

# Consider Generic Options When Complainants and Bystanders Are Fearful

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I had been at my job for only a few months and had everything to learn. 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 and religion.

In this setting, Ms. X came to my office and did indeed have an issue—but she did not want to make a complaint or want anything at all to be done. Her concern introduced me to the potential effectiveness of generic approaches, and generic options for redress, when other options are not chosen by a complainant or bystander. (Small details have been changed in telling the story, to protect confidentiality).

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

Ms. X was adamant. “Mary, 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 dire emergency. However, the co-worker and Ms. X who just came to see me were describing behavior that I knew to be illegal. What was I to do?

In the 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 MIT rules or laws. As examples: some concerns were about abuse of a kind we now would call bullying. Some were about racial or sexual harassment; some were demands for personal work.

However, occasionally, I would hear 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 MIT property on Sundays. In the present case, the topic was uncompensated overtime for “non-exempt” (support) 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 and grad students worked day and night, 24/365. She had worked for the lab director for years. He

also seemed to work 24/365 and often brought urgent work to Ms. X at the end of the day. Occasionally she would get a phone call on weekends to come in. She guessed 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 that she was a Certified Professional Secretary. And..... she knew the grant that supported the lab did not include money for support staff to work overtime.

In this case, I first learned about the issue from a bystander. I came to learn that bystanders were often my first contact about the most serious cases. 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 bystander knew Ms. X, and Ms. X had trusted me enough to come by.

I looked for an option for action that might get to the *issue* of uncompensated overtime, without identifying any *person* involved. Fortuitously, I was invited by the Department Head to come to a large, all-hands, department meeting. I was invited to talk about my new job and what I had been hearing.

I called Ms. X. Did she think it would be OK for me to mention her issue 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 was not legal. And I would speak gently about how uncompensated overtime could creep unnoticed into the work lives of many support staff. Ms. X approved the plan.

The department meeting went as hoped. And the Department Head followed up with the Personnel Department and the VP for Research. Over the following months there were some systems changes to discourage and prevent uncompensated overtime in grant writing procedures, and provide better monitoring of work hours. I came to hear, off and on, that some 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 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 talked about “personal work” in their own faculty meetings. In the ensuing weeks I heard many examples from these other departments about requests for personal work.

I heard myriad stories from support staff and graduate students. For example there were 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 repair, care of vacation homes, and the care of elderly relatives.

The personal work issue often merged with gender, race and ethnic concerns: the 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 asked to cook (unpaid) for parties or provide massage. We now might think of these occasions as illustrations of structural sexism and racism.

The public discussions about equity issues helped in several ways. 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, were much more likely to come see me. In particular I began to receive more concerns about identity-based harassment—and just plain bullying.

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 other

professionals including Legal Counsel, the Police, HR, those in the Medical Department and Facilities, and all those with responsibilities for students. We would provide some information so that they too could “listen around” to see if a given issue actually existed. (If our initial clues were not quite enough, managers might ask us if we could find out more—for example, as to when an issue was reported to occur. And sometimes we could then discover a bit more, while still protecting the identities of our visitors).

The method worked especially well with offices like Audit and Safety that routinely performed unannounced spot checks as part of their duties. For example, I remember a call late one evening from an anonymous caller, possibly a custodian, who said they had seen my light on. I was asked “if I could help with a lab where illegal drugs were being made.” As an option for my caller to consider, I offered to ask the relevant safety officer to drop by the relevant building that very night—a “routine walk through.” The method worked.

I came to see that appropriate generic approaches, when chosen by constituents, often offered multiple benefits:

- This method protected fearful constituents (sometimes including faculty and other supervisors and whole affinity groups) who came to the ombuds office.
- This method also 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 were effective with individual cases when there was not enough evidence for managers to take action against specific offenders and the main goal was simply to get unacceptable behavior stopped.
- Generic approaches also—unexpectedly and frequently—addressed concerns from constituents who had been suffering in silence, who suddenly discovered that someone else had found a way to deal with their issue.
- Generic approaches often included public announcements, discussions and training programs. Those who were engaging in unacceptable behavior were put on notice, and they sometimes changed their behavior. I learned that public discussions are essential to change a culture.
- Generic approaches sometimes led to changes in policies or procedures. Over a decade, generic methods fostered literally hundreds of small and large systems changes.
- Generic approaches helped the Ombuds Office to build some trusting relationships—without compromising confidentiality, neutrality or independence—with many line and staff managers and leadership. Managers knew the many times we had helped them by surfacing concerns and good ideas—and, therefore, how important it is to have a tiny, no-barriers ombuds office in the conflict management system.

- Our employing generic approaches provided one answer to the famous question of “How is an organization going to learn that the ombuds is effective, if ombuds keep no identifiable case records?” Our *not* keeping case records vividly helped many constituents to feel safe in surfacing vital information—and, serendipitously, the generic approaches helped the organization to understand how ombuds can be effective since we were working together with managers.

Anonymous hotlines of course provide some similar service. However Ombuds are sometimes able to fashion a generic option more quickly. They can often learn more details from a constituent, and also may go back, if needed, and learn more—or go back, in 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 the 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 serious cases, often many more than do hotlines. In the face of imminent risk of very serious harm an ombuds can decide, in accordance with IOA Standards of Practice, to breach confidentiality. 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. In this way, ombuds are able to deal with almost all of their most serious cases in various ways that do not require breaching the confidentiality of individuals who are very afraid. Generic approaches offer one such option.