

Crystal Ball notes
are included here
+ those in the
Collection. See also
a few on line at IOA
website

Crystal Ball 2008 IOA conference—Boston

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Presented
Annually
until
about
2012

Identifying New and “Disruptive” Issues

The Crystal Ball began in 1984 when several Organizational Ombudsmen (OOs) were planning the next conference. We were discussing the fact that one task for the OO is to identify and surface “new problems” for the organization. Everyone is familiar with the idea of identifying “trends” for your annual report—trends are important—but on the other hand, by the time the OO is reporting a trend many managers already know about the problem.

We began to look for “new things” and especially for “*disruptive*” new things that require an organization to review or change its policies and procedures and structures. 1984 was a year of fear of AIDS, the beginning of concern about stalking behavior, and the first reports about how to provide an equitable work environment for men and women in the organization who are (devout and secular) Muslims. (See an Appendix to *Effectiveness of Organizational Ombudsmen* for a list of “new issues,” year by year for thirty years, found at <http://web.mit.edu/ombud/publications/index.html>)

There has been a Crystal Ball ever since. We provide in this document a mosaic report from OOs in academe, corporations, internationals, multi-nationals, government and “other” organizations. Predictions came in response to requests on the listserv to describe what OOs may be seeing in the future—encouraging or discouraging, and whether or not “new.” We include ideas and quotes from many dozens of OOs around the globe, in this report, and in the attached reports of the Crystal Ball Panel.

The most common topics in the report below are: abuse and bullying, and OO effectiveness. Thinking to the future, there may be soon more legislation about bullying. And many OOs would like more attention, within IOA, to assessing our value.

NB: New aspects of the Crystal Ball: 1) We received no really “encouraging” predictions for what we will see in the future. (Next year we will ask more pointedly about good news.) 2) Many OOs who wrote for the Crystal Ball this year added a note asking if the IOA could help with the issue they discussed.

Individual notes for the Crystal Ball are not retained, and, in true OO fashion, we report “concerns and allegations,” rather than facts.

The Role of the OO

How much systems coordination is in our future? Some OOs are, by design or by default, the major point of coordination for conflict resolution in their organizations and find this function to be challenging. In addition, a number of OOs raised concerns about there being little coordination among the conflict management personnel in their organizations. They cited lack of referrals and lack of understanding, “*especially among new managers,*” (line managers, compliance, ethics, HR, formal grievance handlers) about conflict management options and best practices.

“An OO now needs to get to know every new manager here—we are the only coordination mechanism in an ever-changing company.”

“This is so challenging—the need for the Ombuds to recognize and work with competing—and conflicting—cultures within the organization.”

One OO suggested that IOA add to the salary survey a question as to whether each organization *has* a complaint system and whether OOs integrate (or do not integrate) with their internal complaint system.

“Are OOs part of a system or really an independent entity?”

Are OOs being asked to take on new functions?

A number of OOs mentioned that they are sometimes expected to take on new functions, or management responsibilities. An OO cited news articles:

“Ombuds to Coordinate Impartial Observers.” “Ombuds to Help Administer Student Relief Funds.”

Several OOs have recently been asked to do exit interviews. Several have been asked to be public conveners and mediators with group disputes. Some are being asked to mediate disputes where the organization itself has important interests at stake—where a senior manager is at the table, with other disputants.

Organizations all over the world are downsizing, reshaping or moving processes or services to third party providers. In some cases this might threaten the OO office; in others, it means more work for the OO.

“We see an increase in using the Ombuds Office as an Agony Aunt.”

A number of OOs have, once again, been asked to join or sit in on “fear of violence” behavioral assessment teams:

*“After Virginia Tech our University was prompted (actually it was a bottom-up initiative starting in our counseling center) to convene people from around the campus to develop a threat assessment committee. I was asked to sit on the committee and have done so for several months. I have had a couple situations where my role as Ombuds conflicts with the **process** of the committee (for example when all commented via e-mail about a student of concern—the cases usually come up last minute so sometimes the committee needs to discuss asap) and sometimes with the **content**. I feel that my participation on the committee has been of value and appreciated, as I provide a very balanced perspective.*

“I’m not sure that Ombuds have discussed their role in this context much and have felt it would be helpful to have a “manual” for serving on such a committee. What would be the duties and responsibilities—and one wonders if this is the wave of the future for all of us (and is it a good thing)?”

Ombuds are, once again, asking about how they express neutrality in the face of diversity discussions on campus.

“It seems as though more and more special interest groups on my campus are asking faculty and staff to publicly wear buttons for special events or days (e.g., National Coming Out Day; This

is *What a Feminist Looks Like; I'm an XYZ Supporter*), and also to display support for a specific group of people with a public display on the door of their offices (e.g., LGBT Ally, Athletic team schedule poster).

"I am glad to see some increase in activism and open involvement on our campus, but I am concerned that the public display of such material by ombudspersons, while it may send a positive message to some, sends a potentially negative message to others; and is at least not very neutrally perceived by its very design. I have found it to be both an opportunity and a challenge to explain to people like the director of our LGBT program that while I am glad to attend ally training and have referrals from her office, I simply cannot turn away homophobes who may need my services by openly displaying an LGBT ally symbol on my office door. I've had a similar conversation with the director of our Black Student Center (some people come to see me about reverse racism) and one of the football coaches (students have come to talk about alleged assaults by student athletes)"

One OO asked if IOA could convene and disseminate discussion of Best Practices with respect to practical issues related to their neutrality.

Will there be a greater need for "local" neutrals?

An OO in a large organization doubted that conflict could be managed well at a distance (the organization is growing across many kinds of structural and geographic boundaries) and suggested that their future conflict management system should include local, impartial, confidential conflict specialists who liaise with the OO office. This OO asked:

"What should be the nature of these local conflict resolvers, and should the OO office have a formal role with respect to them or do they only report to the local unit head?"

Will OOs need access to outside experts? One OO cited the need in complex cases for "Subject Matter Experts" for certain kinds of arcane problems; another suggested that an OO office might occasionally need a budget to hire an outside consultant.

What happens to OOs with unions in decline? Several OOs outside the US discussed the future for OOs in countries where labor unions are losing strength, suggesting that there may be increasing demand for OO offices in such countries and also that management may try to “use” or co-opt these OO offices.

Will OOs be dealing more with various outsiders?

Should an OO deal with people who are outside the organization?

“I have found that I am getting more initial contacts from parents of students and an occasional grandparent. Perhaps it supports the argument that “helicopter parents” are more common. The term is fairly new to me—parents who continuously hover over their kids. I also found a couple of brief articles referring to similar problems for HR in business settings.”

Outside complainants were mentioned by a number of OOs. Various OOs reported that donors, vendors, major customers, politicians, a former CEO and other “outsiders” have called them, and several OOs noted that a former employee whistleblower had called.

How to evaluate OOs and communicate that value? There were several dozen notes about value and effectiveness, and communications about the value of an OO office.

“In Europe, there is increased need to raise the awareness of the added value to the organisation of the office of the ombuds.”

“How should I discuss my value? In parts of Asia things are different than in the US. I need an Asia-based discussion of these issues.”

There appears to be little agreement among OOs about evaluation. Various surveys and discussions suggest that only a minority of OOs attempt a measurement of cost effectiveness. However many OOs can easily indicate the areas where they believe 1) that they add value and 2) they are seen to add value to their stakeholders. (Some OOs wrote emails about these issues separately: assessing effectiveness and value, and communicating about their value.)

One set of views belongs to those who identify themselves first as a member of the OO profession. They may say that their first obligation is to function scrupulously according to Standards of Practice. One OO quoted UCOA Ethics: "Justice is pre-eminent."

Others feel their first obligation is to serve the employer and to be seen by senior managers to be doing so. Others work to balance their obligations.

"To me assessment depends on who we think we are serving. I owe my first loyalty to my boss, the CEO. OK so I am not a pure neutral. I serve the interests of the organization, first if necessary."

"I believe the organizational leadership is "a", not "the" stakeholder. I consider what the interests of the leadership would be in a situation and evaluate that with the risk and benefit of making them (somehow) aware of a problem if I think (yes, making a value judgment which in and of itself is not neutral) they might want to know and do something about. If I worry too much about what "they" will think, or want to know at any price, or because I fear I may lose my job if I don't do what they want me do, I will not be neutral, or respectful of the individuals involved in the problem. Sometimes there are no good choices — just the possibility of selecting among a variety of so-so choices, some of which will be less bad (from some perspectives) than others. For me, I will usually opt to respect the individual at the expense of the leadership if there appears to be no way to balance the needs of both (unless imminent risk, etc.)."

Some OOs find it hard to evaluate the OO apart from the organization's conflict management system, suggesting that it would be improper to take credit for the work of a team.

Several mentioned the methodological problems of evaluation by multiple stakeholders:

*Some of my stakeholders value my listening; others value my saving them money; and others—I **cost** them money for remedies sometimes, but they put up with me. Still others think*

I do a good job of preventing problems—but how could this be assessed scientifically?”

Two notes wryly (and perhaps not totally seriously) discussed the singular importance to their employers of risk management, for example with respect to the US Sentencing Guidelines—these OOs see themselves mainly as filling an organizational need for a confidential reporting channel:

“It does not matter really how we do; we just have to exist. How would you evaluate this?”

Some OOs wrote that trying to measure intangibles is a kind of US hubris, or, worse, a US failing about putting all values into financial terms. Some just think it is methodologically difficult to measure intangibles.

“The value of the OO office is easy to put into words—trust, for example—but pretty hard to measure scientifically.”

Others believe that OO offices will not long survive without better metrics.

“If we cannot measure intangibles, we should just forget about them. My boss deals in metrics, and money. Money matters.”

One writer suggested that IOA recommend that OO offices be evaluated over a two or three year time period and always across a number of different parameters, “including the value of recommendations for systems change.” The note cited with approval Frank Fowlie’s description of a “multi-pronged, multi-faceted approach to truly reflect the complexity of Ombudsman activities.... (with) evaluation information ... from a variety of sources.”

This writer called for an IOA-wide discussion, for ideas as to how to get objectivity into assessments without compromising confidentiality. This writer criticized—as non-neutral, and possibly not independent—the use of any one assessment that could be interpreted to mean that the OO office valued (only) “visitor satisfaction” or “the employer” as the most important stakeholder:

“Our purpose is not just the satisfaction of our visitors—and it is not just the corporation’s bottom line—although both of these ideas might be included among many other ideas. And the

challenge is not just to assess our effectiveness but to learn how to communicate our effectiveness to all or most stakeholders.”

Several OOs suggested that the IOA Board mandate a major effort to understand the issues of evaluating ombuds offices and try to require response from every office. One OO thought this requirement should be included in the membership renewal or application and another asked to include this in the salary survey.

*“Our offices vary so much across the world and across different cultures and different missions. IOA could require every member to respond to a questionnaire about value and about evaluations. We need to know what **every** practicing OO thinks about incorporating the ideas of measuring and communicating effectiveness into Standards of Practice and we should collect ideas how this should be done.”*

Ought IOA provide consultative resources? Long ago there was a proposal for PRESTO to be a benefit from IOA membership:
Professional Resources for Emergency Support to Ombuds.

The idea surfaced again this year:

“We need consistently to remind our membership of the availability of support via the newsletter and other means, and to encourage OOs to use the service when needed. This could go a long way toward reducing potentially messy and costly lawsuits as well as helping ombuds remain aware of and utilize best practices. It is humane. It is educational and promotes professional growth. It helps avoid embarrassment to the ombuds profession. It is stress relieving. It is a volunteer opportunity. It is a valuable membership benefit. It is confidential (as separate from the listserv), informal and non-judgmental. It is a safety precaution.”

Diversity Issues

Race, color and culture. Many OOs wrote about race and culture. Several suggested that race is **the** central “future issue” for this century. One OO was interested in the idea of collecting “one best practice” from each organization that is dealing with racial issues.

Writers on this topic were eager for new ideas, and eager for ways of assessing effectiveness of race-related programming.

OOs described race-related issues new to them, including intra-minority disputes that are not well understood by majority managers, and majority-minority re-configurations:

"I have recently experienced more concerns about the historic minority group becoming the majority group and abusing its power. So a department will become 75% Latino, 10% Caucasian, 5% Asian and 5% African American and 5% Other, and a new minority group will complain that the Latinos are "sticking together" and abusing the minority. (This situation occurs most often with Latinos but also includes Asian populations against non-Asians and/or one type of Asian population (Filipinos) against another Asian group (Vietnamese)."

Gender. The most common comments about gender were about continued sexual harassment and assault and sexual orientation. Gender was also mentioned frequently in conjunction with religion—the mix of these topics is not new but sure to come to OOs these coming years.

Religious questions. A substantial number of OOs suggested that religious questions of many kinds will be more important to our work this coming decade.

"Our women professionals and managers cannot travel freely in parts of the Mid-east."

"We are seeing many frictions between secular and fundamentalist Muslims, for example in the Muslim Student Association and also among employees. Many concerns are about gender."

"What are other organizations doing about head scarves and women who are covered?"

"Issues about Islam are illuminating our inconsistent practices about faith-based practices, including holidays and de facto holidays like Good Friday, and time to pray."

*"I see a lot of overt and covert religious proselytizing. All OOs should see **Constantine's Sword**. People say look at the Air Force—it is not just the Air Force."*

"Our new COO is a fundamentalist who hires his own. We are a public company".

"Is anyone else seeing problems where your organization or university wants to send someone into a certain country or area, and people of a certain gender or race or religion or sexual orientation cannot work there safely or comfortably because of religious laws or ideology?"

Other forms of diversity. OOs wrote of class differences, employees and students below the poverty line, those who think only about science and have no social skills, single employees and those with families, the 25% who do not drink at all and are offended by drinking at work and at school, geographic differences, contract employees vs. those with more permanent jobs, political and ideological conflicts, smokers and non-smokers. There were many comments about generational gaps.

"Ombuds must identify and work with all the conflicting cultures within the organization."

The Internet

The web becomes a stronger force.

"A law student applied for an assistantship in a campus office. His qualifications and interview resulted in his being the preferred candidate for the position. When the hiring office director "googled" his name—in lieu of a formal and expensive background check—the hits included the student's Facebook page. This page included two posts displayed by other law students available for public viewing. One had extensive use of profanity and disrespectful comments toward women. The other included reference to the fun the writer and the candidate had when they made a recent visit to 'Midnight Auto Supply' to procure a needed part for the friend's car."

"Managing and protecting electronic communications are increasingly difficult with FAX machines as well as email. If you do not stand in line to collect your receipt maybe someone else will do so. This could get all of us into trouble."

"We have been asked for all our email to and from a particular visitor."

"There is clearly a national trend in university data bank leakages (breaches?). Whether it's due to hackers, undeleted drives, misplaced laptops or discs, unethical or bribed employees, or programming errors that allow folks without the right passwords to access data bases, this increase is only going to increase as the use of electronic databases increases. There will inevitably be an increase in cases for ombudspersons related to folks whose privacy has been compromised, as well as those who were (or are being held) responsible for the breaches."

"JuicyRumor and JuicyCampus are bringing equality to internet abuse. It used to be that people who posted on Facebook risked their reputations. Now anyone can smear anyone else anonymously. In addition, photos can be doctored. IOA could highlight anonymous attacks. Be sure that all OOs know about this, please?"

What will happen with private use of computers?

Does your organization or will your organization ban use of the Internet that is not work-related? One OO quoted this memo:

"The proposal to ban non-official traffic from the network is intended to increase the network's security and stability by reducing malicious software code."

How will internet complaints affect us?

"I'm seeing an increase in the use of the Internet as a tool to be heard. Sometimes one, two or three people sending incessant e-mails to multiple receivers create the facade of a huge problem. It grabs attention."

"I'm seeing more threats of "going public," going to the press, starting an internet campaign if my visitors are not heard and their demands not met."

"I hear frequent rumors of illicit and even doctored cell-phone videos making the rounds."

Changes in Case Configuration

Several OOs find their caseload changing. Several OOs note that they are seeing more complexity.

"I'm experiencing an increase in the number of managers turning to the OO office for help for themselves."

"The ratio of managers and employees is quite different now than when I started—many more managers."

"Multi-issue, multi-party, cross-jurisdictional concerns—very difficult where we have different compliance offices for different issues, and different sets of rules and regulations, including different formal processes."

An OO notes that cross-cohort concerns are especially difficult for complaint systems to handle where there are many different rules for different members of their organization. Another notes the complexities:

"Where protagonists are in different countries, with different cultures and legal systems and rules, —and with completely different expectations about subjects like apologies."

Fear of Violence

Should we be more attentive—but maybe less "sensitive"—about violence in the organization and is this possible?

"I have seen a surge in the number of students and parents who express (as their primary concern) fear about personal safety. The conduct leading to these concerns is no different than it ever was; what have changed are inferences drawn from this behavior. So in years past, a parent might say 'My

daughter's roommate stole my daughter's shoes . . . shouldn't the residence hall staff try to get the shoes returned?' Now what I'm seeing is something like, 'My daughter's roommate stole my daughter's shoes... what kind of a psycho would steal shoes? Who knows what else she's capable of? She could be dangerous. Shouldn't you people be doing something to protect my daughter?'"

"I have continued to see an increase in over-reactions to nonconformist behavior on the part of students. As someone who is visibly nonconformist myself, this is of personal concern as well (smile)."

"Since the Virginia Tech incident it seems that some faculty, staff, students, family members, and visitors to the campus are being overly sensitive to behavior that is merely outré and not really dangerous. Too often (IMHO) instead of hearing a plea that someone "needs help" as before, I'm hearing demands that someone be removed from our community due to potential danger. I haven't seen this problem evidenced as much by police and other professionals as I have by those not as involved in emergency situations by nature of their role here."

"My institution has seen a huge increase in the number of students who have withdrawn for psychological and emotional reasons. This is conjecture, but I think our students and their parents have become very sensitive to and concerned about students who are experiencing the kind of emotional distress that was until recently seen as a fairly normal (if unpleasant) aspect of high-achieving students. People, I think are "connecting dots" between unusual behaviors and stressed out behavior and violence. We are all guessing this is a direct result of Virginia Tech. But of course that too is conjecture at this point."

"I understand that tragedies like Virginia Tech lead institutions to fear liability and to implement steps that will prove 'due diligence'. You can't blame administrators for trying to protect their institution. I am worried that people may instinctively try to lower the bar on tolerance for weird behavior. I think people

should be allowed to be weird without having to worry about being investigated by the authorities. I am pleased to say that I think my own institution is being level headed about this. We do an outstanding job of responding reasonably and effectively to people with emotional problems and I have every confidence that it would not implement any new policies or procedures as a knee jerk reaction. I do worry what other institutions are up to, however."

"The one 'new' trend I have seen this year occurred in the aftermath of the Virginia Tech tragedy, where suddenly many offices on our campus became almost paranoid and started questioning the words and actions of any student or staff member that were slightly out of mainstream. It caused a wave of fear to come across our campus at least initially, and seemed to almost infringe upon the self-expression of individuals. In the past, staff and faculty have seemed to respond to "problematic students" by offering to help - whereas now they seem to want to know how others (besides themselves) are going to help...once again out of fear."

"Death threats ...we are hearing more cases of apparently serious threats."

"I have been asked to transmit anonymous information, which, if true, suggests someone in the organization might be attempting to organize violence."

"Is any other OO concerned about possible terrorism? IOA should discuss this."

"So far this year, two people in different countries have reported possible plans for sabotage."

"Is anyone else hearing stories about behavior that might be thought to indicate sabotage or organized criminal behavior within the organization?"

"I am very concerned about how the US is making enemies—making our employees here less safe."

Intellectual Property

"The meaning of authorship is being diminished by the use of co-co-co first authors."

"Our institution used to have strong customs about intellectual property. Now we see fights over different rules where there are several different sources of funds (private sponsors, Federal government, another government)."

"If a professor is found to have assaulted a student who then leaves the lab, does the student have to negotiate with the professor when he is ready to publish—and negotiate IP with someone against whom he has brought criminal charges?"

Fraud, Conflicts of Interest, Deceit

"The "temptation" to fill in patient reports with exaggerations of time spent and procedures done in order to be able to bill more and appear to be doing more in less time...may have further implications than getting a higher bonus. Since patients are not asked to sign these reports, if they want to complain or "sue" for unhappiness with the way they were treated, these "records" may state "facts" which may never have happened but will be hard to disprove.

"In an effort to solve the problem of mean attendings giving negative evaluations to interns and residents, some places are now asking that interns and residents evaluate their attendings. The unintended result is that some attendings (even, perhaps, good ones) will now not be truthful, because they are afraid a "truthful" evaluation could anger the interns and residents whose evaluations of them may hamper their career growth."

"I have seen more than the average number of cases of plagiarism. What is a source of wonder is that so many people say that they had no idea that "this little bit of copying" is serious. Or that they ran out of time and that was the reason."

"Conflicts of interest and outright lying and deceit are more common by far."

"Whatever happened to rules against sleeping with your supervisee?"

What is Happening to Our Values?

Bullying. Dozens of OOs wrote about unacceptable behavior, using terms like bullying, mobbing, arrogance, self-aggrandizement, greed, egregious incivility, sustained mistreatment, meanness, supervisory abuse, emotional assault, harassment, vicious behavior, riding roughshod, cruelty, gross puffery, and all-round neglect of reasonable norms of behavior. One OO used the term sadism. Bullying in all its forms was the subject most frequently mentioned in Crystal ball comments.

Change, and values. Many OOs wrote about changes in the organization, changes in the world, and changing values.

"I see a need and lack of ability of, organizations to handle the increasing rate of change both internally and externally."

"There is absence or less focus, in terms of importance, on values by our organizations."

"While preparing my last report the issue of abuse/ mistreatment/ bullying came up in close to 40% of the issues raised by employees. This seems to be the bread and butter of my work nowadays. There are interesting advancements in the legislative area."

"It is the financial world situation that is now driving change (not any concern for people)."

"I am currently dealing with a corporate issue that is causing a great deal of disturbance. The company is for sale and each of the employees average nearly 22 years on the job. The anxious employees wonder what will happen:

1) Will the company be relocated?"

- 2) Will the accumulated benefits be taken away? 3) Will they lose all seniority?
4) Will they have a job?"

"The now nearly decade-long decrease in state funding in the case of many public institutions has caused a variety of changes in our cultures and in our case loads, many of which are yet to be fully evidenced but are nonetheless predictable.

A. Students and parents continue to see us as a "business" concerned first and foremost with collecting their money rather than providing them with an education. As a result, they expect the treatment they would receive as consumers in the private sector. Two small examples angrily stated by a student, 'Show me another business where I have to pay to park!' and 'I don't have to wait in line at the counter at my bank this long.'

B. As resources become more scarce, units that generate direct revenue feel they should be able to keep it for themselves and not have it "stolen" from them to support offices and departments (like the ombudsperson's office) who do not generate direct revenue. This can result in more interdepartmental rivalry and resentment and less feeling of community.

C. As presidents and chancellors spend more time away from campus (physically and conceptually) to raise funds, vice presidents can behave with latitude not previously available to them. This in turn can lead to partnerships among them that exclude other vice presidents and contribute to decline of community as described in B, and also enable any of them who might have a tendency to behave in an inappropriate manner to do so more easily."

"Managers here are simply not responding when I bring them a serious concern. They do not want to hear from me. They do not want real reports."

"We have seen a change in our organization with the new generation of employees being hired who do not like the word "NO". An organization must change its managerial skills to handle this new generation of employees."

"I still think living in this society with war as a constant backdrop raises issues for all of us to be concerned with. In addition, I read about the increased numbers of suicides by vets last year and the very difficult issue of how to address the cause of hopelessness. What does it also say about the culture we live in that allows us to separate the war from our daily lives?"

Fair Process Concerns

"(In my institution) I hear a desire for an advocate service for staff or faculty who are entering a formal grievance process. We have this service for students who are in conduct situations. Where should this service be administered – from HR? Someplace else?"

"Fear of retribution continues to plague individuals (especially staff) who bring issues to my office. I'm looking for creative strategies for helping the university and individuals with this concern."

*"A significant number of people here would not dream of making a complaint, about **any** kind of wrong-doing. They suffer and they leave."*

"I have heard more about retaliation, real retaliation and fear of retaliation in the last two years than ever before. This is a form of intimidation and harassment that destroys any pretense at due process—it needs to be highlighted—I would like to know how to do it. I would not be a bit surprised if someone hurt one of our bad actors. If I could turn a light on retaliation here it would be the most important achievement of my professional life as an ombudsman. Please ask IOA to take up this topic."