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14 Social risk while doing social good – risk management considerations in the not-for-profit world

14.1 Introduction

Reflecting on a career that has involved working with many non-governmental organizations (NGO) over the years, experience now offers many planning considerations that would have been helpful to know beforehand; most of these experiences would fit under the umbrella of risk management and mitigation strategies. This chapter will highlight advantages of having a solid risk management program from the onset in which the identification and open discussion of potential risks is a critical and essential part of an NGO's culture. It is well known that there are many general risks faced by NGOs which need to be carefully addressed and attended to on a regular basis (ANM, 2008). This includes fund raising, tax liabilities, monitoring misuse of funds, possible incidents of fraud, etc. However, examining the social and political risks for non-profit agencies can be more taxing and cumbersome as risks can change, escalate and decrease. What is important is that the NGO be aware of risks which can impact their agency in many ways.

Having a great vision of positively impacting the world in some way does not shield NGOs from many of the same threats found in private organizations. In fact, NGOs are exposed to these same threats, and many others uniquely pertaining to their role as non for profits working towards positive change. Therefore, it is even more critical in this environment to adequately assess the social and political risks that might be potential threats towards successful and sustainable outcomes and which correlates directly to why the organization was founded on in the first place.

Social risks refer to the potential for losses due to any type of threat (both internal or external to the organization). In addition to the organization's ledger, social risks "affect the normal operation of the business" (Talbot, 2017) and can include a significant variety of concerns for an NG), ranging from a misuse of funds to incorrect representation of the organization in the media. For the private corporate organization, such risk is most easily understood as affecting the bottom line of the company in terms of profit or productivity. For an NGO executive, social risks can potentially impact possible revenue streams through fundraising and alternative strategies. For example, an incorrect portrayal of the organization's mission or programs in the media could drive significant volunteer resources and/or potential funders away from the organization. Social risks can also drive down the quality of services provided, thereby impairing the organization's capacity to achieve the desired social impacts upon which it was originally founded. For example, negative

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perceptions of the organization (true or false) might block its access to needed services (such as job placement or housing services) for its target population.

14.2 Critical risks to the NGO

14.2.1 Lack of strategic focus

NGOs are possibly more vulnerable to risks if there is an unclear strategic direction and the poor communication across the organization by leadership. This can possibly stem from initial good intentions of their founders. Staff and volunteers are drawn towards an NGOs mission and thus the strategic plan either becomes lost within the positive initial actions due to the emotional and psychological investment in the agency and its goals and purpose. Monitoring of social and political risks may assist agency leadership in developing and modifying a mission that can incorporate, guide and protect the agency as well as the employees and volunteers. In addition to running NGOs, the author has decades of experience providing technical assistance to NGOs as a collaborative evaluator facilitating needs assessments, strategic planning, and overseeing impact evaluations for example. This lack of strategic consensus and /or understanding is one of the most common social risks to surface in even some very good organizations.

This threat of a lack of a clear consensus or vision has the highest probability of harming an NGO because it impacts all aspects of the organization's operations. When strategic plans (or lack thereof) are unclear, or where there is not uniform "buy-ins" across staff, funders, and other key stakeholder, the effects can have tremendous significance. A sound strategic plan should be what is communicated to funders, whether private investors, government grants, or other potential revenue sources. All decisions related to staffing, program scaling, assessment, and innovation can only be soundly based if guided by a clear strategic vision. If the strategic plan is not well-defined and clear-cut, an NGO executive will not be able to know the best places to commit available organizational funding and resources.

14.2.2 Increasing service delivery to scale – quantity with quality

Even greater threats can emerge from a poor strategic vision when the lack of clarity leaves ample room for conflict to get into the organization. This author unfortunately witnessed this on several occasions as consultant to multiple NGOs internationally. In one case example, an innovative crime prevention program was successfully piloted in two major cities in the United States. Although a formal evaluation had yet to be done, it was clear from both major participants and stakeholders in both cities that the program was impactful in improving relationships with peers and teachers, as well as notable academic and behavioral outcome, such as improved grades, decreased anxiety and disciplinary challenges, etc. As a result, there was significant demand for program growth in both cities and amongst funders.

However, underneath the surface of this project was a tension among major stakeholders regarding whether the program should continue to expand by hiring, training, and deploying its own teachers, or investing in what is known as "*a train the trainer*" strategy (TOT). This would allow for regular public-school teachers to be able to offer the program within curriculum time at their own schools. Most NGO executives have to consider how to expand their programs and services to reach more people in their target populations, and without sacrificing quality (this expanding services to greater scale is widely known as 'scaling').

When scaling a program, both options are sound, depending upon the circumstances. Choosing to use only teachers that are an organization's own employees is an example of direct activities, whereas training other teachers outside the scope of the project or by outreach, are considered indirect activities (Uvin et al, 2000). There are positives and negatives to both forms of scaling. Each carries with it its own set of social and political risks to manage and carefully consider.

The direct service model allows the organization to control the quality of delivery, and thus the reputational risks if the delivery deviates unsatisfactorily from the program model and does not produce the same outcomes (Uvin et al, 2000). On the other, indirect activities (such as TOT strategies) can undermine the program brand should the delivery quality be undermined as teachers and students report dissatisfaction with what was delivered in classrooms as part of the program expansion into other areas. The strategic risk emerges if trained external teachers or program providers no longer implement the program dosage or model as originally intended. For example, poorly trained external teachers may decide to stop including essential modules from a curriculum over time, or no longer implement services according to the full model that has demonstrated success.

The author has worked with both models of delivery. For example, as lead trainer for the *Culture of Lawfulness* program from 1999 to 2013, a global *train the trainer* model was created to accredit and train public school teachers in Mexico, and then Colombia, Peru, El Salvador, the former Soviet Republic of Georgia, and Lebanon. These teachers were trained to train other teachers to directly deliver this social and emotional crime prevention program in their own classrooms. Social risk was mitigated in this case because the senior administrators of the NGO wereclear from the outset about its vision to build and transfer the capacity for all future program delivery to various countries (usually through the appropriate Secretaries of Education). This meant that by following the delivery of a train the trainer program model, and some evaluation of program outcomes along the way, most of the expansion costs were no longer born by the NGO itself.

Maintaining the integrity of the program model in such a delivery model evolves into a series of negotiations with partnering organizations (in this case the *Secretaries of Education* in each respective country). These negotiations can cover a wide range of issues important to the program model, from the number of lessons implemented to the use of specific films and other lesson media. Prior to engaging in scaling using the indirect model across cultures and languages there must be significant preplanning to avoid the threat of program model dilution. Here, an organization's education team must work with local experts to be sure that the meaning of key concepts translates well across languages and cultural contexts. If not, there is the risk that program material can be taken by target populations in completely unintended ways.

In the case of the youth crime prevention program mentioned above, the NGO's original vision was not defined with how an expansion should occur, if needed. This led to a lack of clarity in the strategic direction which resulted in a slow breakdown which resulted over time. There, the quality of the program was verified in an external evaluation study that only led to an even greater interest by outside jurisdictions to bring the program to them as well. In addition to several cities throughout the United States, it grew to several countries on five continents in a very short period which put tremendous pressure on the organization. Although the direct service model remained at the heart of its expansion, indirect train the trainer models were successfully piloted with public school teachers throughout the United States and other parts of the world.

Once again, the direct service model allows for the NGO to control the quality of its scaling programs and thus minimize social risk, but this comes at significant financial cost generally. In the case of the above NGO example, they benefited from a very significant active funder base that offered the agency significant flexibility in deciding between the two options that is not usually common for relatively new NGOs. However, this led to an environment of indecisiveness which ultimately created conflict as adherents to one vision seriously clashed with the other side. Over time, relationships declined along with program delivery in some global sites.

14.2.3 Maintaining strategic direction despite major donor interests

It is understood that in life sometimes too much of a good thing can become something bad. The same is true in the realm of social risk factors for NGOs. One of the organizations the author (no 1st person) worked with had a highly dedicated, high worth A-list celebrities as benefactors. However, celebrities and other funders can also pose a political threat too, as their reputations very often becomes intertwined with that of the organization itself.

In one such organization, a significant celebrity figure visited a country where program services were offered internationally. Within three days, this public figure managed to raise the equivalent of $15 million in the local currency. Of course, the CEO of any NGO would be thrilled to have such success handed to them especially since this has introduced the organization to possibly more influential investors and government officials in that country. However, this sudden infusion of attention and funding can pose a very significant threat to the organization that does not have a firm grip and understanding on its strategic plan and direction.

In this case, the celebrity was interested in having the program delivered to all public schools in a different city than the original one where the organization was in that country. The result was the global headquarters of the organization had to swiftly switch gears and dedicate the majority of time and resources towards building another infrastructure in efforts to deliver the program in another location outside of where it was defined in its strategic plan. This onerous and complex responsibility of doing this ultimately meant the CEO of the global headquarters had to become based in that newly assigned city for over a year and a half. In the end, this program expansion was successfully launched there, but at an expense of splitting the global leadership from other key strategic areas for a significant amount of time. With a solid understanding of risks and a focused strategic plan in place, sometimes social risks can be mitigated better by turning down funding or other forms of investment that might detract from the established direction and vision. Or possibly putting in place contingency guidelines in case a sudden change is directed or needed.

One of the greatest threats to the success of any organization, private or NGO, is the risk of being pulled in too many directions rather than focusing on a specific outcome or product, building it without unnecessary distractions, and then evaluating its outcomes. The author has seen many unfocused NGO executives with significant innovative missions gradually driven into the ground due a lack of strategic focus.

Knowing the organization's funders and investors is an essential part of risk mitigation in areas beyond how they might unduly influence the sound and consistent execution of the NGO's strategic plan. It is not just celebrities or other public figures that can pose a grave political risk to an organization. The political risk of not considering or evaluating the potential reputational threats of a particular funder or charity spokesperson can be overwhelming and kill a project or vision.

Funders can be a source of other risks even as the NGO so significantly relies upon their good will. As part of the NGO's risk management plan, efforts must be made to reduce or even eliminate reliance on any single source of investment for either a single program/project or its general smooth operations human, technical, or fiscal resources) (Durbin, 2021)

Without diverse revenue streams to draw upon, an NGO will become dominated by the agenda of a particular funder in ways that can dilute or divert from its strategic vision. Far worse, some NGO executives might become desperate for funding to the extent that they become less concerned with performing due diligence adequately on the funding source. In worst case scenarios, the funds may be derived from criminal sources somewhere down the supply chain. In addition to the obvious reputational risks that could come from such funding, there could also be potential criminal risks should the funds involve money laundering or serious tax evasion.

14.2.4 Be aware of founder's syndrome and other risks of embedded organizations

While an executive cannot necessarily control who are the organization's founders, risk management strategies should consider fully the possible threats that affiliation with its founders might bring to the table. Unquestionably, one of the most important risk mitigation strategies here is for the executive(s) to take the steps to fully separate the NGO from its founding entity where necessary if possible. Sometimes the inspiration for a new non-profit can spin out of the work of another, and both its experiences and lessons learned. While of course there is nothing wrong with this, once the new organization is born and has its own revenues and expenses, full financial and administrative separation is necessary. Donors need to know their funds are going to the intended project and mission. Without full separation, even he unintentional possibility of drawing funds from one to assist the needs of the other can be a serious risk.

Ensuring that there are no significant overlaps in resources and other assets (especially avoiding any form of financial co-mingling) between the organizations is a critical place to start.

Even if such independence is fully achieved, additional planning may be required to avoid potential political risks involved with the founding entity (and/or any other funders). For example, should the founding organization of an NGO come under its own criminal investigation by the Internal Revenue Service (USA), its subsidiaries (including the organizations it supports) will likely also be considered under the same microscope of detrimental social risks, ranging from legal liabilities to reputational harms which will have lasting impact on the agency.

Even consultants and key expert affiliates may soon begin to question their own connections even though they may have served in a strictly advisory function. The damage to the organization in such cases may be even greater with respect to fundraising activities. It will become very challenging to onboard new investors over time. Successful risk management may not be able to fully eliminate such circumstances, but they can identify strategies in advance to be better prepared operationally and from a public relations perspective should such events occur knowing what you know about the organization's full array of funders, spokespeople, and employees.

Of course, the founders as the original source of inspiration for the organization should not simply be seen from a perspective of social risk; legal, reputational or otherwise. Most involved in the non-profit world have some familiarity with what has become widely known as *"founder's syndrome*". Contrary to popular belief, it is not just the person with the original vision for the organization that is susceptible to founder's syndrome (Funding for Good, 2018). *Founder's syndrome* exists when any individual (an executive, Board member, or investor) becomes seen as inseparable from the direction and success of the organization (Funding for Good, 2018).

In an organization's early stages of development, there is often truth to this perception. For it is the dogged commitment of this individual towards manifesting the organization's vision at all costs that ultimately makes the dream become a reality. The author witnessed what some founders have been able to achieve when they have literally put everything on the line for the birth of their organization, including their own personal and financial health. Such passion and drive are, of course, something to be celebrated. *Founder's syndrome* emerges as a problem when this individual is no longer able to evolve with the times and the needs of the organization. When this happens, the syndrome fully metastases into a major social risk that can bring down even the most incredible organizations.

The social risk posed by *founder' syndrome* is highly correlated with the risk of unclear or inconsistent vision strategic vision. This is possible as it often involves the founder micro-managing the executives and other staff members, despite their being hired for their own considerable expertise. The founder may not have this expertise him or herself but is unable to see this. As a result, he or she may be unable to see the need to modify or change a particular strategy even though the organizational staff or others with a greater knowledge and skills recommend such changes based on evidence. This sets the organization on a collision course with becoming dated or ineffective, dulling momentum or political capitol gained from its early successes. This occurs as the founder stirs up political or managerial conflicts amongst the staff and board members while blocking the executive's access to the resources and assets needed to keep evolving in the right direction for the desired impacts to be sustained.

Risk mitigation for founder's syndrome will include previously mentioned the separation of finances and assets. This wards off the legal and reputational risks associated with the founder but cannot alone insulate a solid non-profit executive from the other risks wrought by the syndrome. Non-profit executives must establish a diverse Board that views their role as ensuring that the organization maintains a policy of continuous improvement – ensuring that its programs are regularly evaluated and examined in the context of evidence-based best practices; the loyalty of individual members to the founder must not drive decision-making, nor should the founder's vote or voice on the board hold greater influence than the others. The author has witnessed the crippling power of founder stacked boards on multiple occasions. It is important to point out that in none of these cases did this happen due to bad intentions. Members genuinely felt that serving as a rubber stamp to the founder was operating in the best interests of the organization.

Similarly clear lines must be drawn between the Board of Directors and direct communication into the day-to-day affairs of the staff. In well-functioning organizations, the key program staff has been hired because of their skills and expertise. Micro-management of any sort from the founder or Board only raises the specters of social and political risks stemming from resultant conflicts between staff, blurring of the vision, and/or undermining the authority of the executives. Boards must limit their authority to questions of overall strategic and policy direction, as well as the needed oversight of fiduciary responsibilities. In non-profits where there are weaker boundaries between board members and staff, the author has observed situations where members are even intervening in the personal relationships and office disputes on an ongoing basis. Such an organizational structure can never work successfully or harmoniously. Inevitably there is a snowball effect to the conflicts that is exacerbated, or even sparked by the role of the Board members involved. However, Board members can and should be given opportunities to participate in the organization's planning and implementation as relates to their expertise and interest if the boundaries are made clear (such as the order of authority of the organization's executives and supervisors in managing staff activity) in advance by the CEO or other executive (Ibid).

The above is not to suggest that Boards should not be all concerned with the happiness and satisfaction of the organization's staff, as this is a leading risk in non-profit management (Hernman, 2011). Instead, the warning is advised to ward against members creating greater confusion and political conflict by stepping on the proper authority and communication lines of the organization's established management. Where staff problems are noticed by Board members, only should follow established internal complaint procedures to address them rather than becoming the "go to" alternative of the staff.

Herman (2011) highlights an important legal risk that might fly under the radar of many non-profit leaders. Abusive work environments with workplace bullying and other toxic elements is now illegal in many jurisdictions, ensuring that employee satisfaction with the workplace environment rises to a high level of scrutiny in non-profits as well as more traditional corporate business environments. What many non-profit organizations may not know, however, is that they may face legal risks from the conduct of their vendors, or even volunteers with their staff. Third party sexual harassment claims can be made against an organization if its vendors or contractors engaged in such behavior against the staff (Herman, 2011). Similarly, vendors and volunteers can also be the victims of such behavior directed towards them by the staff. Of course, reputational risks multiply the legal ones in such cases as it seriously affects the organization's bottom line in terms of both human (potential volunteer pool) and fiscal (fund-raising capacity) resources.

14.2.5 Disgruntled employees

Unhappy or disgruntled employees can pose other unique risks to the unsuspecting non-profit. If a particular staff member was chosen in country to represent the global interests of the organization in foreign countries as relates to fund-raising, board relationships and fundraising, he or she may be able to wield significant power over the main executives. The author has advised organizations faced with the backlash from emotionally unstable employees that subsequently sought to destroy the organization in their respective countries by creating falsehoods to share with funders and other key governmental and external stakeholders. Risk management mitigation should identify in advance where the organization is exposing itself to such risks of defamation and other such harms by the very nature of relationships its trust in key employees ultimately leaves them.

Such legal liabilities presenting as social risks for the non-profit organization only serve to further illustrate the idea that, at least on the surface, the social and political risks faced are often very much the same as their corporate counterparts. Many incorrectly feel that their positive mission for "social good" itself can serve as a shield against many forms of legal liability. For example, most non-profits should take significant care to protect their intellectual property just as any business would make sure that their intellectual property (IP)assets had met all the requirements for copyright protection. A non-profit's acclaimed curriculum in a direct service model may be viewed as a possible target for copying and/or unfair adaptations by other non-profits with similar missions and private individuals alike. These waters can get increasingly complex as the organization scales internationally, particularly using the indirect service delivery model where trainers are trained to multiply the reach of the program outside of the direct reach of an organization's own staff.

The legal risks associated with intellectual property goes both ways though. For example, the author had an alarming experience while preparing an organization for a re-branding and launching of its central program to find that two key lessons of the organization's original successful platform were adapted from a book without permission from the author. Such a misappropriation of copyrighted material may have at first seemed innocuous when it was used in house to reach at-risk youths in a troubled neighborhood; however, as it became packaged into an evolving rapidly expanding brand and evidenced-based program such harmless beginnings are longer acceptable or can be tolerated. Therefore, risk mitigation strategies must identify all such opportunities for both needed copyright protection and assurance of the originality of all an organization' assets. Part of this must also include training all staff on copyright infringement possibilities in the production of all organizational materials.

14.2.6 Mitigating corrupt practices in international NGOs

Once again, social risks take on a whole other scale when a non-profit's scope takes it across borders, particularly when it finds itself in foreign countries with questionable levels of integrity With a research focus in the areas of crime, corruption mitigation and violence prevention, the author has regularly worked, advised and evaluated programs and agencies. In addition to significant legal liabilities, there are considerable reputational risks should a non-profit working to combat corruption itself cut corners to "facilitate" the smooth operation of its programs in country the smooth operation of its programs in country for example. And yet, in some country's corruption is so embedded that it has become an accepted means of getting work done by locals. Thus the NGO may have even greater challenges overcoming these hurdles in a timely manner while maintaining the needed integrity to the rule of law no matter where it is operating.

These obstacles must be considered in advance with any meaningful risk management program. For example, in one non-profit organization, the author proudly presided over efforts to consolidate the costs and logistics of international program scaling, by contracting with a distributor with hubs across the United States and abroad to compile all the materials required for curriculum delivery, and then distribute them to the program sites accordingly. Prior to this, each site needed to have its own full time *Materials Coordinator* to purchase and assemble all the materials by lesson with the help of numerous volunteers.

In the main, this new consolidated supply chain saved on both costs and time even in far flung program locations such as Malawi, Africa. However, the model ultimately proved to be naïve in not considering the challenges of dealing with notoriously corrupt ports such as Brazil. There the customs system had a long reputation for challenging and fining organizations for their import and export processes even when they are done correctly (Winter, 2014). As a result, the materials ended up held in customs until it was that the local program offices were to pay these unfair and exorbitant fees. If they were to litigate the government in protest, it would not bode well for their future interactions with local authorities. It is also well known that there can be "ways around" the payment of such fines to get items held at customs released. Said ways usually involve paying bribes or some other illegal means.

The ways that non-profit organizations handle such moral dilemmas will ultimately influence their reputation in very significant ways. For this reason, some form of legal advisory process must be a part of any good risk management plan. In the case of the Brazil customs hold just mentioned, the non-profit involved was fortunate enough to have had the fiscal resources to be able to pay the fines required to release the materials after an extended hold at customs, and I time for the launch of the school year when they were needed.

Of course, non-profits must always be aware of the risks of serious harm to their employees and contractors, both within the United States and abroad. Risk managers must consider the possible threats involved in carrying out the daily tasks of the organization. Like the social risk of third-party harassment noted above, an organization can be liable for the physical harms experienced by its staff and contractors. Although it is impossible to predict all possible threats, some basic procedural changes and training could help to minimize such risks.

For example, the author was sent to Mexico City to train teachers from across the country crime prevention. The non-profit had arranged to pay all participating teachers a stipend, but only left their staff member (with the author) with American dollars to be converted upon arrival in Mexico. For some reason, she decided to do this in the Mexico City airport. Compounding the issue, the organization did not arrange for a car service to pick the author and staff member up and drive them to the hotel and training site.

As logical as it likely sounds, these are mistakes that non-profit organizations regularly make and could easily prevent. This story ended with the author and colleague's taxi being forced off the road on the way to the hotel, the author being pistol whipped, and all money and passports etc. seized at the scene.

Working in transitional and developing countries does not just bring the social risks associated with crime and corruption. The NGO can face a lot of mistrust and suspicion when it is there ostensibly to serve disadvantaged communities and its staff are seen staying in high end luxury hotels and services (Stowe, 2017). Although a planned and reference checked car service was suggested in the previous scenario, it does not have to be a luxury BMW SUV to make the staff safe from harm.

As many non-profits in the global space are advocacy organizations (e.g. human rights, rule of law promotion, democracy etc.), they are also more likely to be targets of internet vigilantism. In such cases organized are targeted online because a person or group does not agree with them philosophically or politically. (NRMC, 2020). Preventing such threats requires a sometimes-costly investment in cyber security that may be well beyond the capacity of many non-profit organizations whose main struggle is to be able to sustainably offer their core menu of programs and service. In this case, risk management related to cyber threats like *internet vigilantism* may involve being prepared with how to use social media and other public relations techniques to counter any disinformation or harmful online activities should they happen to surface. However, some level of investment in cyber-security to prevent breaches of organizational data (particularly any sensitive client or proprietary information) is essential.

No discussion of the political and social risks associated with non-profit organizations would be complete without discussing the importance of the federal tax-exempt status, or 501 c (3), which is required in the United States. These organizations are divided into two categories: public charities and private foundations, with the former being far more common. This tax-exempt status not only means the organization is itself exempt from taxes, but all donations from donors will also be tax exemptible; this of course provides an important incentive to the donors to make the donation in the first place. Additionally, income made from business associated with the organization's tax-exempt status is also tax exempt. Income made from the proceeds of ticket sales to a theatre performance produced by at-risk youth participants in the organization's curricula is exempt, but the running of a for profit theatre space on the side is not. Above all, today the tax exempt status today serves as a calling card or credibility test to the outside worlds of funding, volunteers, and key stakeholders in the professional world.

All these benefits also come with important responsibilities and risk for the non-profit organization. Tax exempt status comes with numerous restrictions related to lobbying, publications, political activities, certification, educational program standards, and other items that must be understood and managed by executives. Having one's tax-exempt status revoked is a damage to the credibility of an organization that few can ever come back from. Any non-profits should make sure to clarify any tax issues or exemption statuses or classifications that may be available to them.

14.3 Recommendations

With any organization, non-profit or otherwise, a risk management program is not necessarily about avoiding the risks altogether (Talbot, 2017). Many of the social and political risks discussed throughout this chapter may be very difficult to anticipate in all circumstances. A risk management plan helps to identify possible risks and educate them about how to choose the appropriate action should they surface. A common thread across many of the risks discussed here involve many legal liabilities that non-profits can face on the world stage, and the associated reputational risks that can surface from this. Including a sound legal advisory element to the development of a risk management plan should be an essential component.

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