

**Some Sources of Complexity in Mediation—
Ideas for Organizational Ombuds Who Do a Lot of Mediation
2026, AI with Assists from Mary Rowe**

For Organizational Ombuds seeking to quantify the value of their mediation services in order to create metrics, complexity is one of the possible components of the Most Serious Cases OOs face. Could complexities like the ones below be added to checklists?

All effective mediations add value to the organization and to the participants. It also may be useful—in assessing the value of a mediation—to track the complexities that may have been addressed. One may think of a mediation as a simple matter of helping A and B to negotiate with each other about one issue. However, many mediations are complicated and dealing with complexities may add additional value.

These complexities might be mentioned in a detailed description of mediation to show value. Are any of these points useful in rating each mediation for its complexity? Could each mediation then be rated for its complexity by assigning points for these—or for other complexities that fit better in your own practice?

Red titles indicate a section that comes from AI responses.

1. Party and Relationship Complexity

1.a Power imbalances

- Rank: manager vs. report; tenured vs. non-tenured; attending vs. resident.
- Personal identities: charisma, network, identity (race, ethnic, gender, age, polyglot), rare expertise.
- Local power norms vs. formal policies:
 - Formal: “no retaliation,” “open door,” “speak up.”
 - Informal: “Don’t challenge your boss,” “We protect stars.”

1.b Multiple overlapping roles

- Relationships can be read as policy breach vs. loyalty vs. care.
- Roles: colleague vs. friend; supervisor vs. mentor; faculty vs. graduate student, ethnic identities, family relationships, contract employees.

1.c Long history/long-term relationships

- Current conflict is entangled with evolving “ways of doing things.”
- Years of unresolved tensions, broken promises, shifting roles.
- Past managers’ practices vs. new manager’s rules.
- Old informal arrangements vs. new formal policies.

1.d Multiple parties and coalitions

- Several individuals, teams, or stakeholders; shifting alliances.
- Subgroups play by different rules and expectations.
- Different adherence to:

- Formal rules: org chart, decision rights, grievance procedures.
- Informal norms: “who really decides,” “which group you can’t cross,” “don’t go around X.”

1.e Identity and status contradictions

- Formal equality in law vs. informal hierarchy.
- Tensions between social identities and formal roles; does rank trump race and gender or vice versa?

2. Issue and Substantive Complexity

2.a Multiple intertwined issues

- Solutions that fit policy may violate unwritten rules.
- Policies on workload, evaluation, promotion vs. norms like “We reward our own,” or “Politics matter more than performance.”

2.b Values conflicts, not just interests

- Written values vs. operational norms; “fairness” is contested.
- Honesty vs. loyalty; safety vs. productivity; autonomy vs. standardization.
- Formality: safety rules, compliance, codes of ethics.
- Informality: “just get it done,” “don’t make us look bad,” “numbers first.”

2.c Contested facts

- Different memories, “he said / she said,” limited evidence.
- Formal process may reach “no finding” while social norms demand taking sides.
- Publicly touted investigations vs. “everyone knows what really happened” stories.

2.d Rights, policies, and law in the background

- Some options are legally off-limits.
- “Quiet solutions” may breach law or policy.
- Mediators must not be workarounds for required formal processes.
- Legal/regulatory obligations: duty to act, report, document.
- HR/union procedures: grievances, discipline.
- Informal norms: “We solve things quietly,” “Don’t escalate to legal,” “We’re a family.”

3. Emotional and Psychological Complexity

3.a High emotional intensity

- Anger, hurt, humiliation, fear, grief must surface to move forward.
- Formal: respect policies, anti-bullying standards.
- Informal: “Don’t show emotion,” “Toughen up,” “We don’t talk about feelings.”

3.b Trauma and re-traumatization

- Tension between trauma-informed care and cultures that suppress this language.
- Past and current harms, sometimes tied to discrimination, abuse, or violence.
- Legal/safety reporting duties and zero-tolerance policies vs. avoidance, minimization, “We don’t use words like ‘trauma’ here.”

3.c Mixed motivations and ambivalence

- Ambivalence is rational given conflicting formal and informal consequences.
- Simultaneous desire to fix, stay, punish, or leave.
- Policy: clear timelines for grievances, performance actions, reassignments.
- Norms: “Don’t rock the boat until you’ve lined up your next step,” “Be grateful to have a job.”
- Resolving conflict can feel like betraying a group identity or moral high ground.
- Formal mission and values vs. subculture narratives: “We’re the only ones doing real work,” “We resist the central office.”

4. Process and Structural Complexity

4.a Multiple concurrent processes

- Different rules of confidentiality, timelines, and authority collide.
- Parties unsure what’s safe to say where.
- Mediation alongside HR investigations, grievances, audits, legal advice.
- Formal: sequences and boundaries among processes.
- Informal: back-channel talks, “shadow HR,” side deals.

4.b Voluntariness under pressure

- Consent is ambiguous; agreements may later be challenged as coerced.
- Officially “voluntary” mediation with strong organizational expectations.
- Written: “Participation is voluntary and won’t affect your status.”
- Unspoken: “Saying no will be remembered,” “Good soldiers cooperate.”

4.c Asymmetry in preparation and support

- Fairness of process vs. real access to skills and knowledge.
- One side has HR/legal/union backing; the other may be alone.
- Formal: rights to representation in some processes.
- Informal: who “deserves” coaching and who quietly gets advice.

4.d Remote or hybrid settings

- Policies on recording, privacy, remote work.
- Informal: multitasking, texting others, informal recording.

5. System and Organizational Complexity

5.a Low trust or toxic culture

- A history of retaliation, ignored complaints, unfair treatment.
- Formal: speak-up policies, anti-retaliation commitments.

- Informal: “Nothing happens when you speak up,” “They protect their own.”

5.b Conflicting incentives and structures

- Mediated “cooperation” may be undercut by live incentive systems.
- Metrics/rewards that pit units or individuals against each other.
- Written: collaboration, “one company,” shared goals.
- Unwritten: “Hit your numbers no matter what,” “Protect your silo.”

5.c Symbolic or instrumental use of mediation

- Used as proof “we tried” rather than genuine problem-solving.
- Official: “We offer mediation to resolve conflicts fairly.”
- Unofficial: “We need this for the file,” “Optics for the regulator/union/board.”

5.d Multiple overlapping rule systems

- No single “right” answer.
- Corporate policies, local site rules, union contracts, professional codes, multiple laws/regulations.
- Formal systems may conflict (e.g., union contract vs. global HR policy; clinical standards vs. productivity goals).
- Informal: people selectively follow rules that serve their group.

6. Mediator-Related and Role Complexity

6.a Role confusion and multiple hats

- Mediator may also be ombuds, HR, manager, or compliance officer.
- Charters/codes: neutrality, confidentiality, informality.
- Organizational expectations: “solve this for us,” “protect us legally,” “side with the company.”

6.b Authority misalignment

- Agreements may be fragile or later blocked by other rule holders.
- Parties agree to paths needing approvals/resources the mediator can’t guarantee.
- Formal delegation of authority vs. real decision makers behind the scenes.

6.c Skill gaps for specific contexts

- Risk of supporting outcomes that conflict with law, policy, or critical norms.
- Risk of reinforcing harmful norms.
- Mediator lacks expertise in multi-party, identity-based, trauma, or highly regulated settings.
- Complex legal/compliance frameworks only partially understood.

Note: AI may display incomplete, inaccurate or offensive information.

This article draft is part of a Resource Repository designed to support identifying—and helping to quantify—the value of an Organizational Ombuds (OO). This Resource Repository is a work in progress. It is open to improvements, additions, deletions, critique, revision and random commentary. If any page in the repository is helpful, or needs revision, please let us know. Please contact Mary Rowe or other co-authors, if you can help to improve these pages or have another page to offer.