



Consider Generic Options When Complainants and Bystanders Are Fearful

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ABSTRACT

Organizational ombuds usually offer a choice of different options to constituents who call the office with a concern. In serious cases, ombuds might offer formal options such as filing a formal grievance. In addition, the ombuds can offer informal options, such as helping a visitor deal directly with their concern or offering to facilitate discussion with those involved. However, aggrieved persons and proactive bystanders often are very fearful about anyone knowing they have complained. In this situation, a “generic” approach—that focuses on an issue without naming anyone—can help to address the *issues* involved rather than the *individuals*. This can be done in ways that shield the privacy of the complainant. In addition to helping individuals, generic options serve affinity groups and the organization by supporting needed systemic improvements. This article discusses how organizational ombuds and other complaint handlers can use generic approaches in their work.

KEYWORDS

Generic options, anonymous complainants, organizational ombuds, systemic change

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I thank the innumerable constituents and managers who helped me learn about effective generic options for concerns, and the power of systemic change to help constituents—and two, very helpful anonymous reviewers.



How did I learn about generic options? I will start with my first relevant case—which was about illegal, uncompensated overtime for a non-exempt employee—a “perennial” case that could easily have arrived on my desk today. It was 1973; the President and Chancellor of MIT had recently appointed me as an early type of organizational ombudsperson. I was expected to help informally, as an independent, confidential neutral, with any issues that came in—albeit with a special concern for gender, race, ethnicity, nationality, and religion. I had been at my job for only a few weeks and had everything to learn.

In this setting, a Ms. X came to my office. (Details have been changed in telling the story, to protect confidentiality). Ms. X had been walked to my door by a supportive bystander—a fellow worker—and she did indeed have an issue. However, she did not want to make a complaint or want anything at all to be done. Her concern—and her reluctance about action—introduced me to the potential of generic approaches and to the frequent effectiveness of generic actions. This case convinced me—from that day to this—to think of generic options for redress when other options are refused by a complainant or bystander.

Generic methods address *issues* rather than the *individuals* involved. Generic options usually involve working collaboratively with line and staff managers, while protecting the confidentiality of constituents with concerns.

In those first months of 1973, I heard stories about many behaviors that were unacceptable if the stories were true. A number of these behaviors were not yet formally proscribed by the rules of the university or by law. For example, some concerns were about “abuse” or “cruelty” of a kind that today would be called bullying. Some were about racial or sexual harassment; some were demands for personal work from subordinates, such as running personal errands or helping with household tasks.

I also heard about behavior that clearly was illegal—like padding travel vouchers on a federal grant—or using federally-financed equipment to run a private repair shop on university property on Sundays. In the present case, the topic was uncompensated overtime for “non-exempt,” hourly staff like Ms. X. Ms. X said she was not being paid for her time over 40 hours per week. If true, this would be unfair. And illegal.

This visitor described her work in a lab where scientists, post-docs, graduate students, and undergraduates were at work—day and night—every day of the year. Her boss seemed to work much the same hours. Ms. X had worked for the lab director for years; he often brought urgent work to her at the end of the day. Occasionally she would get a phone call on weekends to come in. She estimated that she was, on average, working more than three hours a week in unpaid overtime.

She told me that her boss also gave her several hundred dollars at Christmas, a personal gift from him and his spouse. She liked him. She knew the lab truly valued and depended on her. And the more she talked, the more I was impressed; she mentioned a rare professional certification she had earned related to her work. In addition, she knew the grant that supported the lab did not include money for support staff to work overtime.

I learned about this concern via the proactive bystander who referred Ms. X to me. Otherwise-uninvolved bystanders were often my first contact about the most serious cases (Borum and Rowe, 2021; Rowe, 2021). Sometimes I did not even get to meet the person who apparently was being mistreated—for example, if the bystander did not know their identity. In this case, the supportive bystander knew Ms. X, and Ms. X had trusted them, and me, enough to follow up in person.



Ms. X was adamant that she did not want me to address her situation directly. As I remember she said something like the following: “My not being paid properly is hopeless. I absolutely do not want you to do anything about it. I love everything else about being a secretary here. I know my co-worker in the next lab called you on my behalf, and it was kind of you to ask her to invite me to come in, but I do *not* want you to do anything.”

I tried to reassure Ms X. I absolutely would not act without permission except in the face of an imminent risk of serious harm when I could see no better recourse. However, the co-worker and Ms. X were describing behavior that I knew to be illegal. I wanted to offer an option that would protect Ms X *and* address the situation.

I looked for an option for action that would get to the *issue* of uncompensated overtime, without identifying any *individual* involved. Fortuitously, I was invited, later that day, by the head of the department where Ms. X worked, to come to a meeting of the entire department. I was invited to talk about my new job and what I had been hearing.

I called Ms. X. I asked her if it would be okay for me to mention the general issue of uncompensated overtime at that meeting, together with other common concerns? If so, I planned to mention the importance of the Fair Labor Standards Act, to make clear that uncompensated overtime for hourly support staff workers was not legal. At her request, I would speak gently about how uncompensated overtime could creep almost unnoticed into the work lives of many support staff as they strove to support their bosses. Ms. X approved this plan.

The department meeting went as hoped. And the department head followed up with Human Resources and the VP for Research. Over the following months, there were effective systems changes to discourage and prevent uncompensated overtime and provide better monitoring of work hours. I was told that many secretaries received back pay because of the new monitoring.

I learned something else after that department meeting. One of the other concerns I had mentioned at that meeting had to do with “requests by supervisors for personal work.” I had happened to illustrate the concept of personal work with examples including buying presents for family members, editing personal documents, and running errands for spouses and children. I learned that the original department head had, thereafter, chatted with other department heads who then talked about the problem of “personal work” in their own faculty meetings. In the ensuing weeks, I heard many examples from these other departments about personal work.

I heard myriad stories from support staff and graduate students. For example, visitors to my office reported receiving requests for help with personal legal documents, children’s applications for college, research for a spouse’s college classes, cooking for private parties, helping with home and car repair, the care of vacation homes, and the care of elderly relatives.

The personal work issue often merged with gender, race, and ethnic concerns: a female secretary who was asked to buy and then model a nightgown destined for a spouse; the Black support staff person who was asked to do unpaid janitorial duties in a rental home owned by their supervisor; the vulnerable international student on visa who was expected to cook (without pay) for parties or provide massage. We now would view many of these cases as illustrations of structural sexism and racism.

University-wide discussions about these equity issues helped in several ways. University leadership introduced a formal policy proscribing personal work. The policy made it a bit easier for complainants and bystanders to speak up. And constituents who learned that it was possible for me to raise issues “generically,” without identifying any specific individuals, became more comfortable in coming to see me. I began to receive more concerns about identity-based



harassment—and just plain mean behavior. I received other serious concerns, about safety, deliberate interference with the integrity of someone else' work, plagiarism, fraud, and incidents suggesting danger to oneself or others. I also began to receive suggestions for systemic change from one or another of the university's dozens of affinity groups.

I learned that generic methods could be used in many situations, and not just with department heads. Over the years, my ombuds colleagues and I worked generically with a dozen compliance offices—and with various professionals including legal counsel, the university police, HR, those in the medical department and facilities, and all those with responsibilities for students. We often could provide some non-identifiable information so that colleagues in another part of the university could join in looking out for a given problem.

The method has worked especially well over the last fifty years with offices like Safety and Audit—offices that routinely perform unannounced spot checks as part of their duties. For example, I worked with these compliance offices on concerns raised by anonymous callers. As an example, caller might ask if I could help with a suspicion that illegal drugs were being made in a certain lab—or with concerns about other unacceptable behavior. The option most frequently chosen by such callers was that I could ask the relevant safety officer to drop by the relevant building—a “routine walk-through, a routine look-see.” Audit, over the years, did spot checks, sometimes finding a problem that was mentioned to me, sometimes finding a different problem, sometimes finding no problem. The ability to work with our many compliance offices in this way meant there could be an appropriate inquiry about an issue without identifying the source of my information—and, also, without any presumption, *ex ante*, of wrong-doing by any particular individual.

Anonymous hotlines of course provide some similar services. However, ombuds are sometimes able to fashion a generic approach more quickly. Ombuds can often ask for details from a visitor. An ombuds also may go back and learn more—or go back and follow up to see if an issue really has been addressed. Ombuds can be especially helpful in identifying issues new to the organization where policies do not yet exist. They can connect just a few dots across the organization, and even across the world, for emerging or very rare problems. They can connect specific concerns to related concerns or learn about additional issues in the same work units.

Organizational ombuds regularly receive some very serious cases. Anecdotal evidence suggests that embedded ombuds often receive more serious cases than do hotlines. In the face of imminent risk of serious harm an ombuds may decide, in accordance with IOA Standards of Practice, to breach confidentiality (Rowe, 2011). However, ombuds typically can offer several different options to constituents with concerns. And ombuds report on surveys that they can usually find an option that is acceptable to their visitors without breaching confidentiality, although, occasionally, they may have to do so. (Rowe et al., 2022). Generic approaches offer one such option for visitors who are very afraid.

In conclusion, I came to see that carefully planned generic approaches, when chosen by visitors, often bring multiple benefits. Sometimes a generic approach does not work. Managers do not pay attention, or the needed resources are not forthcoming. Generic approaches may not always fit. Generic approaches work best where a complaint concerns behavior that is illegal or against organizational policy—or reasonable people would think that there *should* be a policy or new procedures about the alleged behavior. However here are some of the potential benefits:

- Generic approaches can protect fearful constituents (sometimes including faculty and managers and affinity groups) who come to the ombuds office. They can help visitors who “feel they have no power” to have a voice.



- Generic approaches frequently help everyone. And they are fundamental to addressing structural barriers to inclusion based on social identities.
- Generic approaches are usually low-key and often do not rock the boat, because they “separate the people from the problem.” Raising concerns about *issues* rather than *individuals*, and approaches made by an intermediary, like an organizational ombuds, sometimes make it easier for an organization to address a concern. Generic approaches, therefore, are often cost-effective in terms of financial costs and, also, emotional costs.
- Generic approaches may sometimes have protected the rights of individuals who might otherwise have been incorrectly described as an offender, or even wrongfully targeted by a complainant.

Generic approaches sometimes are effective with individual cases when there is not enough evidence for managers to take action against specific offenders, and the first goal is simply to stop unacceptable behavior.

- Generic approaches also—unexpectedly and frequently—address concerns from constituents who have been suffering in silence, who suddenly, happily, discover that the organization has taken steps to stop unacceptable behavior or address unsafe procedures.
- Generic approaches often include announcements, discussions, and training programs across a whole organization. Those who are engaging in unacceptable behavior are put on notice, and they sometimes change their behavior. These public discussions may help to change a culture.
- Generic approaches support systemic improvement when they lead to changes in policies, procedures, and structures. Over the decades I tallied hundreds of small and large systems changes. Some affected many constituents, like gender equality in the pension plan, and mentoring initiatives, and Title IX changes in athletics, and services in the medical department. Some affected just one unit, like better signage or providing a singleton bathroom or providing a lift. Some addressed issues that recur every year, like making sure that automatic doors are working properly for persons with disabilities, and better lighting in a workplace, and shifts in the plans for snow removal.
- Generic approaches can help an organizational ombuds office build trusting relationships—without compromising confidentiality, neutrality, or independence—with many affinity groups, line and staff managers and leadership. Affinity groups may come to discuss their wishes for systemic improvements and to discuss how to present them. Managers learn of times ombuds have helped them by surfacing concerns and good ideas—and, therefore, how important it is to have an ombuds office in the conflict management system that is perceived as safe, fair, accessible, and credible (Rowe, 2009).
- Ombuds employing generic approaches provides one answer to the classic question of “How is an organization going to learn that the ombuds is effective, if ombuds keep no identifiable case records?” That ombuds do *not* keep case records helps many constituents to feel safe in surfacing vital information—and, serendipitously, the generic approaches that follow can help the organization to understand how ombuds can be effective in working together with managers.



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