as established practices. Then Secretary of Energy, Steven Chu, supported the premise that ombuds were to be a "safe, independent, and confidential environment for employees…to feel empowered to share their ideas, voice their concerns, resolve workplace matters, and complete the department's mission" ("Letter", 2013).

Governance

A federal governance body known as the Administrative Conference of the

United States (ACUS) existed with the "main statutory function… to bring together the

public and private sectors to recommend improvements to the administrative and

regulatory processes (ACUS, "Recommendations," n.d.). ACUS recommendations were

addressed by the U.S. Congress then passed to the President of the United States

(POTUS) for acceptance. Recommendations contained in the ACUS 2016.5 Report were

referenced as being the current state-of-federal ombuds as of 2016.

Ombuds Structure and Location

The Office of the Ombudsman was physically located in Washington, D.C. in a

low traffic area. Visitors were encouraged to phone for confidentiality purposes.

Ombuds Background and Credentials

Rita R. Franklin served as the first Director of the Office of the Ombudsman for

the Department of Energy since its creation in March 2012. Franklin started her federal

career in the clerical field, rose to the Senior Executive Service level (SES) and was an

active member of COFO (Coalition of Federal Ombudsmen). Franklin helped design a

detailed *Ombudsman Charter and Records Retention Policy* with the core purpose to

"provide an informal, neutral, independent, and confidential resource for DOE's federal

workforce." Ombuds' role and function expressly described:

1. Raising and resolving issues of concern in a safe, informal, confidential

   environment to the extent allowed by law,

2. Facilitating recognition, prevention and resolution of workplace disputes

   without resorting to formal means of dispute resolution,

3. Providing anonymity to the extent allowed by law to any employee wishing to address a workplace issue with the Office,

4. Providing DOE leadership with independent sources of information about persistent, continuing, or systemic concerns and issues,

5. Assisting in coordinating the processes by which questions or concerns are adequately addressed, and

6. Facilitating review of Department processes or procedures, which may adversely affect the Department's mission, workplace, or employee morale.

Principles of the Ombuds within the DOE Charter expressly explained how core standards were to be applied, and how existing processes such as EEO (Equal Employment Opportunity), negotiated grievances, reporting and record keeping obligations relied on existing ombuds' processes. Franklin (2013, pp. 1-3) expressed the prioritization of positive relationship development with key constituents during meetings with union leaders and federal offices like the EEO office, General Counsel (GC), Inspector General (IG), human capital, EAP (Employee Assistance Program), and the ADR (Alternative Dispute Resolution) unit of the Hearings and Appeals Office. Her "All Hands Meetings" clarified the Charter language detailing access to ombuds by every level of employee including management.

Reporting Lines

The Department of Energy's Office of the National Ombudsman Director Tonya Mackey reported directly to the Office of Secretary of the U.S. Department of Energy, Dan Brouillette. Brouillette spoke to the ombuds' value in the ABA's "Ombuds Day 2019 message from Deputy Secretary Dan Brouillette" (October 10, 2019 at

energy.gov/ombudsman). DOE annual reports were reviewed by the U.S. State

Department, the EEOC (Equal Employment Opportunity Commission), and the Veterans

Administration for consistency with the IOA reporting categories. Since the DOE's

ombuds constantly addressed new challenges, J. Anderson (Personal communication,

August 6, 2020) believed the DOE's best practice of having a strong relationship with

senior leadership not only defined and explained the ombuds' role and function, but also

added maximum value to the service and office itself. Yearly meetings were held, so

roadblocks were avoided when addressing the unique systemic issues. The DOE ombuds

handled only internally facing employee issues even though the DOE interacted with over

100,000 contractors (externally facing). Confidentiality was paramount in reporting rules

and interaction. The DOE ombuds had expertise across multiple disciplines like human

resources, public administration, training, and organizational development. Using this

format, options and issues were solved at the lowest levels with the blessings and support

of leadership. Since every four years there continued to be a different presidential

administration, the foundations must be laid for new leadership to understand and

promote the ombuds. Leadership transition required relationship building with this new

group of stakeholders. Franklin successfully negotiated compensation consistent with the

complexity of issues handled by those in leadership roles even though the ombuds was

not listed in the agency organizational charts.

DOE ombuds collaborated with federal ombuds members of the Coalition of

Federal Ombudsman (COFO). COFO did not have set standards of practice or ethics, but

followed IOA best practices of drafting a charter, briefing leadership, investing in

relationship with stakeholders, cementing the ombuds' role into the culture to enhance

and encouraging systemic change when needed. COFO members assisted others, collaborated with peers and shared challenges unique to the federal sector. Anderson (2020) described the ombuds office as a place for venting and discussion plus the delivery of harsh and unpleasant truths through collaborative dialogue. Critical problem solving and the ability to help visitors understand a complicated process was crucial to improvement and the balance of quality feedback.

Staff Backgrounds and Credentials

Lexi Wolfe, Scott Deyo and Jeff Anderson served as Associate Ombudsman in 2020 replacing the original team of Bill Maurer, Felicia Burns and Patrick Holman. Over 30 years of federal and ombuds service now enhanced the four-person office. According to Anderson (2020), Franklin designed and established one of the most progressive and prestigious ombuds' practices in the government. DOE ombuds members collaborated daily on issues so any team member could respond in another's absence.

Knowledge, Skills and Attitudes

Federal ombuds interacted with groups, individuals, leadership, supervisors, managers, and front-line employees with one of the greatest challenges being the geographic diversity since the ombuds practiced out of the same office in Washington, DC, yet employees and face-to-face contact were infrequent. Anderson (2020) emphasized the difficulties when employees worked remotely, so group processes and large long-term interventions, resources, and options were creative. Anderson described how the DOE ombuds walked a delicate balance and needed to be responsible, flexible, communicated as one seamless team, and delivered consistent approaches regarding potential issues and trends. Since no paper files or intake forms were used, there was no

record keeping yet visitors expected a comprehensive and consistent approach to systemic issues.

Ombuds indicated important qualities were relevant to the DOE's benchmark practices. Anderson described colleague ability to work in "gray" areas (outside the normal lens of black and white), the skill allowing them to "dance in the moment" while being comfortable in highly charged emotional settings. Anderson brought to light the appreciation of selflessness since the "moment" was not about the ombuds and more about their skillsets which supported the constituent's success in choosing options that best addressed their specific issue. The ability to deal with ambiguous environments was rooted in the DOE ombuds being viewed as trustworthy, emotionally intelligent, proactive, calming, genuine, respectful of 'boundaries' in relation to other internal resources, welcoming, supportive, creative, non-threatening, neutral, calm, fair, non-judgmental, supportive and highly refined in interviewing, data gathering, analysis, critical thinking, maintaining confidentiality, staying neutral, designing and delivering viable trainings, and conducting education and outreach to give the parties a 'voice' in the issue (ACUS 2016.5, p. 117).

The DOE ombuds' extensive experience within COFO and the federal government helped clarify expectations as a resource for federal employees which was a benchmark standard of practice through in-depth applications of standards knowing how and when to apply them (Anderson, 2020). Word of mouth continued to be a successful marketing and advertising strategy to promote the value of ombuds' services. Ombuds were active participants in the annual Ombuds Day and Conflict Resolution Day training, programming and outreach efforts.

<u>Standards of Practice</u>

The DOE ombuds adhered to the Standards of Practice and Ethical Practices of the International Ombuds Association (IOA). Confidentiality, independence, informality and neutrality, were "the glue and anchor of everything we do" with adherence to specific guidelines when approaching workplace situations in terms of ethical and non-ethical (what ombuds can or cannot do) behaviors (ACUS 2016.5, p. 118).

The IOA found many institutions have taken a pragmatic rather than a purist approach to the design, creation, and identification of ombuds' practices to serve constituents. As a federal agency, the DOE must follow Congressionally mandated rules and regulations so the DOE ombuds served not solely for the constituent, but as a legislative procedure following the 1999-2000 espionage incident at the Los Alamos National Laboratory guided by the DOE. Under IOA's Standards of Practice, all ombuds "preserve the *confidentiality* of those seeking services, maintains a *neutral/impartial* position with respect to the concerns raised, work at an *informal* level of the organizational system, and [be] *independent* of formal organizational structures" ("What is an Organizational Ombudsman," 2017). (However, the word "independent" is not mentioned in the DOE Ombudsman Charter.) The IOA suggested ombuds report to the highest level directly, yet Director Mackey reported to the DOE's Chief of Staff directly then progressed to the Energy Secretary leader (within the same bracket but not directly to the top). Unusual to note was the IOA suggested ombuds exist outside the organizational structure; however, the DOE ombuds had a solid reporting line to the Energy Secretary on the organizational chart while ACUS found an indirect report within that organizational bracket. Other dispute handling systems intertwined with human

resources, human capital, employee assistance, legal or general counsel or the inspector

general roles. IOA Standards of Practice and Ethical Practices would not permit

adjudication of formal grievances or testimony unless directly specified in the DOE's

Charter. Since the DOE budget was prepared and allocated outside the organization, the

director and associates were full-time employees of the DOE's ombuds' office.

The IOA standards specified distinct ombuds' duties as being 1) to work with

individuals and groups in an organization to explore and assist them in determining

options to help resolve conflicts, problematic issues or concerns, and 2) to bring systemic

concern to the attention of the organization for resolution ("What is an Organizational

Ombudsman," 2017). Gaps existed within the DOE's procedures to handle an issue like

the espionage case which served as a catalyst for the creation of ombuds' services a

decade later. Originally, dispute resolution systems did not enhance administrative

capacity, DOE effectiveness or expand a 'safety net' for DOE employees and contractors.

Franklin understood the enormous responsibility need to help personnel navigate

transitions in a highly political and bureaucratic infrastructure and created a firm

foundation for the second generation of DOE ombuds.

<u>Constituents, Services and Issues</u>

The Department of Energy's annual budget was around $30 billion dollars,

supported about 15,000 full-time employees and between 95,000 to 110,000 contracted

employees in 30 states, 17 national laboratories, and 83 field locations (Anderson, 2020).

DOE's headquarters in Washington, DC housed most employees under the leadership of

the Energy Secretary and Deputy Secretary. DOE ombuds supported employee

relationships with eighteen (18) different collective bargaining units (n.d., "Information

Book: Active Unions Interfacing with DOE"). The Office of Independent Enterprise

Assessments was established in 2014 to include focus groups, and the DOE/Labor

Leadership Roundtable (2010 creation) with discussions on health, safety,

communications, and operations involving labor unions and related stakeholders. Unions

(may include others not reported in 2014) have complicated collective bargaining

agreements which pose intricate maneuvers when dealing with conflict.

 Constituents consisted of internal peers and colleagues, management,

organizational units, or DOE internal/intra-agency groups. Self-identification during

ACUS 2016.5 research indicated the title to be The Office of National Ombudsman but

the DOE website indicated a Director/Ombudsman, Office of the Ombudsman supported

by Associate Ombudsman. The DOE website (2019) stated all employees and contractors

received: active listening and proactive solutions to overcome challenges; the building

and sustaining of respectful, productive relationships; excellence; providing value to

employees and leadership through fair and equitable treatment; open communication and

transparency; efficiency and timeliness; fiscal responsibility; and integrity,

trustworthiness, and dependability to maintain the DOE reputation which aligned with the

ombuds' role and functionality to constituents per the original charter.

 DOE ombuds' practices were benchmarked for reducing costs involved in

litigation, improved morale, increasing employee engagement, improving products and

delivery of services, efficiency and effectiveness in achieving the mission, helping

personnel navigate transitions, political and highly bureaucratic infrastructures and

informal collaboration with internal helping organizations and resources. In his "Ombuds

Day 2019) video Secretary Brouillette supported the DOE ombuds' contributions using

the words "empowered, laser focused on DOE's mission, integrity, handle conflict efficiently, are voices that heal and are deliberate, engage employees to reach their full potential, a place where employees can be honest about their experiences, improve working environments, handle systemic issues, and are creative in helping the DOE reach agency performance goals." The ombuds are considered the "identity of DOE contractors" (ACUS 2016.5, p. 113).

Updated website data was not available, but cases per year reported by the ombuds in 2016 revealed over 1,700 individuals plus over 4,000 staff members took advantage of O services. According to Anderson (2020), Covid-19 around older issues remerged, and unusual situations resulted from the federal response to the pandemic and remote work locations for constituents. The majority were individual cases while about 20% involved group interventions and requests by supervisors and managers. DOE ombuds spent a reported 90% of their time on casework with upwards of 550 cases being active (without reported resolution) on average with remaining available time conducting significant outreach to employees (2020). If visitors did not contact ombuds upon closure, the ombuds assumed resolution occurred. Posters indicated services available, offered examples of when to think about giving a concern a voice, and explained outreach/networking services available to departments, supervisors, managers and leaders (i.e., workshops, brown bags, trainings, webinars, Skype). Quality feedback from visitors was constantly assessed for the ombuds team to continually improve, control the quality of services, manage confidentiality issues, design creative solutions, and meet the challenges of geographic demographics and diversity (2020).

Primary ombuds' services included:

- Conducting intake and referrals to other programs,

- Serving as source of statistical and other information about DOE's policies and procedures,

- Acting as liaison or as resource to DOE constituents by conducting "reality checks," brainstorming, coaching, facilitation,

- Providing interest-based informal conflict resolution through informal mediation and shuttle diplomacy,

- Providing facilitation and outreach to community groups,

- Handling sensitive cases from the field and regular cases from the headquarters.

The ombuds team continued to coordinate office activities and functions such as:

- Adopting IOA standards of practice and working with field and contractor ombuds to develop consistency in service delivery,

- Participating in policy reviews,

- Identifying issues or patterns of unanticipated or previously unaddressed behaviors,

- Making recommendations to decision makers,

- Assessing long-term and recurring issues as to trend identification.

To measure the DOE workplace climate, ombuds continued to:

- Act as a fact-gathering resource,

- Identified systemic issues through personal site visits, town hall meeting, opinion and attitude surveys, exit interviews,

- Collected and coordinated data from headquarters and the field,

- Analyzed statistics, trends and patterns on employment, security clearances, retention rates, complain rates, and other workplace indicators,

- Collected data on issue frequency per websites indicate:

  o Daily: intra-agency concerns, leadership, abusive behavior, improvement suggestions

  o Weekly: excellence, integrity, rigor in analytic thinking and work practice, layoffs, reorganization, performance evaluations

  o Monthly: benefits, discrimination, ethics, policy, promotion, safety, whistleblowing issues

  o Less frequently: acquisition and procurement, external constituent concerns about quality and effectiveness of government services

  o Never: external constituent concerns about government services' timeliness, malfeasance, agency decisions

The DOE ombuds acted as an organizational *change agent* by:

- Engaging in education and advocacy concerning fair process, diversity, qualities of effective leadership

- Educating constituents on the ombudsman profession and function of the office

- Promoting understanding, integrity, teamwork, and respect for the individual

- Publicizing the function and work of the Office of the National Ombudsman

- Providing information

- Making recommendations to top officials (Anderson, 2020).

DOE ombuds had no access to legal counsel but indicated benefits could be derived if available. An office of Hearings and Appeals existed within the DOE with a 32-year history of external (not employee) focus. A whistleblower policy was functional and available online at: http://energy.gov/whistleblower-protection-and-nondisclosure-agreements

<u>Systemic Review Responsibilities</u>

Participation of the Ombuds Office in the systemic review process at the DOE was ongoing since its inception. Four original concerns were reported as being:

1. information requests and assistance,

2. security-related concerns that included racial profiling and recommendations from the Task Force Against Racial Profiling,

3. employment issues and barriers, and

4. management and accountability, expanded into subcategories.

Issues in 2020 as posited by Anderson add:

5. strategic planning,

6. measuring the workplace climate,

7. integrating the ombuds' functions,

8. diversity strategies,

9. leadership development expansion, and

10. assessment and improvement of the recruitment and retention practices.

Ombuds' *hands-on issues* included:

- issues being reported to senior management only (as opposed to those who are lower-level supervisors),

- reports not issued on any of the identified potential concerns,

- systemic reviews about 50 times per year being about 20% of office time, and

- the authority to look informally into administrative actions or omissions.

Perceived Value to Institution

Franklin addressed the ACUS 2016.5 survey responses which revealed a 'high frequency of contribution' to the wellness of the DOE. Jeff Anderson (2020) spoke to the continuation of ombuds' office roles to the extent compatible with compliance and changing federal rules and regulations by:

- Providing full capacity of ombuds' services.

- Identifying systemic issues to management and leadership helping to see the bigger picture.

- Being a truly neutral option differing from other helping/supporting strategies.

- Saving legal costs, improving morale, increasing employee engagement, improving products and service delivery, helping organizational efficiency, effectiveness to help achieve DOE's mission.

- Helping personnel navigate transitions and political highly bureaucratic infrastructures.

- Collaborating with internal departments and divisions, and most importantly

- Increasing organizational focus on mission critical activities by helping minimize unwarranted workplace distractions, expeditiously addressing individual and organizational matters while increasing employee engagement.

Original Ombuds Director Rita Franklin was proactive when she established some default goals and objectives knowing transitions due to leadership, retirement, and

budgeting created organizational change within the ombuds' roles and functions.

Included were her suggestions that:

1. better metrics would be needed for demonstrating financial value and the office could be more proactive if staff were expanded including an additional ombuds.

2. the ombuds would like to identify better strategies and root causes of problems when addressing systemic issues.

3. federal documentation requirements taxed overloaded ombuds' departmental systems, so additional resources could be needed during peak times.

4. the ombuds have difficulty measuring DOE ombuds against other benchmarked strategies.

5. there should be consistency among agency standards of practice interpretations, so ombuds can collaborate with other offices for clarification.

6. a better translation of IOA and USOA (United States Ombudsman Association) standards of practice would be needed as to independence, confidentiality, informality, impartiality and formality within federal agencies.

[Note: A contradiction existed between COFO (Coalition of Federal Ombudsmen) which was mentioned in the DOE ombuds' professional organizations, and USOA (United States Ombudsman Association) which appeared in the bracketed research only.]

<u>Promising Best Practices or Benchmarks</u>

The DOE Office of the Ombudsman innovations were determined as having *promising best practices or benchmarks* that included:

- Connecting group interventions to the organization's mission and vision,

- Improving efficiencies and effectiveness while addressing individual issues,

- Facilitating group sessions on what works well, identifying challenges and specific strategies to overcome obstacles, eliciting action items and assigning tasks with established deadlines to those with identified concerns,

- A model of ombuds' continued excellence and expansion for other federal agencies to emulate.

Tangible Value.

Value, as a noun, was defined as relative work or importance, and as a verb, was related to respect of worth, excellence, or usefulness (www.dictionary.com). The ombuds' true "value" to the DOE's bottom line was extremely difficult if not impossible to measure other than being compared to the cost of potential litigation had the individual not sought the expertise of a DOE ombuds and filed a grievance, consulted an attorney, or addressed the press or social media with the intent to make their concern known. Often workplace conflict involved cultural differences and biases, making the tangible value not known to constituents, leaders, or stakeholders. When Tonya Mackey assumed leadership, continuity was maintained even though new Associate Ombudsman came to the DOE. The unique challenge of confronting learning, understanding and navigating to problem solving translated into the DOE ombuds office dealing with process issues that require appropriate solutions. As Anderson posited (2020), the DOE Ombuds Office is "not a one and done conversation" since it was a process of looking at options and varied approaches, so relationships created a lifeline for subsequent contacts and visitor word-of-mouth referrals.

Intangible Value.

According to the ACUS 2016.5 Report (p. 113), DOE's leadership expressed the following views of ombuds' service, and the DOE ombuds believed "that without the standards it would be nearly impossible to add value as an ombuds and the standards are what distinguish them from other DOE resources" (p. 120). Statements as to intangible value included:

- "Deputy Director of Field Operations/Science expressed strong appreciation for help navigating and limiting the negative impact of a significant realignment and reorganization at one of their science facilities…several months, and included multiple facilitated sessions and individual interviews to elicit concerns and suggestions…working with the leadership team on development and implementation of a plan for continued success…two other occasions: rebuilding a critical team after an abrupt change in leadership, and a major restructuring at one of the laboratories."

- "Chief of Staff and Associate Principal Deputy Administrator of the National Nuclear Security Administration (NNSA) described the ombuds team as vital to the success of his staff's retreats and merger of two of his offices" … "the process as: 1) gathering data; 2) conducting one-on-one interviews with staff; 3) facilitating a group workshop, i.e., the intervention; 4) following up with the manager; and 5) following up at the agency level" (p. 114). [Note: Offsite with multiple ombuds.]

- "listening sessions" followed police officer and civilian shootings in 2016. "Senior DOE leaders…race, diversity, and inclusion…exceptional level of

sensitivity and skill to execute…pros and cons including risks and rewards for their decision to carry on with employee sessions…success and prompted more focus on efforts to enhance diversity and inclusion" (p. 114).

- "ombuds give me important data, insight and possible options when issues are 'left of boom' (prevention stage), 'in the boom' (problem or crisis stage), or 'right of boom' (consequence management)…as a "switchboard operator" to channel people to the most appropriate resources…more accurate and holistic picture of what is happening than I have myself…they can prevent problems so I don't have to clean them up…providing senior leadership with a 'front page' about things that are babbling" (ACUS, 2016, p. 115).

- "contributions are 'one of the best ideas in government" (ACUS, p. 115).

When asked what intangible values had surfaced which were not present 5 years earlier, Franklin commented (Malendar, 2016) DOE visitors expressed comments as to their experiences with the ombuds' staff when pondering avenues to resolve their issues as being:

- Looking for an avenue to combat the "win the battle but lose the war" mentality.

- "feelings of despair in having 'nowhere to go and no one to trust'…pointing out communication breakdowns…role playing…they don't take sides"

- "just the act of coming to the office gave some sort of release and feeling of empowerment"

- Brochures helped visitors know what to expect before walking in the door.

- Visitors realize ombuds have knowledge and expertise in both written and unwritten communication and subject matter expertise in culture, rules, regulations, procedures, and positional power within the Office of Management and Budget, and the Equal Employment Opportunity Commission.

- One of the more remarkable and worth practices is the ability to speak the truth by being honest and brutal, have a strong and clear understanding, and a positive relationship with leadership.

As to record retention, the DOE policy stated:

The Office of the Ombudsman meets with visitors and takes rough notes during these meetings. These rough notes are not circulated and are not used for official purposes or to conduct agency business. These notes will be purged as soon as the contact with the visitor(s) is closed and the notes are no longer needed by the creator. (DOE Office of the Ombudsman Record, 2013)

Additionally:

- Email exchanges were permanently deleted 3 years after case closure.

- Data was only accessible to ombuds' staff.

- Follow-up actions, trend identification, recommendations for interventions and/or strategies were purged when no longer needed.

- The Office of the Ombudsman adhered to the General Records Retention Schedule (GRS 20), item 4, Data Files Consisting of Summarized Information (DOE Office of the Ombudsman Record, 2013).

Anderson proudly (2020) explained the DOE team "ombuds where you are at," and provided value by raising issues to leadership. The special relationship with leadership was unique and a formal process with leaders, and these processes were robust from the effort and federal community that shared resources and support from leadership. Rather than the DOE ombuds being viewed as an under-utilized and inefficient office, word of mouth, and networking at all levels increased the value of services worthy of being name best practices able to emulate across the federal agencies.

Anderson (2020) explained DOE's exuberance, excitement, sense of inquiry, and the ability to think beyond possibilities to help visitors approach solutions from differing perspectives were reflective of Franklin's original premise to assist leadership and constituents, marking DOE Ombuds as a premier best practice example to be emulated by other federal agencies. Even though no annual reports were available after 2016, the online presence and numerous personal suggestions from IOA members served to support the premise the DOE was worthy of best-in-its-class recognition.

U.S. National Aeronautics and Space Administration (NASA)

The NASA Ombudsman Program.

<u>Origin and Evolution of the Ombuds</u>

The National Aeronautics and Space Administration (NASA) Ombudsman Program was established in response to a recommendation of the Columbia Accident Investigation Board (CAIB) in January 2004 within a year of the Columbia's Shuttle Mission STA-107 disaster. NASA was a federal agency plagued with ambiguity, non-collaborative culture, and non-communication where employee input was continually ignored. Al Diaz, Team Lead for CAIB, commented that the Columbia astronauts' legacy

would inspire badly needed changes within NASA that would include collaborative input from employees and contractors, and changes focused on organizational causes that affected all of NASA's agencies. The Diaz Team authored "A Renewed Commitment to Excellence. An Assessment of the NASA Agency-Wide Applicability of the Columbia Accident Investigation Board Report. Executive Summary" (January 30, 2004). While CAIB focused on the physical and organizational pre-cursor probable causes of systemic flaws and failures, the recommendations merely touched on the organizational causes that let events occur leading up to the explosion and were not an organizational assessment due to the space mission focus.

CAIB found systemic issues in the technologies and a second systemic issue within the infrastructure (organizational culture) at NASA that ignored the technological flaws and workplace collaboration. The resulting ROFs (recommendations, observations, and findings) revealed agency-wide applicability could be possible if organizational culture changes were implemented that could impact not only the space flight program itself, but also organizational performance, mission success, and safety (NASA Ombuds Program 2005 Annual Report). Thus, the Diaz Team was instrumental in the implementation of NASA Policy Directive (NPD) 2025.1, NASA Ombuds Program in January 2004.

NASA ombuds were systemic and cultural change agents. "Organizational culture refers to the basic values, norms, beliefs, and practices that characterize the function of a particular institution. …defines the assumptions that employees make as they carry out their work; it defines "the way we do things here" and "is a powerful force that persists through reorganizations and the departure of key personnel" (CAIB, p. 101). Diversity of

viewpoints without retaliation or retribution was a cornerstone of effective up and down communication across organizational lines. Ombuds' reports to leadership ensured "an appropriate balance between requirements, resources, and risk" especially since miscommunication allowed the Challenger and Columbia accidents to occur. Thus, CAIB and the Diaz Team captured 40 actions and 7 goals with 3 "overarching reforms" (p. 15) of undertaking organizational changes, clarifying roles and responsibilities of all employees and contractors, diversity, and managing risk using the appropriate processes, tools, and technology as One NASA.

<u>How Office Developed</u>

The Diaz Team suggested implementation of the Ombudsman Program as being a facilitated program policy and direction available to all employees and contractors referencing 'visitors' having an avenue to raise issues at the 10 NASA facilities and NASA Headquarters. Visitors were to be notified the Ombuds Program would be an "additional and supplemental channel of communication" and "to raise significant issues and concerns that they perceive could impact NASA" ("What is an Ombuds, Anyway?", 2005). CAIB designed the Ombuds Program as defined in the NPD (National Policy Directive 2025.1) to support the principles of the International Ombuds Association's Standards of Practice and the Code of Ethics which included "independence" in addition to confidentiality, neutrality, informality. Federal agencies were known to adhere to the COFO Standards (Coalition of Federal Ombudsmen) which did not include independence. The organizational causes were found in the CAIB Report (Chapter 7, p. 177) to be rooted in the Space Shuttle Program's history and culture, including the original compromises to gain approval, resource constraints, fluctuating priorities and

pressures, lack of an agreed upon national vision and the misunderstanding the Shuttle was in the development stage and not an operation. Cultural traits and organizational practices were determined to have developed barriers that sustained miscommunication, stifled professional opinion differences, lacked consistent management practices, and decision-making processes outside NASA's rules of organization.

The One NASA effort was a vision created by middle managers as a cohesive, collaborative and less bureaucratic and hierarchal agency. To achieve collaboration, the Diaz Team distributed and received feedback on the CAIB Report and created a matrix of agency-wide responsibilities divided among facilities rather than on one facility which engaged the entire NASA workforce of employees and contractors, most of which were unionized. Broken into workforce input, seven categories were identified as 1) leadership, 2) learning, 3) communication, 4) processes and rules, 5) technical capabilities, 6) organizational structure, and 7) risk management.

CAIB observations determined an ombuds at each facility would be capable of creating options for conflict resolution reinforcing the premise,

> …every voice is heard without fear of retaliation or suppression…responding even to the lowest level question…Leaders are responsible for establishing the conditions that lead to their subordinates' successes or failures" (CAIB Report, Chapter 8, p. 203). "Fear of retribution must be eliminated. The workforces need a process to allow for dissenting opinion and intervention when retribution or retaliation is suspected. The new Agency Ombuds, recommended by the Diaz Team, should serve this purpose well. (p. 170)

Inherent within the management system, dual standards existed which created conflict between flexibility and input of those on the front lines with the stifling protocol of engineers. The on-site Os would assist leadership with systemic reviews to create cultural change and engaged decision-making processes. Since NASA reliance on outside contractors in science and technology, turnover, retirement, collective bargaining issues, and temporary staff were shown to be contributors to cultural conflict, each ombuds' office was tasked with the identification of a systemic check-and-balance system and chains of accountability to enable collaborative communication and decision making.

Governance

As an extremely complex federal agency, the NASA ombuds' growth was a function of each facility's leadership and served as a collateral position to regular full-time responsibilities based on an appointee's skillset and supervisory duties. Ombuds offices were roll-out implementations that was formally approved by NPD 2025.1A by January 2005 and announced through the Deputy Administrator memorandum to Center Directors and Officials-in-Charge of Headquarters. The NASA Ombuds Working Group initiated best practices, benchmarked procedures, training activities, and lessons learned during the rollouts, plus undertook 21 actions to further expand ombuds' services. All 20 original ombuds received certification through the IOA within the first 6-months and were considered dual-roles. Ombuds served under the "other duties as assigned" category resulting in a recurring comment "between the job I'm paid for and the other job" (NASA, 2007 annual report, p. 4).

Ombuds Structure and Location

Each NASA Center Director selected a senior-level (Senior Executive

Service/GS-15) employee who supervised a minimal number of employees, and

alternate(s) who were required to attend annual IOA trainings and a NASA Ombuds

annual meeting. Ombuds provided options in addition to Section 201's notice of the No

FEAR Act (aka Notification and Federal Employee Antidiscrimination and Retaliation

Act of 2002), including anti-discrimination (race, color, religion, sex, national origin, age,

disability, marital status, political affiliation), whistleblower protections, retaliation for

participating in protected activities, and discipline actions (NASA "No FEAR Act",

2002). "NASA Facts" indicated (2019) 96% of NASA employees were trained on the No

FEAR Act. Ombuds served on the premises at each of NASA's facilities and

headquarters and were actively engaged in workforce and performance initiatives.

Reporting Lines

Individuals selected had "no other agenda other than trying to ensure fairness in

Agency processes" and did not keep notes, break confidentiality, or gossip. ("What are

FAQs?", 2019). Interacting with an Ombuds did not put NASA on formal notice since the

ombuds was not the enforcer of policy and did not escalate issues without the visitor's

permission. Reporting to the top leaders meant the proper information was forwarded to

those in decision making roles. The visitor focused their concerns, learned of options to

prepare the issue to communicate effectively, and was prepared to make sure appropriate

action of their choosing. Ombuds reported to their respective Center Director and

Administrator Office allowing them freedom to surface concerns and protect

confidentiality without fear of retaliation or retribution. Center Directors supported the

ombuds' independence as the office functions was part of the governance of the Agency.

Strict confidentiality was to be maintained as expressed in the Professional Code of

Ethics. Confidentiality was maintained by not confirming or denying contact with a

visitor. No identifying data was maintained or recorded. According to NASA annual

reports (n.d.), visitors were told some reality facts:

- There was no guarantee what others do or say.

- Ombuds cannot control the behavior of others with those with whom entrusted

  information was entrusted.

- If surfacing an issue anonymously, there was no guarantee the Ombuds could

  access the inherent risk associated with surfacing specific information to a

  specific individual.

What an Ombuds cannot control was:

- what the receiver of the information may receive and process as information,

- or know what the receiver of the message already knows, or

- know how the receiver may think or

- know what the receiver may already know and thinks he/she knows.

NASA ombuds explicitly mentioned that content of information may indirectly

reveal or guess who has contacted the ombuds.

<u>Staff Background and Credentials</u>

The diversity of backgrounds was important to understanding the ombuds' role

and function at each of the centers. NASA ombuds' appointees represented a multitude of

diverse disciplines like microbiology, engineering, public administration or education.

Some were multi-year appointees while others rotated. Educational levels ranged from a

bachelor's degree in progress to multiple credentials and doctorates. One center utilized the services of an independent contractor. **"**NASA Ombudsmen Contact Information" (3/2020) listed names and contact information for 26 part-time ombuds at 12 different centers. The only full-time ombuds was found at the Jet Propulsion Laboratory at the California Institute of Technology. An Ethics Office was created after the 1980 scandals with contractors regarding fraud, unethical behaviors, waste, abuse of federal contracts, bribery, hiring issues, and illegal contracting practices. The Ethics Office was led by a former Rockwell ombudsperson and ethics advisors who were available as an outlet to raise concerns between multiple contractors, scientists and the academic environment. The Ethics Office functioned as an ombuds without the title. Advisors held master's degrees with extensive experience in contractual work.

NASA HQ (Headquarters, Washington, DC) had a lead ombuds who joined the Ombudsman Office in 2017 with numerous full-time associate ombuds. Their backgrounds again were varied from law through leadership to space exploration sciences. Again, their selection appeared to be based on people skills, as opposed to technical expertise.

<u>Knowledge, Skills, and Attitudes</u>

When NASA announced the establishment of the Ombuds Program to the Center Directors, the "essence" summary included principal responsibilities to "facilitate a mutually satisfactory resolution of the issue or concern" specifically "maintains a closed loop issue resolution system to ensure issues referred to other NASA programs do not fall through the cracks and that the submitter is satisfied the issues is appropriate vetted" (F.D. Gregory, AD/Deputy Administrator Memorandum, January 7, 2004).

Specifically-referenced personality characteristics included: 1) understanding and reflecting NASA values, 2) grasping details and the big picture, 3) listening and acting impartially, 4) diversity sensitivity, 5) organizational knowledge, 6) excellent verbal, written, analytic and problem solving skills, 7) conflict resolution and negotiation skills, 8) personal attributes like integrity, compassion, trustworthiness, 9) in a GS-15 or above position *not susceptive to management influence*, and 10) respected by the workforce (Ibid, p. 3). "Benefits…we are serious in our efforts to listen to, heed, and act in response to weak signals that may impart significant data/information" (p. 2).

Standards of Practice

NASA Headquarters and all centers followed the Standards of Practice and Code of Ethics promoted by the International Ombuds Association. Ombuds must obtain IOA CO-OP® certification within the 6-months of appointment. Ombuds were required to respond to "incoming issues and provide an appropriate, confidential, and impartial forum…options for potential concerns…redirecting the issue to another more appropriate channel available at NASA, such as the Inspector General, EEOO, NASA Safety Reporting System…consults with necessary officials and works to facilitate a mutually satisfactory resolution of the issue" ("What is an Ombuds, Anyway?", 2005).

Constituents, Services and Issues

During the height of space missions at the onset of the ombuds' program, approximately 36,000 employees were active, while (2019) websites indicated a steady decline to around 17,219 who were active civil servants ("What is NASA | NASA", 2020). Thousands more were temporary employees, contractors, and students/interns. NASA earned the Partnership for Public Service's distinguished "Best Place to Work in

the Federal Government" award frequently. Continuous employee input and

recommendations made by the ombuds were implemented in NASA's Leadership

Handbook, and Workforce Cultural Strategy working group. To benchmark

improvements yearly results were immediately addressed at the DC headquarters, re-

designed and implemented prior to the next yearly FEV results. "The Federal Employee

Viewpoint Survey (FEVS) measured employees' perceptions of whether, and to what

extent, conditions characterizing successful organizations were present in their agencies"

(Office of Personnel Management (n.d.). From the OPM (2019) Fast Facts: "The OPM

FEVS saw a slight improvement in total response rates. Over 615,000 (42.6%) federal

employees took part in the survey, up from 598,000 (40.6%) in 2018. Other positive

points noted in in the OPM FEVS (2019) involved "90% of employees believing the

work they do is important and 96% were willing to put in extra effort to get a job done."

 "What is the Ombuds Office?" hyperlink described the formation in 2005 and

availability without fear of retaliation to all NASA Centers and the Jet Propulsion

Laboratory (JPL) originally. In very explicit language the website walked a viewer

through the ombuds' role as to "who we serve" and "the process we use" including skills

of listening, clarifying, working, coaching, facilitating, referring, escalating, sharing, and

acting as a change agent. More importantly the "will nots" included: not serving formal

notice, compliance with policy, conducting of no formal investigations, no advocacy, no

binding decisions, no record keeping, and no breaking of confidentiality. The NASA logo

was prominently displayed, the page editor and date, plus a variety of general resource

hyperlinks. Ombuds Office "Scenarios" regarding the "types of issues that might be

raised" section was broken into safety (i.e., adherence to safety procedures or smoking in

the workplace), mission success (i.e., personnel changes resulting in oversight gaps to decision making using all the facts), and a highlighted section on organizational performance which has been a recurring theme since the ombuds' office was created. Categories referenced were: 1) individual performance concerns, 2) discipline, 3) promotion, 4) compensation, 5) work hours and schedules, 6) conflicts between co-workers or boss, and 7) hostile work environment or bullying. Using the SOO format (situation, option(s) and outcome(s) or in business terminology the STPA (Situation, Task, Process, Assessment), each viewer followed the concern as it progressed through the entry phase with the ombuds to a resolution or conclusion. Categories of concerns and constituents fluctuated dramatically when leadership or rules changed with an apparent tempering as employees and contractors accepted new directives. This deviation was addressed when CAIB and the Diaz Team undertook the task of evaluating and recommending cross-agency options to define One NASA's vision of the workforce to accomplish mission objectives across multiple work, cultural, diverse and technical agencies. The NASA Ombudsman SharePoint site which was password protected for current Ombuds' sharing and collaboration. NASA Headquarters also was an option for facilitated resolution at the lowest possible level through the Alternate Dispute Resolution Program and promoted mediation through trained mediators in accordance with the EEOC revised regulations (29 C.F.R. Section 1614 (b)(2). Platforms included Facebook, Twitter, Instagram, Snapchat, YouTube, Tumblr, Flickr, Pinterest, LinkedIn, Soundcloud, Periscope and Twitch.

Of significance was the brevity of the 2018 Annual Report (4 pages) as compared to the 2017 report length of 9 pages which included more bar graphs and information;

however, 2018 was concise with explanations for the 12 NASA facilities. 2018 visitors

totaled 148 cases: 75% were civil servants (employees), 23% contractors, and 2% listed

as other/students. Organizational performance included policy-related issues, career

development and job fit (putting the right person in the right role), management or

leadership behavior, and interpersonal conflict. Major NASA issues were addressed with

internal center ombuds' resolution options.

1. Interpersonal Conflict included supervisor/direct report issues, the use of

   negative language or actions with the visitor, lack of supervisory interaction in

   the career growth arenas, peer undermining (aka sabotage) of team or

   colleagues, and common work/turf/space and environment issues (tools,

   cleanliness, etc.). Most issues were handled through ombuds' coaching on

   communication although several cases escalated if given visitor permission.

2. Management Behaviors involved inconsistencies in interpreting and applying

   the NASA Code of Conduct especially with females, older employees, or

   those with distinguishable accents. Favoritism and discrimination including

   disrespectful treatment were addressed. With visitor permission, some issues

   were escalated, and changes were instituted through human resource

   directives. Most behaviors were improved through ombuds' coaching.

3. Job Fit/Career Development continued to be a major concern, with the lack of

   professional growth leading to more higher seniority employees leaving

   NASA. The ombuds provided career coaching and skillsets needed to advance

   while addressing perceived barriers to older employees and females in

   addition to recruitment of newer individuals. Workshops and trainings were

held with special sessions dealing with supervisors and management on retaining employees, teamwork, and interpersonal skills.

4. Policy sessions continued to clarify long-distance work (aka telework), how vacancies are posted, waste, fraud and retirement steps, including clarification on going above or around supervisors who are perceived to be involved in the issue.

5. Safety and/or mission success issues increased over 2017 reports with acceptance of a Center culture of risk (danger) expanded while safety mishaps were not addressed by management. Drug and alcohol usage, bullying and threatening behaviors, mechanical system/HVAC system breakage, and communication gaps have been addressed by management through the Ombuds. Reimbursement delays and field assignment harassments resulted in new policies addressing changes.

Systemic Review Responsibilities

"Why establish a NASA Ombuds function?" specifically addressed the ombuds' role and functionality and verbiage was applicable agency-wide to encourage an engaged and productive workforce focused on One NASA visions and mission and "provides one more resource to ensure people have a place to be heard" (NASA 2006 Annual Report, p. 2). Since NASA ombuds were collateral appointments, they were challenged with ensuring leaders were held accountable for providing respectful treatment through appropriate consequences implemented for misconduct.

Key trends for 2019's focus were the adherence to promotion/selection processes of fairness, enhancement of management training, providing more effective and

timely feedback, holding the entire NASA workforce accountable for Code of Conduct

adherence, addressing safety and risk issues, and encouraging supervisors to address

concerns regardless of personal impressions. Due to Covid-19 pandemic efforts in early

2020, the federal government lifted deadlines and the 2019 Ombudsman annual report

was not available.

Perceived Value to Institution

In addition to the IOA's standards of confidentiality, neutrality, informality, and

independence, Ombuds promoted their functions and roles as a "safe place to raise

concerns, provide an opportunity to be heard, to consider options, and to be coached"

(2017 Ombudsman Program cover page). Keeping with the 2016 Five-Year Strategic

Plan for "Going Forward" (2017 Ombudsman Annual Report, p. 10), five areas were the

focus as to providing intangible value to the NASA institution's vision of The One

NASA:

1. building awareness and outreach included more active participation by
   ombuds at new employee orientations and contractor meetings,

2. upward feedback and increased opportunities to influence systemic change as
   evidenced through more frequent Center leader meetings (semi-annually was
   mandatory) and providing feedback to process owners when appropriate

3. follow up and execution of case-handling best practices, and

4. continued professional development and growth by attending the IOA's
   Foundations Training, the IOA Annual Conference (even though the Coalition
   of Federal Ombudsmen was a federal organization), and interacting with other
   federal agency Ombudsmen when dealing with complex cases (NASA Shared

Services has a password protected site for Ombudsmen), while participating

and conducting NASA Headquarters Annual Ombudsmen mandated sessions

to enhance conflict coaching skills and problem-solving trainings.

5. Yearly goals increased awareness and outreach efforts, identified

opportunities for systemic changes, improved execution of best practices

when handling cases, and continuous improvement and professional

development.

The 2017 Annual Report reported a biennial survey that revealed "NASA people

did not understand the independence or usefulness of the Ombudsman Programs…the

ombudsman's role is one of an option creator, not a decision maker, and carries on those

responsibilities outside their full-time role" (p. 3). Support of center ombuds and yearly

implantation of ombuds' recommendations created a NASA culture where employees

joined young, retired with honors, and worked with professionals across disciplines to

engage and empower employees and contractors. To comprehend the contributions of the

ombuds to systemic change, the charts depicted the importance of ombuds' outreach and

trainings to reduce the frequency of recurring issues system wide. This success was due

to the diversity of the ombuds selected on a rotational basis by center directors.

Figure 6

NASA Visitors by Center (2015-2018, 2019 pandemic not available)
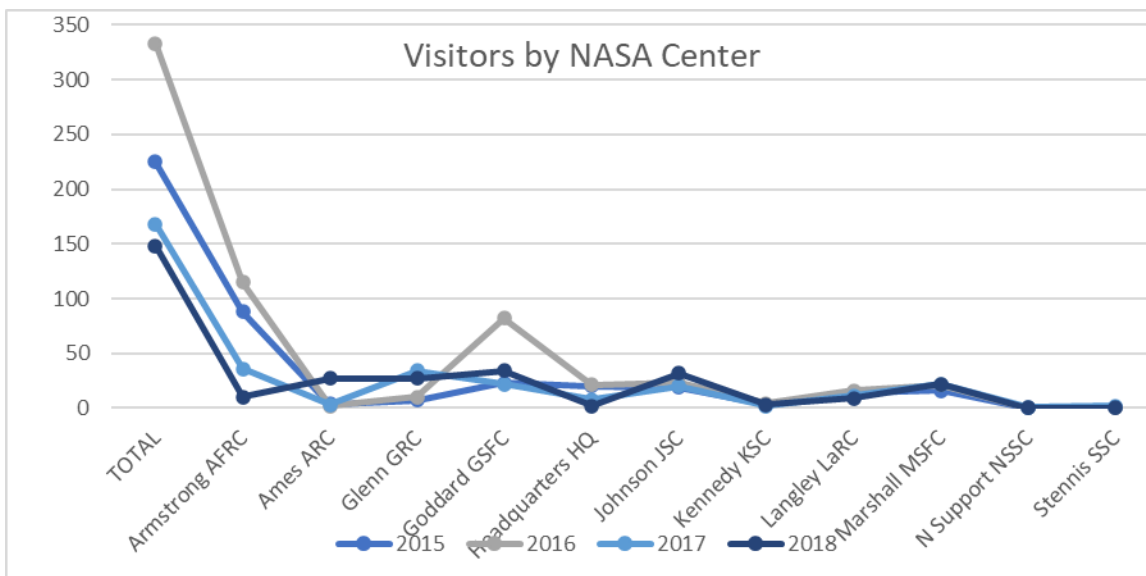
Figure 7

NASA Issues by Year (Does not include Mission Success)
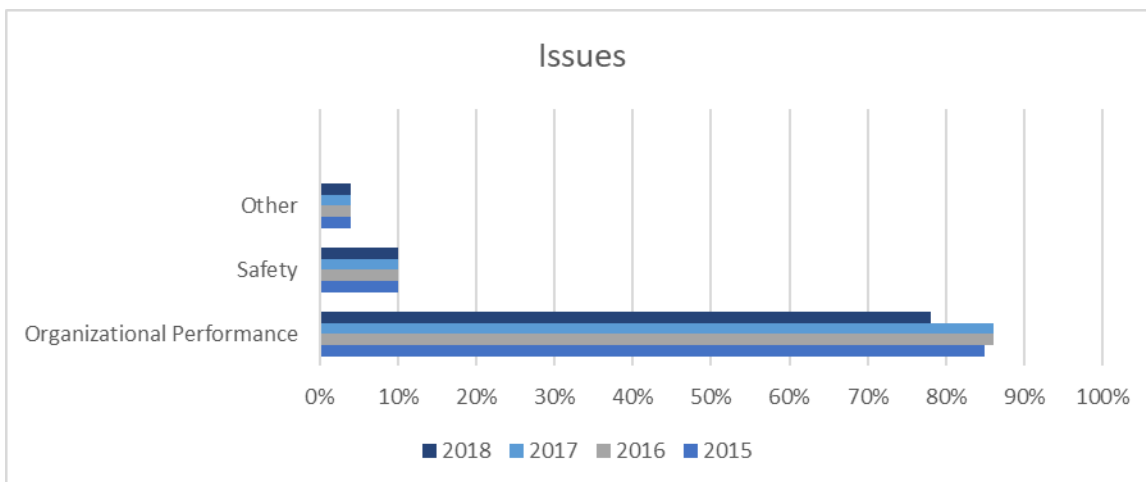
Figure 8

NASA Ombuds by Known Educational Level
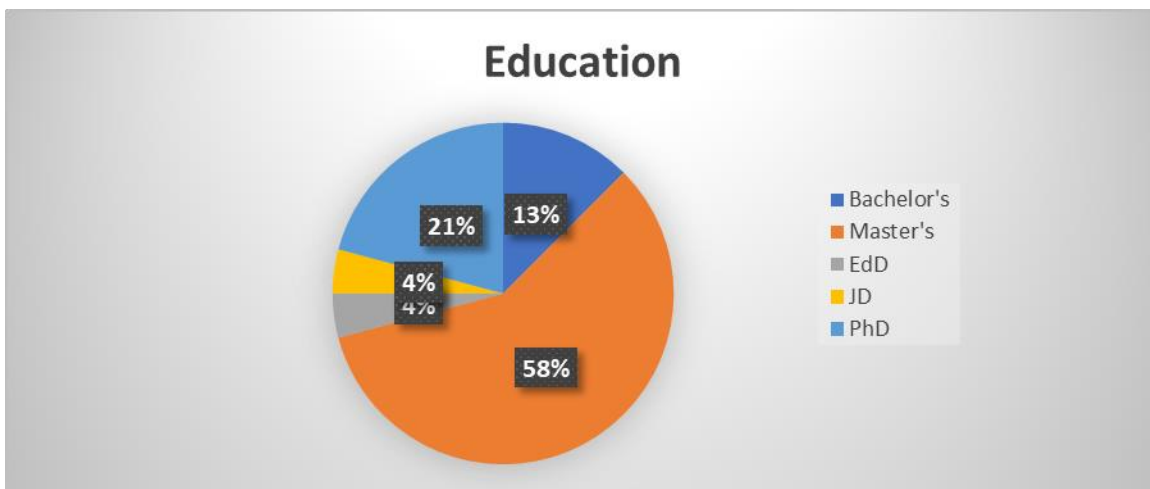
Management behavior encompassed policy issues of transfers, promotions, reorganization and job classification. Interpersonal actions and career development or job fit were frequent concerns. Performance, discipline and termination included discrimination, harassment, compensation, and benefits. Safety of the mission (actual flights) and the health and safety of individuals represented about 10% of issues. These included the safekeeping of materials, shortcuts that might lead to disasters or inferior products, management being unresponsive to employee concerns, incomplete inspections, and labor law infractions were immediately addressed by the ombuds using the proper channels of communication. Many "other" categories involved business or financial practices, retaliation, issues over intellectual property, privacy, conflict of interest, theft or fraud, criminal activities, and job fit for contractors account for a smaller percentage of cases.

Research identified NASA's Jet Propulsion Laboratory Ethics Officers had a best practice orienting new employees to ethical and behavior improprieties. Five courses

were mandatory to orient an employee, which consisted of conflict-of-interest scenarios, situations of harassment and discrimination, and anger management/active shooter incidents.

Tangible Value.

Since 2004, the NASA ombuds' value has contributed greatly to NASA's improved reputation for addressing and responding to employee concerns. Visitors to each of the center ombuds have been significantly reduced indicating effectiveness of ombuds' outreach efforts.

Intangible Value.

Initiatives taken seriously by NASA leadership have continued to adhere to the Diaz Team recommendations following the Columbia disaster. The ombuds have continued support from NASA Center Directors and Headquarters as a catalyst for change. Improved communication and a sense of fairness ensured the entire NASA workforce they were valued individually and collectively to safely remove barriers to mission success. Ombuds were directly responsible for more collaborative working relationships, safety issues, and positive movement for continual improvement within the agency. Five-year strategic plans have optimized usage of the center ombuds who continued to make referrals, developed options, processed information, acted as a "venting" and "listening ear", mediated or negotiated, elevated issues and performed other duties as needed. Knowledge management, an extensive "Lessons Learned" library of case studies, recommended book lists, strategic "tool kits" of information on conflict resolution techniques, continually updated websites, blogs, and case load information

were available. Case information was maintained for 3 years and destroyed per federal guidelines.

<u>Promising Best Practices and Benchmarks</u>

Perusal of NASA Ombuds Annual Reports as far back as 2005 (for the 2004 inaugural year) indicated ombuds have continually provided visitors with informal and formal resolutions, external resolution options, role playing scenarios to interact with colleagues, solutions on improving working relationships, suggested options that make internal escalation possible, and have even helped visitors consider options outside the NASA agency itself and the contractor relationships. Of the four categories regularly charted as cases (Organizational Performance, Safety, Mission Success and Other), Ombuds reported visitors have concerns involving equal employment opportunities, job discrimination, hostile work environments, employee compensation and benefits, bullying and workplace violence, organizational performance, and personal safety issues. NASA was one of the most prolific federal agencies and continued to ensure the legacy of the astronauts was the impetus for systemic cultural change and open communication. The One NASA culture valued the processes that involved individuals interacting across disciplines, and rightfully holds its place as the epitome of federal employers of choice. NASA ombuds were proactive in promoting an empowered workforce in chaotic situations NASA stakeholders and thousands of unionized contractors have rotational assignments challenging relationship and trust building. NASA leadership's continued support of the Ombuds' role and function positively addresses the internal systemic issues inhibiting organizational change. Role clarification, risk management, workforce empowerment, collaborative communication, facilitative decision making, and systemic

checks and balances contribute to the One NASA vision. NASA's continual

benchmarking as to implementation of recommendations from their five-year strategic

plan was verification NASA ombuds were catalysts for systemic organizational change

within this best-practice federal agency.

MARS, Incorporated

Corporate Ombudsman.

Origin and Evolution of the Ombuds

Mars, Incorporated continued as a 109-year-old generational family corporation

focused on targeted nutrition for humans and pets, confectionary treats, best employment

practices, scientific breakthroughs, and sustained community resources. The Mars

philosophy considered each individual sale as the most important sale, and valued

consumer confidence and employee engagement with a "tomorrow starts today" focus on

quality-of-life contributions globally.

Founded by Frank C. Mars in 1911, the original candy was a home-made butter

cream 'sweet-tooth' confection that expanded into a Mars-O-Bar factory with 125

employees and a mission to deliver quality and value. Sales soared globally and Mars

hired his son, Forrest E. Mars, a Yale graduate, but bad relationships ensued, and in the

1930s the son was assigned to Europe where the confectionary maker also operated a

canned pet food facility. A decade later Forrest joined forces with a Mars Associate,

Bruce Murrie to create M & M Limited, recognized for its M&M's brightly colored

candies that "melt in your mouth and not in your hand" (1954 slogan).

Stateside, a new corporate philosophy became a "radically egalitarian system"

where everyone including the company president utilized the timeclock, 'Associates'

replaced the term 'employees', and desks circled in a wagon wheel with leaders in the middle. Mars became known as an employer showing value through higher salaries. Expanding globally, Mars acquired Kal Kan Foods, Incorporated, and collaborated closely with the prestigious Walthram Centre for Pet Nutrition (United Kingdom) while Mars Electronics International (Europe) introduced electronics into the vending machine business. Forrest Sr. retired in 1973 which led to the younger Mars family members assuming leadership positions. A transformation from images of junk food to sweet snacks resulted in the acquisition of a gourmet frozen treat, The Dove Bar. Thinking ahead of competitor Hershey, Mars moved pet foods into shelves in grocery stores with the concept pets are members of the family and should eat quality foods ("Our Story," n.d.).

Mars's family members have captured a unique recipe for success and did not share power with those outside their family, binding a family closer together into a brand name synonymous with quality (International Directory of Company Histories, 2006). Mars, Incorporated remained a privately held generational company with no outside investors. Steven Badger, great grandson of the founder, stated Mars leadership would continue pursuing their own path as they aimed for the future and were invested in the long term. In Business Insider (video June 4, 2018) Badger spoke about Mars family's involvement gave them a competitive advantage because shareholders were known with more collaborative decision making possible. A prime example was a very quick board room conversation that led to the 2008 acquisition of Wrigley Confectionary. Badger believed continuity of long-term views had a competitive advantage since decisions were not financially motivated but noted a possible disadvantage to family operations occurred

when a member was not aligned with the commitments. Mars Five Principles of quality, responsibility, mutuality, efficiency, and freedom appeared on employee communications and the annual Ombudsman reports with the IOA logo (International Ombuds Association).

Over 125,000 Associates worked in 80 countries, spoke hundreds of languages, had varied educational backgrounds, lived in differing socio-economic conditions, conducted research, interacted with vendors and suppliers, had family commitments, and operated 24 hours a day at 450 plus sites globally (Mars Corporate Ombudsman Annual Report, 2019). Quality of life at home and work continued as a value cherished by Mars leaders and managers. New Associates were assimilated into the Mars culture and Ways of Working and introduced to a world-class service available to discuss workplace issues and real-life concerns through a globally available option known as the Mars Ombudsman Program. Mars, Incorporated continued its 7th year-in-a row distinction of being named as a "Fortune 100 Best Companies to Work For" recipient (Cision PR Newswire, February 15, 2019).

How Office Developed

In 1997 Victoria Mars was appointed as Mars first Corporate Ombudsman to establish a proactive and comprehensive alternative communication channel for Associates to discuss any work-related concern. She designed the Ombudsman Program from the ground up emphasizing the Mars Associate Concept and The Five Principles.

The Mars Associate Concept held all Associates accountable for high standards of integrity and ethical behavior by understanding and learning to live The Five Principles and 'golden rule' treating others as one would want to be treated ("All About Mars",

2019) which were essential to Mars clear direction with a moral compass. By leveraging this philosophy, Mars was differentiated from competitors, especially Hershey. Personal development of Associates was as important. With over 42% of the worldwide workforce being female ("Why join Mars", n.d.), the slogans "What we do is only as good as how we do it" and "The world we want tomorrow starts with how we do business today" appeared frequently as reminders of the Mars family's commitment to quality, discovery and the finding of solutions through the talent pool of potential Associates. The workplace goal of taking what is learned today and doing more tomorrow ("Why join Mars", n.d.) was a philosophical perspective responsible for Mars' massive global footprint.

"All About Mars" (2019) described the principles-based business known as "The Mars' culture" which addressed the ever-shifting consumer needs with an operating model where the key feature was a decentralized system. Centralized systems have leadership making decisions from the top down, whereas decentralized systems give autonomy to mid-level to lower-level Associates and line managers. Mars' leadership believed an increased standardization benefited the corporate mission but Associates often perceived the decision-making to be in contrast with the concept of decentralization and suggest some decisions were like public corporations focused on profits. Nonetheless, no business ever existed without unpopular and misunderstood strategies.

Clear articulation regarding consistency across business segments addressed changes in the /operational model which was transforming the Mars' culture. Transformational changes focused on the maintenance of competitive advantages and independence from outside influence. Acquisition of the VCA, Inc. (animal hospital

chain) veterinary segment (accounting for approximately 50% of the Mars Associates),

resulted in a new Mars, Incorporated environment emerging where corporate mission and

new capabilities needed to follow the Mars' culture. The Ombudsman provided

Associates with a 'local ear' on issues affecting the segments, services on job postings,

reviews and performance plans, crucial conversations with line managers, referrals, new

team onboarding, and a place for venting. Implementing change was possible through

Associates often initiating concerns. Deciding the path to pursue and whether to remain

anonymous or not were personal decisions. The Ombudsman helped lead the corporation,

identified areas for future growth, increased individual and organizational capacity to

deal with conflict or changes, and insured issues progress timely, fairly and equitably so

all parties have an opportunity to state what is important.

Victoria Mars was a "natural fit because she believed Associates were the pride of

the business and their wellbeing in the workplace should be a top priority" ("Mars

Ombudsman Our Story", n.d.), and created a Regional Ombudsman team across the

globe. The 7 team members had over 180 years of Mars' experience. (In 2020, a

dedicated Ombudsman has been assigned to the Mars Veterinary Health division.)

Governance

All Ombudsmen reported to the Corporate Ombudsman, Debby Hyde, who is

based in Plymouth, United Kingdom. Hyde reported to the Office of the President,

currently Grant F. Reid, CEO, based in McLean, Virginia.

Ombuds Structure and Location

Mars, Incorporated was unique in that the "Ombudsman team is wholly virtual…7

team members in 7 locations spread across 16 time zones and covering 75 countries" …

"balance the interest of the Associate with the business" ("Examples of topics in which our Ombudsmen were involved in 2018"). Services are available to Associates 24-hours a day in multiple languages in New Jersey, Arizona, Florida, the Netherlands, France, Dubai, UAE and Beijing, China.

<u>Mars Ombudsman and Credentials</u>

Hyde joined Mars in 1997, served in multiple segments, and spent 7 years as Vice President of Personnel & Organization in Chicago (The Ombuds Blog, May 4, 2017). Hyde has been honored for her local, regional and global contributions.

<u>Staff Background and Credentials</u>

Vacancy postings are done by P&O (People & Organizations, Mars equivalent of a Human Resources division). Candidates must possess a bachelor's degree and the ability to speak at least two different languages. Ombudsman certification from the International Ombuds Association, CO-OP® was encouraged but not mandatory. The Ombudsman Team included experiences in human resources, research and development, finance, sales, and corporate affairs.

<u>Knowledge, Skills, and Attitudes</u>

Personality was the major criteria for consideration, along with a plethora of core competences that included integrity, trust, active listening skills, managerial courage, empathy and excellent communication skills (W. Kweens, CO-OP®, personal communication, May 26, 2020). Each ombuds was involved full-time with assignments of about 15,000 Associates. Ombuds collaborated, and during vacations or absences, the closest regional ombuds assumed cases. The workload was divided by countries, constituents and special competencies.

<u>Reporting lines</u>

Hyde personally visited each of her team ombuds at least one week per year and

conducted 6-month appraisal sessions (W. Kweens, personal communication, May 26,

2020). Team huddles and open discussions were held every 2 weeks, although pandemic

months required more frequent conversations.

<u>Standards of Practice</u>

Mars' ombuds adhered to IOA's principles of confidentiality, neutrality,

independence and impartiality, in addition to the Mars Way of Working, The Five

Principles and Associate Concept, the Essence of Mars, the GLM Hub, and the Mars

Culture. Mars respects human rights and followed the United Nation's Guiding Principles

on Business and Human Rights, was against a workforce living in poverty and being

exploited and maintained a Supplier Code of Conduct. Additionally, Mars' cross-

functional work teams practiced due diligence, collaboration, transparency, and adhered

to the CARE Framework (Commit, Assess, Respond and Engage).

Any Associate at any level at any time could contact the ombuds. In "Associates

Are Our Most Important Asset: 5 Ways This Trusted Program Shows It" (n.d.), the multi-

discipline ombuds provided alternatives to formal channels. The hashtag is #Proudly

Mars. Additionally, hundreds of options were available on the hyperlinks and websites

including explanations of policies and procedures, updates on compliance issues, and

introduction to new faces to the teams.

<u>Constituents, Services and Issues</u>

Each ombuds serviced about 15,000 Associates through a virtual contact system

available around the clock regardless of time zone (W. Kweens, personal communication,

May 26, 2020). The ombuds' team members were fluent in 80-90% of the world's spoken languages. Contacts received by the ombuds were tallied according to segments and percentages derived from the number of Associate contacts within that segment. Mars, Incorporated's 2019 reporting segments were Mars Wrigley, Petcare, Food & Drinks, and Corporate MGS. The fastest expanding segment was Mars Veterinary Health (MVH) with over 49,000 Associates across 2,300 North American hospital sites (2019 Annual Report). The "Ombudsman Helpline" was created as a pilot program with a three-language option available 24/7/365 in early 2020. Mars Wrigley had a slight increase in contacts in 2019 with the Corporate/MGS segment reporting at 6.0% of Associates, a slight decrease from 2018 numbers. Questions pertaining to transformational changes by leadership led to more contacts for clarification.

Associates received ongoing assimilation into the Mars culture throughout their orientation via well-programmed trainings and coaching, plus e-Learning sessions. Constituent roles were divided into three categories: management, non-management and non-Associate with six-times more non-management than managers.

Figure 9

MARS Role of Contacts
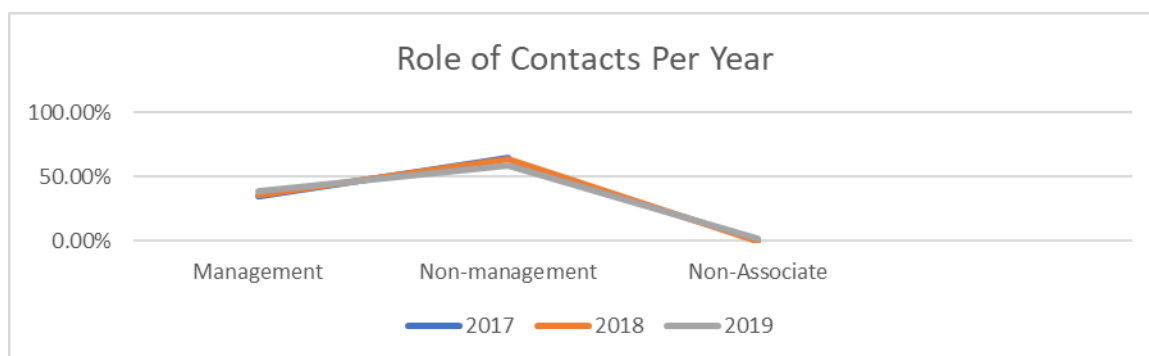
Tenure of Mars Associates was a 2019 category with the highest contact (37%)

occurring with Associates having 1-5 years, the second category with 24% was the 6-10

years category, and those with 11-20 years had 22% contact.

Table 3

Tenure of Contacts (2019 percentages only)

Contacts		
<1 year	7%	new Associate assimilation
1-5 years	37%	team and management changes, evaluation, performance
6-10 years	24%	transformational leadership, subordinate supervision
11-20 years	22%	decision-making issues, implementing operational changes
>20 years	10%	implementing systemic changes

Job levels was also a 2019 category with breakdowns in People Leadership

(20%), Technical Leadership (39%) and Business Operations (39%) all higher than

Global Leadership/General Management contacts at 2%.

Figure 10

MARS Contact Job Levels
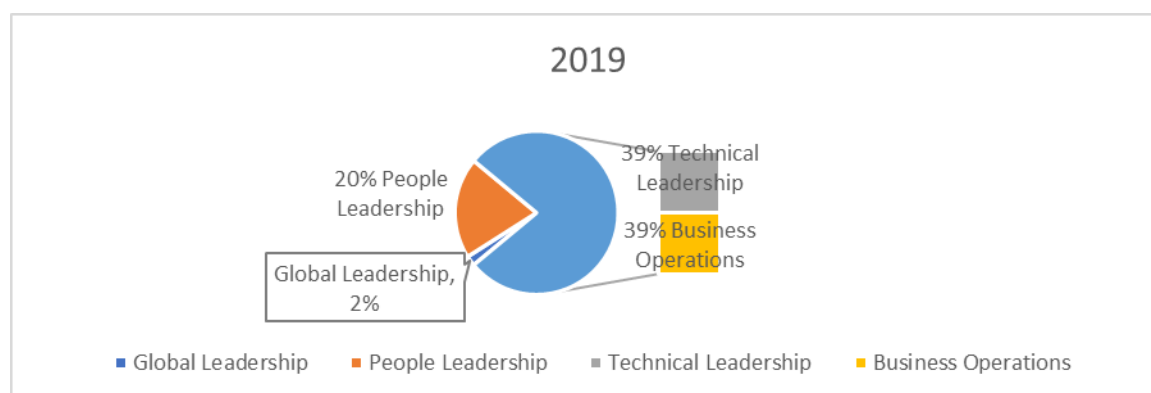
Contact Methods

Four categories of Associate contacts include 1) in person, 2) phone, 3) written,

and a 4th category of social media was included, plus a scan code was introduced in 2019.

Figure 11

MARS Contact Methods
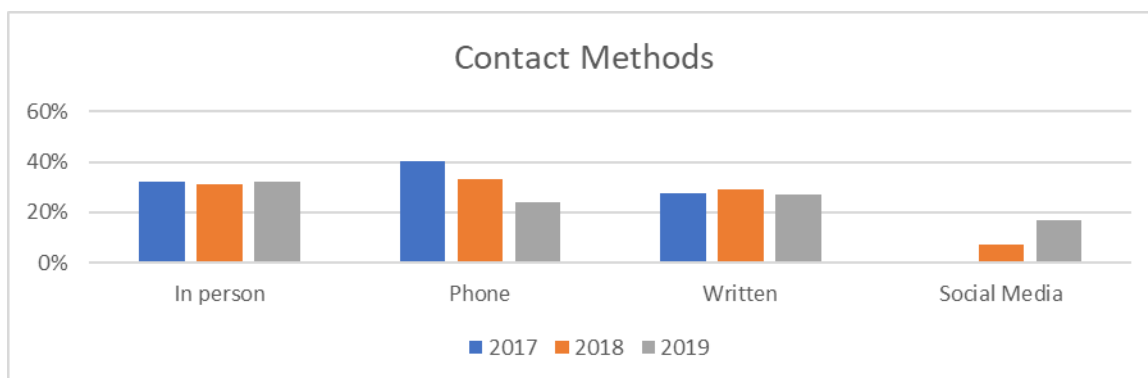
Outcomes of contacts is tallied using three categories: full resolution, partial resolution or no resolution. 2019 numbers are highest in full resolution showing 92% of contacts believe their issue has been resolved through Ombudsman options.

Figure 12

MARS Outcomes of Contact
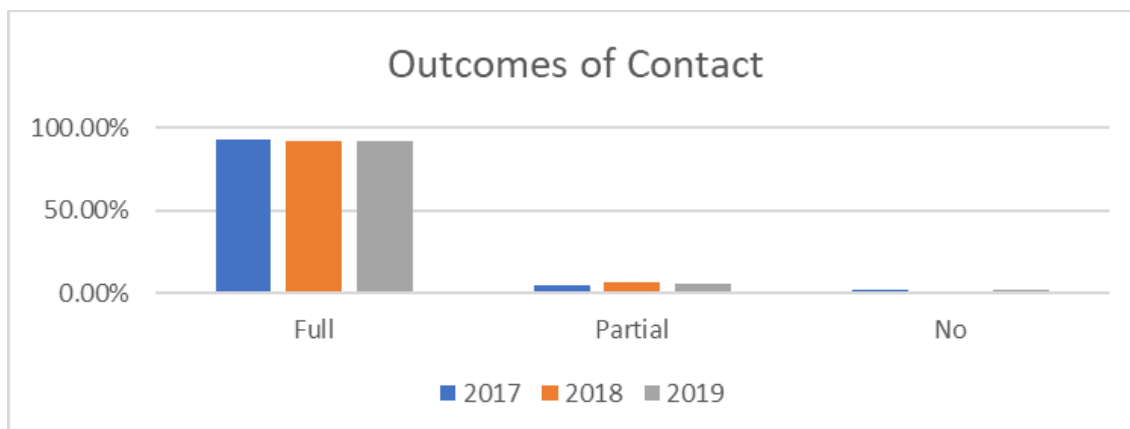
Constituent services were categorized into coaching, facilitation, information only, mediation, and referral to others. Coaching service was the most utilized option in 2019 (45%), followed by facilitation (23.0%), and information only (19.0%). Mediation is available but only minimally requested at 1.0% in 2019.

Figure 13

MARS Ombudsman Services
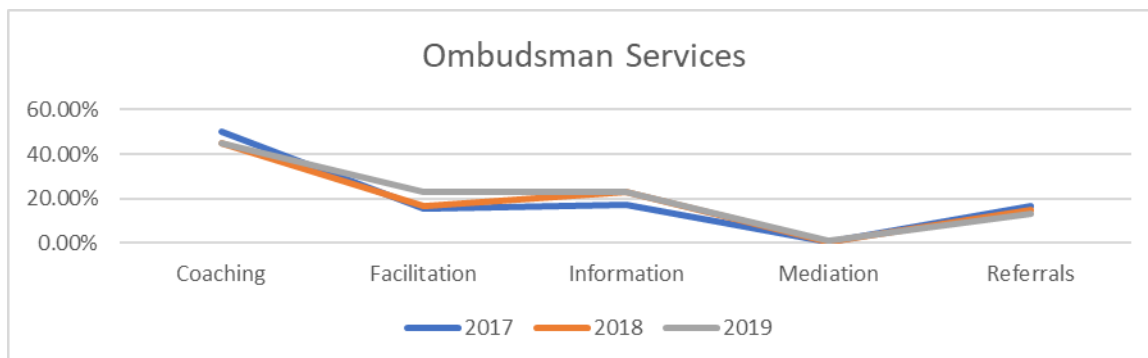
Outreach "Touchpoint" Efforts

A new full-time dedicated Ombudsman position was launched for the Mars Veterinary Health division (VHM) with services dispersed across 2,300 North American hospital sites and a new Ombudsman team member was added to "engage with Associates in CIS, France, Germany, Estonia, Latvia, Lithuania and Ukraine" (Ombudsman's Introduction, 2019). The Ombudsman Team numbers 8 in 2019 and 15,948 Associates were reached, a 41.0% increase over 2018's efforts.

Figure 14

MARS Outreach Efforts
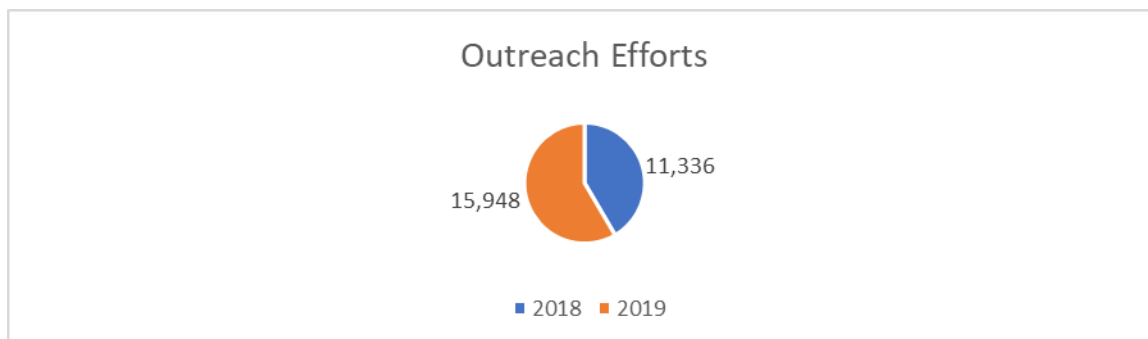
Mars Ombudsman Program has tallied a steady increase in the number of contacts made in the three most current annual reports. 2019 had a 22% increase to 2,621 contacts due to the expansion of newly acquired business operations.

Figure 15

MARS Number of Contacts Per Year

Contacts by Year
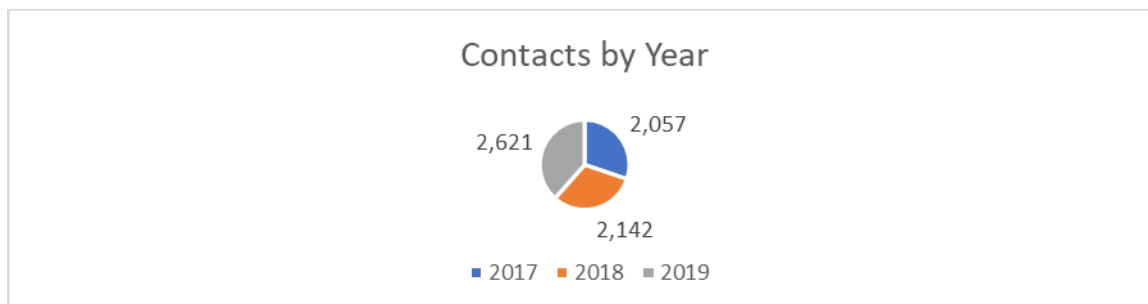
Reporting differentiated according to business operations and included the Americas, Western Europe, Central Europe and CIS, Asia Pacific, and META including Africa and surrounding areas. Visitor contacts in the Americas (53%), Asia Pacific (22%), and META (5%) regions increased due to acquisitions while regions decreased (calculated by number of contacts per segment by the number of Associates in that segment).

Figure 16

MARS Contact by Regions

Contact by Regions
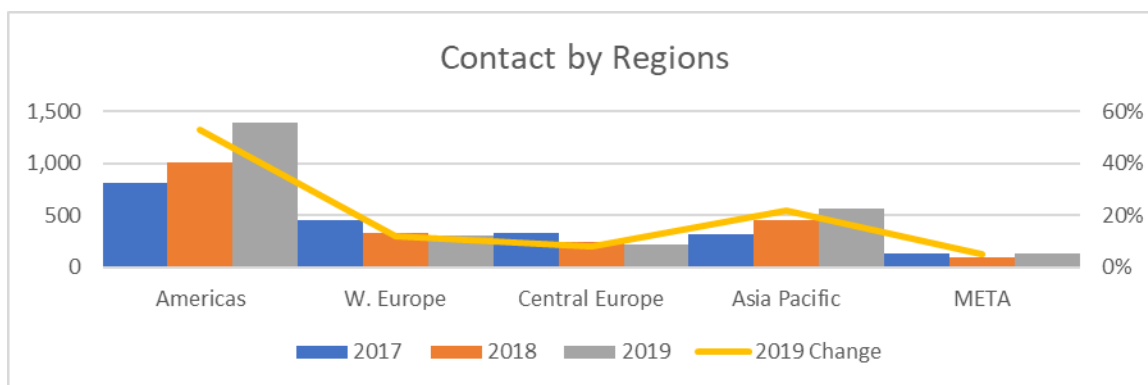
Reporting categories followed the nine categories suggested by the IOA but were described in different terms. The Job & Performance category led all categories in 2019, up 23% from 2018's 29.9% numbers very similar to other corporations and institutions. Evaluation and performance reviews included perceptions and improvement plans for Associates. Leadership issues saw a 3% decrease to 33%. Other ranked at 12%, followed by Renumeration & Benefits ranked at 8% up from 6.8% in 2018.

Figure 17

MARS Reporting Categories
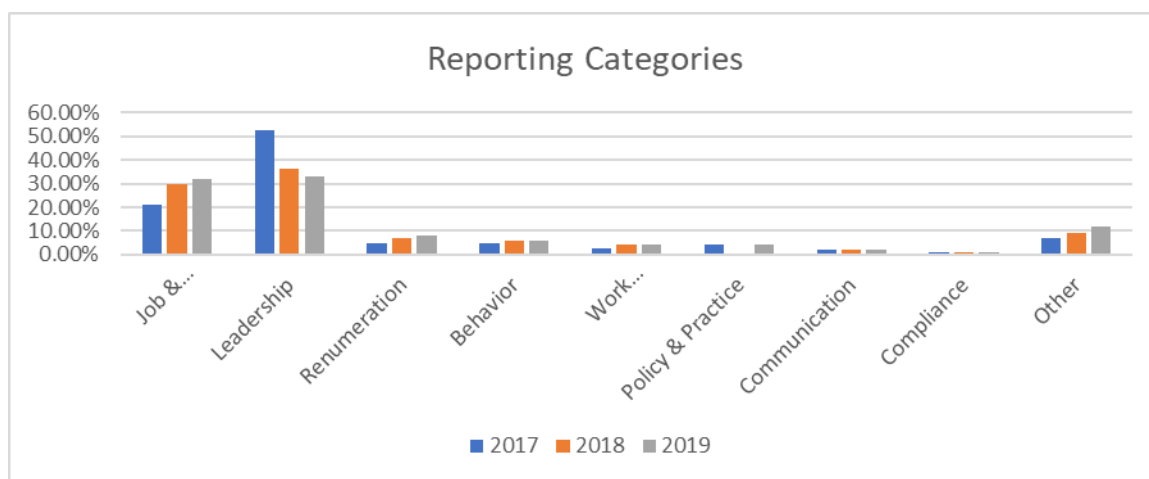
Systemic Review Responsibilities

At Mars change translated into constant engagement and systemic review. Extensive collaboration was required to create high performing work teams that function seamlessly. Mars, Incorporated's philosophy was to engage the workforce responsible for successful systemic change. Grant Reid, CEO, emphasized the Ombudsmen help differentiate Mars from its competition to create the *gold standard*. Systemic change created uncertainty, anticipation, anxiety and costly mistakes if not implemented properly, and was transformational to remain ahead of the competition while initiating the "right level" of change gauged through continual feedback from Associates and line

managers. Mars Five Principles (quality, responsibility, mutuality, efficiency, and freedom discussed earlier) plus the Associate Concept of high standards of integrity and ethical behaviors created employee buy-in since feedback is continual, timely, and effective.

The Ombudsman team of 8 (as of 2020) assisted Associates, Mars leadership and operations seek continual balance. Job performance was one of the annual reporting criteria. The ombuds assisted in recruitment and talent acquisition, performance reviews, job evaluations, restructuring, addressing global supplier issues and cultural differences, job terminations, career development and progressions, and performance improvement. The Ombudsmen provide detailed communications that balanced the functional components and the leadership capacity. To keep Associates focused on the task at hand and less on workplace issues, an Associate Variable Pay (AVP) brochure and pay frameworks were well designed and available online, plus a variety of health-related programs were improved continually and encouraged to maintain a healthy workforce. Associates had frequent inquiries as to interpretations of the AVP, so Hyde and her team help clarify remuneration components and worked diligently toward transparency regarding annual compensation.

The Pay Framework (also known as the Single Landscape) was clarified in the 2019 Annual Report as being a multi-year initiative that impacted Associates at all levels. Concerns by Associates as to when "they'll be caught up" pay-wise was a major concern addressed through collaborative efforts to consistently apply the pay framework.

Perceived Value to Institution

        Victoria Mars' 20+ year legacy remained a gold standard and best practice example of conflict resolution strategies. Mars' leadership perception and value of the Ombudsman role and function was exemplified when an *immediate* replacement, Mim Gaetano, was announced upon Victoria's retirement. When Gaetano retired in 2017, Mars immediately announced Debby Hyde would be taking over as lead corporate ombuds.

        Employee quotes were published with non-identifying permission of the Associates. Comments encouraged others to seek out an Ombudsman for a dialogue on any issue at any time. Descriptive comments used phrases like "sounding board," "positive outcomes for both parties," "share issues with someone neutral and nonjudgmental," "supportive response when there is nowhere else to go," "remote working and management," and a "resource for future concerns" were positive reflectors.

Promising Best Practices and Benchmarks

        Tangible Value.

        Mars had the most comprehensive array of resources to assist Associates while assimilating into an ever-changing Mars' culture. As a Fortune 100 Best Places to Work, Mars was a family business for over a century based on the same ethical principles applied to all Associates, continued to have a zero tolerance for retaliation, an open-door policy accessible from any time zone, was responsive with social media options, and remained one of the IOA's best-in-class example of how and why ombuds help contribute to sustained growth and high-performing teams.

Intangible Value.

Lead Ombuds Hyde emphasized the commitment toward the P&O (People & Organization) transformation ongoing at Mars. The terminology was synonymous with institutional culture changes often explained as a corporate reinvention which affects the updating changes in technology, organizational structure, the functionality and operations of each business segment, the reframing of Associate and line manager roles and responsibilities, cross training, and navigating change in general. Tenured employees often resist change which affected morale, and CI (continual improvement) remained a significant component of Mars' systemic change. In the field of organizational development, this was gap analysis in action. Change without front-line input did not alone create employee buy-in or high levels of engagement. Mars addressed transformational changes via Associate feedback until the changes became embedded in the operational mentality. Facilitated conversations assisted line managers to create collaborative and high performing work teams and create career paths for every Associate.

Were it not for the services and availability of the Mars' Corporate Ombudsmen (Mars' proper terminology) Team, Mars would not be the employer of choice. Litigation, as miniscule as it was, allowed awards to continue to accumulate, and 125,000+ Associates had every known opportunity to make decisions on paths to pursue. Early resolution options mitigated turnover, fewer low-performing team members, and loss of intellectual property to a Mars competitor. Hyde's team addressed systemic concerns and issues immediately, utilized continual monitoring and facilitated decentralized decision making by front-line managers that opened communication. Except for monitoring

demographic data for annual reports, all records are destroyed, and all identifiers are removed.

<u>Accomplishments</u>

The Mars' culture prided itself on selection and process transparency, seeking a fair and mutually beneficial conflict resolution process. Associate expectations were a significant part of the dialogue with the Ombudsmen Team which reported a 44% increase in contacts (293 total) in 2019. The Mars' Outreach service (formerly referred to as "Deep Dive / Associate Outreach") helped to identify "blind spots, issues or concerns that are preventing long-term, sustainable improvements in Associate engagement" (2019 Mars Ombudsmen Annual Report, p. 6). Focus on continuous improvement incorporated anonymous Associate gap assessment and feedback to design and implement well-researched action plans and roll outs of pilot programs.

The American Red Cross

The Office of the Corporate Ombudsman.

<u>Origin and Evolution of the Ombuds Office</u>

The American Red Cross remained a multiple Nobel prize-winning humanitarian organization providing emergency assistance, disaster relief, and disaster preparedness education. Founded by Clara Barton on May 21, 1881, the American Red Cross (ARC) was a permutation of Switzerland's International Red Cross. ARC continued as a proactive not-for-profit institution committed to public service excellence through a mission of high ethical standards involving programs, employees, volunteers and partners. The ARC has morphed over time from the initial name, American Association of Red Cross (1881-1892), the American National Red Cross (1893-1978) and is now the

American Red Cross. Jennifer Rosenberg's 2020 "Historical Importance of ARC" highlighted a long but troubled leadership and revenue-generating history starting with Clara Barton. The International Red Cross increased the scope of the American counterpart to include disasters, so Barton approached her leadership with a hands-on perspective and was able to support ratification of the Geneva Convention while assuming a start-up role with the American Red Cross affiliate.

Barton's historical legacy began during the Civil War as a battlefield supplier to soldiers. Barton's reputation as the "Angel of the Battlefield" was associated with her unprecedented services to wounded soldiers regardless of rank or regard to the color of uniform, recorded names of those mortally wounded, and personally contacted relatives to deliver fate of their loved ones. Her extensive lobbying efforts pressured the United States to sign the Geneva Convention. Barton became the first ARC American president in 1881 at age 59, held her leadership position for 23 years and identified 20,000 missing soldiers which represented only 1/10th of missing persons unidentified (Lewis, 2020). Barton fought for a charter to protect the emblem of the red cross as a neutral zone on a solid white background which identified medical ambulances and trucks travelling in war zones. The emblem continued as a protective identifier while aiding military wounded. By 1905 the U.S. Congress had revived the charter which remains intact in its entirety in 2020. The American Red Cross remained mandated by Congress to function as a not-for-profit charity but ironically did not receive any federal support and survived solely on donations, stakeholder support, and volunteers.

How the Office Developed

The American Red Cross was one of the most complex organizations not only in its structure, but also its mission and involvement with federal instrumentality of governance by following the mandates of the Modernization Act of 2007. The Modernization Act detailed dispute resolution efforts and included full provisions of the Geneva Convention, communication with families and other support groups within the U.S. military, the maintenance of disaster and international relief efforts, and additional compliance regulations under the National Response Framework created by FEMA (Federal Emergency Management Association), training, certification, and lifesaving blood collection. The American Red Cross website logo "Proud of our history but focused on the future" was an indicator of the ARC's vision as to "who we are," how a complex organization survived on donations, and how 33,000 employees, over 500,000 volunteers, recipients of ARC services, and 555 constituent contacts have used collaborated and facilitated discussions with internal professionals that assist those "feeling overwhelmed to find a way to make your voice heard" ("Corporate Ombudsman Office. About, n.d.). Valuing its reputation and heritage, the ARC in 2007 established the Corporate Ombudsman Office to handle both internal and external stakeholder concerns.

The 2008 Corporate Ombudsman Annual Report was published with 354 cases broken into external 59% and internal 34%. During the first year of existence, negative changes included downsizing to 1/3 of the staff, new oversight and compliance by the Federal Drug Administration, and dwindling financial contributions.

<u>Governance</u>

The governance structure was of significance in this case study since legislation and the donating public's perception of misappropriations nearly led to ARC's demise. The Board of Governors supervised McGovern who served at the pleasure of the Board which changed membership frequently. According to the Office of the Corporate Ombudsman Charter (2007), "the Corporate Ombudsman shall periodically report trends and systemic issues that he or she observes to the President and CEO and periodically report such matters to the Audit and Risk Management Committee of the Board of Governors…shall not perform other ad hoc roles and is not part of management." Seven distinct roles were included in the Charter: 1) domestic and international disaster preparedness, 2) response, 3) recovery, 4) blood services, 5) international treaty obligations of the Geneva conventions, 6), services to armed forces members, and 7) health and safety services.

> Specifically, "no one who may be affected by actions of the Ombudsman Office shall control or limit the Corporate Ombudsman's performance of assigned duties, eliminate the office, remove the Corporate Ombudsman without cause, or reduce the budget or resources of the office for retaliatory purposes." (Charter, 2007, p 2)

The American Red Cross Congressional Charter and Board of Governor's documents initiated a comprehensive reformation during U.S. President George W. Bush's tenure. Five objectives included board membership downsizing, creation of a Red Cross Advisory Council, clarification of the role of the Board's governance and strategic oversight, plus the establishment of the Ombudsman Office. McGovern's transformation included modernization of the services, an overhauling of the technologies and software,

and a more dominant social media presence. McGovern has been a dominant change agent, was the recipient of numerous awards for excellence, and was one of Fortune Magazine's top 50 female leaders in corporate America. As a charitable organization, and not a federal agency, McGovern has overseen the financial reporting of audited yearly financial statements. McGovern continued to transform the institution after the $200 million operating deficit and continued to "provide regular trend reports to the Board of Governor's Audit and Risk Management Committee, and an annual report to 11 Congressional Committees" (2020, p. 3).

The ARC Corporate Ombudsman Office was considered "a cornerstone of the deep commitment the Red Cross has to excellence" (About, n.d.). "Our Pledge" (n.d.) encourages openness, acts as an early warning system, and serves as a relief valve for tensions and conflict "when working diligently under demanding and complex circumstances to serve people in need" to create options to resolve issues. As a 501(3)(c) not-for-profit corporation, the ARC had an extensive website listing "mechanisms" (also known as situations) commonly presented to the Ombudsman. All hyperlinks operate and are very descriptive.

Ombuds Structure and Location

The American Red Cross was headquartered in Washington, D.C. with chapters throughout the United States. The Corporate Ombudsman Office staff have the option of working remotely if necessary while conducting facilitated trainings and outreach efforts as needed. Jacqueline Villafane, Psy. D. joined ARC and became IOA CO-OP® certified in 2018.

Reporting Lines

As of 2016, the website indicated the Corporate Ombudsman reporting structure changed to the Vice President, Office of Investigations, Compliance and Ethics although no organizational chart was available to peruse. Assumption was the Corporate Ombudsman conferred frequently with leadership, chapters, and the ARC Board of Governors. Annual reports dated back to 2008.

Staff Backgrounds and Credentials

Ombudsman staff were assumed to be proficient in conflict resolution analysis and resolution, alternative dispute resolution strategies, have an extensive knowledge of resources available nationwide to all constituents (internal and external), are degreed, and served as trainers, mediators, negotiators and marketing experts nationally. Each met regularly with McGovern and cross-trained with other staff to handle issues and provide timely feedback to constituent concerns.

Knowledge, Skills and Attitudes

Under the Case Statistics (p. 9) definitions of Ombudsman actions, listening was considered to be the most important since in all cases the constituent wants to "be heard" followed by coaching and evaluating options (Rowe, 1995). The ability to frame or reframe issues, identify different perspectives and viewpoints, and handle challenging situations were implied. Having a business or corporate background, an entrepreneurial spirit to treat each visitor as the only client, service as a volunteer in various organizations, and the humanitarian compassion with emotional intelligence to understand differing reactions during traumatic experiences were favorable talents.

<u>Standards of Practice</u>

The Office of the Corporate Ombudsman Charter adhered to the IOA's Code of

Ethics and Standards of Practice, and described in detail the pillars of independence,

neutrality and impartiality, confidentiality, and served as an informal voluntary option

with privilege that cannot be waived by others consistent with District of Columbia law

(D.C. Code §§16-4201 to 16-4213).

<u>Constituents, Services and Issues</u>

For clarification, constituents were broken into two categories. Internal

constituents were current and former employees and volunteers, contractors and retirees.

External constituents were prospective suppliers, blood and financial donors, military

service members, governmental current partners, and the general public. The 500,000

volunteers, donors, partners, recipients and 30,000 employees' issues were tabulated for

reporting services between external and internal constituents. Since McGovern assumed

leadership, the Ombudsman Office Annual Reports transformed the "corporate culture to

be characterized by compliance, ethics, and integrity in service performance and the

entrepreneurial activities of a volunteer-led organization" ("Chief Executive Officer

Position Description", 2020, p. 1).

Since 2007, 15,900 issues have been addressed while outreach efforts have

included over 17,375 individuals (2019, p. 1). FY2019 reported 1,868 issues were raised

by 994 constituents. 350 (35%) of donor constituents approached the Ombudsman Office

staff, down from 545 in 2018 (hurricane season), followed by employee concerns at 275

(28%) and volunteers at 152 (15%). While these numbers appear high, there are over

30,000 employees, over 500 partners, and 2.7 million blood and financial donors

nationwide. Systemic changes at the regional and chapter levels translated into more

blood and financial donors seeking clarification since blood collection procedures

became more stringent in 2019. FY2019 tabulated 275 current employee issues

represented 52% of internal and 28% of all constituent cases.

Figure 18

ARC Constituent Categories by Years
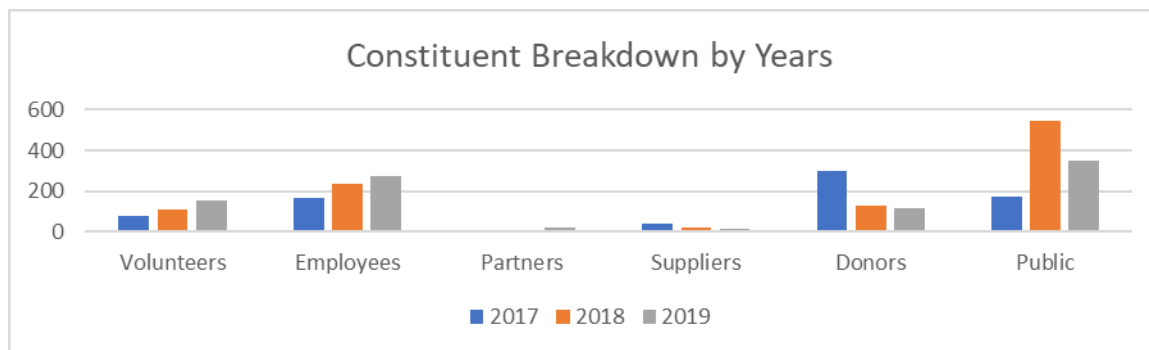
Caseloads were implied but not discussed. Examination revealed a complicated

role that has grown organically to meet the specific needs of the ARC. Upward trends in

cases handled by the Ombudsman Office have occurred since the original 354 cases in

2007. Fluctuation in usage was considered normal during non-disaster years; however,

national disasters slowed response times and resulted in complaints for untimely

responses.

Coaching and evaluating represented most Ombudsman actions, followed by

referrals to other resources, facilitated dialogue with changes and facilitated dialogues

with no change, providing information to visitors and other services make up the primary

actions. Numbers were reported by organizational units again fluctuating as to climate

and weather issues, wartime responses, donor issues imposed by blood collection

regulations, outdated technologies and simultaneous responses all affect cases per unit.

Unit categories were chapters, biomedical services, disaster services, national

headquarters, human resources, development, recovery, and smaller categories of

preparedness, finance, international, information technology and unidentified units.

Cases were tabulated using individuals, individuals with multiple concerns,

group(s) with a single concern or group(s) with multiple concerns. Dividing constituents

in this manner assisted McGovern and the Board of Governors to meet the systemic

changes mandated by the 2007 Modernization Act. External constituents accounted for

503 for FY2019.

Figure 19

ARC External Constituent Breakdown Categories By Year
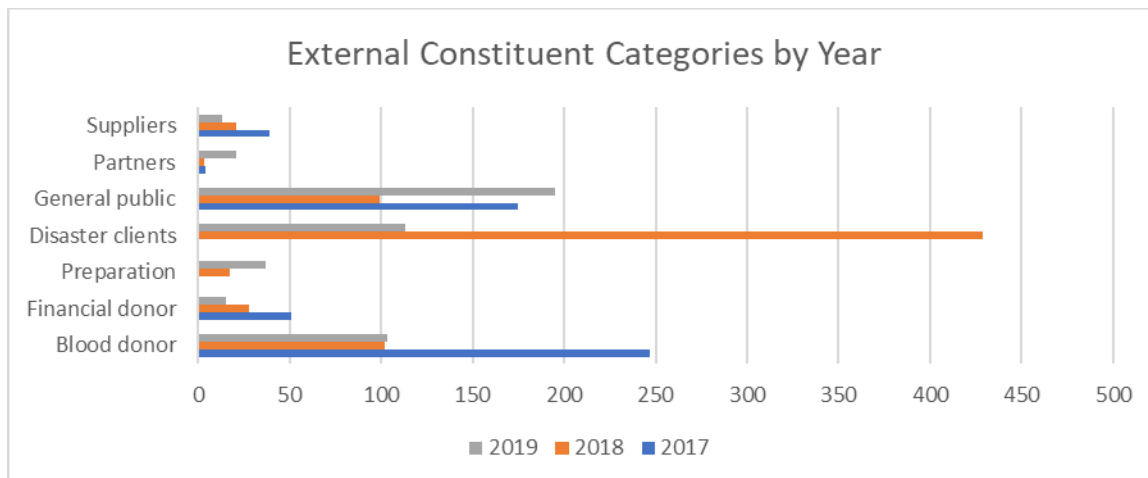
2019 saw 39% of the general public inquiries with 22% disaster clients and 21%

blood donor contacts. The Ombudsman's Annual Report detailed logical explanations in

that third parties were involved in slower response and reporting times so 2019 outreach

efforts focused on communication of detailed procedures to reduce external constituent

issues and resolve questions over disaster applications and review with connection to

appropriate resources.

Figure 20

ARC Internal Constituent Categories by Years
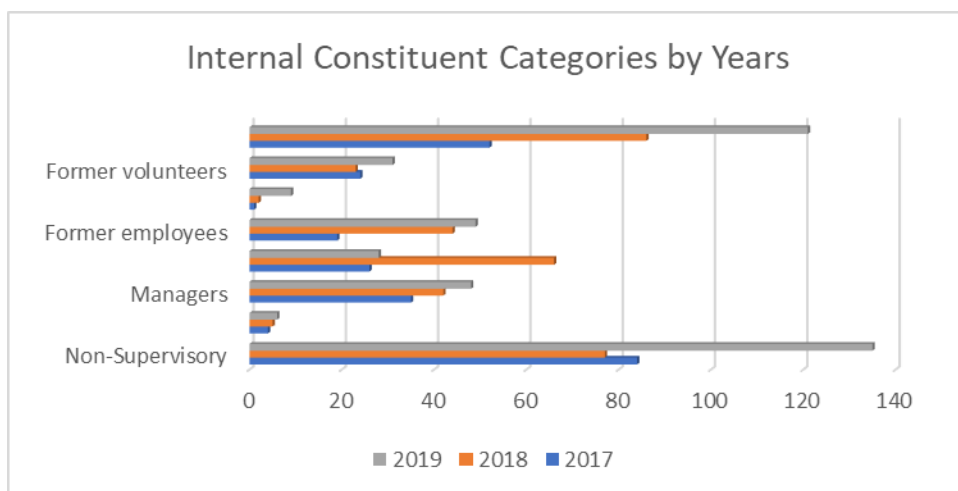
Employees accounted for a significant number of inquiries. Non-managerial

supervisory accounted for 32% in 2019. Managers are those individuals with

"deliverable" actions which accounted for 11% in 2019. Leadership included top

decision-makers and senior executives and was reduced significantly to 7% in 2019 due

to diligent improved communication efforts. Former employees accounted for 12% in

2019. Current volunteers continued at 28% in 2019. Of the reporting categories,

continued outreach efforts have continued to focus on non-supervisory staff, senior

executives and current volunteers.

Issues

Issues presented adhered to the IOA reporting categories. Evaluative relationships

and career progression were second and third to service/business decisions which posed

problems including provider behaviors, interpretation and uniform application of rules

and policies, responsiveness or timeliness as determined by general public recipients

during a crisis response. The quality of service continued as a source of misunderstanding

since ARC did have service fees for non-recoverable services while some services were being provided when they should not have been. Legal inquiries, if not addressed, posed possible legal risks and financial complications. Employees have compensation and benefits, while policies and procedures, especially priorities, were strategic and mission issues that affected ARC's overall performance and efficiency. Career progression and development involved coaching and mentoring and were a source of conflict because of misunderstanding and perceived favoritism. Evaluations involved values, beliefs, perceptions based on cultural upbringing.

Cases appeared to center around a perceived lack of communication during disasters like Hurricanes Katarina and Florence whereby applicants for assistance were deemed ineligible or delayed by third-party providers. Ombudsman staff then followed up with applicants by discussing options of additional resources and services. Several human resource focused issues surfaced especially during changes in leadership and field operations miscommunication. Included were clarification and appropriate application of policy and procedures, supervisory and peer relationships, discrimination and perceived hostile work environments, and separation or dismissals without progressive discipline.

Figure 21

ARC Issues Per Organizational Unit by Year
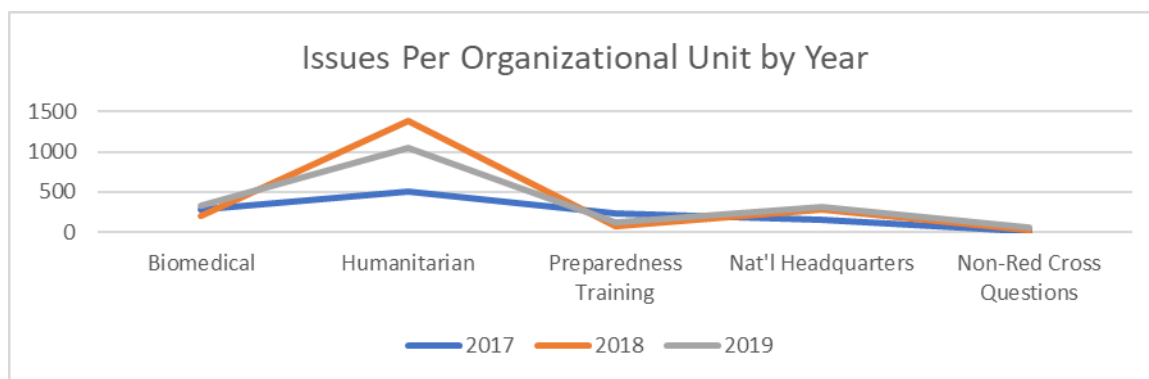
Three-year reporting of issues per organizational unit are humanitarian concerns

as the highest (56% in 2019 and 70% in 2018) followed by biomedical issues (blood

drawing, compliance, Center for Disease Control standards, etc.) at 17% in FY2019.

National headquarters and anonymous categories had a 17% status up slightly from 2018

numbers. Preparedness, health and safety issues (now known as Training) issues

increased in 2019 as new training sessions were rolled out nationwide in compliance with

the 2007 Modernization Act.

<u>Services</u>

Section IV of the Charter (2007) described the Corporate Ombudsman's duties

and responsibilities divided into authorized (A) and not authorized (B) categories.

Authorized duties include 12 distinct actions including:

1. Receive questions from internal and external stakeholders,

2. Exercise discretion to accept or decline,

3. Act on own initiative to address issues and inquiries,

4. Gather relevant information,

5. Facilitate fair and equitable resolution at most appropriate level within ARC,

6. Advocate for organizational change,

7. Identify and evaluate available options,

8. Conduct outreach education, facilitation, negotiation and mediation,

9. Recommend systemic changes to authorized person who can act on them,

10. Identify trends to improve ARC and prevent recurring issues,

11. Provide overview reports to President and CEO, Board of Governors (Audit

   and Risk Management Committee), U.S. Congressional Committees of

jurisdiction, public, and appropriate entities without breaching confidentiality or anonymity, and

12. Request and receive legal counsel and representation separate from the ARC in events or disputes between the Ombudsman Office and ARC management.

Non-authorized specifically covered categories included:

1. Changes of any kind to ARC policy, administrative decisions, or law,

2. Make management decisions,

3. Force implementation of Corporate Ombudsman's recommendations,

4. Conduct formal investigations,

5. Accept jurisdiction for pending issues,

6. Address collective bargaining agreement issues,

7. Act outside the scope of granted limitations for the Corporate Ombudsman Office,

8. Substitute for formal channels, and

9. Accept notice of claims on behalf of ARC.

Ombudsman actions have included shuttle diplomacy, a significant number of referrals to available resources, coaching, connection to other departments, mediation, drop offs, procedures and training consultation, providing general information, upward feedback, and researching policy and procedures then passing along information. These actions were significant factors in 2019's 42 outreach activities involving 1,175 employees and the newly formed Workforce Care Team members. In 2019 116 referrals, 233 coaching, 266 departmental connections, 240 general information occurrences and 379 upward feedbacks were delivered.

Figure 22

ARC Ombudsman Actions FY2019
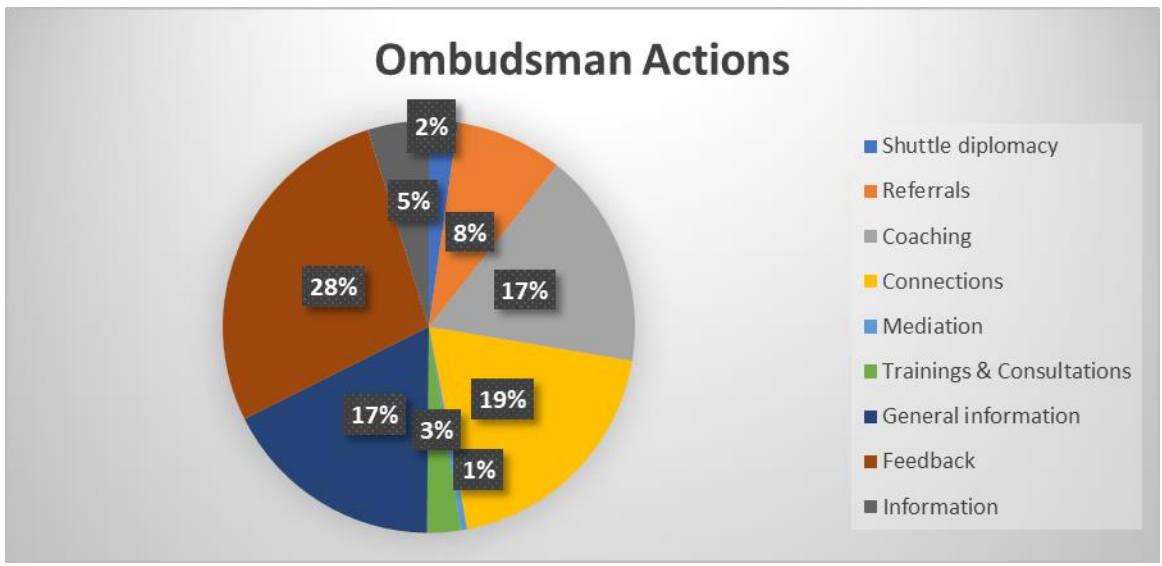
IOA Reporting Categories

     The American Red Cross has used the IOA reporting categories as a tool to increase public awareness and enforce the new corporate culture mandated by the Modernization Act in 2007. The IOA reporting format promoted consistency in the delivery of services from the corporate headquarters by each of the local chapters.

Figure 23

ARC IOA Reporting Categories by Year
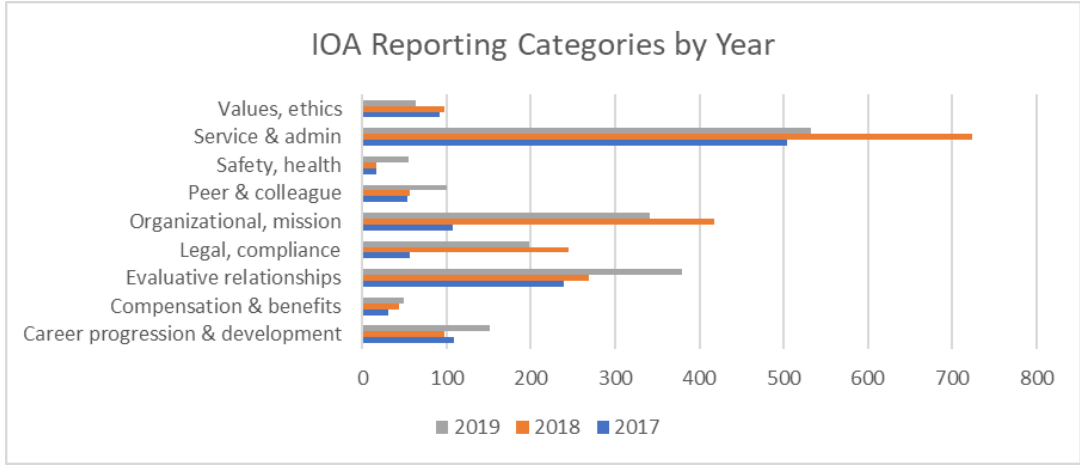
Donor requests involving blood collection and financial contributions continued to come to the Ombudsman Office staff's attention yearly. External inquiries included general areas including: 1) the quality of service, 2) the timeliness of responses during a disaster, 3) administrative decision and rule clarification, 4) the behaviors of service providers, and 5) general inquiries that fall into no specific IOA reporting area. Falling under "Service and Administration" donor requests decreased to 532 by 2019. Another decrease for 2019 was in the Values category by nearly 30%, then the Organizational and mission-related category fell by nearly 25% in 2019 as did inquiries into the Legal and compliance sector. Increases in Evaluative relationships increased to 379 (2019), while Career progression and development increased by over 45%, much of which revolved around surprise terminations and a lack of performance enhancement suggestions. Over 2.7 million external stakeholders have access to the Ombudsman Office with only 1,868 issues reported during 2019. A comparison from FY2017-FY2019 (p. 9) involved services and administrative issues, organizational strategies and mission-related concerns followed by evaluative relationships.

Systemic Review Responsibilities

Systemic review issues have traditionally been addressed in the corporate world using a Situation, Task, and Outcome (STO) approach. The ACR Ombudsman annual reports used a feedback and case scenario format like the STO system. Items identified in the feedback segments were captured through a synopsis of the feedback and a case scenario with the conflict resolution approach used to mutually satisfy disputing parties. Conflict resolved around misunderstanding of the Sarbanes-Oxley Act (SOX) of 2002; however, SOX is and was not applicable to a charitable institution although ACR adopted

SOX policies. Stakeholders reported leadership's conflict avoidance culture, the underuse of ARC's Issue Resolution Process (ARC Human Resources Policy and Procedure Manual, Policy No. 505.00 28 August 2007). Alternate conflict resolution avenues were underutilized or not available on a regular basis, plus formal investigative channel recommendations were disregarded. Program and service delivery also had feedback involving inconsistent operating processes, lack of consistent staff training, disaster service rules and application, field-based staff input was disregarded, and a general lack of communication was system-wide.

The Office of the Ombudsman was required to "submit annually to the appropriate Congressional Committees a report concerning any trends and systemic issues …identified as confronting the corporation" (American National Red Cross Governance Modernization Act of 2007, p. 14). Gail McGovern had only been in office as the ARC President and CEO for 5 months prior to the 1st Ombudsman Annual Report and the initial feedback helped set the stage to rebrand the ARC and bring the agency back from the brink of destruction. ARC ombuds' annual reports referenced McGovern's reliance on reporting issues from each of the organizational units (biomedical, humanitarian, preparedness training, national headquarters and non-Red Cross questions) which identified primary concerns per unit.

Feedback as to governance, leadership and strategic focus ("Feedback and Case Scenarios", p. 15) cited confusion and lack of communication during the organizational restructuring, lack of stakeholder input into decision making, distrust of senior leadership which had experienced turmoil and numerous changes, and an outdated business model no longer relevant to a charity-based organization. Volunteer perceptions trended toward

the negative mistreatment, discrimination, lack of managerial diversity, questionable human resource practices, and a leadership who did not empower or value subordinate input.

<u>Perceived Value to Institution</u>

Tangible Value.

The Ombudsman Office served as a listening post for behavior trends that can possibly disrupted operations by identifying organizational change areas. Communication was enhanced by facilitating difficult conversations and the review of leadership decisions, changes in processes or policies. Coaching was a significant action at all levels which increases the American Red Cross' transparency mandated by the 2007 Modernization Act.

Proactive outreach strategies impacted community overall responses. Informal feedback from survivors of the 2005 Hurricane Karina ARC spurred sharp criticism that identified a renewed vigor of training with transparency to develop leaders, consistent management communication impacted service deliveries, partnerships were imperative prior to disasters, and enhancement of cultural awareness closed gaps in service delivery. When the ARC headquarters was restructured, leadership pledged to streamline front-line operations while encouraging responses to surveys that provide critical assessment of the ARC streamlining process by holding senior leadership accountable.

Ombudsman Office Actions reported outreach efforts have resulted in over 15,900 issues being addressed from 17,375 trainings and group facilitations with over 6,200 constituents finding resolution ("American Red Cross 2019 Annual Report," p. 26). Constituents from every state had access to the annual ARC convention, the ARC

Volunteer Administration Institute, ARC Chapter Ethics Training, and quarterly educational presentations from the International Ombudsman Association and D.C. Area Ombudsman Network. FY2019 (p. 10) indicated ARC ombuds facilitated 116 upward internal referrals and assisted 266 internal departments. Group mediation and shuttle diplomacy prevented 31 constituent groups from pursuing formal grievances.

Leadership clarification was accomplished by collaboration on conflict-of-interest issues that surface with non-for-profit boards. McGovern's transformation of the ARC did more than change the way the ARC did business and shifted the institution into a service-related culture that supported its front-line constituents. ARC's cultural shifting which was ongoing systemic change brought about by the ombuds team.

Intangible Value.

Responsible for awareness and marketing included donors and financial contributors. Culminated totals of outreach efforts included trainings and group facilitations to 1,175 active employees and Workforce Care Team members. McGovern and her leadership team obviously relied heavily on the ombuds' collaboration and facilitation to rebuild the ARC reputation and improve financial business practices.

Best Practices

The ARC's Office of Investigations, Compliance and Ethics (ICE) handled issues including an anonymous whistleblower hotline available to all constituents. While the Ombudsman Office staff was the main resource for raising issues and locating resources, outreach efforts and marketing appealed to specific audiences and leaders. Issues include analysis into the reasons, identify true gaps or issues, and compile yearly statistics for comparison. Cases were segmented by organizational unit by issues from 2008 onward.

Upward feedback ranging from local chapter communications through leadership to the Board of Governors was an embedded cultural practice of diverse approaches to strategic application by ombudsman improvement recommendations.

<u>Accomplishments</u>

McGovern's support and the direct contributions by the ARC ombuds reconnected the ARC mission with the vision by embracing change to prepare for the future. The American Red Cross rose from the brink of destruction into a high-performing, compassionate, and resilient institution worthy of emulation globally.

Federal Emergency Management Agency (FEMA)

FEMA Reservist Ombuds.

<u>History and Evolution of the Ombuds Office</u>

The official establishment of the Federal Emergency Management Agency (FEMA) evolved after decades of "Swiss cheese" governmental responses and involvement to chaotic disaster recovery across the nation. Federal response to catastrophic disasters like Hurricane Katrina were exceptionally complex. Articles since the 1950s focused on the slowness of federal responders and outside agencies to assist victims. Being "made whole again" remained a myth and misnomer. After decades of controversy surrounding feeble recovery attempts, President Carter officially established FEMA (Executive Order 12127) on March 31, 1979, and later July 20, 1979, and signed Executive Order 12148 establishing the Office of Homeland Security. In 1988 Congress passed the Stafford Act which empowered FEMA to offer an individual assistance program working in conjunction with the Small Business Administration which added another layer of burden to the disaster recovery process.

How the Office Developed

FEMA was the lead agency to combine federal response and preparedness. Mobilization of FEMA resources was meant to restore some semblance of order in an otherwise unimaginable human tragedy scenario caused by a natural disaster. Simultaneous disasters required multiple responses so FEMA created "Reservists" or temporary "at-will" employees with no employment protection afforded federal employees under Title 5. These Reservists were to be a significant part of the roll-out process when disasters struck and were meant to improve FEMA's mission and vision through training and mentorships.

Reservists do not have a "voice" beyond their chain of command and sections of the federal ADR and Equal Rights amendments. Reservists faced different obstacles during their temporary assignments and so the Alternative Dispute Resolution Division (ADR) of the Office of Chief Counsel established the FEMA Reservist Ombuds office in 2014 following IOA guidelines (ACUS 2016.5). The FEMA Reservist Ombuds (RO) was to address and resolve systemic issues including the "collection, exploration, analysis of issues and concerns based on FEMA policies, instructions, procedures and or practices in order to recommend actions to improve the effectiveness of the Reservist workforce" (Reservist Program FAQ, 2016). The RO was to collaborate with and complement the ADR section which handled interpersonal and program-related disputes, and was a separate resource focusing solely on FEMA systemic issues that enhanced program efficiency. The RO received notice of these issues from ADR which "supports decision making, collaboration and problem solving…[with] any FEMA program office, employee, manager, supervisor, or team lead in their efforts to make the best decisions

(R. Wynder, personal communication, August 5, 2020). If and/or when a systemic issue or problem was brought to ADR, collaboration on resources needed to bring about a resolution occurred. ADR dealt with situations until a systemic issue came to the forefront and was passed to the RO office.

ACUS 2016.5 indicated the RO was created to hear at-will systemic issues not supported by the FEMA system itself to offer fair and equitable treatment for Reservist during deployment. The Robert T. Stafford Disaster Relief and Emergency Assistance Act authorized FEMA to coordinate government-wide relief efforts ("FEMA: About the Agency," May, 2016) including compensation standards without following the Title 5 pay structure (Stafford Act Amended, 2013). Reservists were to provide disaster survivor's assistance, damage assessment, verification, logistical, administrative and financial support.

The FEMA Reservist FAQ (2016) section clarified confusion. ADR dealt with situations until a systemic issue became apparent, then the Reservist Ombuds took over as an informal channel with the purpose of bringing potential systemic issues to the forefront of leadership. The Reservist Ombuds was involved with issues solely confined to Reservist roles and responsibilities and maintained data to deal with specific categories. "Being a Reservist allows you to assist in the coordinated response and recovery efforts of impacted citizens, communities, local, tribal, and state governments" (FEMA FAQs, 2016).

Structure and Location

The FEMA Reservist Ombuds remained a significant segment of the Alternate Dispute Resolution Act of 1996 where ombuds act as neutrals and not as a process. The

Reservist Ombuds role applied to a specific group of employees under the Stafford Act

described earlier, so maintenance of independence and confidentiality were of utmost

importance to the systemic review process. Relationships with leadership began with

minimal communication and little credence was given to the ombuds' role and function.

By 2020 communication was continual with resurfacing issues treated as systemic issues

with immediate responses. Originally Lester Schone, founding RO, developed the role.

Rea Wynder was appointed a year later (2014) as the Associate Reservist Ombuds, who

became the only FEMA Ombuds in 2017 in the ADR Sector upon Schone's passing.

Wynder originally joined the ADR team doing disaster field work (personal

communication, August 5, 2020). Schone built the RO role from the ground up following

IOA and COFO principles, standards and ethics, and created a template as the role

expanded to include Wynder.

Wynder (2020) indicated the Reservists work remotely and have no physical

access so her immediate follow up is crucial not only as a response to the agency but also

as FEMA's response to its own employees. Reservists were subordinates within a Cadre

after meeting the criteria of the FEMA Qualification System's performance system (FQS)

and could seek certification as a "Qualified" or "Trainee" within incident management

functions. To advance, Reservists must complete specific experience requirements,

training, and then demonstrate performance according to the 2012 Reservist Program

Directive No. FD 010-6 and 2015 FEMA Qualification System. Each of the 20 Cadres

had a coordinator (aka Reservist Program Managers/RPMs) or supervisor that functioned

within divisions like Alternative Dispute Resolution, Hazard Mitigation, Public

Assistance, and Financial Management. Each specialized Cadre coordinator collaborated

with the Response Directorate, Incident Workforce Management Office, and the Office of the Chief Component Human Capital Officer (OCCHCO) to recruit the best-qualified citizens to serve as FEMA Reservists (Reservist Program Directive, 2012). Coordinators assessed a Reservist's performance, but one issue commonly articulated was confusion over the coordinator's availability during a disaster, so a master list with contact information was maintained on the Reservist intranet portal. Training manuals were known as PTB or Position Task Books with a qualification check sheet completed during trainings. A Certified Coach Evaluator submitted the PTB package and made recommendations to a Certifying Authority regarding the official qualification of a Reservist per the FEMA Qualification System website of 2015. A search of the FEMA Reservist website found an extensive grouping of resources and frequently asked questions with support services available to the Reservist since the Pasadena Call Center is now officially closed. An online newsletter, *The Buzz*, is available in addition to a Workforce Coordination Branch at 855-377-3362 for assistance.

The Workforce Management Division (WMD) was tasked with coordinating and overseeing communications while collaborating with the "Office of Chief Counsel, Office of the Chief Component Human Capital Officer, and Office of Equal Rights…[to] provide guidance and direction…policies and procedures…cannot be addressed through other venues" (FEMA Reservist Program, n.d.). FEMA's Travel Toolbox helped Reservists prior to travel, during deployment, and at the conclusion of the assignment. Content areas were updated according to feedback with additional resources from the Financial Management Division available online.

During the first year of the Reservist Ombuds inception in 2014, a working group evaluated existing Reservist Conditions of Employment (COE) and randomly sampled current Reservists as to primary concerns, their preferences, and addressed their findings with the Reservist Advisory Board. Almost half responded negative satisfaction on COEs citing inflexible and missed opportunities to modify deployment schedules. Modifications were approved in July 2015 and included a declination clause and did not affect eligibility under FMLA (Family Medical and Leave Act, U.S. Department of Labor Wage and Hour Division, President Clinton, 1993). Cadre Coordinators, Reservist Program Managers and Workforce Coordination Branch were available for feedback on systemic issues to ensure fair and equitable enforcement across cadres.

<u>Background of the Ombuds</u>

The Federal Emergency Management Agency (FEMA) operated under the auspices of the United States Homeland Security division with dozens of specialty agencies. Vacancies were posted on the USAJobs.gov website and announced as needs arose on Facebook and LinkedIn. Reservists served as an alternate to Permanent Full Time (PFT) staff, and a necessary augmentation of PFT staffing (FEMA FAQs, 2016). The Reservist Ombuds provided a "dedicated resource…to discuss, document, address, and elevate systemic issues," and concerns with Reservist policy implications…but does not handle interpersonal conflict, only policy and procedural issues (FEMA Reservist Program FAQ's, 2016). Wynder (2020) described a very satisfactory relationship with her superiors and did remain proactive on issues and data that could affect immediate deployment. In "FEMA: About the Agency," (May, 2016), FEMA existed "to support our citizens and first responders to ensure that as a nation we work together to build,

sustain and improve our capability to prepare for, protect against, respond to, and recover from and mitigate all hazards."

<u>Issues and Services</u>

The Reservist Ombuds (RO) handled only specific systemic issues pursuant to the at-will workforce. Reservist candidates indicated assignment expertise areas based on personal interest and were not randomly assigned. Wynder (2020) indicated Reservists were affected most frequently by pay bands, workplace issues, struggles with the position, policies and procedures, and debt issues. Wynder collaborated with different divisions of FEMA and created an intake procedure to work at the most effective levels enhancing communication with all work groups. Issue definition clarified the complexity of Wynder's role and function. Examples were deployment processes, discipline procedures, evaluation and communication with supervisors.

<u>Constituents</u>

According to Wynder (2020), around 7,800 Reservists have access to the RO. Issues have surfaced due to three changes in leadership which translated to non-appointment of the Ombudsman during these changes. First contacts by the Reservist Ombuds included an upfront discussion as to what issues could be addressed, how confidentiality was to be maintained unless permission was granted, what research must be conducted to determine which resources must be explored or policies visited, which conversations need to be considered, other stories which are similar, and how feedback was going to be conducted. Being upfront prior to issue disclosure created a relationship that can be reassuring to the Reservist (Wynder, 2020).

Ombuds' Role and Function

Clarification of the complex Reservist system was necessary to establish the role of the Reservist Ombuds. FEMA Reservist roles and functions were based on best practices derived and tweaked from other successful agency practices. Reservist performances are based on Position Task Books as a criterion for assessment by a qualified evaluator, with certification by officials collaborating with the Cadre Coordinator and/or Reservist Program Manager. Reservists are assigned a primary Federal Qualification System (FQS) title with cadre assignments limited to three subordinate job titles, meaning deployment cannot be made in multiple cadres. The Force Structure requirements dictated primary and subordinate job titles. Two proficiency levels are either Trainee or Qualified with direct experience and training considered for future consideration or reassignment. With Reservists appointed for a two-year period with intermittent work before, during and after a disaster. In 2020 Wynder handled the Reservist Ombuds role in addition to her ADR duties. Cadres spanned multiple disciplines like information technology, logistics, human resources, or security.

Reporting Lines

The FEMA Reservist Ombuds reported directly to the Chief Counsel with "unfettered access to the FEMA Chief of Staff when, and if necessary, to propose recommended actions" (FEMA Reservist FAQ, 2016). The Reservist Advisory Board is kept abreast of systemic issues. The Ombuds Blog (November 22, 2016) reported the "Ombuds is independent of FEMA Program Offices and is the basis for recommending changes or suggestions to top leadership to advance organizational fairness, engagement

and responsiveness for Reservists." The Reservist Program Directive (2012) explicitly

indicated the Reservist Ombuds:

- reported to the Chief Counsel who provided oversight and administrative

  support,

- explored and assisted Reservists in determining options to help resolve

  concerns,

- identified systemic concerns to the attention of leadership, and

- did not handle or process discrimination issues in any manner.

Knowledge, Skills and Attitudes

To facilitate and collaborate for a fair process of resolution, the RO must be

familiar with the FEMA Qualification System which relied on an electronic Position Task

Book (PTB) for evaluation metrics and the DTS (Deployment Tracking System) listing

standardized requirements. The RO must be able to conduct relevant research, utilize

internal resources, comprehend and apply the FEMA rules and regulations all while

maintaining composure, working in an ambiguous environment, and lending an ear for

employee venting and dialogue while maintaining confidentiality. Wynder alluded to the

expertise she gained as a Reservist years earlier that directly impacted her ability to be an

effective RO.

Issues and Concerns

The CADRE Weekly newsletter was distributed with articles important to

employees at all levels. Quarterly evaluations include RO work in progress and ADR

involvement. Details are part of the communication with the new director who onboarded

in March 2019. Annual reports from 2017 and 2019 were sent for review to the Office of

Response and Recovery to be further revisited by the Chief Counsel and administration, but feedback has been minimal. Wynder (2020) believed her constant communication has had an immediate impact as new leaders gain understanding as to how the RO works, the organization functions and the relationship to FEMA.

Systemic Review Responsibilities

Wynder (2020) explained feedback was extremely important and questioned what employees would do if the RO was not an option. Frustration with the qualification process was already an issue and the certification process lengthy, so drop out Reservists were a problem. As a systemic change catalyst, the Reservist Ombuds continually communicated, facilitated discussions, framed questions differently, designed open-ended question for further insight, and remained neutral in emotionally charged situations. Wynder suggested the possibility a meeting with the FEMA Risk Management division would help provide insight into the functioning and relationship between the Reservist Ombuds and the ADR division. Wynder was excited about exploring new pathways to improve service delivery.

Data on types of issues from 2014 (beginning era of program) was shared by Lester Schone, then FEMA Reservist Ombuds for C. Mahendar's Capstone (FEMA Reservist Ombuds, Winter, 2017). This data served as background information to analyze the complexity of the RO role and functionality within FEMA.

Figure 24

FEMA Distribution of Process Issues Raised (2014 initial report)
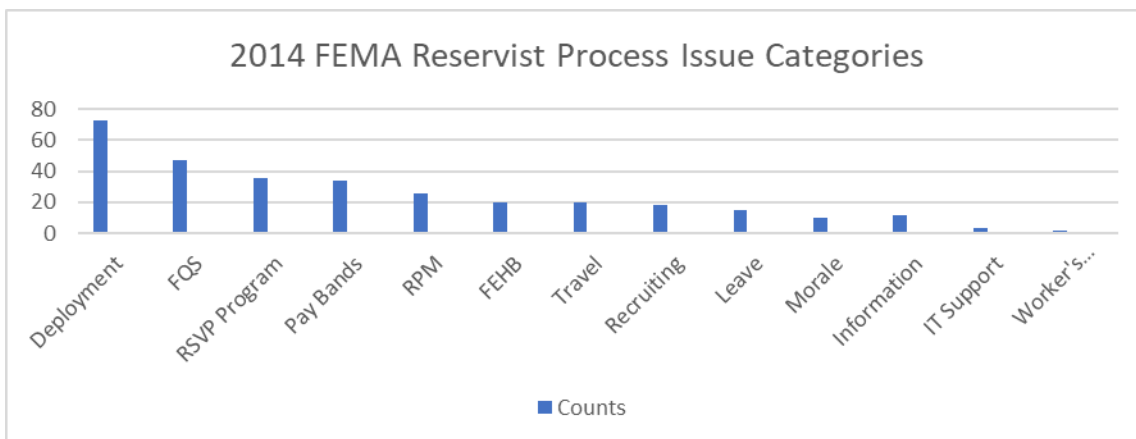
Figure 25

FEMA Estimated Total Issues Raised by Percent
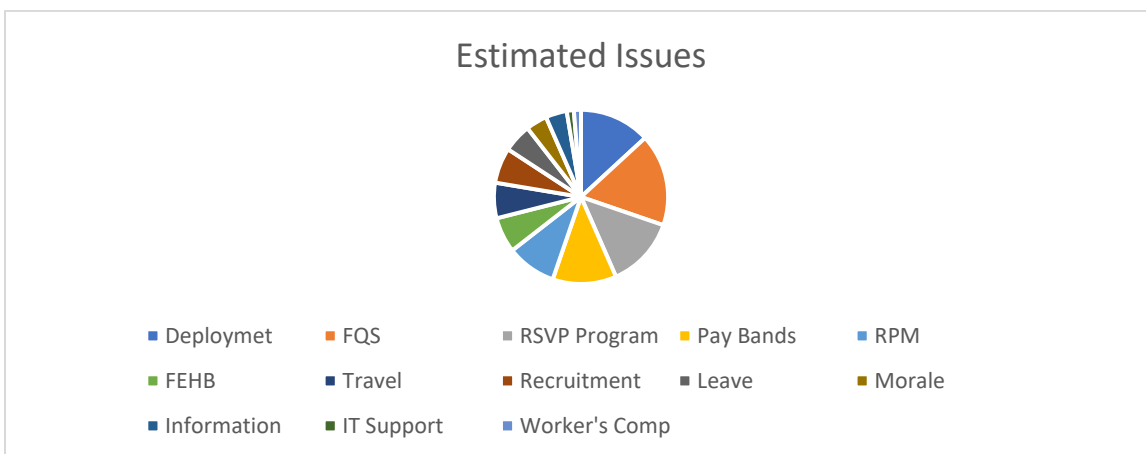
2020 was a year of dramatic change due to disasters and the Covid-19 pandemic forcing unprecedented modifications to federal agencies. While following the IOA Standards of Practice and Code of Ethics, data collection was unique to the FEMA federal office environment. Wynder (2020) mentioned Reservist pay bands (aka as a pay structure or bracket), workplace issues, struggles with policy and procedures, and debt issues continued. Wynder was quick to reference any issue mentioned a second time

became worthy of leadership's attention as a possible pattern of behaviors. Uncertainty due to a three-leader change and the passing of founding ombuds Lester Schone have not diminished the accomplishments of the Office of the FEMA Reservist Ombuds. These practices served as a benchmark as a systemic change catalyst especially where policy and procedures were involved.

Syracuse University

Office of the University Ombuds.

<u>History and Evolution of the Ombuds Office</u>

Neal Powless was the newly appointed University Ombuds, recently completing his first full year in January 2019. Powless was selected after an arduous national search and brought a rich and varied background to the position. A recommendation by the Syracuse University Senate Committee on Women's Concerns and the Chancellor Workgroup on Diversity and Inclusion was instituted a year earlier, although other university groups strongly contributed to the design and performance standards. Working closely with Syracuse University's numerous bargaining units, the ombuds' parameters were eventually designed to serve faculty, staff, and graduate students. University undergraduates have separate services available but were considered part of the ombuds' constituency since many of an undergraduate's issues deal with faculty and staff interactions, and Powless' open-door policy made referrals to institutional resources possible (personal communication, February 20, 2020).

FY2019 was a startup phase. Syracuse University sought an ombuds who could support an empowerment model to engage employees. Powless' career began in counseling and multi-cultural affairs at Syracuse. His father had been a major critic of the

university, so one of Powless' strengths was to address issues from various viewpoints during this ambitious roll out phase of the ombuds across the university.

How Office Developed

Syracuse's Chancellor Kent Syverud revisited the pursuit of an ombuds from earlier administrations and his "Fast Forward Syracuse" plan was implemented. Proud of the *Orange Way of Life,* Syverud's aggressive growth strategy included the Office of the University Ombuds. The announcement was made February 13, 2018, and by January 22, 2019, Neal Powless was the first ombuds in Syracuse University's 150 year history as a medium-size private university.

Structure and Location

The Office of the University Ombuds served as a voluntary resource to faculty, employees, students, and was conveniently located near health services.

Background of Ombuds

Powless earned a master's in counseling from Syracuse and was with the Center for Career Services. He served as assistant director of the Native Student Program in the Office of Multicultural Affairs and achieved a National Certified Counselor designation. Powless is now a Ph.D. candidate in the S.I. Newhouse School of Public Communications. Adhering to the Syracuse Ombuds' Charter and hiring requirement, Powless attended the IOA foundation workshop and was pursuing the CO-OP® certification.

Ombuds' Role and Functions

Powless (2020) emphasized the coding of his case notes which demonstrated confidentiality, impartiality, and independence of the ombuds' role to students and staff.

No documentation identified visitors, however, 74% of visitors were female. Data

followed the IOA reporting categories for the FY2019 annual report. Powless found FY

2019's 200 cases involved graduate students, faculty and staff. When procedures are

normalized, his office planned to refer graduate students to appropriate resources.

Powless indicated his office handled around 40 cases per month taking about 10-12 hours

on average per case (2020). FY2019 was the roll-out and building year where marketing

and advertising enhanced the evolution of the office as an opportunity to talk and manage

personal conflict professionally.

Figure 26

Syracuse Ombuds Activities FY2019-FY2020
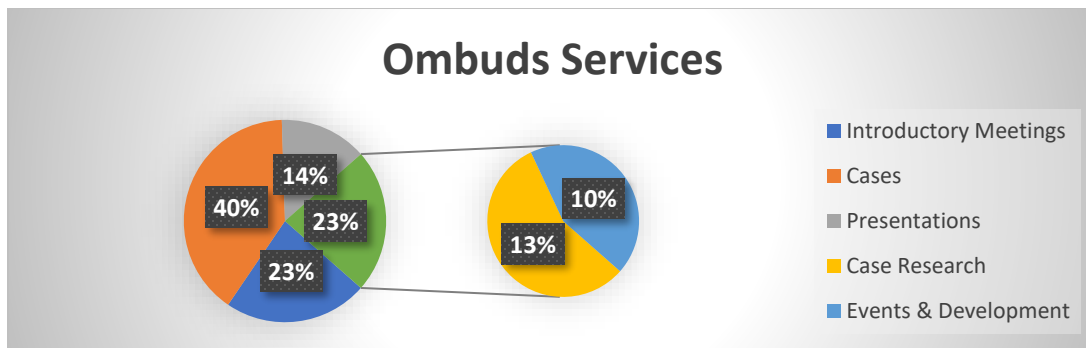
Standards of Practice

The Office of the University Ombuds strictly adhered to the IOA pillars of

confidentiality, neutrality, informality, and independence, and the IOA's Ethical

Principles. Promoting these characteristics, the ombuds encouraged and transformed an

environment to support resolution so constituents and the institution could continue to

grow and prosper (Powless, personal communication, June 28, 2020). The FY2019

Annual Report revealed data collected using the IOA reporting categories.

Constituents, Services and Issues

Syracuse has over 28,000 students, a tenured faculty of 930, 881 nontenure faculty, and a staff of 3,554 employees (Syracuse University Facts, Figures and Rankings, 2020).

Figure 27

2019 Constituents by Categories
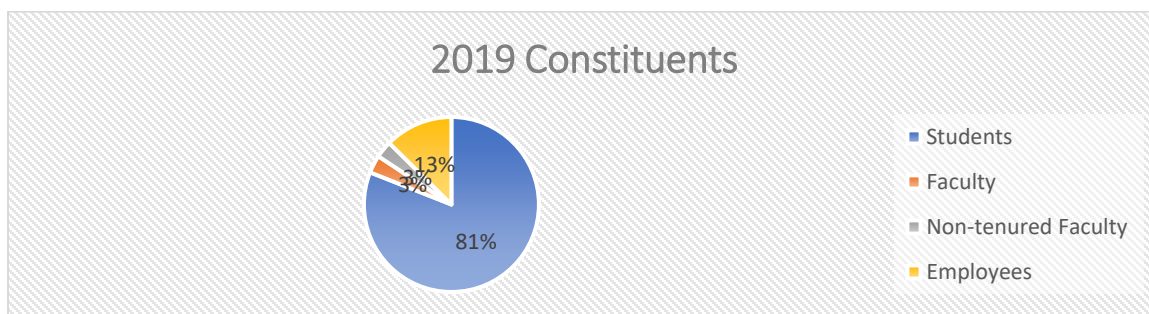
Figure 28

Cases by Status (FY2019-FY2020)
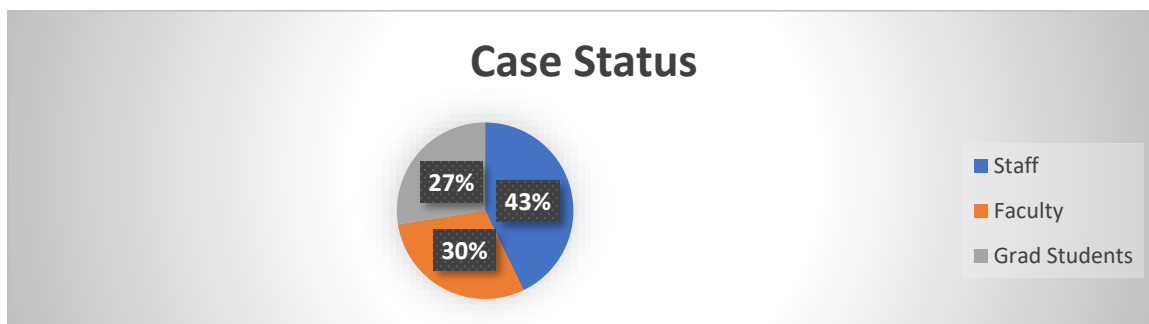
Powless (2020) described his role as having a dual responsibility of working both with and for the Syracuse University Board of Trustees and conducted mediations which was not a traditional ombuds' function in prior case studies. Following the IOA's informality pillar, Powless described this as a "gray area" when he interacted with the legal staff, human resources, academic affairs and other formal channels. Consequences of formal structures are complicated, and the best recourse remained informal resolution.

The pillar of neutrality was emphasized in the visitor's initial conversation where

Powless commented "the Syracuse ombuds does not defend the university, does not

defend the actions of a university representative, does not defend the actions of a sole

individual, and does not defend the college" (personal communication, February 20,

2020). Powless remarked that he "didn't know what an organizational ombuds does when

I took the job, so it's been trial by fire and a continual learning process as the ombuds is a

work-in-progress…everyone is in a learning mode" (2020).

Referencing the ombuds' empowerment model structure, Powless described his

duties as a "buffet table of options where you select the one with the most sense for you"

… "the visitor must want a resolution in order to find a resolution" (2020).

Powless provided constituents a variety of personality conflict style quizzes found

on the internet and collaborated sessions with human resources. Powless described his

efforts as "tilling the soil so you can plant a seed" which was an empowerment model

helping visitors to manage unpleasant conversations, draft emails and facilitate dialogue

often between subordinates and superiors (N. Powless, June 28, 2020). In his video

postings he referenced being a "passenger in a car that hit a pothole" which was an

appropriate analogy where the driver had several choices: hitting the hole, driving around

it or avoiding the hole and subsequent costs involved. Since ombuds have no power, the

only influence was the ability to impact policy based on their data of trends and possible

patterns. Powless' created a role reversal as to how an administrator would feel if others

were invited to a meeting, and emphasized tone, interpretation, intention and whether the

message intended was received as intended or not, factored into responses of those

involved (2020). Collaboration and facilitation by the ombuds enabled those in power or

control to understand how to be more supportive, more involved to empower others. Powless suggested the introduction of a "lessons learned" history of what worked, what had been tried, and the whys of successful interventions or the failure and regrouping of approaches could be beneficial.

His Native American culture, symbolism, and philosophy toward conflict were brought to the forefront. The "every conversation opened new doors" philosophy suggested visitors must find their own resolution as to what is "right for them" based on their cultural perspective. Powless espoused "universal truths" in his approach to the ombuds' role and function: "Energy you put into space is important. Peace = peace, love = love, violence = violence, anger = anger, and happiness = happiness" (personal communication, June 28, 2020).

<u>Issues and Concerns</u>

FY2019 (year 1) reported 230 introductory meetings, 73 presentations, 1,802 individuals reached, 18 facilitative conversations, 284 individuals reached involving 255 cases. Powless' active listening and empathy to support each other resulted in more staff than faculty visits. Staff visits accounted for 39%, faculty 27% and graduate students 25% with a 9% other identification. Powless' ombuds' timed activities were broken into 40% spent on cases, 23% spent on introductory meetings, 14% spent on case research and presentations. At Syracuse evaluative relationships ranked highest of visitor concerns not only from a power base, but also for promotions and career development aspects. The IOA suggested academic institutions further breakdown the categories by faculty and staff since issues change with leadership transitions, budget constraints, terminations, and resignations.

Table 4

Syracuse Ombuds FY2019 Main Reporting Categories (IOA suggested)

Main Reporting Categories	
Evaluative Relationships	22%
Peer & Colleague Relationships	18%
Career Progression & Development	16%
Values, Ethics & Standards	15%
Safety, Health & Physical Environment	11%
Services & Administrative Issues	10%
Legal, Regulatory, Compliance, etc.	6%

Sharing information was one of Powless' challenges. Consideration of the level

and power structures to protect identities, careful analysis as what needed to be shared

with others, how the ombuds would share that information and with whom, and at what

level the information would be shared received undivided attention. Powless searched for

answers to questions in a reflective manner that was "true to the trend and experience"

(personal communication, June 28, 2020). When conversing especially with the Syracuse

University Chancellor and Board of Trustees, Powless emphasized the use of open-ended

questions since leadership and subordinate perspectives could be interpreted differently.

Table 5

Syracuse FY2019 Nature of Concerns Brought to the Ombuds' Attention

Nature of Concern	
Employment & Workplace	47%
Policies & Procedures	19%
Discriminatory & Uncivility	14%
Academic or Pedagogic	13%

Systemic Responsibilities

Having a personal history with Syracuse University provided a 'critical edge and

critical eye' to tell the truth as to his experiences which was one of the search

committee's criteria for selection. In Powless' webinar (June 11, 2020), the ombuds can

"talk to anyone, including the board, and can be critical, thoughtful, and honest."

Discussions facilitated by Powless in 2020 involved issues brought to the attention of the

ombuds and included poor communication, power dynamics, unhealthy conflict and the

perceptions of actions by others.

<u>Reporting Requirements</u>

The Office of the University Ombuds reported and discussed trends on a quarterly

basis directly with the Syracuse University Chancellor and the Board of Trustees. A

single/solo issue could be identified, some behaviors or procedures "raised an eyebrow"

while others were generalized patterns or procedures that deviated from normal or

accepted university practices.

<u>Value Added to Institution</u>

Notable University Ombuds' first year contributions made by Powless included:

- creation of the ombuds' website with references and hyperlinks,

- professional development including conflict training modules,

- group and individual presentations,

- facilitated workshops,

- implementation of a "live interaction connection" during the pandemic,

- creation of a template for fiscal year reporting,

- and a campus awareness campaign with introductory sessions.

Powless' attention to finite details, cultural differences, and background in student

affairs brought him into the realm of collegiate reality when discussing a personal issue.

Powless' perspective was one of personal engagement to learn from others, and to

provide and encourage empowerment for others. "If our intentions are good, we will

make mistakes here and there, but we are creating a model of forgiveness. If we focus on the building of an environment of forgiveness, then we can have resolution" (2020).

<u>Worth to the Ombuds' Profession</u>

One of the most poignant moments was when Powless chuckled at the fact that he had no idea what an ombuds did or even if he was pronouncing the word correctly, a sentiment mentioned repeatedly since researchers began studying the role. Being successful as an ombuds does not equate to a degree in the discipline, but it does defer to the fact that successful practitioners know they do not have power, as we have come to accept the term, but they have influence and respect of others which are characteristics earned and not merely given. At Syracuse during the pandemic, Powless emphasized his ombuds' office, the Chancellor and Board of Trustees were firmly committed to keeping the constituents informed and empowered even though there is very little human contact normally found on a bustling campus. Taking the IOA's ombuds' foundation course was extremely helpful in addressing Powless' trepidations and his contributions were indicators there was no one set of credentials making a candidate more qualified than another. Powless' family, upbringing, education, experiences, and willingness to learn from missteps ensured the Syracuse University Office of the Ombuds would continue as a best-practice institution.

<u>Notable Quotations</u> (N. Powless, February 20, 2020):

"As a certified counselor, 99% of my constituents are different from me" which is a lens to help position the issues presented by visitors."

"There is no rush to fix because the ombuds doesn't create a plan for visitors to follow. Each visitor makes a personal decision as to how best to proceed."

Experiences at Syracuse from Career Services and the Office of Multicultural

Affairs have played an important role in my first year. Knowing the university,

administration, and student culture helped me address the newness as ombuds and

to understand other ombuds' issues.

Chapter 5: Findings and Surprises, Project Synopsis

Ombuds Known and Unknown

Ombuds navigate workplace challenges that lead to implementing procedural, administrative and operational changes to empower and engage constituents, and continue as a major contributor to the systemic review analysis. Articles have been published from practicing ombuds' perspectives, and rarely a non-practitioner lens. None attempted to make a connection between the federal, corporate and higher education ombuds. With no template to follow the "8" become a type of protocol exploration of interconnectedness, and ironically, the isolation, of the practitioner ombuds within conflict resolution (CR), alternative dispute resolution (ADR) options and integrated conflict management systems (ICMS or CMS). Individuals serving in the ombuds capacity express their role as being an existential struggle between the lived experience, while being independent and outside of management. As part of the institution, ombuds are impactful, extremely competent as a conflict management professional, highly trusted by constituents, and are the voice of reason during highly charged emotional conversations. New workplace concerns are identified resulting in active cases with unreported resolution, and a variety of available internal options for visitor self-resolution.

Ombuds safeguard constituents against poor service delivery, unfairness, discrimination, misinformation and advocate for fair and equitable process. Ombuds disagree about what they should be called, their salaries, roles and functions, key aspects of the ombuds' role in their CMS, and their struggle for independence which is an essential component for the ombuds' functionality. Ombuds surface unpleasant or

unidentified trends and behaviors to those able to make decisions. Ombuds follow a pre-set standard of operation and code of ethics often espoused by associations like:

- the Coalition of Federal Ombudsman (COFO, the interagency forum for federal professional standards, skills and program development, and office effectiveness),

- the International Ombuds Association's (IOA) suggested reporting categories and implementation strategies for ombuds' office creation,

- the United States Ombudsman Association (USOA), and

- the American Bar Association (ABA).

Differing only in issues of independence of the office at some federal agencies, ombuds continue to be misunderstood and often chastised, but an internally available confidential resource (often under-funded and under-resourced), adhering to the principles of impartiality, neutrality and informality. Ombuds often work alone and generally maintain non-identifying or coded data, compile annual reports, meet regularly with leaders, and conduct trainings or briefings while maintaining the integrity of the role and function. Ombuds' independence is often referred to as "the golden thread" binding leadership and subordinates through systemic change. An ombuds is a one-person jack-of-all-trades and master-of-none persona, "like a passenger in a car being driven by someone else" (N. Powless, January 14, 2020). Ombuds work diligently to address emerging concerns since many workplaces transitioned to remote and alone versus a physical location.

The Ombuds' Perception of the Institutional Role

An ombuds has the necessary training and skillset to promote the fair and equitable resolution process, and provides the confidentiality, independence, informality, and neutral internal options for constituents to consider within the organization or institution. The confidentiality characteristic is unique to the ombuds' role and function and differentiates ombuds from others within an organization. To be an ombuds involves being the action or conduit necessary to connect constituents with available resources as part of an alternative dispute resolution system within the institution's integrated conflict management system and operational parameters. An ombuds is an "individual" acting as a "process" of assisting a visitor to reach point A from point B following their own voluntary and individually chosen pathway to conflict resolution. Thus, the ombuds cannot exist without the visitor. The term "ombuds" or version thereof (mutated since the original role in the 1800s) refers to a single individual, male or female, a group, an office, or the role itself--most definitely a function and promoter of internal organizational change.

Similarities and differences between and among ombuds find a morphing of the ombuds' position over time and specific to the governing institution. No two are alike in every aspect but share somewhat common roles, functions, and merit to the institution. This research includes only ombuds serving an internal-facing permutation (faculty, staff, leaders, agency-wide employees regardless of rank, seniority or title). Terminology differs as do institutional philosophies and the willingness to publish data regarding the ombuds' effectiveness and contribution to the institution. Many practitioners continue to be restricted in granting access for case study analysis due to potential litigation.

The Research Population Reduction Process

Worldwide, over 1,000 ombuds maintain professional memberships and certifications. More than 900 institutional practitioners are members of the International Ombuds Association (IOA) as active bloggers, producers of webinars, article and research publications, and are participants in conflict management and resolution conferences globally. To establish parameters in which to conduct a single-party qualitative case study across multiple workplace sectors, the numbers are significantly reduced to reflect a relevant cross-section of institutions with employee-focused ombuds within higher education, the corporate sector, and the federal government. A permutation addressed in prior federal agencies categorizes ombuds as being internal (employee focused) or external (those addressing agency performance concerns or advocacy for constituents).

The "8" offer a current reflection of best ombuds' practices and practitioners in 2020. (Prior authorization was granted and any requests were honored). Any notes and information collected in the process of research were destroyed. Data is believed to be accurate, but not exact since the researcher is external to organizations and merely attempts to categorize the behaviors of individuals or offices under the "ombuds" umbrella into consistent similarities with distinct and important differences.

Information is extrapolated from institutional websites, clarification emails, ombuds' annual reports, search engines, ombuds' blogs, earlier conversations at conferences, articles, prior co-authored publications, and an occasional phone conversation to fill in the gaps. No computer software is utilized for this exploratory research.

The study provided is the "here and now" role and function of an ombuds across diverse workplace scenarios during the 2020 global pandemic known as Covid-19. The study attempts to tie together ombuds' actions and contributions to systemic organizational change.

Bias

As discovered, this findings section does not tend to favor or highlight one workplace setting as being preferred over another. The intent is to discover the ties that bind ombuds together as a profession and as a conflict practitioner within applicable appropriate dispute resolution (ApDR) strategies.

Ombuds are more generalists in their roles and functions rather than performing their duties as a specialist. The "8" consider themselves to be organizational and internal-focused, meaning interaction with employees at all levels including leadership. A dilemma does surface as to how leadership defines the ombuds' independence since ombuds do not adjudicate or render a final decision on an employee's issue or concern. Workplace conflict is inevitable given deadlines, perceptions of power, struggles over resources, teamwork or the lack thereof, sabotage, personality differences, or leadership transitions.

Since ombuds identify potential areas of concern, they are assumed to report directly to top decision-making leaders. Reporting lines identify some ombuds on an organizational chart while others are not, or have a broken line indicating their presence within the organization but void of direct involvement. Ombuds are salaried institutional employees, with only one being an IRS designated 1099 private contactor paid through budgetary sources.

Pragmatic Evolution

A "pragmatic rather than purist approach" (Katz, et al., 2018) has been taken to describe ombuds' creation within an institution and the timeliness of such a creation. The "8" have the primary duties and responsibilities of 1) working with internal individuals with a concern or concerns, and/or 2) groups with a single concern or multiple concerns. Ombuds would then attempt to assist visitors using internal resources. In "What is an Organizational Ombudsman," (2017), the International Ombuds Association espouses four pillars of the ombuds' role as preserving confidentiality, maintaining an impartial or neutral position as a listener and pathway to internal resources, being a voluntary or informal source within the institution, and an independent provider outside the formal organization's structures.

The ombuds have a distinct and unique internal position outside the normal realm of human resources, employee assistance programs, offices of diversity and inclusion, or legal teams, and do not have formal power over leadership or constituents. The ombuds serve as a critical entry point to provide a listening post where concerns are given a voice. The "8" support the premise individuals want to be heard and do not necessarily want closure, only a voice and want to have less stress on the job. Issues range from simple difficulties to complex scenarios requiring multiple levels of resolution. The largest constituency involves staff or support members.

The study's initial intent explores the diversity of ombuds' roles and functions, institutions, reporting levels, and value to the institution. Commonalities are found that morphed or were tweaked to fit the institution's needs especially during leadership or cultural change transitions or transformation. Readers should notice the differences of the

workplace: 1) the corporate is thought of as being inflexible with a stiffened hierarchy, 2) the federal sector different in structure and reporting lines, and 3) academia as a place of conflicting interests, rigidity and governance within disciplines. Staff members in academia have allegiance not only to the department or college, but also the institution, adding a heightened level of responsiveness for the ombuds.

Consistencies

Facing an overwhelming amount of information on ombuds, a decision was made to narrow the role and function of ombuds into consistencies to be researched. Reporting on internal data remains the discretion of the ombuds filing the annual report. Since each ombuds' office functions to meet the needs of constituents and serves at the discretion of leadership, data available is interpreted to fit into clarification categories:

- Origin and Evolution of the Ombuds

- How the Office Developed

- Governance

- Ombuds Structure and Location

- Ombuds Background and Credentials

- Reporting Lines

- Staff Backgrounds and Credentials

- Knowledge, Skills and Attitudes (KSA)

- Standards of Practice

- Constituents, Services and Issues

- Caseload

- Systemic Review Responsibilities

- Perceived Value, Contributions, Impact or Worth to Institution

- Tangible and Intangible Values

- Record Retention

- Promising Best Practices or Benchmarks

More commonalities than differences emerge from the "8" profiles. Regardless of workplace sector, ombuds continue to consistently address 3 recurring employee, stakeholder and constituent issues identified previously in the "11" higher education study (Katz, Sosa & Kovack, 2018) that included:

1. differing perceptions in evaluative relationships,

2. performance appraisals, and

3. a low quality and inconsistency in communication from the top down to the subordinates.

Frequency or importance of issues are not ranked but recurring commonalities are classified as being important enough to be addressed. Important to note is how ombuds perform the role and how they address systemic changes on a bare-bones budget and staff. Cases are determined by the number of visitors and in some cases the number of times an issue reoccurs by multiple parties. Each institution maintains data and reporting systems exclusive to their specific needs; however, different verbiage is found to describe similarities in issues brought to the ombuds' attention. Verbiage is remarkably consistent as to the commonalities of ombuds' roles and functions, and data collected and reported are like the Coalition of Federal Ombudsmen (COFO) and International Ombuds Association (IOA) Reporting Categories.

Authoritarian relationships are often complex, and subordinates are caught between stiff institutional cultures and cultural norms that contradict self-identities, goals, and aspirations. Evaluations center around performance yet the laissez-faire, collegial academia culture poses issues around governance structures and the reality of relying on the same competitive, revenue-generating strategies that ensure continued survival of the corporations.

Outreach efforts promoting the ombuds as an internal resource takes substantial effort and planning yearly. The "8" practitioners incorporate a variety of hybrid networking and outreach methods to create awareness of internal options and promote personal problem-solving techniques and organizational growth.

Synopsis of Organizational Ombuds Similarities and Differences

The "8" reveal ombuds' work to be a solo practice of process even in settings with a long-standing ombuds' services, and barely touch the surface of ombuds' progression, regression, contributions to ombuds' history and workplace environment of the constituency, and honorably to the ombuds as a profession.

Federal ombuds have been utilized for over 25 years. Three larger federal government ombuds best practices emerged from the Administrative Conference of the United States Report 2016.5. Exemplary ombuds' practices involve cutting-edge approaches to employees' concerns, workplace issues, and systemic changes including presidential transitions of leadership and appointments every four years.

The unforeseen limitation for fear of litigation severely hampers information gathering from the public and private sector (corporate focus), although ombuds have been utilized for decades. This limitation did not affect the outcome of the project yet

opens the door for other researchers to address the question why internal conflict remains or is thought to be connected to the judicial system. Underutilization of options can increase the cost of conflict while inclusion of a third party known as the ombuds, is proven to significantly reduce potential for formal resolution. Failure to offer this role and function hampers the institution's ability to continually improve its workforce, productivity and employee engagement through continual improvement.

Growth within the higher education sector has proliferated recently, and has expanded services to include faculty, staff and administrators. Ombuds have a more progressive social media presence possibly due to the tech-savvy constituents within an educational climate where clientele changes every 4-5 years. Ombuds proactively promote a continual learning environment in a business that focuses on delivery of education.

Consistent across workplace sectors are evaluative and peer, colleague and supervisor relationships suggesting employees at all levels need informal conflict resolution channels outside more traditional rights-based grievance procedures. Ombuds have proven their impact and enhancement toward quality of work life for constituents and provide demonstrated merit within institutions. Salvaged work relationships, improved morale, decreased turnover and sabotage, higher performance, and enhanced problem-solving skills help lower the cost of conducting business whether it be in academics, the government, or the corporate environments. In all "8" profiles presented, the ombuds, as a form of appropriate dispute resolution, serves as a systemic change catalyst to bridge the communication gap between parties, and minimize surprises. The "8" serve as management's feedback mechanism which then recycles as an enhancement

for employee performance, engagement, empowerment, and contributions by providing the institution an immediate return on investment (ROI).

Summary of Consistencies

The ombuds is the most knowledgeable individual inside their organization. Much like a physician using the stethoscope to monitor heartbeat and lung capacity, the ombuds monitors not only the visitor's vitals but also the organization's overall health and wellness in relation to that individual. No other role within an institution has the privilege, sacredness, trust, and honor to receive extremely personal information, yet be relegated to the strictness of silence like that of doctor and patient. And while ombuds have no power as we know it, their worthiness comes from knowledge of workplace reality, not assumptions. Ombuds are conflict prevention specialists and proactive in presenting resolution options outside of formal grievance processes. When given choices, the visitor, much like the patient, can best determine the passage to pursue. Some choose a singular action or multiple resources, while other choices take longer. Some pathways have side effects while others offer immediate satisfaction. Visitors may require follow up visits while others are assumed to have healed. Sometimes, an individual just wants a safe, non-judgmental opportunity to speak about a situation and does not pursue closure. Nonetheless, only ombuds provide the unique safe space to deal with the human side of the workplace reality and use their toolbox of strategies to open avenues of appropriate resolution for visitors.

An ombuds is trained to deal with dysfunctional relationships and ultimately becomes the encyclopedia of what is really going on inside an organization. Essentially, an ombuds is the alignment specialist that safeguards the institution and its reputation.

Each of the "8" case profiles show the Office of the Ombuds grew in an organic

process unique to the institution, and ombuds themselves carved out a set of duties

shaped by institutional concerns and their personal skill set. Thus, this research identified

several themes that were consistent with each of the 8 institutions. A summary addresses

the legitimacy of the ombuds and the process of ombudsing.

Theme 1: Origin and Evolution of Ombuds

This recurring theme involves the agency or institution's description and the

impetus to consider, design, and implement an ombuds' office dependent on the specific

vision, mission, goals, and objectives of leadership. The structure or foundation of the

institution appears to dictate the role and function of ombuds within that hierarchy.

Without an organizational culture within which the ombuds operates, there would be no

budget, no reporting structure, no visitors, no caseload, no resources, no ombuds' charter,

and no systemic change responsibilities. Each institution has operational parameters,

specific policies including rules and regulations applicable, defined leadership and

timelines, budget constraints, external stakeholders and internal constituents. A brief

overview highlights some of the findings.

- The U.S. Department of Energy (DOE) Office of the Ombudsman:

  Establishment was the result of the Administrative Conference of the United

  States (ACUS) Recommendation 90-2. The Office of the Ombudsman is in its

  second wave of leadership and staffing and is classified as an organizational

  ombuds serving internal employees, leaders, and constituents in contrast to the

  classical government or advocate ombuds supporting a specific agenda.

- The U.S. National Aeronautics and Space Administration (NASA) The NASA Ombudsman Program: Two competing systemic issues, first in the technologies, and second in the infrastructure, ignored flaws that existed long before the Challenger (1986) and the Columbia accidents (2003). NASA Policy Directive (NPD 2025.1) created and established a functioning NASA Ombudsman Program in January 2004 to address organizational changes, clarification of employee and contractor roles and responsibilities, diversity, and managing risk using the appropriate processes, tools, and technology under the umbrella of One NASA. The NASA ombuds are classified as organizational ombuds limiting services to employees, leadership and management.

- Federal Emergency Management Agency (FEMA) Reservist Ombuds: President Jimmy Carter officially established the Office of Homeland Security which officially created the Federal Emergency Management Agency (FEMA) to increase involvement during chaotic disaster recovery efforts. FEMA's Office of Chief Counsel, the Alternative Dispute Resolution Division (ADR), then established the FEMA Reservist Ombuds Office in 2014. Advocating for equitable and fair treatment of deployed Reservists, the Ombuds is to address and resolve only systemic issues related to policies, procedures and practices.

- North Carolina State University Faculty and Staff Ombuds Office: The Faculty Ombuds Office Charter was adopted on November 27, 2012 by the North Carolina State University Faculty Senate in response to challenges

within the faculty grievance system after decades of contemplation. The first

Ombuds was appointed in 2014, opened the Ombuds Office in 2015 serving

faculty, then expanded services to include staff members by January 2017.

- University of South Florida System (USF) Ombuds Office: The University of

  Florida System (USF) is a member of the State University System of Florida.

  The USF president collaborated with the university's general counsel to

  explore processes to manage and resolve workplace conflicts that had

  escalated to the counsel's attention. Within a year the general counsel was

  elevated to the ombuds' role and the office officially opened "to empower the

  success of faculty, staff, and administrators across the USF System by

  independently enabling informal, confidential and neutral resolution of

  workplace conflict and concerns in alignment with USF's strategic mission

  and values" ("What We Do," 2017).

- Syracuse University Office of the University Ombuds: A recommendation by

  the Syracuse University Senate Committee on Women's Concerns and the

  Chancellor Workgroup on Diversity and Inclusion collaborated to design an

  ombuds' role to serve faculty, staff, and graduate students. Formed in 2019

  after decades of unsuccessful attempts, the ombuds' charter was signed to

  support an empowerment model to engage constituents.

- The American Red Cross Office of the Corporate Ombudsman: The ARC is a

  proactive not-for-profit under the auspices of the congressional mandates to

  fulfill the Geneva Convention. The ARC Modernization Act of 2007 created

  the first Corporate Ombudsman to serve as an alternate resource capable of

impartial listening, systemic chance, advocation for the fair processing of

stakeholder issues and an informal channel for early conflict resolution

through adherence to the pillars of confidentiality, neutrality, informality, and

independence of management ("Our Role," 2007).

- Mars, Incorporated Corporate Ombudsman: Mars, Incorporated is a 109-year-

  old generational family corporation focused on targeted nutrition for humans

  and pets, confectionary treats, best employment practices, scientific

  breakthrough, and sustained community resources. Victoria Mars was

  appointed in 1997 as the first Corporate Ombudsman to establish a proactive

  and comprehensive alternative communication channel for Associates to

  discuss work-related concerns. Victoria designed the Ombudsman Program

  from the ground up emphasizing the Mars Associate Concept and The Five

  Principles.

Table 6

The "8" Ombuds Office Development by Year and Evolution

Institution	Year Created	How Created	Evolution
U.S. Dept. of Energy (DOE)	2012	Charter	Internal racial profiling
National Aeronautics and Space Administration (NASA)	2004	National Policy Directive 2025.1	Columbia Shuttle Accident Investigation Board, Diaz Team
FEMA Reservists Division of Homeland Security, Federal Emergency Management Agency (FEMA)	2014	Alternate Dispute Resolution Division	Address systemic issues of temporary workforce deployed to disasters
North Carolina State University (NCSU)	2012	Charter	Create best employee engagement practices & empower workforce
University of South Florida System (USFS)	2016	Charter	Workplace escalation issues across 3 campuses

Syracuse University	2019	Charter	Employee engagement & critical eye for systemic change
Mars, Incorporated (Mars)	1997	Victoria Mars	Increase organizational capacity to deal with changes and conflict
American Red Cross (ARC)	2007	Charter	Modernization Act of 2007 & Geneva Convention federal mandates

(*Table 1 creation by L. Kovack, 2021)

Theme 2: **Governance and Reporting Structure**

The "8" found a designated operational charter appropriate to each institution and its constituency. Charters consistently reference at least 3 of the 4 ombuds' practices in providing confidential, informal, and neutral options. However, the issue of independence from management of the federal ombuds is vague, while charters for academia and the corporate sector are explicit.

- A federal governance body known as the Administrative Conference of the United States (ACUS) recommended improvements to the administrative and regulatory processes involving agency ombuds. The ACUS 2016.5 Report included more than 650 pages of findings and recommendations but indicated no agreement or verification existed as to how many federal agencies have an active ombuds office or a similar function. ACUS found differences in governance but indicated a communicative line to agency leadership.

- Higher education was found to be a complicated conglomeration of constraints with conflicting allegiances to disciplines, departments, colleges, research grants, faculty, staff, employees, temporary employment agency assignments, student employees, and the institution itself. The administration is heavily bureaucratic with a corporate hierarchy. Policies and procedures are designed for academia to function as a business operation, and as an economic

numbers enterprise in contrast to a gateway of social, economic and intellectual enhancement. Faculty interacts in a laissez-faire collegial culture of research, debates, and shared decision making. Autonomous departments, colleges and divisions are intertwined with tenure and contractual relationships. Staff and employees are accountable to dual cultures with policies protective of both the productive and less productive employees. Interpersonal and departmental conflicts involve turf issues and privileges, with intense competition over resources, power issues, chain of command, and collective bargaining agreements.

- Governance of the corporate (public/private) entities is also complex with extremely strict policies and procedures regarding what it considered to be confidential internal information. A top-down hierarchy often views the ombuds as a potential drain of ever-shrinking budgets, increased electronic surveillance, intellectual and artificial intelligence, and corporate sabotage. As with the federal and academic sectors, governance is a system with each of the divisions making up the whole.

- The Sarbanes-Oxley Act of 2002 (SOX) was created by the U.S Congress as a form of publicly traded corporate financial auditing compliance resulting from fraud scandals involving Enron and other whistleblower incidents and does not apply to the academic or federal sectors. While not expressly prohibited from revealing internal employee issues, data gathering is severely hampered by this mandated compliance. As a privately-owned corporation, Mars,

Incorporated is exempt from the SOX as is The American Red Cross

charitable agency.

Some highlights from the "8" revealed very active reporting relationships to

governance within the respective institutions or deviations in multiple divisions.

- NASA: Full-time NASA employees have rotational appointments with part-time ombuds' functions based on knowledge and interpersonal skills. Ombuds report to the respective center director who reports to NASA headquarters.

- FEMA RO: The Reservist Ombuds (launched within the ADR Division of the Office of Chief Counsel) serves the agency's intermittent work force and complements ADR Advisors as an upward feedback channel for issues, concerns, policies and practices of disaster deployed Reservists.

- NCSU: The Ombuds reports directly to the NCSU Provost, the Chancellor, the University Vice Chancellor for Finance and Administration, and the University Vice Chancellor for Human Resources.

- USFS: All three campuses are together under one accreditation umbrella in 2020. Associate ombuds report to the lead while the lead reports to the USF president.

- SYRACUSE: The sole ombuds reports directly to the University Chancellor and Provost and collaborates with the University Vice Chancellor for Finance and Administration, and the University Vice Chancellor for Human Resources.

- MARS: All ombudsmen report to the Corporate Ombudsman based in Plymouth, United Kingdom who reports to the Office of the President in McLean, Virginia.

- ARC: The Corporate Ombudsman reports directly to the National Red Cross Headquarters' President and CEO, and periodically reports matters to the Audit and Risk Management Committee of the ARC Board of Governors. Collaboration occurs with the Chief Operating Office, Chief of Operations Support, General Counsel, Chief Public Affairs Officer, and the National Chair of Volunteers. Government collaboration includes various U.S. Senate committees, the U.S. Homeland Security, Ways and Means, and the Red Cross Advisory Board.

Theme 3: Backgrounds, Knowledge, Skills & Attitudes (KSAs)

Ombuds and staff backgrounds reveal professionalism in their respective areas of expertise. Prior experiences weigh heavily in the successes of being an ombuds. Education levels range from a bachelor's degree in progress to doctorates. Some progress from entry level positions to their current position. Participation in an ombuds' foundation course and pursuit of the IOA CO-OP® certification are as important as the KSAs (knowledge, skills and attitudes) attributed to their role and functionality as an ombuds.

DOE KSA: According to J. Anderson (personal communication, August 8, 2020), geographic diversity, creative solutions, group process interventions, and large system-wide long-term consistent approaches are the hallmarks of DOE practices nationally. Anderson described "gray areas" as interpersonal skillsets of "dancing in the moment"

while "ombudsing" require "emotionally intelligent professionals reflecting on options that worked for visitor concerns." Benchmarked practices include deep personal caring about strategies involving vision and mission, and selflessness when dealing with employee concerns since the "moment" is not about the ombuds but more about the skillsets which support and consistently work for constituent issues. Anderson adds the ability to deal with ambiguous environments, being proactive, genuine, respectful of 'boundaries' in relation to other internal resources, critical thinking, highly refined interviewing and data gathering skills, and personal excellence in delivery of ombuds' services (2020) all support the DOE being one of the federal government's most emulated ombuds' offices.

NASA KSAs include an "essence" of maintaining a closed loop issue resolution system to ensure issues referred did not fall through the cracks. Specific characteristics attributed to NASA ombuds include: 1) understanding and reflecting NASA values, 2) grasping details and the big picture, 3) listening and acting impartially, 4) diversity sensitivity, 5) organizational knowledge, 6) excellent verbal, written, analytic and problem solving skills, 4) conflict resolution and negotiation skills, 8) personal attributes like integrity, compassion, trustworthiness, 9) a position not susceptive to management influences, and 10) those respected by the workforces.

FEMA RO KSAs include the ability to understand and implement changes in the "cadres" which encompass ADR and approximately 20 different specialties like Hazard Mitigation, Operations, Security and Logistics. Comprehension of metrics and the FEMA Qualification System for personnel evaluation, and the DTS (Deployment Tracking System) and PTB (Position Task Book) are mandatory and ongoing. R. Wynder

(personal communication, August 5, 2020) states ombuds must be able to conduct relevant research, utilize internal resources, comprehend and apply the FEMA rules and regulations while promoting a fair and confidential process.

NCSU KSAs are described in the Charter Section D as to 1) current knowledge and understanding of applicable NCSU policies and procedures, 2) effective communication skills, 3) the capability to maintain approaches that are balanced and objective, and 4) formal IOA training. R. Baroff (personal communication, March 26, 2020) suggests the personality to create a strong online and social media presence and the ability to create and deliver a cutting-edge dialogue within an ambiguous environment with upper management, deans, chairs, and leaders. Baroff also includes the ability to ask open-ended questions when handling highly emotional visitors which includes personal emotional intelligence.

USF KSAs are described by Prevaux and Schneider (personal communication, June 8, 2020) as strict adherence to the 4 pillars and 1) professionalism to expect the highest and best outcomes, 2) fairness and consistency with integrity, 3) empowerment giving visitors several different paths to successful resolution, and 4) collaboration which means an inclusive, collegial and teamwork approach to any concern brought to the ombuds' attention. Attention to finite detail is imperative since ombuds conduct workshops on conflict styles, conflict dynamics and conflict profiles.

SYRACUSE KSAs includes the ability to view all positions and critically address issues. Powless strongly suggests ombuds should provide a supplemental alternative to an institution's formal processes as an 'ear to the people' intended to be supportive, respectful, and inclusive which are core aspects of his Native American culture. Powless

also acknowledges his perspective and training in psychology as paramount in his ability to interact in 'gray or undefined' areas through role playing and role reversal while discussing ways to approach unpleasant conversations. Referencing the ombuds' empowerment model structure, Powless describes his perspective as a "buffet table of options where you select the one that makes the most sense for you" which allows the visitor to find a resolution rather than having one imposed. The universal truths within his Native American culture enhance his approach to every new conversation. "Energy you put into space is important. Peace = peace, love = love, violence = violence, anger = anger, and happiness = happiness" (N. Powless, personal communication, June 28, 2020).

MARS KSAs: A bachelor's degree and the ability to speak multiple languages are mandatory. According to Ombuds W. Kweens (personal communication, May 26, 2020), personality is the major criteria for consideration with core competencies of integrity, trust, active listening skills, managerial courage, empathy, and excellence in oral and written communication. The ability to remain focused while providing full-time ombuds' services to over 15,000 Associates while collaborating with fellow ombuds to cover absences or vacations is implied. Kweens indicates the workload was divided by countries, Ombudsman sites, constituents and special competencies. Hyde (lead ombuds) personally visits each ombuds for one week yearly and conducts 6-month appraisal sessions and collaborates through team huddles and open discussions as a global support leader. Internal postings are prioritized because Victoria Mars, the founder and first Ombuds, believed "Associates are the pride of the business and their wellbeing in the workplace should be a top priority" ("Mars Ombudsman Our Story", n.d.).

ARC KSAs. The ARC Case Statistics (n.d., p. 9) suggest listening as the most important skill followed by coaching and evaluating options. The ability to handle challenging situations, identify perspectives and viewpoints, and reframe issues to reach all audience members are paramount. Experience gained through business or corporate backgrounds, an entrepreneurial spirit to treat each visitor as the only client, service as a volunteer with any organization, and humanitarian compassion combined with emotional intelligence to understand differing reactions during traumatic experiences give strength to Ombudsman's talents.

Theme 4: Standards of Practice

Standards of practice, especially those of the International Ombuds Association, are the glue that binds the "8" profiles together. The "8" adhere to the IOA, the COFO, and the ABA Standards of Practice and Code of Ethics with an official ombuds' charter governing the role and functionality. Some highlights expand the guidelines. The *DOE Ombudsman Charter and Records Retention Policy* and *Principles of the Ombuds* explain how core standards are to be applied. Others require IOA CO-OP® certification within the first 6 months of appointment or utilized intake checklists. A USF Workplace Confidential Conflict Assessment is utilized as a point of clarification as to the severity of a potential concern. The Mars Way of Working, the Five Principles and Associate Concept, the Essence of Mars, the GLM Hub, and the Mars Culture are included as operational standards. ARC includes "confidentiality with privilege that cannot be waived by others consistent with the District of Columbia law" (D.C. Code §§16-4201 to 16-4213).

Theme 5: Highlights of Constituents, Services, and Issues

Staff members are found to visit the ombuds more than other employees. Ombuds' services differ to meet the needs of the constituency. While some ombuds offer mediation, most provide shuttle diplomacy, referrals, facilitated dialogue, and a plethora of diplomacy avenues to address interpersonal conflict resolution. Each ombuds has an intense online presence within different platforms: Facebook, Twitter, Instagram, Snapchat, YouTube, Flickr, Pinterest, LinkedIn, Soundcloud, Periscope and Twitch. FAQs (Frequently Asked Questions) have hyperlinks that lead viewers through some workplace conflict examples and post consecutive annual reports. The "8" gather confidential non-identifiable information on the numbers and types of constituents (employees only at all levels), internal services or resources available, causes for concern, and the issues, then compile, analyze, and report their findings in an annual report. Categories are normally reported according to IOA suggestions. Additional reporting categories remain individualized with information needed by leadership to support a particular procedural change. Consistency is found within categories of resolution, partial resolution, or no resolution. Active cases are without reported resolution.

- About 80% of cases are individual issues with 20% considered to be group concerns involving the same or similar issue (J. Anderson, DOE, 2020).

- NASA leadership implements results from The Federal Employee Viewpoint Survey (FEVS).

- The FEMA RO created intake procedures and take immediate action when any concern is voiced for a second time.

- NCSU: The North Carolina State Human Rights Act (SHRA) and EHRA (Exempt from Human Resources Act) are applicable at NCSU. Baroff is the sole IRS 1099 designee ombuds and further divides cases by faculty and staff when compiling demographics.

- USFS: Contacting the Ombuds follows a "Bullish Roadmap to Conflict Resolution" ("About USF | Traditions", n.d.) that includes a 10-step flowchart process: arrive, advise, confide, decide, devise, describe, repair the divide, revive, revise, and thrive. Visitor satisfaction is the ability to learn to resolve their own conflicts, referring concerns to other resources, and the ability to express voices and explore options.

- SYRACUSE: Powless created a template for all visitors to ensure his office offers every pathway available for self-resolution of concerns.

- MARS: The Mars Ombuds team is virtual across 7 locations, 16 time zones and 75 countries ("Examples of topics", 2018). The Ombudsman Hotline 2020 pilot roll-out has a 3-language option available 24/7/365 (2019 Annual Report). Contact methods includes a new scan code introduced in 2019.

- ARC: AmeriCorps participants, temporary employees, disaster employees, and third-party contractors are internal (employee) cases with supervisors, non-supervisory personnel, retirees, managers, leaders, former employees, contract employees, former volunteers and current volunteers considered internal also.

Theme 6: Systemic Responsibilities

Systemic change responsibilities continue to be the most important theme involving the ombuds' role and functionality. More detail is warranted since ombuds are trusted confidants with a direct communication line to institutional leaders who have the power to implement organization-wide transformations. While institutions did differ, the ombuds continues responsibility as the institutional change catalyst to help transition organizations to develop and improve their system. Use of the ombuds is found to support the premise that conflict is reduced when a less adversarial option is available to employees at all levels.

DOE: The Office of the Ombudsman serve as a change agent by engaging in education and advocacy concerning fair process, diversity and qualities of effective leadership. The Office publicizes the function and work by providing information and recommending pertinent changes to top officials. With no access to legal counsel, an Office of Hearings and Appeals exists within the DOE and a whistleblower policy is available as a hyperlink online. DOE record retention policy states "any rough notes are not circulated or used for official purposes…and are purged as soon as contact with the visitor(s) is closed and the notes are no longer needed by the creator" (DOE Office of the Ombudsman Record, 2013). Additionally, the Office of the Ombudsman adheres to the General Records Retention Schedule (GRS 20), item 4, Data Files Consisting of Summarized Information. Systemic Review participation by the Ombuds has been ongoing since 2012. Four original concerns are reported as being: 1) information requests and assistance, 2) security-related concerns and recommendations from the Task Force Against Racial Profiling, 3) employment issues and barriers, and 4) management and

accountability. Updated websites added 5) strategic planning, 6) workplace climate measurements, 7) integration of the ombuds' functions, 8) diversity strategies, 9) leadership development expansion, and 10) assessment and improvement of recruitment and retention practices. Ombuds' hands-on issues includes those being reported to senior management as opposed to lower-level supervisors, reports not issued on any of the identified potential concerns, systemic issues being reviewed weekly, and the authority to look informally into administrative actions or omissions.

NASA: The NASA Ombuds' function is supported by leadership as a less formal pathway to enhance the "One NASA" transformation. Specifically, the Ombuds: 1) reduces safety risks, 2) reduces cost and time in resolving conflict, 3) attracts and retains talent, 4) reduces costs associated with error and fraud, 5) protects NASA and facility reputations, 6) promote trust and ethical work environments in civil servant roles or federal employment, 7) eliminates barriers to encourage an engaged and productive continually improving workforce focused on One NASA vision and mission, 8) reduces absenteeism, presenteeism, and health claims, and 9) "provides one more resource to ensure people have a place to be heard" (NASA 2006 Annual Report, p. 2). Ombuds have developed an ombuds pipeline for future transitions due to retirements, job or leadership changes by expanding network services to meet with newer managers and contractors, interact with other NASA and federal agency ombuds more frequently, and publish quarterly, semi-annual and annual reports. As catalysts for systemic change, Ombuds ensure leaders are held accountable for providing respectful treatment through appropriate consequences implemented for misconduct and trained future leaders to become attentive and effective promoters of organizational change. NASA holds its

entire workforce and contractors accountable for Code of Conduct adherence, the

addressing of safety and risk issues, and encourages supervisors to address concerns

regardless of personal impressions. Tangible (measurable) evidence of Ombuds'

effectiveness reports improved relationships after seeking ombuds assistance. Intangible

(non-measurable) benefits rebuild working relationships, raise safety concerns, reduce

discipline issues, lobby for continual improvement, and compile an extensive "Lessons

Learned" library of case studies, recommend book lists with strategic toolkits on conflict

resolution techniques, and involve contractor relationships in the transformation,

reputation, and public trust restoration. In 2020 the U.S. Space Force was created as an

official military branch with the assumption the Os will play important roles as the

institution evolves.

FEMA Reservist Ombuds (RO): Reservists operate remotely and have a very high

turnover rate. The RO immediately addresses assignment and qualification questions.

Issues frequently handled focus on deployment since the Reservist is at-will and

dependent on disasters which can occur simultaneously across the nation. Recruiting is an

ongoing challenge and morale issues tend to divert attention away from systemic issues.

Ongoing since 2014 are pay bands (aka as pay structures or brackets), workplace

uncertainty issues and duress during times of chaos, struggles with FEMA policy or

procedures and application, plus Reservist reimbursement while deployed. Maneuvering

within FEMA's internal structure is a complicated process that requires the ability to

understand, translate, and consistently apply legislation and compliance mandates. The

Reservist Advisory Board is kept abreast of potential systemic issues. The FEMA RO

reports directly to the Chief Counsel with "unfettered access to the FEMA Chief of Staff

when, and if necessary, to propose recommended actions" (FEMA Reservist FAQ, 2016).

Chief Counsel provides oversight and administrative support for the RO to explore

options with Reservists to resolve immediate conflict, problematic issues and concerns.

Systemic concerns (being more than 1 occurrence) are immediately brought to the

attention of the Deputy Administrator and other Agency leaders. Impressive is the fact

the Associate ombuds assumed the RO role unexpectedly.

NCSU: Guidance and accelerated change strategies are entrusted to the ombuds

who navigates critical decisions for lasting impacts per the Charter. Perceptions of

administration and leadership remain distorted with a lack of connection among and

between administrators, leaders, faculty and staff. The ombuds implements new leader

trainings, and addresses concise articulation of expectations, standards, and directions to

faculty who question reappointment, promotion, tenure processes and decisions.

Compensation issues involve bias and equity issues. The lack of input to engage the

workforce results in facilitated dialogue to improve the decision-making process. Phase

or term retirements are suggested and implemented to keep faculty and staff relationships

positive. Leadership collaboration does not encroach on the power, status, or services

provided to constituents across NCSU. Two pilot programs introduce the ombuds' role

and function through "town hall" sessions, along with "The Be Nice Campaign - Hard on

Problems, Soft on People" initiative. Interaction includes chancellor and provost updates

on aggregate data findings. Newsletters, blogs, discussions, online portals, and

daily/weekly updates on the university's policies regarding Covid-19 are at the forefront

of the communication commitment. Attempts to monitor the value of the NCSU Ombuds

Office are continual through the Post Contact Survey (PCS) administered by a third party.

Quotes in annual reports indicate respondents believe the Ombuds helps balance work

and home challenges and improves their quality of work life. Tangible values indicate

93% felt the Ombuds helped identify options and 92.5% would recommend usage.

Intangible value is proven when "employee input was not just a motion in and of itself,

but valuable for sustainability and growth of services" (Baroff, personal communication,

March 26, 2020). The ombuds helps bridge the lack of trust in systems over which

leadership had no control and keeps a dominant online presence that continually updates

constituents and peers during the pandemic.

USFS: The consolidation accreditation process created faculty and staff confusion

which increases contact with the Ombuds. The prior year's reporting categories divides

the units into AA (Academic Affairs), AS (Administrative Services), DSO (Direct

Support Organizations), ES (Executive Services), HLTH (USF Health), and ORI (Office

of Research & Foundation), giving a realistic scope of direct ombuds' service and to

which group. Ombuds' presentations have increased indicating employees and

administrators are more receptive to available internal resources. The CDP Assessment

provides a better understanding of individual positive and negative conflict behavior

responses (USE, Outreach and Training, 2018, p. 8). Annual reports include primary and

secondary concerns specific to USF. To clarify, some categories are combined while

others are reported separately. Marketing and outreach focus on turnover, job alignment,

uncivil and non-collegial behaviors, bullying, adverse treatment, relationships

interpersonal conflicts, and reputational issues. Legal, regulatory and financial cases are

the highest categories due to perceived misconduct, contractual or grant accountability,

and fraud. Aggregate data is divided by tenured faculty, non-tenured, tenure-earning and staff cases. Employees nearing retirement account for nearly half of ombuds visits.

Tangible value of the USFS Ombuds for FY 2109 reports about 93% resolution satisfaction. Intangible value introduces personal conflict assessment tools, conflict dynamics, and personal profile styles to enhance interpersonal positive relations considering the diversity and cultural differences. Transparency in dialogue with clearly stated expectations of parties in conflict, performance feedback, and mutual respect greatly increases chances for positive resolution and reduces chances for tension and surprise, especially at the leadership level. The focus of the systemic abuse of power is identified by potential negative behavioral trends, conflicts of interest, offensive behaviors, neglect of personal duty, misappropriations for departmental funds, questionable practices in research, violations of USF policy and collegial relationships.

SYRACUSE: During the first year of existence, the ombuds was challenged by an unfamiliar role, no predecessor, office setup and rollout, networking and outreach development, the pandemic, and the dissemination of information to constituents including faculty, staff and students. Sharing of visitor information is contemplated as to what needs to be shared with others, how information would be shared and with whom, and at what level the information would be shared since information could be innocently passed or implied during informal discussions. The ombuds can "talk to anyone, including the board, and be critical, thoughtful, and honest" in all discussions (N. Powless, personal communication, June 28, 2020). Responsibility for "raising an eyebrow and generalizing patterns or procedures that deviated from normal or accepted university procedures" are succinctly established in the Office of the Ombudsman

Charter. Tangible merit is measured with the reporting of over 200 individual concerns

coming to the ombuds' attention. Intangible worth is supported through constant

information and empowerment of employees who attend presentations and webinars

adding a less-adversarial alternative to problem solving. The ombuds indicates missteps

were part of the learning process and a 'lessons learned' perspective was created as an

improvement tool.

MARS: The Mars Corporate Ombudsman Office utilizes a 3-role segment system:

management, non-management and non-Associate. Data is reported using contacts

divided by the number of Associates in that specific business segment. 2019 contact

levels encompass an equal number of business operations and technical leadership issues,

followed by people leadership and a smaller segment from global leadership. Outcomes

of contacts are tallied as to full resolution, partial resolution or no resolution with 92% of

contacts believing the Ombuds assists in resolution (W. Kweens, personal

communication, April 6, 2020). Ombuds services are categorized into coaching,

facilitation, information only, mediation, and referral to others with coaching the most

highly utilized option, followed by facilitation and information only. Outreach

"touchpoint" efforts are a highlight for systemic awareness. The Mars Veterinary Health

division (VHM) launched a full-time dedicated Ombudsman for North American hospital

sites with an additional team member for Europe and dedicated an Ombudsman Hotline

as a pilot service available in 3 languages around the clock. Additional efforts through

website updates, videos, posters and presentations reach over 40% more Associates over

2018 data, plus a scan code is a contact option for 2020 (Ombudsman's Introduction,

2019). Newly acquired business operations result in increased Ombuds activities. The

Ombuds Annual Reports differentiated five reporting areas according to business operations globally. Increases in contact with the ombuds are attributed to acquisitions and clarification by team members. Evaluations and performance reviews involve more leadership issues and improvement plans are initiated. Seeking a life balance through Associate input creates employee buy-in for systemic changes. Recruitment and talent acquisition, job evaluations and restructuring are addressed by Ombuds during business acquisitions. Associates are found to be more focused on task at hand and less on workplace issues since the ombuds translates Associate Variable Pay (AVP) frameworks through brochures and transparency regarding annual compensation. Concerns by Associates as to pay-wise issues are handled through the Pay Framework (also known as the Single Landscape) clarified in FY2019 Annual Report as a multi-year initiative impacting all Associates at all levels.

ARC: Systemic responsibilities increased when the ARC ombuds can hover over a vast organizational system that are intertwined, yet separate stand-alone entities. Recruitment of ombuds is complex with strengths needed in business acumen, entrepreneurial spirit, volunteer service in any organization, and the humanitarian compassion with emotional intelligence. ARC staff must be ready for not only normal employee inquiries but also during peak turbulent weather conditions where volunteers add to inquiries. 30,000 employees, 500 partners and 3.7 million blood and financial donors (ARC, Annual Report, 2019) nationwide affected unique systemic changes to an organization becoming a best-practices institution under ARC President McGovern. Her leadership has transformed the "corporate culture to be characterized by compliance, ethics, and integrity in service performance and the entrepreneurial activities of a

volunteer-led organization ("Chief Executive Office Position Description", 2020, p. 1).

The ARC Board of Governors changes frequently. Calamities stretch ARC's resources to

the limit which ultimately create more chaos and unhappy recipients. The Ombuds

improve data gathering techniques and divide them by constituent groups so McGovern

addresses changes brought about by particular groups during specific time frames.

Complicated constituent reporting is divided by external and internal constituents which

help McGovern and the Board of Governors meet systemic changes mandated by the

Congressional 2007 Modernization Act. Internal constituents account for a significant

number of inquiries including those involving current and former volunteers, contract

employees, former employees, leadership, managers, retirees and non-supervisory.

Evaluative relationships and career progression are top issues followed by

service/business decisions that involve provider behaviors, interpretation and uniform

application of rules and policies, responsiveness or timeliness as determined by general

public recipients during a crisis response, and the quality of service as a source of

misunderstanding. The ARC does have service fees for non-recoverable services deemed

free by the public. The Ombuds handle compensation and benefit issues that affect

policies and procedures. Recurring human resource issues continue during leadership

changes and field operations miscommunication involving clarification and application of

policy and procedures, supervisory and peer relationships, discrimination and perceived

hostile work environments, and separation or dismissals without progressive discipline.

Humanitarian concerns top the issue reporting categories followed by biomedical issues

and preparedness training. Issues involving the National Headquarters are also

organization wide. Section IV of the Ombudsman Charter (2007) describe the Corporate

Ombudsman's duties and responsibilities divided into 12 authorized (A) and 9 non-
authorized (B) segments described earlier.

ARC is a charitable institution exempt although McGovern did adopt SOX
policies. Constituents reported leadership's culture of avoidance, underuse of ARC's
Issue Resolution Process, the underutilization of alternate conflict resolution options, and
the inconsistent delivery of programs and services. Tangible value is addressed in each of
the statistics revealed in annual reports going back over a decade. Intangible
contributions impact and improve community overall responses, enhance the ARC
reputation, develop an open communication channel that also has increased partnerships,
restructure the ARC headquarters, critically assess senior leadership, collaborate with
stakeholders and internal divisions to improve cooperation and organizational
performance and develop new relationships with government agencies.

Theme 7: Merit, Worth, and Contributions to Institution

The contributions or "value" ombuds make to their institutions are complex and
difficult to measure. Simply illustrated, the ocean has high and low tides that impact the
beaches and cause erosion regardless of the location. Meteorologists attempt to forecast
weather patterns giving time to prepare for inclement weather. An ombuds acts as the
organization's meteorologist, the most knowledgeable and highly trained individual who
is keenly aware of the forces of nature, and pending storms that could be disruptive.
Preparation in both cases is proactive, not reactive, much like a radar system. The "8"
ombuds facilitate the unpleasant "weather" discussions without breaching confidences
and assist in the roll out of changes to address unwanted behaviors and avoid surprises.
With a skillset focused on workplace dynamics and dysfunctional behaviors, ombuds

educate employees on how to self-resolve issues or "weather the storm." Ombuds advocate for a fair and equitable conflict resolution process, but not for a particular individual or outcome. Ombuds can predict potential inclement weather and assist in mitigating the effects of beach erosion through preparation and foresight, but discussions have focused on the contributions or value an ombuds provides to the constituents.

The findings of the "8" directly address the issue of an ombuds' value to the institution by focusing on what would happen if there was no alternative dispute resolution process or ombuds function? What pathway would be chosen? Literature describes increased absenteeism, presenteeism (present but not performing optimally), sabotage, and company computers being used for job searches. The term "value" is a misnomer since numbers do not adequately describe outcomes or the constituent's individualized version of what constituted resolution. Value suggests a dollar figure reflected on the institution's profit and loss balance sheet. While there are formulas to calculate the cost of conflict, the "8" provide expansive insight into worthiness or distinct contributions from constituents who participated in the actual ombudsing process that involves visiting an ombuds who identifies internal resources and options for self-resolution. Ombuds do not exist without constituents. Arguing with accountants in my corporate career, I did not understand the need to continually assign a dollar bracket to intangible benefits. I instead utilize the word "contributions" to compute ROI (return on investment) strategies. The "8" cases include institutional systemic change(s) are/was/were the direct result of data gathering by ombuds of less effective policies and procedures then brought to leadership's attention for implementation consideration. Implementation is directly correlated to the ombuds' contribution. Internal power

structures could have ignored behavioral and procedural trends, but the "8" institutional leaders fully and unconditionally support ombuds' efforts for continual improvement of delivery systems. Had the ombuds not gathered information, inaccurate assumptions could/would have detrimental consequences. Thus, the ombuds' role and functionality arere stand-alone characteristics of institutional worthiness. Some brief highlights emphasize the ombuds' contribution and worthiness.

DOE's monumental mission and delivery systems nationwide are enhanced by ombuds able to navigate federal complexities, contractor and constituent relationships. Most importantly the ombuds increases organizational focus on mission critical activities by minimizing unwarranted workplace distractions, expeditiously addressing individual and organizational matters, and increasing employee engagement. DOE ombuds prefer verbiage like *worth, excellence, usefulness or importance* rather than the normal "dollar" essence assigned to the term. According to Anderson (2020), one of the most remarkable features is the ability to speak the truth by being honest and brutal by "ombudsing where you are at" in the moment.

NASA earns the Partnership for Public Service's distinguished "Best Place to Work in the Federal Government" award due to continuous employee input and recommendations promoted in NASA's Leadership Handbook, and Workforce Cultural Strategy working group. To benchmark improvements, yearly results are immediately addressed at the DC headquarters, re-designed and implemented prior to the next yearly Federal Employee Viewpoint Survey. Focused on The One NASA vision through the 2016 Five-Year Strategic Plan for "Going Forward" (2017 Ombudsman Annual Report, p. 10), ombuds are part of a larger system but serve individual segments with unique

populations. Each Center has the capability to develop center-specific communication lens. NASA prides itself as an agency where talented employees join young and retire with honors.

FEMA Reservists have no representation now addressed by the Reservist Ombuds. What originally started as a team became a solo practice which illustrates how the foresight of leaders who mentor subordinates through best-practice examples prepare them to assume the leadership role to continue seamless services. Situational leadership becomes transformational and sustainable.

NCSU's sole practitioner became the voice of reason and a calming voice of continuity as institutional changes address constituent questions during the pandemic. An extensive amount of ombuds' information and best practices are identified from NCSU and incorporated into the "8" study. The NCSU ombuds has the most extensive online presence of the "8" profiles.

USF successfully completed a very comprehensive umbrella accreditation process that would not have been possible without the ombuds' continual contributions and data gathering during the transition and transformation process. Clarification provided by the ombuds during the restructuring is assumed to have reduced the number of more formal procedures to resolve issues.

SYRACUSE as an institution is in a proactive mode to continually improve leadership, followers, performance, efficiency, effectiveness, and morale while the ombuds becomes more oriented with constituent needs and internal resources. Implementation began as a pilot protocol that has expanded as collaboration and facilitation are maximized.

MARS continues as a Fortune 100 Best Places to Work; family leadership is based on ethical principles with a zero-retaliation tolerance and is distinguished as one of the IOA's best-in-class examples of how and why ombuds contributed to sustained growth and high-performing teams. Intangible benefits evidenced by the P&O (People & Organization like human resources) are synonymous with institutional cultural changes in technology, organizational structure, functionality of each business segment. Continuous improvement continues as a significant component of systemic change. Mars addresses transformational changes via Associate feedback until changes become embedded in the operational mentality. Decentralized decision-making by front-line managers, continual monitoring, open communication, and options available through Mars' conflict resolution strategies impact Mars success in the corporate sector.

ARC: Internal and external consistent reporting benefits recipients since training, outreach efforts, and marketing are target specific. Analysis of issues includes a breakdown of reasons, identification of true gaps in service, and a compilation of yearly statistics to set benchmarks, checks and balances. Strategic utilization of ombuds enhances the ARC image and continuous improvement philosophy.

Theme 8: Best and Exemplary Practices

Membership in the COFO, IOA and ABA offers practitioners an option to diversify the role and functionality of individual ombuds. Each of the "8" ombuds were, unbeknownst to them, very highly recommended to me for their contributions to their fellow practitioners and the ombuds as a profession. Leadership support is paramount and imperative to ombuds' growth and sustainability. The "8" create evolutionary strategies to bring the widest number of internal conflict resolution resources to the constituency

consistent with the institution's vision and mission. For brevity, government agencies are always affected by changes in presidential leadership. The DOE transitioned to a second generation of ombuds, NASA continues to adhere to its Five-Year Strategic Plan that includes ombuds at each facility, and the FEMA RO received excellent mentorship as an Associate. Corporate sector ombuds' continue to be affected by the Sarbanes-Oxley compliance act (2002) which severely restricts exploration and examination of the ombuds, but in the end opened a new world of excellence to me with the Mars' family leadership philosophy and Associate empowerment. Consideration of the federally mandated yet charitable organization reveals reliance on ombuds helped bring the ARC back from extinction. With litigation costs souring, a proliferation of ombuds offices within higher education have been established. The NCSU ombuds developed a dominant online presence which reassured constituents during the pandemic, while USF ombuds supported the transformational accreditation process across multiple campuses. Syracuse onboarded, trained, and opened an ombuds office within a year of approval.

Theme 9: Significance of Location

Initially the physical location was thought to be of importance due to confidentiality issues and non-identification of visitors. In 2020 most "visitors" are working remotely as government restrictions limited business actions. Traditionally, the DOE has a nation-wide work force so ombuds address constituents from the Washington, D.C. headquarters. NASA implemented facility center ombuds who report to the D.C. headquarters. FEMA's RO is based in Washington also. All other ombuds are based in the U.S. except for Mars with a United Kingdom base. NCSU, USF and Syracuse

ombuds maintain presence on or near campus. The "8" strongly suggest a private phone conversation as the most recommended format. Offices are not in proximity to leadership.

Significance of Study

The role and function of ombuds have been important factors in the development and enhancement of employee engagement that complement the services provided by existing internal resources available to employees like human resources. Rowe & Gadlin (2014, p. 10) and ACUS (2016.5 Report) posited "there is no doubt that the ombuds movement was "swept along by the wave" of the increased attention and credibility earned by ADR since the late 20th century." Nabatchi cited (2007, p. 646) Senger's 2000 statement that the "emergence of alternative dispute resolution (ADR) was one of the most significant movements in United States law" as to how the federal agencies address conflict. The ombuds' evolution progressed from the original Scandinavian concept and morphed into a resource to prevent and management internal issues, inequalities, inefficiency of institutional systems, fairness, equity and accountability from top leadership down to staff responsible for carrying out leadership's directives. Workplace advancements began during the Civil Rights movement and anti-Vietnam sentiments with a vigorous "emphasis on alternatives to formal, authoritative, and bureaucratic processes" (Gadlin & Levine, 2008, p. 18; Rowe & Gadlin, 2014, p. 9; ACUS 2016.5, p. 13). The "8" supports a relationship exists between the ombuds' services, employee empowerment and engagement. The "8" explore a common means using the ombuds to address inquiries in a non-retaliatory strategy.

Ombuds' Standards of Practice

Congress reenacted the Alternate Dispute Resolution Act in 1996 which provided

the best defining parameters of ombuds to include "any procedure that is used to resolve

issues in controversy…or any combination thereof" (ADRA, 1996, P.L. 104-320, 5

U.S.C. §§ 571-584; ACUS, 2016, p. 17). The Coalition of Federal Ombudsmen (COFO)

emphatically stated "ombuds protect legitimate interests and individual rights against the

excesses of public and private bureaucracies—those who are affected by, and those who

work within, these organizations" (2006; ACUS, 2016, p. 19). The International Ombuds

Association, the largest international organization, mission is to "advance the

professional of organizational ombudsman and ensure that practitioners are able to work

to the highest professional standards" (IOA, "About Us", n.d.). Additionally, the United

States Ombudsman Association (USOA) is referenced as being the nation's oldest

ombudsman organization ("USOA Home, n.d.)

Ombuds offices continue as confidential outlets to reduce the fear of retribution or

retaliation, enable employees to have a voice, and bring potential systemic change issues

to the attention of leaders. Bylaws, charters, doctrines, and other forms of official

establishment ensure operating standards remain consistent through transitions and

leadership changes. Regardless of professional association, ombuds maintain standards

originally approved by senior leaders under a plethora of terms as standards of practice,

terms of reference, codes of ethics and principles of cooperation, all traditionally

adhering to pillars of confidentiality, neutrality, informality, and independence.

The "8" adhere to core principles. Most prominent are the IOA's *Standards of*

Practice and *Code of Ethics,* and the ABA's *Standards for the Establishment and*

Operation of Ombuds Offices. Federal ombuds adhere to the USOA *Governmental Ombudsman Standards* including *A Guide for Federal Employee Ombuds: A Supplement To and Annotation of Standards for the Establishment and Operations of Ombuds Offices Issued by the American Bar Association (*aka *The Guide)*. COFO is in the process of establishing its own Standards of Practice but no formal indicators of acceptance were available at the time of this research in 2020. The IOA offers a foundational Ombuds 101 course, and a certification process awarding a prestigious CO-OP® designation.

The "pillars" consistently referenced in the United States literature are confidentiality, neutrality, independence, and informality. Pillars are believed to be important and are cited in United Kingdom studies and global literature. These pillars are addressed as are some additional findings:

Standard 1: Independence

ABA standards closely follow IOA practices associated with the independence of the position with ombuds having sole discretion in the taking of actions, and the responsibility of selecting staff members with the knowledge, skills, attitudes, and education needed to enhance that specific workplace environment. The ABA (n.d.) emphasizes leadership or any part thereof has no power or retaliatory purpose to remove the ombuds from office, eliminate the office, reduce staff and resources, and cannot punish or dismiss anyone utilizing the ombuds office and resources. Federal ombuds offices should be established by law, criteria additional to the IOA and ABA standards and one espoused by the USOA and COFO who are almost exclusive to public sector/government ombuds.

Higher education struggles with governance determine the independence of the office. Considerations are found to be given as to the method and how the ombuds is appointed, the charter and parameters of the office, and the potential role conflict if a teaching faculty member is appointed as ombuds in combination with other dual capacity roles and functions. Reporting arrangements and institutional mandates also contribute to confusion and stifle independence in academia. Recruitment of future students and faculty may present a paradox since effective employee complaint mechanisms take a back seat to revenue generation. Higher education ombuds have been described as the "Cinderella…rarely go to the ball, are seldom loved or appreciated, but do perform an important, house-keeping function" (ENOHE, 2015, p. 28). Academic ombuds are more facilitative and overlap resolution strategies, advise or mediate if graduate-students are involved, counsel visitors, and refer regarding evaluation, faculty-student relations, and fairness issues. Student course evaluations are often used as criteria for advancement into full professor status giving challenge to the feedback of often disgruntled students infringing on professional standings, a practice viewed as the "cart leading the horse." The mystery will remain as to how and why power is given to an individual with less subject-matter knowledge who is ultimately able to evaluate the individual with documented subject-matter expertise. The question then arises as to how many subject-matter experts would have left academia had it not been for an ombuds' option? More importantly, why does leadership support this premise? The federal and corporate sectors do not face this dilemma, suggesting further research is warranted.

Standard 2: Confidentiality

Confidentiality can be defined as private communication between parties. The "8" ombuds' charters explicitly address disclosure protections and are trusted by visitors not to pass dialogue "secrets" without permission. To use an analogy, the physician and patient have privilege for non-disclosure. Having the most information at hand, the ombuds (physician) is the only individual totally knowledgeable about the institution's workforce health. Ombuds address intra-workings within a system where supervisors and superiors make decisions affecting subordinates. The "8" translate the ground rules, define the roles and expectations, conduct and report annually on SWOTs (strength, weakness, opportunity and threat) captured through gap analysis. The ombuds' confidentiality parameters are also a KPI – key performance indicator – that identify critical performance key points of compliance or non-compliance. Standards of practice differ most notably when federal ombuds are involved. The ABA and IOA parallel non-identification in verbal, written, or suggested disclosure by visitors seeking dispute resolution options unless a rare exception involves imminent risk of serious harm to the visitor or others. Receipt of legal notice (action) against the institution interpretation differs among the "8" as to what circumstances "constitutes notice" to the institution. The ABA determined a factual basis surrounded the communication (ABA, 2004), while the IOA posits notice is intentional if or when the individual is unable or unwilling to put the agency on notice him/herself (IOA, 2006). Judicial testifying involves only specific communication between the ombuds and organization, and does not involve the substance, identification, or circumstances under which communication with the ombuds occurs. Discrepancies are found as to protection from receiving a subpoena to testify,

and often are not protected in writing by the charter. The USOA confidentiality standard

only applies when offered at the ombuds discretion in the exercising the need to reveal

information as part of a report or investigation. Ombuds normally consider unnecessary

harm to the visitor when exerting discretion. COFO did address fraud, waste, financial

abuse, policy and procedural issues (2006) as to confidentiality. The COFO *Guide*

specifies access to legal counsel to discuss limitations on federal ombuds' confidentiality

issues.

Standard 3: Impartiality or Neutrality

The IOA and USOA focus on neutrality and impartiality standards as to

organizational ombuds in the "8" while ABA standards embrace both. Structural and

functional neutrality, neutrality, impartiality, advocacy for the ombuds' process and not

for the visitor, and non-alignment with management are espoused by the IOA. USOA's

premise is the ombuds has no vested interest in the resolution outcome, refrains from

political and partisan activities and working relationships, and does not support specific

federal action. The ABA emphasizes impartiality free from conflicts of interest and

personal bias and agrees with the impartiality espoused by the IOA and USOA.

Standard 4: Informality or Credible Review Process

Implied is the ombuds being an option to address workplace justice through fair

and courteous treatment of visitors without suggestion of one specific dispute resolution

strategy over another which allows visitors to select their specific strategy or combination

thereof. Two differing standards are found to involve the informality structures of the

organizational ombuds' role and functionality. Zero tolerance policies are perceived as

being burdensome using lengthy internal procedures that are intimidating, retaliatory or

retribution focused. Conflict management systems (CMS) are designed to control individual complainant behaviors, are regularly rights-based rather than interest-based strategies and are suggested research for the future. The concept of an internal or integrated CMS is to prevent un-necessary or avoidable conflicts, costs of conflict, the filings of grievances, systemic change to engage employees in workplace activities, and continual improvement of the institution and its processes. Continual improvement involves intrapreneurship, innovation, creativity and a non-punitive emphasis on thinking outside the box. Institutions with the intrapreneurial attitude encourage decisions made as if the employee has ownership of each decision made. Employee engagement involves multiple perspectives and collaborative dialogue, but compliance issues periodically surface requiring an alternative for resolution.

The IOA pillar of informality includes the ombuds as a voluntary source of options, identification and the reframing of issues, option generation, and if permissible to the visitor, engagement in 3rd party interventions. Surfacing irregularities and new patterns of potential concern are inherent in the ombuds without constituting the receipt of notice, grievances, or pending processes (IOA, 2009). The "8" find verbiage using the term "informality" more often than the "credible review process" of the USOA standard. Merriam-Webster (n.d.) dictionary defines credible review as the process of offering reasonable grounds for belief. Reference to the ombuds is paramount to the role and functionality of the ombuds' position. Research indicates this was tacit knowledge of the ombuds' skillset and is implied but not explicitly stated in charters. However, issues raised by visitors to the federal ombuds are referenced throughout the ombuds' literature reviews. Federal ombuds' authority and suggested "competent review" of issues are

addressed by the USOA standard indicating ombuds must be qualified to engage with

respect and confidence and must be accessible to all constituents with the ability to

analyze presented issues. Resolution of an issue, free access to the ombuds' services, and

a transparent conflict resolution process accompany define jurisdiction of the ombuds'

function. The USOA (2003) suggests a reason for non-response to the visitor's issues,

and for those issues selected as appropriate, updates on the status of ombuds' action(s)

including timeliness and consistent reporting on ombuds' procedures, including possible

FOIA (Freedom of Information Act) concerns. Any institution needs to be aware of

negative behaviors and should have provided a safe harbor for bringing these concerns to

those who have decision-making authority to take corrective actions. Reluctance over

individual initiatives taking issues to the next level are best addressed through the first-

party dispute resolution options offered by ombuds. The "8" represent zero-barrier

offices, mitigate or prevent destructive behaviors, and assist employees in the use of

individual problem-solving techniques.

Standard 5: Competence and Trust

This standard is identified by ENOHE (2015) originally suggested by Anita

Stuhmcke as being a "riddle, wrapped in a mystery inside an enigma" (Paper presented to

10th World Conference of the International Ombudsman Institute, New Zealand, 2012) as

to the necessity of "user-based or subjective" and "professional-based or normative"

judgments and the impact of ombuds' contributions. The "8" support the premise of

ENOHE and Stuhmcke that ombuds provide 3 core tasks: redress when evidence supports

action and involvement, oversight and full-cycle operational feedback mechanisms as to

interventions, and the generation of trust and confidence within the institution. Ombuds'

competence revolves around continual labor market and leadership transitions, the fiscal crisis brought on by the global pandemic, and the argument by the fiscal constituents as to the unit cost of resolving individual conflicts. Others argue academic freedom includes academic judgment, which is individual, and thus an immediate source of its own conflict spiral. Missing is an agreement on what ombuds' competence really is and how it is defined. Core operational tasks lack consensus across the workplace sectors as to how many and what types of ombuds' recommendations are considered or implemented by leaders. This is a topic ripe for further exploration.

Standard 6: Professionalism

The "8" discuss ambiguity, contradictions, perception, disappointment in the lack of visitor feedback, the lack of measurable accomplishments, and sparce leadership feedback during systemic change. Ombuds as a profession is evidence-based meaning occurrences identify possible trends of negative behaviors which lead to dissemination of patterns to those who have the decision-making authority to address the issues presented. As Steve Prevaux at USF (2020) suggested, "ombudsing in the moment" is a lived experience that few encounter in other disciplines. Ombuds work in highly sensitive and emotionally charged arenas in an emerging discipline that has yet to be standardized because institutional change creates challenges. Ombuds often accept the position and become professionals over time. None of the "8" suggest they were totally prepared prior to accepting the role. The challenge then becomes how to educate constituents on what is creative problem-solving versus policy and procedure changes for economic reasons. Of all roles within the institution, only the ombuds can address the one aggrieved voice that needed a listening ear. Ombuds level power relationships within fragmented institutions.

Ombuds learn skillsets by encountering visitors who draw attention to weaknesses within the institution's conflict management system. Academia tends to lag by failing to recognize the significance and contributions made by ombuds who address systemic education on conflict resolution strategies, while degree granting in the same field they did not support. The "8" address archaic response to internal conflict as no longer effective. Fairness in handling internal complaints at the lowest level is warranted.

Differences Among and Between Organizational Ombuds

Organizational ombuds earn the trust of leaders and constituents. Organizations remain in learning mode, yet separate entities as part of the whole institution. Worth and importance are generally measured by numbers and percentages, and a dollar amount is assessed and shallowly given as to importance within the institution. Ombuds' output and employee engagement are difficult, if not impossible, to quantify. Given difficulties encountered in resolution and the fact some resolutions are never reported, workplace conflict is like a tide that rolled in and out, sometimes calm in contrast to white caps brought on by heavy currents or winds, high tides or beach erosion discussed earlier. Conflict is a dance of interpretation, and perception remains paramount within the 'lessons learned' historical context. The ombuds is not an essential function but serves the needs of management as an "oxymoronic outside insider" described by Howard Gadlin (National Institute of Health Ombuds, 2000). As a result, ombuds are vulnerable to leadership's influence, while the pillar of independence remains questionable.

The "8" positions are created spontaneously by institutions. Consequently, the ombuds is not always successful, but maintains high satisfaction ratings during annual reports. Warters (2011) described ombuds as teaching citizenship with the objective to

help constituents help themselves via a direct approach to conflict. Exit comments describe personal emotions from being disappointed, angry, emotionally drained, depressed, victimized, vindicated, justified, happy, relieved, stressed out, or retaliated against. Trustworthiness and honesty issues are not found in the "8" while transparency is alluded to by practitioners who participated. The plethora of specific ombuds' strategies are unlike those found in formal human resource or legal counsel offices where grievances are addressed and are different from ADR (alternate dispute resolution) options. At issue are the consistency and stability of the ombuds' worth to an institution. Ombuds are tasked with the actual collection, coordination and dissemination of critical reports on the state-of-the-institution as a workplace outside the view of top-down hierarchy. Ombuds do not report to any compliance office or compromise confidentiality. The "8" do not focus on the concept of equality or anti-authority within the institution. Simple, complex, singular or group issues require inquiry and collaboration with problematic units. When disruptive patterns or behaviors surface, ombuds deliver what is described as a "fair shake" without the legal process that often breaks confidences, trust associated with injustice, or irrational choice providing fresh air from the fear of drowning in the tumultuous waters of the legal process. The role and function of ombuds are made credible by trust in the ombuds both as a professional and as a process, and not by a budgetary line item. The "8" do not identify any language in the charters or annual reports for managing the human side of conflict yet limited legal protections for confidentiality are evident.

Ombuds facilitate a generic approach to individual problem solving and conduct preventative training to address underlying needs of the institutions. The traditional band-

aid approach ignoring or postponing the recognition of misdeeds, mistakes, wrongdoing, unlawful and serious policy infractions, fraud, and complicated red tape do not improve morale and buy-in of the institution's processes. The metrics compiled by ombuds identify negative behaviors and unfair or unproductive policies, procedures and practices that restricted or stalled employee input for systemic change. Impetus to change addresses the cause-and-effect relationship, and not just the symptom(s) of internal dysfunction. Translation of leadership directives is exactly that, a translation, and without employee engagement and buy-in, vision and reality do not co-exist. Ombuds emphasize tolerance, timeliness, life skills, emotional intelligence, respect for other viewpoints, diversity, inclusiveness, and imbalances and dynamics of power perceptions. Contrary though is the misconception that only people in the same discipline or area of expertise understood or have the requisite skills needed to resolve an issue. As part of the organization, yet independent of, the ombuds critiques policies and procedures of leadership and those subordinates who carried out the actual task and recommend a shifting perspective as to how internal and interpersonal conflict is resolved or perceived. The ombuds do not actually represent an institution, rather the position strengthens the existing conflict management system offering appropriate dispute resolution strategies. The "8" are their institution's "over-draft" protection, silent but present when needed most for peace of mind.

Uniformity of the role and function across the "8" is not found. The Office of Personnel Management Classification & Qualifications System updates descriptors for federal job titles, pay bands, and skillsets or qualifications. Currently, as there is no official category for an ombuds, the ombuds exist across the federal government and have

for decades. The website addresses several classification systems (https://www.opm.gov/policy-data-oversight/classification-qualifications/).

In the federal sector restrictions are in place with the FOIA (Freedom of Information Act exemption or specificity to the ADR Act (Alternative Dispute Resolution Act); however, a proposed Federal Ombuds Act has not received Congressional approval. Feedback as to recommendations of federal ombuds remains inconsistent, non-existent, ignored, or delayed which contribute to duress. FOIA impacts and impedes standardization of practices across federal agencies, bureaucratic complications, and escalatory conflict spirals. Ombuds can consider pretenses, particular injustices, inconsistencies, and improvements, but are restricted because no precise standardized practice exists which affects the delivery of ombuds' services.

The corporate sector is hierarchal, and traditionally makes decisions based on numbers as indicators of success and a solid bottom line. SOX (Sarbanes-Oxley Act, 2002) is a Congressional mandate on fiscal accountability (after the Enron and World.com whistleblower financial scandals) that applies only to the corporate world, although ARC's constituency misunderstand and erroneously assume the relationship and reporting to federal authorities are implied but hidden from public scrutiny. SOX affects internal cost efficiency, effectiveness, the legitimacy of the corporation, flexibility, and the conflict management system available. Fear of litigation or misinterpretation by those outside the corporation continues to limit the availability of data gathering. Regardless, the corporate sector deals with the impact of lost employees to competitors and promotes sustainability through the ombuds who are internal employees cognizant of the specialized work environment, employee culture, and competitive reputation.

Higher education exhibits a clash of two competing cultures. The laissez-faire, collegial faculty debate philosophies and shared decision-making responsibilities under the universal goal of educating others through a variety of disciplines. The centralized decision making of the bureaucratic, corporate leadership of the department, college, or the institution as an employer function as a hierarchy that competes within itself for revenue-generating students and research grants. Staff members recognize the conflicting cultures and navigate both expeditiously with the "damned if you do and damned if you don't" philosophy that contributes significantly to rumors, low morale, and continual turnover of key personnel.

The "8" approach their institution's systemic health much like a physician's diagnosis. A patient reveals symptoms, the physician examines, judges the diagnosis against a balanced scorecard of predetermined metrics (PDR or Physician's Desk Reference), assesses the risks of various remedies (side effects, etc.), and then administers recommendations in the form of a written prescription. The "8" ultimately provide ombuds' services like the toppings available for an ice cream cone. The cone changes shape (a meltdown) if a decision is not made quickly, and toppings are an individual choice. So, time becomes an important factor in determining the next step.

Findings to Connect the Dots

Ombuds have a philosophy to "do no harm" much like the Hippocratic Oath that guides physicians, but it is difficult to measure the pulse or strength of the heartbeat using a stethoscope unless an individual is specifically trained. Ombuds are like physicians, but organizations debate the value of an individual who is not part of management and has discrete discussions with top leadership. This is tantamount to never visiting a doctor, so

health is based on personal assumptions and short-term data or symptoms. Ombuds, like the personal physician, have the skillsets to diagnose an illness, chart a recovery course, and monitor attempts to heal which inevitably creates a personal and very special relationship between the parties.

The "8" profiled organizations have relied on ombuds to monitor internal health, promote better workplace habits that support and sustain longevity, and provide a competitive edge needed to address change and transformation. Like physicians who develop specific skills to diagnose, the ombuds is the organization's sole employee who can diagnose an erratic heartbeat using specialized training and knows what pathways could be taken to return that beating heart back to optimum capacity. The original premise suggests institutions with best-practice ombuds' models have a similar template within specific standards of practice and adherence to reporting categories. Instead, what emerged are 8 comprehensive best-practice profiles with talented and credentialed ombuds, offices created uniquely and exclusively for each institution, and distinctly different. Success of the office is not basely solely on legal backgrounds, although several ombuds are attorneys while most are CO-OP® credentialled. The "8" reveal a keen emotional intelligence with caring personalities to serve constituents using conflict resolution toolkits developed through careers and training. Consistency is not found across workplace sectors. Ombuds report to leadership which broadly encompassed institutional boards of directors, trustees, upper leaders known as secretaries in the government including various congressional committees, presidents or chancellors. The "8" involve matrix decision-making institutions and a subset of larger federal agencies. Salaries are individually negotiated but not published.

The most prolific growth of ombuds has occurred in the past ten years; however, proposed budgetary cuts due to revenue declines during the Covid-19 pandemic are yet to be assessed. Whether ombuds' services will continue as is, downsized, restructured, absorbed, outsourced, or eliminated has not been determined. What the "8" found are experienced (aka senior level) individuals knowledgeable about their environment and culture. The role has an absence of power but only influence (Gadlin, 2010), and is a time-honored process trusted by colleagues and constituents. Service as the primary eyes and ears of constituents, the ombuds remain catalysts for systemic concerns, active collaborators and facilitators between and among leaders, data gathering geniuses with no bias or ulterior or political motives, actively assist in determining viable options, and are preservers of the institution's "secrets" of those seeking the ombuds' assistance. Ombuds quickly "open doors" for others to enter if necessary, identify opportunities not considered by visitors, clarify policies and procedures to enhance employee performance and understanding, generate options, trained and coached others, and adhere strictly to at least 3 of the 4 pillars with the exception of "independence" questioned within government agencies. The "8" operate under the radar where issues are submerged and surface the concern to those who could best address or mitigate the potential negative response. While not exclusively a SME (subject-matter expert), ombuds have both interpersonal and hard skills to make a difference in reframing issues. The "8" suggest ombuds are the most prolific leaders within their institution, being far wiser than leadership perceives.

The "8" are positive models of change in action and contributors to the institution's sustainability and growth even during leadership transitions. Ombuds deliver

the fairness enveloped in the institution's commitment as the promoter of user-friendly

conflict resolution strategies. The absence of power is thought to be the binding force

when dysfunctional relationships need a type of safeguard system. Providing feedback,

whether verbal or from a voluntary survey, remains a hallmark characteristic of the

ombuds' framework which guides and directs institutional learning to do things

differently and reach the same objective, thereby saving the reputation of the employer.

With a combination of authority, the ombuds have legitimacy to hold the institution to its

core operating principles. Even without the independence of the office, ombuds are

public managers, focus on internal efficiency and performance effectiveness, strive for

openness in communications, hold institutions and leaders ethically accountable, and

serve as credible internal resources for conflict resolution. Ombuds and the ombudsing

process itself are the most formidable forces.

The history of organizational ombuds as a profession historically is described as

multifaceted and complicated, yet in the infancy or embryonic stage of development.

Being idiosyncratic as a system is evident throughout the literature. And by the numbers,

data show fewer visitors do not diminish the merit or worthiness of the ombuds' role and

function. Rather the exact opposite occurs. New ways of thinking and doing without the

formal grievance procedures decrease numbers of visitors. Translated, this means

empowered constituents solve problem(s) at their immediate level where relationships are

salvageable and performance enhanced.

Recommendations

The "8" profiled organizations, while different in focus, have a commonality as to

sustainability, and like a physician, their organizational ombuds is dependent on those

who use their services. A physician cannot monitor a heartbeat if there is no heartbeat to monitor and no equipment available. To invest in both is a complex scenario. Often overlooked is how funding to acquire those assets arrives at the organization, becomes a budgetary item, then eventually is deposited into a paycheck. Leadership, or lack thereof, is a deciding factor as to success or extinction. Money does not magically appear, the revenue-generation process behind the scenes is intense, and finance experts debate the value of an organizational doctor who does not generate revenue. The entrepreneurial spirit takes nothing for granted, makes no assumptions, and puts employees first. There is a difference between workplace reality and archaic business practices. The following suggestions and recommendations merely touch the surface of possibilities for organizational ombuds as ApDRO (Appropriate Dispute Resolution Ombuds) options within a QMS (quality management system) designed to meet the needs of the institution with the tools to equip constituents to focus more on objectives than workplace conflicts.

The O.C. Tanner Institute's Global Culture Report (2019) found "Having good leadership can increase the likelihood of employee engagement by 837% to drive productivity and improve retention." During the pandemic more statistics and blogs emphasize empowerment and engagement. While miniscule information is available, these statistics are referenced across business articles. These numbers dramatically affect and negatively impact an institution's bottom line and bring the loss of competitiveness into reality:

- Hiscox (2015) reported the average conflict involved 275 days till resolution, cost $125,000 plus litigation for the employer with some judicial judgments exceeding $200,000-$500,000.

- The EEOC (Equal Employment Opportunity Commission) reported 76,418 workplace discrimination charges resulted in over $50 million awarded from federal courts (2018). Between 2010-2018 over $810.4 million was paid by employers to settle age discrimination charges not including litigation.

- Pollack Peacebuilding Systems (PBS) included multiple legitimate sources of information in the Workplace Conflict Statistics Report (2020): unresolved conflict involved nearly 3 hours per week per employee, resulted in $359 billion in lost productivity yearly during the 385 days of on-the-job disputes (IOA, 2019; CPP, Inc., 2008).

- Columbia University's 2012 study found 48.4% turnover in unhealthy workplace environments compared to 13.9% in healthy situations.

- Gallup (2017) found 51% of employees were looking for new employers.

- Bloomberg BNA (source link unfound but commonly used in business) suggested $11 billion was lost annually due to employee turnover.

- The Engagement Institute (n.d.) suggested disengaged employees cost an organization $450-$550 billion annual while Gallup (2017) found managerial disengagement losses between $77-$96 billion annually.

- Forbes (2017) suggested a collaborative workplace culture had higher engagement levels and success rates while Gallup (2018) found a 17% increase in productivity and a 41% decrease in absenteeism if employees were engaged.

- A January 4, 2021 blog suggested an alarming 71% of executives agreed that employee engagement is critical to sustained success, employees were 69%

more productive when appreciated, and cited a Forbes comment that having a

voice or input led to 4.6x better performance

(https://blog.smarp.com/employee-engagement-8-statistics-you-need-to-

know).

- Korn Ferry (n.d.) found a 65% increase in employee stress levels and the

American Institute of Stress (2018) reported 80% of employees suffered from

work-related stress.

- McKinsey & Company (widely read by business executives) featured a blog

related to Covid-19 outcomes. " 6 elements to define a high-performing

culture" (January, 2021) suggested a sense of purpose (68%), internal

opportunities (53%), success (66%), well- being (54%), and appreciation

(49%). When considered, these elements helped create a thriving workplace

culture (https://www.mckinsey.com/business-functions/organization/our-

insights/the-organization-blog/6-elements-to-create-a-high-performing-

culture).

Quality involves critical processes and constituent commitment at each level of

operation with corrective action to address deficiencies, and a dedication to continual

improvement (CI). A form of checks and balances, including a profit, are at the heart of

all business operations. An easily applied standard in any institution is to assume every

constituent has every resource available to complete the task at hand. Knowing what the

critical process is will always be explained by each job function. But employees are

unable to concentrate on that function if workplace conflict occurs. Having an ombuds'

option invites conversations that normally would not take place. The Baker-Hughes

Ombuds Office has been cited repeatedly as having an ombuds "deeply integrated within the culture" (https://corporatesecretary.com/articles/compliance/30195/ombuds-program-creating-culture-trust-rather-compliance). The "8" profiles indicate ombuds should be deeply integrated regardless of organizational sector.

The "war on talent" is ongoing. Employee engagement is emotional commitment to the institution. The challenges inherent with talent retention must be addressed. Spanning a career over 50 years, the strongest suggestion to improve workplace culture is the CRISP IQ. CRISP IQ mentality is a business term referencing communication, responsibility, integrity, service, people, innovation, and quality. Ombuds monitor organization performance but employees are the first defense for process implementation and sustainability. To ignore employee input has been disastrous in the past. NASA and the ARC are prime examples that nearly made these institutions implode. The critical role in any business process is customer service which differentiates them from their competition, a direct reference to Alfred Sloan, the great leader from General Motors Corporation. Who better knows the institution's *true* secrets than the ombuds who are at the forefront of potentially serious reportable events (SREs). The "8" found ombuds to have the most extensive skillset to act as systemic change catalysts. Highlights follow:

- Ombuds practices should be tailored to institutional cultures as trial runs, timed rollouts over the first year using timelines, and/or a pilot study including a flowchart.
- Advisory groups and assessments as to ombuds' program are suggested.
- No ombuds' performance appraisals are implied or found. The ombuds appear to serve at the discretion of leadership as suggested in prior studies (Katz, et

al., 2018). As with any business operation, performance evaluations should be

conducted yearly. Critical thought went into the implementation process, and

some type of check sheet or check list invites critical feedback from top

leadership.

- The following are some universal gap analysis actions for consideration. (The

list expands some suggestions made in ACUS 90-2 and ACUS 2016.5 and

should not be construed to be solely federal in nature.) Considerable time was

devoted in the assessment of performance standards and organization

development action plans for change management. Implementation of these

actions can be morphed to accommodate individual institutions. (List

compiled by L. Kovack, 2021).

Table 7

Recommendations and Actions

Recommendations	Actions
Establishment & Standards	Established or governed by charter or directives
Legislative Considerations	Core standards, clarification, definitions, purpose
Leadership Support	Visible support during systemic change, accept recommendations of ombuds as 1st line of disruptive behavior pattern recognition
Independence	Maintain separate actions, disclose budget, communication
Confidentiality	Complete non-identifiable descriptors
Impartiality	Ombuds advocate for the process and not individual
Legal/conflict of interest	Follow federal acts, charter, include bargaining units
Staffing	Ombuds staff possess knowledge, skills, attitudes, diversity, collaboration, non-political relationships

Training & skills	Ombuds provide training for emotionally charged, complex cases, and individual problem-solving strategies
Access to counsel	Purview without conflict of interest; have legal counsel access
Physical facilities	Documentation encrypted or discretion/confidentiality
Evaluation	Periodically assess office & program effectiveness
Providing information	Options, websites, social media presence, document value/merit for leadership
Records management	Maintain and protect visitor confidentiality and identity
Agency-wide consideration	Develop proactive collaborative partnerships
Interagency coordination	Central resource for agency ombuds
Negotiation	Inclusion of mandatory training and professional conference attendance
Training in mixed methodologies	Include interview techniques, qualitative and quantitative analysis, gap assessment, data gathering, report writing, public speaking, social media, networking, organizational development, change management, conflict resolution strategies, motivation, working/identifying ineffective groups, reframing issues
No specific background	Legal degree is not mandatory but ability to comprehend rules, regulations, compliance, mandates, accreditation, attendance at initial ombuds training
Evaluation and Feedback	Performance appraisals are suggested to be conducted by other ombuds experts and establish yearly benchmarks for beginning ombuds and/or design federal and academic "Ombuds Act" (corporate could be exempted by SOX Sarbanes-Oxley Act 2002). Annual reports submitted to leadership should be perused timely and feedback given to ombuds asap
Verbiage change	Words other than "value" which implies dollar measurement as to contribution to institution, i.e.,

	worth, contribution, respect to importance, merit, equivalent exchange of service, return on investment, excellence, usefulness, respect
ADR strategies	Change to read "ApDRO" to include ombuds as significant contributor to bottom line sustainability as part of appropriate dispute resolution strategies that include mediation, facilitation, conflict coaching, training and development, etc.
ICMS strategy	Recommend ombuds to be included as viable option within institution's integrated conflict management system already in existence
Collaboration	2-way communication: Leadership, supervisors and line managers should *initiate* conversations with ombuds as to observed behaviors, addressing rumors, gossip overheard, low morale, suggested recommendations as to group interventions, gender, harassment, supervising, peer/colleague harmony, project management, repairing relationships, etc.

Suggested Reporting Categories

What to include in an annual report is complicated, but to conduct a gap analysis (as to what is working well, what could work better, and what is missing, data specific and relevant to the institution) can substantiate and validate any recommendation for systemic changes made by the ombuds. Key issues surface in the "8" to encompass the "what happens next" evaluative relationships (before and after change in procedures, leadership or presidential transitions every 4 years), performance appraisals, and communication barriers. Of the identified categories each appears to have some type of "soft" interpretative people skills involved in the conflict and its resolution. 2019 International Ombuds Association Reporting Categories include:

1. Evaluative Relationships

2. Career Progression & Development

3. Legal, Regulatory and Financial

4. Peer & Colleague Relationships

5. Values, Ethics & Standards

6. Compensation & Benefits

7. Services & Administrative Issues

8. Safety, Health, Physical Environment

9. Organizational Development, Strategy & Mission

This data opens pathways to difficult conversations regarding change. (List compiled by

L. Kovack, 2021):

10. Age, Length of Service, Division

11. Leadership, Policy and Procedures

12. Further Actions of Visitor or Alternate Sources of Problem Resolution

13. Use of ApDRO processes (negotiation, mediation, arbitration, facilitation,
    conciliation, gap analyses and assessments, shuttle diplomacy, conflict
    coaching, group trainings, leadership orientation, ombuds, etc.)

14. Inappropriate behavior (discrimination, general, harassment, retaliation)

15. Management decisions and leader/follower subsequent conversations

16. Co-worker conflict

17. Exit interviews and surveys for follow up included in annual reports

18. Perception as to hostile work environment

19. Quarterly group meetings with policy makers with ombuds' updates

20. Tally inquiries per business segment, primary or secondary, and percentage of
    total.

Insights

Differentiating skillsets encourage problem discussions at a higher level and enhance the integrity of the position and the process of ombudsing. The ombuds is not a defined profession. To date, no institution specifically has an ombuds major concentration or a degree in ombudsing. Ombuds practitioners, IOA experts, CO-OP® designees, and groups like Dr. Tim Hedeen's (compensation surveys) South East Ombuds Working Group work diligently to augment "the skill to give voice" (J. Schneider, personal communication, June 8, 2020) and create awareness of issues as a detection and early warning sign for systemic attention. Ombuds are major contributors to systemic review analysis and are experts at navigating workplace challenges while leading and implementing change when tasked with that challenge.

The "8", as this research will come to be known, support the premise institutions fare better when an ombuds' option is available within the appropriate dispute resolution resources (ApDRO). Like front-line health-care workers exposed to toxins as part of their medical role during Covid-19, ombuds are the unsung heroes of the workplace where workloads increase, and wages remain stagnant. The "8" provided razor-edge services to constituents at a time when ombuds could step "up to the plate" and take the lead and be best-in-class ombuds. 2020 has been a year of uncertainty and the pandemic was responsible for some of these irregular heartbeats. Ombuds "ombuds" in the moment and rarely has so much been asked of so few by so many.

Change happens within and as the result of a stressor on the system itself. Presented are important business suggestions for serious consideration:

- Establish a benchmark-timeline for years 1-5 after implementation. This is standard operating procedure for sustainable business environments.

- Prepare a timed rollout or pilot program and tweak as needed using a 30-day, 60-90-day, 6 month and yearly evaluation process.

- Establish an Ombuds' Governance Board (Advisory Council) which meets every 6 months to discuss national trends considered as best practices. This is a common entrepreneurial strategy which encourages organizational sustainability and supports the ombuds' contributions as a competitive edge that is considered proactive rather than reactive.

- Create an ombuds' concentration much like mediation, or a degree in Ombudsing in Organizations, Schools, and Health Care.

- Approve a federal Ombuds Act (like the Uniform Mediation Act 2001) protecting the sanctity of the ombuds' role and function.

- Encourage leader-initiated conversations with ombuds instead of ombuds making appointments to approach unpleasant facilitated dialogue.

- Conduct a peer-reviewed assessment by ombuds' experts. Leadership does not have the skillset to successfully evaluate the role and functionality so reliance on an outsider is suggested.

- Establish a 6-month internship or shadowing for future ombuds as part of a collegiate program.

- Conflict resolution curricula should be expanded to include the ombuds' option much like concentrations become majors or minors at degree-granting institutions.

- Exempt ombuds' data gathering from the Sarbanes-Oxley 2002 Act compliance. SOX is extremely restrictive according to ombuds professionals. Again, ombuds are the organization's eyes and ears to secrets no one wants to admit exist. SOX is a regulatory compliance factor involving fraud and accounting procedures and thus, does not involve the truth with which ombuds speak.

Conclusion

The "8" profiles are not rare examples in random settings. These "8" exemplar ombuds' offices barely scratch the surface of incredible contributions made by organizational ombuds' practitioners who are supported by their leadership to empower and engage all employees (entry level to top executives) to achieve optimal workplace performance. More than 900 ombuds maintain membership in the International Ombuds Association with nearly 2,000 global practitioners associated with other professional organizations. While involved across differing and totally unrelated workplace sectors, the "8" have commonalities and similarities, yet distinct differences, grew organically, and evolved pragmatically to meet the specific needs of their constituents. The "8" ombuds operate "in the moment" through a unique process known as "ombudsing" which is unlike any role within the traditional hierarchy on the organization chart. The "8" report independently to top leadership yet have no authority or decision-making power. Experienced from a variety of backgrounds, ombuds are the ultimate systemic change catalysts based on facts, not subjective assumptions, and create a competitive edge needed for organizational survival and sustainability. Ombuds are the game-changers in the post-pandemic world as the workplace has transitioned to remote technologies.

Ombuds function under the radar where employee issues and concerns are revealed--identifying the ombuds as the "most trusted" individual inside the organization. With knowledge of an organization's inner secrets, ombuds never compromise their integrity, honesty, or trustworthiness, and never break confidences or identify sources. The role and function are to surface potential issues that cause disruptive behaviors and reactions and minimize surprises that "rock the boat." Ombuds advocate for a fair and equitable conflict resolution process for all, and never for a particular outcome.

Organizations that support their ombuds are like hospitals and physicians. A chief operating officer (leader) oversees an entire institutional system that includes not only the structure itself, but the specialists within. Patients (ombuds' visitors) trust their personal health to a physician (ombuds) creating a doctor-patient confidential relationship. The doctor then utilizes the stethoscope to monitor not only an individual's heartbeat but interpret how the current state-of-being can potentially affect the overall health (negative diagnosis and family reaction). Just as the personal physician listens to a heartbeat in a variety of locations, and often has an unpleasant conversation with the patient (visitor), the physician also defers to other specialists for a more formal opinion (those with decision-making powers) who then confirm or suggest further follow up. The ombuds, as the organization's doctor, suggests options and the patient is free to make a personal decision that may require repeated visits or may combine pathways to healing (medicine plus physical therapy). A stress test may be issued and monitored, then the results are forwarded to another specialist who may re-issue and evaluate a second stress test, and a comparison of results is made. Issues become a case or trend when repeated (individual issue or a group with the same issue), and the doctor recognizes a potential emerging

pattern through erratic sinus rhythm. Suddenly, that stethoscope is the most important

tool for a valid prognosis and the test results make the case for the visit to the physician

originally. The patient knows the physician has the skills needed and uses fact, rather

than a subjective assumption, to have an often unpleasant but realistic discussion and

offer options for healing.

Physicians adhere to the Hippocratic Oath to "do no harm" which is implied in the

International Ombuds Association's (IOA) Standards of Practice (aka 4 pillars) of

confidentiality, impartiality or neutrality, independence and informality. The IOA

standards are the "glue that binds" these "8" ombuds together both as a discipline of

service to others, and as a profession "to do no harm." Regardless of ombudsing in

higher education, the private or public sectors, or the federal government, ombuds are the

"voice" of reason and the "8" serve as exemplary best-in-class practitioners.

Ombudsing is a passion to protect and serve others, and not a detriment or sign of

internal weakness or leadership issues. An engaged and empowered workforce shares

common philosophies and practices. Ombuds educate, empower and engage all

employees who in return create a seamless and high performing workplace environment.

Patients expect their doctor to be honest as to their health because the physician knows

the patient's status "in the moment." By not "sugar coating" the diagnosis, the doctor

upholds that Hippocratic Oath to do no harm by listening to a heartbeat in various

locations. A patient's heartbeat cannot be ignored and has basic control over every human

body part and function. Ombuds, like physicians, gauge the organization's internal health

and monitor the heartbeat and lung capacity. Ombuds are the institution's most powerful

navigator and indicator of performance through that stethoscope.

Navigating the human side of workplace conflict requires concentration on the issue and not the messenger. Like the check engine light on a car's dashboard, ombuds should never be ignored. The "8" contribute important tangible (measurable) and intangible (non-measurable) benefits and preserve the institution's reputation. No other role is as critical, compelling, dynamic, necessary, and all-encompassing as that of an organizational ombuds. Rarely in an organization has the power of "one" impacted so many, as referenced in an influential and relevant statement appearing in the Katz, Sosa and Kovack (2018, p. 14) article in the *Journal of the International Ombuds Association*:

"Leaders who are reluctant should bear in mind the sentiment expressed by an ombuds interviewed in Byer's (2017, p. 224) research who stated, "To suggest a University [organization] would not need one would be a *fantasy* because it would have to be a place where all policies are fair, no one abuses power, all communicate well, and all community members understand their rights and responsibilities."

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Appendix A: 3-Sector Chronology of Ombuds Evolution

3-SECTOR CHRONOLOGY OF OMBUDS EVOLUTION

Legend: Federal (F), Private Sector (P), Higher Education (HE), Other (O)

LEGEND	YEAR	INSTITUTION OR EVENT
O	1552	Swedish usage of ombudsman as intermediary
O	1713	Swedish absolute monarch King Charles XII was in Turkey for over a decade and in his absence established the Office of His Majesty's Supreme Ombudsman modeled after the Turkish Emperor's court known as The Diwan al-Mazalim or Muhtasib (still in existence in some Islamic states, i.e., Pakistan)
O	1719	The Supreme Ombudsman in Sweden is given the title of Chancellor of Justice (government ombuds or *Justitiekanslern*)
O	1809	Official establishment of Swedish ombudsman to protect citizen rights
O	1919	Ombuds established in Finland
O	1952	Norway establishes ombudsman
O	1953	Denmark establishes ombudsman
HE	1960	Sweden's 1st student ombudsmen at Student Welfare Organization (studentsamskipnad,Studentkar) from unpublished research by Daniel Rugass (University of Oslo, 2016)
F	1964	Administrative Conference of the United States (ACUS) suggests use of ombuds as conflict resolution strategy
HE	1965	1st North American ombudsman at Simon Fraser University (Canada) as "best answer for the little man's grievances against maladministration" (Behrens, 2017 p. 6). Solely student funded until 2017.
HE	1966	Sir George Williams University, Montreal (Canada) (now Concordia University) establishes ombuds in response to "Computer Riot" where 400 students protesting alleged racism and unfair grading of international students occupied computer laboratory on campus.
HE	1966	East Montana State University creates ombuds position
HE	1967	Michigan State University opens its ombuds office before President Nixon's Scranton Commission & Carnegie Commission on Higher Ed pushed ombudsman institutions on campus for civil rights and campus protests. Students viewed as "necessary nuisance."
O	1967	United Kingdom creates ombuds
F	1967	What began as a response to the civil rights unrest of the 1960s and the campus disturbances during the Vietnam War became an official proposal through the 1964 Administrative Conference of the United States (ACUS) to improve the functioning of a bureaucratic government as an independent agency promoting

		improvement in efficiency, adequacy and fairness of procedures in performing governmental functions by creating a position of ombudsman (Introduction by Chairman Marshall J. Breger, May 1991).
F	1967	The American Assembly in 1967 recommends creation of government ombudsman dealing with citizen grievances.
HE	1968	Norman publishes "The New Bird on Campus" describing the emerging ombuds practice.
O	1968	Tanzania ombudsman established
F	1968	Creation of the Administrative Conference of the United States (ACUS) exploring the improvement of government's functioning as an early champion of the O role and ADR.
F	1969	The American Bar Association's House of Delegates passed a resolution urging the creation of an ombudsman at all levels of the US government. Firm resistance in the US resulted from this attempt to add layers to the government's bureaucracy and attempts by the legislature to create O positions were futile. Several pilot O programs were started.
HE	1969	Initial conference "The Ombudsman in Higher Education: Advocate or Subversive Bureaucrat" is held in Burlingame, CA
HE	1970	Brickman and Lehrer address literature in "Conflict and Change on Campus: The Response to Student Hyperactivism" including articles on "Anatomy of a Revolt"
HE	1971	Baldrige publishes "Power and Conflict in the University: Research in the Sociology of Complex Organizations"
HE	1971	Altback et al. focus on "Academic Supermarkets" A Critical Case Study of a Multiversity discussing faculty conflict, student initiated conflicts across campus, and generational differences.
F	1971	Numerous attempts for the next decade failed to become law but by 1971 the US Department of Commerce created what is considered to be the first ombudsman or grievance-handling official investigating citizen issues against federal agencies, followed by the Social Security Administration.
HE	1971	Reports indicate possibly 69 institutions have created ombudsman positions.
O	1972	Australia establishes ombuds at state levels; 1977 federal levels
HE	1973	California Caucus of College and University Ombuds (CCCUO) established
O	1973	France establishes ombudsman
HE	1973	University of Minnesota establishes the Grievance Office which later evolved into the Office of Conflict Resolution after landmark sexual discrimination lawsuit filed by Shyamala Rajender who was highly recommended for a tenure position but denied the promotion.
HE	1974	100 reported institutional ombuds exist as part of the campus CMS.

F	1977	Puerto Rico establishes an ombuds office
HE	1977	University of New England (Australia) establishes 1st university ombudsman office – creates offices in 12 other universities
F	1977	The Smithsonian Institution established what is believed to be the first workplace ombudsman program at the federal level as an alternative to formal litigious processes considered time consuming, costly, inefficient, and extremely adversarial as it pitted employees against employees against management against the culture of the institution.
HE	1978	Ryor publishes "Who Killed Collegiality" in *Change* magazine suggesting liability was at the forefront of conflict.
HE	1978-1998	Lawsuit involving The Ohio State University (Dr. Richard Strauss, the athletic department's physician), condoning and facilitating the ongoing sexual misconduct citing over 1,500 individual cases involving male wrestlers over a 20-year period that "fell on deaf ears" as an "open secret" at the university. As of 2020 more victims still are disclosing ordeal.
HE	1979	1st Canadian Conference of College and University Ombudsman (Concordia University, Montreal).
HE	1979	University of Hawaii creates campus based mediation program.
HE	1979	American Arbitration Association (AAA) encourages use of mediation for faculty, staff and administrative grievances and creates Center for Mediation in Higher Education.
HE	1980	"New Directions in Higher Education" article focuses on faculty & staff conflict management concerns. Also includes article on current state of student grievances through newly created Amherst Legal Studies Mediation Program at the University of Massachusetts.
HE	1980	Grinnell College, Brigham Young University, Oberlin College create student ombuds positions along with expansion of University of Hawaii and University of Massachusetts ombuds services.
F	1980s	In the 1980s the more bureaucratic agencies like the Nuclear Regulatory Commission and the Federal Aviation Administration had begun internal processes to reduce potential litigation and eventually the negotiated rule-making process was incorporated by the Federal Mediation and Conciliation Service (FMCS) through the US Department of Transportation and the Department of Labor, Health and Human Services promoting consensus-based, rational decision making programs affecting public policy, meetings, formal hearings and focus groups (www.ams.usda.gov).
HE	1981	Survey of 741 institutions promoting 3rd party interventions conducted by Folger and Schubert show majority had implemented at least an ad hoc or formal strategy.
HE	1983	Mediation conference held at Oberlin College for campus

		residence hall disputes.
HE	1983	University of Georgia professor Jan Kemp *jockamania* lawsuit resulted in $2 million wrongful termination award.
HE	1983	San Francisco Community Board (SFCB) model focus of Maria Sakovich's publication modifying the CMS
HE	1984	National Association for Mediation in Education (NAME) is formed and holds 1st conference for early education conflict strategies.
HE	1984	The William and Flora Hewlett Foundation funds centers for institutions for theory-building in academic conflict resolution.
HE	1984	Jossey-Bass publishes "Managing Faculty Disputes" by McCarthy et al.
HE	1985	The National Institute for Dispute Resolution (NIDR) and the University of Massachusetts collaborate on the publication "Peaceful Persuasion: A Guide to Creating University and College Mediation and Dispute Resolution Programs."
HE	1985	A Student Affairs personnel workshop is held for administrators at the University of Massachusetts Mediation Program.
HE	1985	National Autonomous University of Mexico (UNAM) creates university ombudsman (Defensor) leading to creation at 10 universities in response to guaranteeing human rights in universities; concept spread to Honduras, Brazil, Peru, Columbia, El Salvador, Argentina (Behrens, 2017, p. 13)
HE	1985	University and College Ombuds Association (UCOA) established
HE	1986	3rd National Conference on Peacemaking and Conflict Resolution (NCPCR) focus workshops on ombuds & managing disputes
HE	1986	Folger & Schubert publish "Resolving Student Initiated Grievances in Higher Education" funded by National Institute on Dispute Resolution
HE	1987	"Colleges are Trying New Ways to Settle Campus Grievances: Mediation Techniques Used as Alternative to Litigation" appears in *Chronicle of Higher Education*
HE	1988	University of Leon (Spain) presumed to be 1st higher education ombudsman office (until Swedish info surfaced)
HE	1988	Granada and Valencia universities create ombudsman offices
HE	1988	Gadlin & Rifkin 3-hour videocast of seminar on Conflict Resolution in Higher Education (National University Teleconferencing Network, Virgil Peterson, University of West Virginia
HE	1988	Racism 101" series airs on PBS Frontline featuring racial incidents and violence on America's college campuses
HE	1989	1989 NCPCR (Montreal) preconference training on Campus Mediation Center establishment in addition to workshops on ADR in Higher Education

F	1990	By 1990 US Postal Service had created an internal ombuds' position in addition to the REDRESS program while external ombudsmen were utilized in US Army, Department of Health and Human Services, Interstate Commerce Commission, Environmental Protection Agency, & numerous other federal agencies.
F	1990	Eventually through extensive research conducted by ACUS, the Administrative Dispute Resolution Act of 1990 (ADR Act No. 1) becomes 1st federal law under President George H. W. Bush, requiring adoption of policies using alternative dispute resolution options through a senior dispute resolution designee to implement the act in each federal agency (House Resolution 2497, 101st Congress, November 15, 1990). ADR segments required training for mediation, facilitation, negotiation, some forms of arbitration, and other conflict resolution techniques.
F	1990	The IRS (Internal Revenue Service) 1990 created an "advocacy" ombudsman office as impartial investigators to handle individual complaints against IRS which would identify systemic problems. By 2003 there was only one other advocacy ombudsman identified by independent researchers.
HE	1990	Syracuse Campus Mediation Program (B. Warters and N. Katz) host the 1st National Conference on Campus Mediation Programs attended by 107 individuals representing 18 campus mediation programs known to exist
HE	1990	University of Minnesota's Conflict and Change Center includes higher education track in the annual Integrating Conflict Management into Planned Organizational Change conference
HE	1990	"Negotiation, Not Violence, Is the Rule Today When Students Clash with Administrators" published in the *Chronicle of Higher Education* in response to students focuses on police & use of force to quell student protests
F	1990	1st Administrative Dispute Resolution Act 1990; ACUS Recommendation 90-2
HE	1991	University of Waterloo (Ontario, Canada) hosts 2nd annual (Inter)national Campus Mediation Conference with >100 attendees
HE	1991	Hedeen & Warters 3rd edition survey identifies characteristics of 35 campus mediation programs
HE	1991	*Fourth R* (NAME's special issue) published on Conflict Resolution and Higher Education
F	1991	U.S. Supreme Court rules employers could require employees to sign agreements waiving rights to sue employers in court & use arbitration to resolve complaints instead
HE	1991	Gmelch publishes survey of 808 department chairs at 101 doctoral-granting institutions identify inter-collegial conflict as THE major stressor category

F	1991	ACUS recommendation that all government agencies interacting with public frequency consider establishing an ombuds office to handle citizen grievances
HE	1992	University of Oregon at Eugene hosts 3rd National Campus Mediation Conference
O	1993	Maastricht Treaty explicitly establishes the Office of the European Ombudsman with the European Union as a new commitment to human and fundamental rights
HE	1993	St Mary's University (TX) hosts 4th National Campus Mediation Conference and makes formal association with NAME
F	1993	President Clinton's Executive Order 12871 of 1993 mandates dispute resolution strategies including ombuds in all federal agencies
HE	1994	American Association of Law Schools (AALS) creates new ADR Section focused on <30 law schools with local court mediation clinic
HE	1994	Nova Southeastern University (FL) creates Campus Conflict Resolution Network (CCRNET) list serve with >350 participants
HE	1994	NAME's National Conference in Amherst (MA) publishes *Fourth R* as regular section and joins forces with Network of Campus Mediators. Campus mediation programs are estimated in 50+ range
HE	1994	Association for Student Judicial Affairs (ASJA) supports formal use of mediation by student judicial programs
HE	1994	University of Georgia System Board of Regents creates Blue Ribbon Committee on alternative forms of dispute resolution starting with Georgia State System then expands resolution for a systemic ADR Initiative
HE	1995	UCOA publishes "The Ombuds Handbook: A Practical Guide to Establishing and Operating an Ombuds Office on a College or University Campus" still in use today.
HE	1995	Higher education track added to NAME conference in Seattle (WA)
HE	1995	Warters survey work on expanded campus conflict resolution Services
HE	1995	Holton & Warters survey on broader university constituents Services
HE	1995	Holton publishes "It's Nothing New! A History of Conflict in Higher Education"
F	1996	Again ACUS was instrumental in passage of Negotiated Rulemaking Act of 1996 as a consensus-based process using a neutral facilitator & negotiating committee made up of those who would be affected by the rulemaking, bargaining in good faith, and agreeing to negotiate, then compiling & submitting the report to rulemaking agency following the Administrative Procedure Act known as the APA. Endorsed by 1990 Congress

		as an alternative procedure also known as negotiated rulemaking, this "reg-neg" was meant to start rule-drafting process early when cooperative efforts are most collaborative. The 1996 ruling was 1st specific reference to use of an ombudsman as one option for ADR approaches.
F	1996	Administrative Dispute Resolution Act of 1996 specifically mentions ombuds as being an alternative means of dispute resolution
F	1996	ADR Act 1996 expresses uncertainty over ombuds activities specifically but does promote mediation-based services & programs
F	1996	The Executive Branch creates ombuds positions for internal and external members.
F	1996	Coalition of Federal Ombudsmen begins with 11 members
HE	1996	NAME and NIDR merge to create Conflict Resolution Education Network (CREnet)
HE	1996	Warters study on dispute resolution majors at degree-granting Institutions
HE	1996	Super conference includes all North American ombuds associations to discuss implementation of shield laws for ombuds protection of confidentiality in California
HE	1997	Establishment of an On Campus ADR Subcommittee by Association for Student Judicial Affairs with post-conference workshops on mediation
PS	1997	Cornell University's Scheinman Institute on Conflict Resolution is 1st complete picture of ADR policies and practices in US corporations.
HE	1997	Wayne State University (Detroit, MI) establishes Campus Mediation Resources website
HE	1997	NIDR research concludes <8,500 school-based conflict resolution programs exist in US as a footprint/feeder system for higher education systems
HE	1998	CREnet & ASJA joint task force examines creation of Standards of Practice for campus mediation programs
HE	1998	Georgia State University hosts Invitational Symposium on Best Practices in Higher Education Dispute Systems Design
HE	1998	Wayne State University (MI) hosts 1st Summer Institute on Dispute Resolution in Higher Education
HE	1998	Over 165 higher education institutions are believed to offer campus mediation programs
F	1998	Alternative Dispute Resolution Act of 1998 updates mandatory reporting & compliance requirements in all federal agencies
HE	1998	University of Texas, San Antonio is awarded $10,000 as 1st prize recognizing excellence of a campus conflict resolution project by National Association of College and University Business

		Officers in improving higher education programs & services through quality improvement and cost reduction.
F	1998	The Alternative Dispute Resolution Act of 1998 required agency-wide adoption of decision-making strategies using ADR techniques and approaches includes referencing of mediation-based programs in handling workplace disputes.
O	1999	Sustainable ombudsman office created at University of Amsterdam
PS	2000	$192 million lawsuit award for racial discrimination at The Coca-Cola Company results in over $20 million in legal fees.
O	2001	Spanish New Organic Law for Universities states each university must install an ombudsman (Behren, 2017, p. 13)
PS	2001	Enron (Houston, TX based energy company) employees and retirees lose $74 billion as a result of the biggest audit failure in corporate history. Lawsuit results in the de facto dissolution of Arthur Anderson, one of the five largest accounting and audit companies in world.
F	2001	Uniform Mediation Act legislation covers confidentiality, independence, voluntary participation & waives mediators from testimony regarding conversations
F	2001	Estreicher addresses controversial topic of arbitration and the waiving of employee rights to sue employers.
O	2001	Austrian Student Ombudsman (ASU) set up in 1977 but not fully developed until student fees forced a complaint resolution system that became legislature in 2012.
F	2003	By 2003 only 2 advocacy ombudsman were known within federal agencies with 15 ombudsman labeled under the classical definition, meaning remaining agencies have a plethora of non-consistent roles and duties which are agency-specific. (Gadlin & Levine, 2008)
O	2004	Office of the Independent Adjudicator for Higher Education created in England & Wales requires all universities to join OAI Scheme across Europe.
F	2004	The Intelligence Reform and Terrorism Prevention Act of 2004 established new agencies and expanded responsibilities to protect civil rights and civil liberties, especially at the Department of Homeland Security (DHS) which included officers for Civil Rights and Civil Liberties, a Civil Liberties Protection Officer and inspector general expanded duties.
O	2005	The Ombudsman Association (TOA) merges with the University and College Ombuds Association (UCOA) to form the International Ombudsman Association (IOA).
F	2007	The Freedom of Information Act (FOIA) in 2007 created positions like Public Liaison within each federal agency to monitor, implement & facilitate public availability of information from the FOIA Requester Center. Officer monitors

		compliance practices, recommends policy changes, and assists in dispute resolution.
PS	2007	By 2007 the American National Red Cross Governance Modernization Act created an ombudsman position within American National Red Cross to assist in providing voluntary, confidential and informal processes to facilitate resolution between ANRC and others (CRS, p. 3).
F	2008	The National Defense Authorization Act for FY 2008 provided protection under Wounded Warrior Act to ensure receipt of appropriate medical care during and after discharge after disparaging reports of substandard care through Department of Veteran Affairs. Patient advocates and watchdog groups are now available to mitigate negative treatments.
PS	2008	The "low cost at any cost" Wal-Mart Stores lawsuit settlement is a reported $352 to $640 million paid to employees forced to work off timeclock to meet unreasonable supervisory/leadership employment demands. "Doing more with less" philosophy
F/PS	2011	Colvin addresses US Supreme Court ruling regarding arbitration and waiving of employee rights to sue employers.
PS	2011	Lipsky conducts new survey in conjunction with Scheinman (Cornell University), Straus Institute for Dispute Resolution at Pepperdine School of Law & International Institute for Conflict Prevention and Resolution to explore current state & extent of ADR stability finds significant decline in usage of arbitration with consumers but still used in commercial disputes.
HE	2012	University of Oslo creates Ombuds for students (inactive for 1st year) after Student Parliament relaunched idea from 1958 again in 2000s.
O	2013	University of Copenhagen establishes Student Ambassador as only one in Denmark. Concerned over job perpetuation & budgeting bureaucracy, Legal Affairs Committee of Danish Parliament didn't give permission to use "ombudsman" title (Behren, 2017, p. 15).
HE	2014	University of Minnesota lawsuit over racial profiling
HE	2014	University of North Carolina Chapel Hill Wainstein lawsuit over inflated grades
F	2016	ACUS 2016.5 Report is considered to be THE most current state-of-the-federal ombuds in the history of the United States. 215 federal agencies with internal and external ombuds were identified, 150 participated, 55 were selected for further interviews, and 4 became agency best-practice case studies. Report now sits at the President Trump's desk awaiting further action on recommendations & findings.
PS	2016	$3.5 million verdict awarded to 4 Sacramento female deputies for alleged retaliation against complaint for discrimination

		(Hagadorn, Keillor, Mendonca, Douglas v. County of Sacramento and Sacramento County Sheriff's Department).
PS	2016	New Jersey teacher with asthma complained about classroom mold. Jury awards nearly $2 million for disability discrimination and violation of whistleblower laws (Alsing v. Millburn Township Board of Education).
PS	2016	$7.3 million jury settlement awarded to the former Legal and International Affairs Head of various yoga entities in recent California discrimination, retaliation, and sexual harassment litigation (Minakshi Jafa-Bodden v. Bikram Choudhry Yoga Inc. et al.).
PS	2016	New Hampshire federal jury awards $31.2 million to a Wal-Mart pharmacist for gender discrimination and wrongful termination (Maureen McPadden v. Wal-Mart Stores)
PS	2016	Wells-Fargo employee whistleblows on fraudulent opening of credit card accounts & systemic fraud. Slogan is "Goforgrea8" meaning each officer was to open 8 individual accounts each day. Targets marginalized groups like farm workers, lower-income. Had mentioned concern 7 years earlier to supervisor, HR, ethics hotline, regional manager & was told it was a "misunderstanding." (Scott Pelley 60 minutes CBS interview)
PS	2016	Gretchen Carlson former news anchor at FoxNews sued president Roger Alies for "quid pro quo" sexual harassment retaliation & awarded $20 million. Carlson sought advice & told to "steer clear of him"
PS	2016	Megyn Kelly former news anchor at FoxNews also sues Roger Alies with reported $20 million retaliation award & complains about co-worker Bill O'Reilly. Kelly says FoxNews communication director leaked damaging info to press defending FoxNews. Bill O'Reilly (FoxNews anchor) pays out over $13 million to 5 female coworkers for his on-air sexual harassment platform "go to HR or leave" comment.
PS	2016	2016 Bristol-Myers Squibb, a US – Canada pharmaceutical giant fined $30 million for reported unethical aspects in manufacturing process.
PS	2017	Wells Fargo pays out over $108 million based on collection of fraudulent fees on VA (Veterans Administration) home loans.
PS	2017	North Carolina federal jury awards $4+ million award in First Amendment action when corruption within police department was reported by 3 police officers (Hunter, Donathan and Medlin v. Town of Mocksville, NC).
HE	2018	New York University is sued for excessive fees regarding their university's 403(b) low-performing retirement accounts.
HE	2018	University of Minnesota is again sued and accused of violating football players rights in a 2016 rape case.

| HE | 2019 | Duke University employees and retirees reach a $10.65 million settlement over retirement fund issues. |
| HE | 2019 | Ann Owen (Hamilton College Professor of Economics) publishes "The Next Lawsuits to Hit Higher Education" (Inside Higher Education) arguing validity of biased instruments resulting in lower raises for faculty members especially females. |

(Data compiled as 3-Sector Chronology of Ombuds Evolution by L. Kovack, 2021).

Appendix B: Commonalities of Ombuds' Actions

Commonalities of Ombuds' Actions	Corporate	Federal	Academia
Humanize administration	●	●	●
Support fairness, equity, accountability	●	●	●
Stress ADR options	●		
Ombuds perceived as union-avoidance strategy	●		
Enforce, change policies, discipline	●	●	
Conduct investigations	●		
Protection of Ombuds' confidentiality		●	●
Subject to budgetary constraints	●		●
Major focus keeping issues 'in-house'	●		
Ombuds construed as public relations or client advocacy	●		
Difficult to correct errors	●		
Credibility of Ombuds' office		●	●
Maintains data base summaries	●		
Comparison to competition with issues & litigation	●		
Handle issues before publicized			●
Make recommendations for systemic changes	●	●	●
Value perceived by visitors			●
Arbitrary enforcement of rules & policies	●		●
Full-time Ombuds positions	●	●	
Inconsistent due to political & cultural considerations		●	
Whistleblower protections		●	
Impartiality, neutrality, confidentiality, independence		●	●
Designated neutral 3rd party	●	●	●
Established by charter as being outside management		●	●
Reporting to top leadership/Board of Directors/owners	●	●	●
Responsible for management decisions	N/A	N/A	N/A
Channel for acceptance or notice of claims against	N/A	N/A	N/A
Federal compliance legislation	●		
Anonymous and non-identifying practices	●	●	●
Research & identify alternative dispute resolution interventions	●	●	●
Promotes visitor control of actions and resolution	●	●	●

Provides conflict coaching, webinars, media presence	●	●	●
Follows appropriate communication & contact pathway	●	●	●
Identifies potential systemic concerns & patterns	●	●	●
Access to top leadership		●	●
Potential to have confidential information requested	●		
Access to legal counsel if needed		●	●
Can assert ombuds' privilege	●	●	●
Presents pathways based on potential scenarios	●	●	●
IOA, ABA, COFO Standards of Practice & Code of Ethics	●	●	●
Voluntary visitors	●	●	●
Access for all levels	●	●	●
Change agent to understand risk management	●	●	●
Support integrated conflict management systems	●	●	●
Informal interventions	●	●	●

*Data compiled as Commonalities of Ombuds' Actions by L. Kovack, 2021.

Appendix C: CV

LIN KOVACK
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MEDIATE | FACILITATE | NEGOTIATE | ARBITRATE | OMBUDS | EMPLOYEE RELATIONS
ORGANIZATION DEVELOPMENT | CHANGE MANAGEMENT
APPROPRIATE DISPUTE RESOLUTION

Exemplify interpersonal conflict skills to analyze deep-level dispute context considering conflict dynamic structures and analysis for social change and fiscal sustainability.

- Identify workplace internal issues and deliver conflict coaching solutions to engage employees.
- Design parameters for mediations, organizational interventions, shuttle diplomacy, and deliver negative and controversial information to top leadership.
- Active roll out systemic for transitions, transformations, mergers and acquisitions.
- Recruit and on-board 425 employees in 3-months with 98% federal and 100% state compliance.
- Restructure acquisition to reduce turnover by 65% saving $500,000 in 1st quarter.
- Grant writer and awardee with over $13M for businesses and educational institutions.
- Design and construct professional office complex after 3 years and 13 bank rejections.
- Financed 100% of entire education through employment.

EXPERIENCE

PRIVATE PRACTICE FACILITATOR, MEDIATOR & CORPORATE TRAINER | 2000 –

- Research, design and compose interagency project between ombuds roles and functions 100% original.
- Analyze 1,000 peer reviewed articles and federal ombuds reports to create Top 10 best standards of practice within the United States.
- Handle confidential information and data to protect all participants from C suite to labor.
- Conduct qualitative and quantitative data gathering and SPSS and Excel software.
- Create presentations and webinars, deliver services per contracts, vision to reality processes.
- Interview and assess data from leading ombudsmen globally.
- Evaluate and calculate ombuds' contributions and value to institution.

Doctoral Assistant

- Gather quantitative data and submit federal grant applications for department.
- Focus on organizational development and change management sustainability
- Convey sensitive information to senior-level decision makers
- 3rd party interventions in problem solving, gap assessment, controversial conversations

Researcher

- Collaborate and create mediations, peer group sessions, facilitations, Ombuds Federal Project Research results appear in ACUS and in dual peer journals simultaneously, thought to be the 1st simultaneous dual publication in university history.

- Delegate tasks, coach constituents and promote use of Alternative Dispute Resolution ADR processes and methods to address organizational systemic change.
- Achieve cost-savings by developing functional solutions to internal employee performance problems.
- Coordinate with leaders to discuss establishment of ombuds offices and ADR techniques to resolve internal workplace conflict.

FOUNDER & CEO | 1987 - 2015
  LR2SS, LLC - **Columbus**, **OH**
  NEI, Inc. – Jefferson, OH

- Constructed numerous professional office complexes from vision to reality.
- Full startup executive responsibilities for revenue generation and operations.
- Initiated business permits, budgetary line items, human resource manuals, job descriptions, conducted employee evaluations, created policies and best standards of practice.
- Leadership to envision startup and opening of wholesale distribution business.
- Negotiated business-to-business, local, state and federal contracts with 100% compliance.
- Provided business development, creation of operational procedures and workflow planning.
- Monitored business trend forecasts, adjusting budgets and operational plans to maximize growth and opportunities.
- Business acumen through sustainability period. Transformed acquisitions and monitored retail and real estate transactions. Conducted audits and compliance.
- Collaborated and expanded company from $0 to $1.1M in revenue in only 3 years through strategic reorganization during recession cycle.
- Enabled organization to scale through rapid growth by identifying and eliminating bottlenecks, risks and other constraints.
- Developed clear mission, vision and culture for company as foundation for growth, branding and development of employee culture.
- Identified operations ripe for reorganization, acquisition or mergers.
- Created highly successful marketing and branding strategies to spearhead entry into wholesale perishable market, media markets, and ecommerce revenue generation.
- Oversaw strategic business decision-making to develop, enhance and enforce business mission.
- Directed hiring and training of new department managers to drive organizational improvements.

MORTGAGE LOAN ORIGINATOR AND PROCESSOR | 2008 - 2013
Huntington Mortgage Group

- Initiated and monitored average of $6M in sales monthly.
- Initiated disaster insurance compliance program that cleared 100% of unprocessed claims spanning a minimum of 6-years lag time from insurance check delivery to payoffs to contractors.
- Referred about 75% of delinquent mortgages to modification department.
- Resolved remaining 25% of delinquent accounts by initiating contact with mortgagees and setting up reasonable repayment plans.
- Originated loans and assisted senior-level credit officers with complex loan applications.
- Executed loan origination process.
- Ordered credit, appraisals and preliminary title reports.
- Developed and maintained relationships with local real estate agents.
- Complied applications and paperwork and double-checked for accuracy.
- Approved loans that met specifications.
- Submitted applications to credit analysts.
- Diminished losses by implementing insurance claim reimbursement program, securing 100% recovery of sales ratio.
- Created financial analysis reports of commercial real estate, borrowers' financial statements, lease reviews and market research.

RELEVANT EXPERIENCES

West Liberty State University, Bowling Green State University, Kent State University
 Executive MBA & Adjunct Faculty Member –
> Human Resources, Organization Development, Industrial Psychology, Conflict, Alternative
> Dispute Resolution, Mediation, Facilitation, Negotiation, Arbitration, Employee Relations

NASA (John Glenn Research Center, OH) Human Resources Training & Development Specialist
GM Delphi Automotive Wiring Division Manufacturing Associate
Management & Training Corp. Human Resources Director
Walmart Stores, Inc.

EDUCATION AND TRAINING

Nova Southeastern University - **Davie**, FL
Ph.D.
Crisis Management and Organizational, School and Health Care Conflict Resolution

Nova Southeastern University - **Davie, FL**
Master of Science
Crisis Management and Organizational, School and Health Care Conflict Resolution

Kent State University – Kent, OH
Ph.D. Candidate, abd
Organization Development, Change Management and Executive Leadership

Villanova University – Philadelphia, PA
Project Management Certificate 2004

Bowling Green State University – Bowling Green, OH
Master of Science
Adult Higher Education Administration, Human Resources Training & Development

Kent State University – Kent, OH
Bachelor of Science, English and Business

The Supreme Court of Ohio – Columbus, OH
Certifications
Mediation, Divorce and Family Mediation, Foreclosure Mediation, Domestic Abuse and Violence, Neglect
of Children and Adults, Emotional Intelligence, Parenting, Guardian ad Litem

South Carolina Department of Administration – Columbia, SC
Certification
Guardian ad Litem, Recognizing Domestic and Child Abuse, Mandatory Reporting Training

ACTIVITIES AND HONORS

Delta Epsilon Iota International Leadership and Educational Honorary
Coastal Carolina Task Force on Human Trafficking Member
Workforce Investment Act Northern Ohio Executive Member Workforce Development
Ohio Region XII School to Work Founding and Executive Committee Member
Ohio Department of Development Project Excellence Awardee
Veterans Welcome Home Resource Center Volunteer Facilitator & Trainer

JOURNAL PUBLICATIONS

- Co-author, dual publications, *Journal of the International Ombudsman Association* and *The Journal of the California Caucus of Collegiate and University Ombuds,* "Ombuds and Conflict Resolution Specialists: Navigating Workplace Challenges in Higher Education," (2018).
- Author, *Peace Review: A Journal of Social Justice*, "ACT as Potential for De-Radicalizing, Disengaging, and Reintegrating U.S. Youth," (2017).
- Co-author, *Journal of Conflict Management*, "Higher Education's Current State of Alternative Dispute Resolution," (2016).
- Presenter, Association for Conflict Resolution Conference (2018, 2019)
- Presenter, International Association of Conflict Management Columbia University, NYC Conference (2016)
- Dissertation: "Navigating the Human Side of Workplace Conflict: A Comparative Study of Organizational Ombuds' Similarities and Differences"

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Keywords: ombuds, organization development, industrial psychology, coaching, workplace disputes, alternative dispute resolution, mediation, negotiation, arbitration, facilitation, change agent, human resources, training, crisis, Association for Conflict Resolution, International Ombudsman Association, Southeast Regional Ombuds Working Group, standards of practice, confidentiality, neutrality, independence, impartiality, code of ethics, best practices, analyze, gap assessments, synthesize, union, union avoidance, remote, work from home, collegiate instructor, public and private sector, successful entrepreneur, Workforce Investment Act, School-To-Work Initiative, government security clearance.