

# The Most Serious Cases Reported by Organizational Ombuds: Data from Surveys and Interviews

Working paper

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## Why are Data about the MSCs Important to Organizational Ombuds?

Organizational Ombuds (OOs) should be accountable to their stakeholders: to their organization and its members (collectively the ombuds' constituents) and of course to themselves, and to others. Demonstrating accountability—and excellence—is not easy for these unusual practitioners with unique Standards of Practice.<sup>1</sup> However, selective, non-identifiable data about their Most Serious Cases (MSC) can help an OO to communicate about their work.

The most serious cases in an ombuds office entail high potential costs—and gains or losses of possible benefits—for all constituents involved in these cases, including the organization. Most of an OO's work is shrouded by the ombuds' near-absolute commitment to confidentiality, so many people do not know how the ombuds saves costs and brings benefits in serious cases. However, some of the MSCs may become known to the organization. When this happens, the value of the organizational ombuds (OO) office is sometimes apparent when an OO has helped to identify, assess, and help to manage a serious case.

The potential savings in emotional and material costs for *visitors*<sup>2</sup> and others who are involved in a MSC are literally immeasurable. For the *employer*, savings in costs in a single high-risk case—if the case is handled effectively—may more than offset all the costs of an ombuds office. (The cost savings and benefits of dealing with MSCs are sometimes especially easy to see in the first years of an OO office, if the costs of certain issues are suddenly reduced, if important good ideas flow more freely, and if systemic improvements happen more easily.)

In addition to the fact that specific MSCs may be known to those involved and to leadership, OOs can, relatively simply, keep and report generic, non-identifiable data about the MSCs. Generic data do not identify *individuals* but can reflect the seriousness of certain *cases*. As examples, an ombuds usually can communicate yearly data about the *issues*, the *complexity* of the cases, *how the OO first heard* about the cases, and *how the OO helped to get vital information where it needed to go*—in ways consonant

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<sup>1</sup> See ["The Unique—and Effective—Quartet of Standards of Practice of Organizational Ombuds: Each Standard is Necessary—and Requires the Other Three Standards" \(PDF\)](#). Rowe, Mary P., and Bruce MacAllister. Cambridge, MA: MIT Sloan School of Management, Working paper, 2024. Submitted to *Journal of the International Ombuds Association* (JIOA), for an explanation of the unique nature of organizational ombuds.

<sup>2</sup> Many OOs refer to those who come to their office as *visitors*. OO *constituents* are the total number of people who may use the ombuds office—and this term also is used here and includes the organization itself as one "constituent." The constituents who have contact with the OO office are the "visitors."

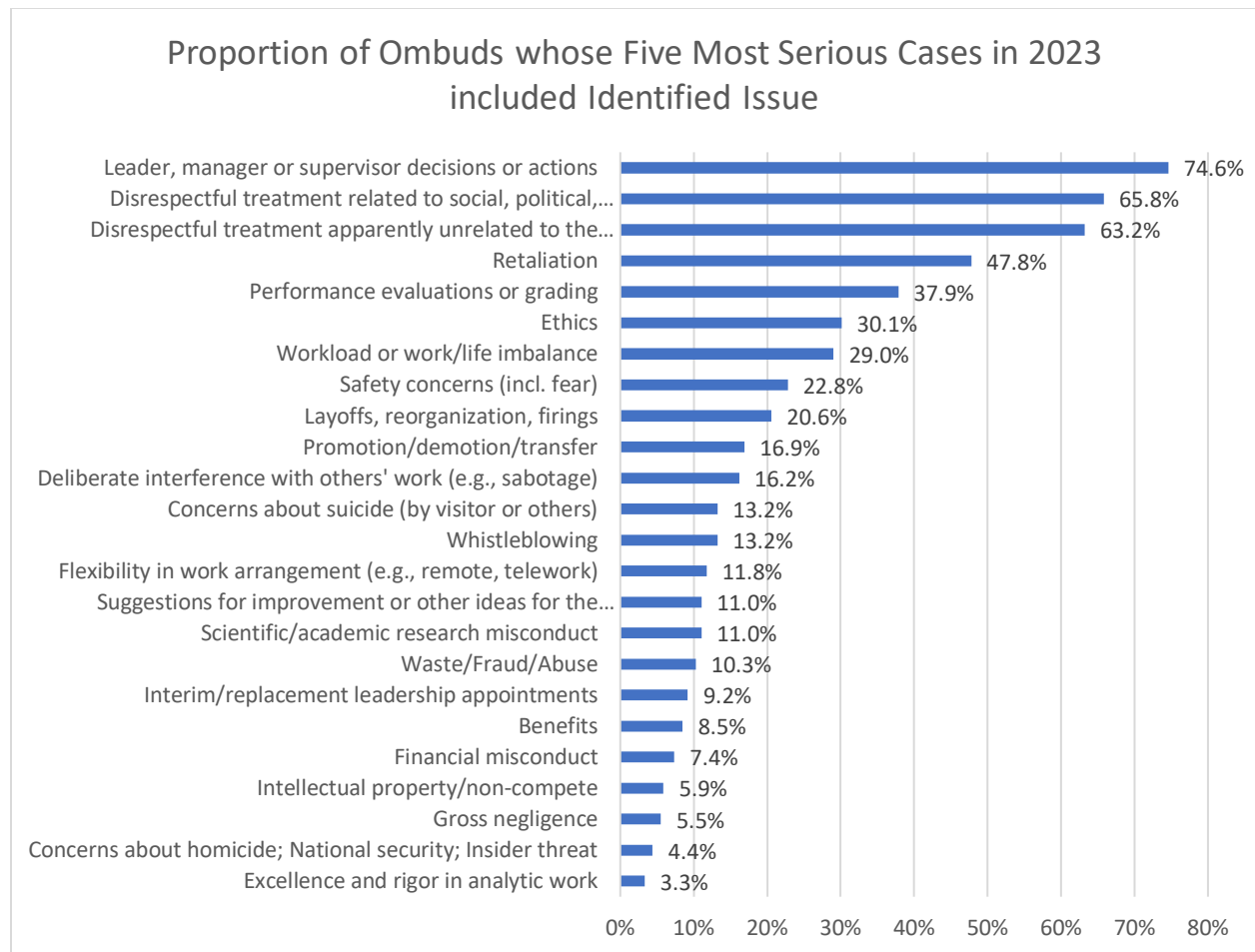
with both organizational needs and the IOA Standards of Practice. Sometimes the OO can report on *the functions of the ombuds* in such cases. OOs can illuminate the *risks* for visitors and for the organization presented by their MSC cases. OOs can help to illuminate many of the specific *costs and benefits* to their visitors and to the organization from dealing with MSCs.

### The “Most Serious” Issues Reported by OOs in the 2024 IOA Survey

In the 2024 survey, concerns about decisions by leaders, managers, and supervisors were the most frequent issues. (Concerns about interim leaders and leadership succession also were mentioned by some.)

Disrespectful and abusive treatment in cases related to social, political and ideological differences, meanness, and bullying—and retaliation—were the other most common MSC issues.

Performance evaluations, workload and work/family concerns, safety issues and various job security/promotion/demotion and transfer problems, flexibility in work arrangements and benefits were relatively common MSC.



Suggestions for improvement or other ideas for the benefit of the organization and “unspecified ethics issues” were also relatively frequent.

Other concerns reported by some OOs included: safety issues, deliberate interference with the integrity of another’s work (sabotage), whistleblowing, concerns about suicide, scientific and research misconduct, waste, fraud and abuse, financial misconduct, intellectual property and non-compete agreements, gross negligence, excellence and rigor in analytic work, and concerns about homicide. National security and insider threat issues were reported by a few.

Any one of these issues may present painful stresses and risks for the visitors to the office and for other constituents that are affected: loss of relationships, loss of privacy, exhaustion, ill health, career damage and retaliation.

In addition, any one of these issues can present multiple sources of risk to the organization—for example, health and safety risks, reputational risks, operational risks, strategic risks, compliance risks, and/or financial risks. And there are risks—both for visitors and for the organization—of losing potential benefits that may come from dealing with a concern.

As examples of the significance of just three issues, more than a third of the OOs who took the IOA survey reported a high probability of having helped to avert a likely disastrous outcome. One in five reported having helped to save a life the preceding year. One in ten reported a high probability of having helped to avert criminal or near criminal behavior.<sup>3</sup>

How can OOs communicate about the MSCs in a manner consonant with near absolute confidentiality? Some ombuds estimate the costs, risks and possible benefits of each MSC, and then aggregate these data in a yearly report.

For example, one OO estimates each year the *scope* of their MSCs: e.g., how many MSCs affected:

- one visitor + the employer,
- a few people + the employer...
- a unit, a department, a large division or school + the employer,
- the whole organization, and/or
- others outside the organization.

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<sup>3</sup> Refer to OO achievements paper.

Some ombuds disentangle the concept of risk in their reports, into the many kinds of risk affecting visitors—and those affecting the organization. Examples include, for visitors: possible retaliation, possible loss of relationships, damage to their reputation, their health, careers and personal lives.

For the organization, the OO might list health and safety risks, operational risks, strategic risks, compliance risks, financial risks, litigation risks, loss of valued personnel, and/or loss of reputational risks for each MSC. For both visitors and the organization there is the risk of losing out on a good idea or other benefits. A data base can have a checkoff for each of these kinds of risks for each most serious case, for the visitors and for the organization. These data can then be aggregated for reports.

Some ombuds use the categories of risk that are used by their employer, and, in their annual or quarterly reports, simply note the relevant types of risk attached to each *type* of issue they handled. They then report aggregates of cases connected to each type of organizational risk. Other OOs similarly note the number of cases attached to each type of risk that were faced by visitors contacting the OO office.

### **Ombuds Reported More *Complex* Cases in the 2024 Survey.**

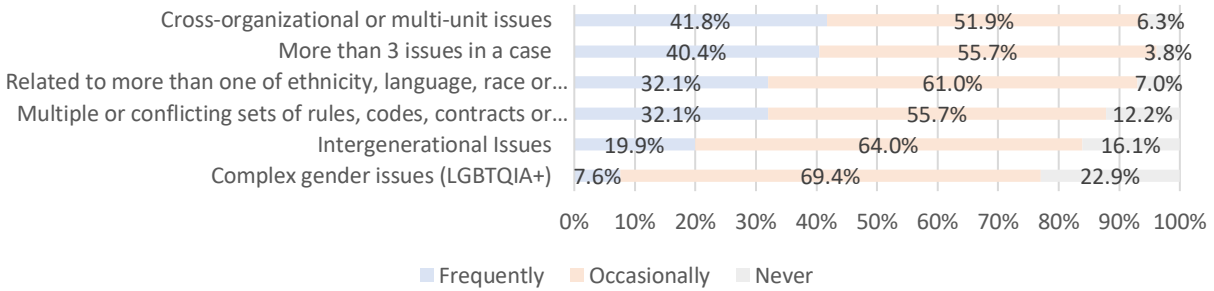
OOs report seeing cases, occasionally or frequently, that included: multiple issues; multi-race-and-ethnic concerns; multi-generational concerns; cases across or with multiple units; cases involving conflicting rules, regulations, codes and norms; cases with groups, cases with anonymous visitors, bystanders and third parties; and more “challenging” cases. OOs also reported cases that needed consultation with compliance officers and counsel, and cases that became the impetus for focused or system-wide responses.

Why does this matter? Other offices in an organization also deal with serious cases. However, those other offices may focus *only on one serious issue* even if there are many issues in a case; this sometimes is the norm for offices that deal with criminal behavior. In addition, some offices focus *only on one group*—for example, students—but are not able to include all the constituents who are affected by an issue.

Many other offices in the organization function under a single set of rules and do not deal routinely with more than one set of rules and regulations. Some of these other offices cannot easily follow up on cases over time. In contrast, organizational ombuds, by design, can and do function well with many aspects of complexity, including the two just mentioned: OOs routinely work with different professionals, and with networks of different offices that may be needed in a complex case. And OOs often follow up about relevant MSCs.

Dealing with complexity, by itself, adds value both to constituents and to the organization. The facts about these aspects of complexity can be collected and communicated by OOs in their reports to constituents and to their employer.

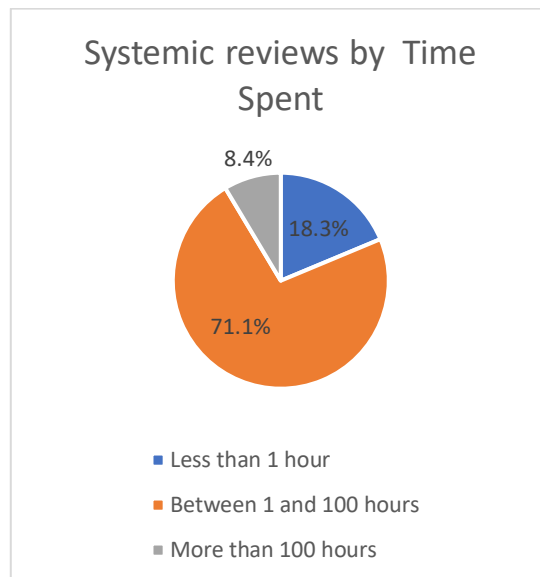
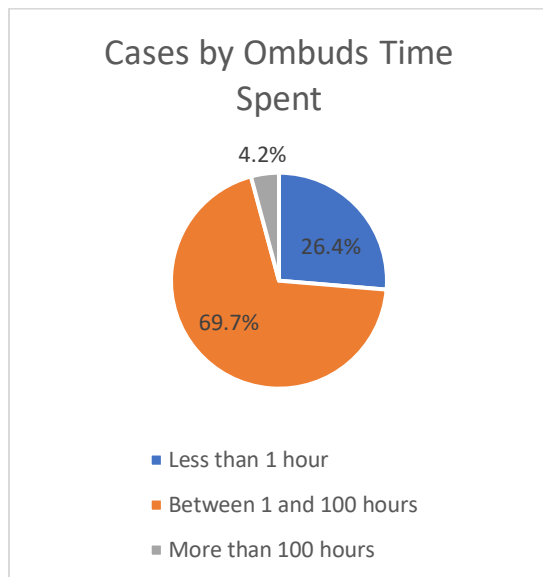
### How often did you see cases related to these complex issues?



### Ombuds also Reported Estimates of the Time Spent on Cases and Reviews

The time that is needed for handling a case or doing a systemic review is variable and does not necessarily relate to the seriousness of the case. Occasionally a concern will come in that needs immediate, safe transfer to leadership or a compliance officer—and the ombuds offers an effective option, consonant with the Standards of Practice, that gets the information where it needs to go. This process sometimes takes only a few minutes. Thus “seriousness and “time spent” are not synonymous.

However, the cases and systemic reviews that take a long time are at least saving the time of other managers. And most of the very lengthy cases are, indeed, Most Serious Cases.



### From Whom did OOs First Hear About Their Most Serious Cases in the 2024 Survey? A Wide Catchment of Sources.

The Ombuds Office is a rare (sometimes unique) office that can hear about any work-related concern from every demographic and geographic source in the organization—from every person, in every role and unit they serve. Ombuds add value to constituents and to the organization by the breadth of their listening in an organization. For example, an OO may pick up issues that are new or insufficiently recognized by putting together bits of information from many different sources.

We asked ombuds to consider their five most serious cases and to check all the “first sources of information” that applied to those five cases. Ombuds indicated hearing first about their most serious cases from a dozen different sources—a wide catchment which indicates the breadth of outreach and trust in the OO office.

Hearing first from the *complainant* was reported by almost all ombuds, for at least one case. Hearing first from a *peer or bystander* was reported by more than a third of the OOs, for at least one case. Hearing first from a *supervisor* in at least one case was reported by a third of OOs—and from a *senior officer* by a fifth of OOs, for at least one case. *HR* was reported by a seventh of all OOs as the first source for at least one case. And a (self-described) apparent *perpetrator* was mentioned by almost a fourteenth of ombuds for at least one case. This IOA survey and previous surveys have also reported hearing first in at least one MSC from *family members, counseling, health care providers, employee assistance programs, security or police, other sources within the organization, and sources outside the organization*.

Some ombuds communicate generic data of this sort, about the breadth of their “catchment” of issues, in their reports to constituent groups and to their organizations.

### **Many Options Were Used to Get Information About MSCs to Management.**

Data from IOA surveys and numerous anecdotes indicate that many, and perhaps most, OOs deal with one or more situations each year that the ombuds consider a “most serious case.” This point is sometimes a matter of concern to employers and their counsel and compliance offices: what do ombuds do, when they hear about serious—perhaps illegal or criminal—behavior?

Survey responses indicate that OOs practice effectively, both within their conflict management and risk management systems *and* within the IOA Standards of Practice. One way they do this is by offering options to their visitors until an option is chosen. With respect to at least one in five cases involving the most serious issues, OOs reported using many different options in 2020 to get information to appropriate recipient(s):

*Three-quarters of the ombuds reported having received permission from a constituent to use or transmit information—without identifying the source.* An OO might find a way to convey information to the appropriate manager while shielding the source and, also, avoiding having the ombuds become a party to the case. For example, many ombuds

undertake effective generic communications in such cases so that the *issues* in the case get addressed without identifying *complainants*.<sup>4</sup>

In another example, a constituent might write a detailed anonymous letter of concern addressed to a relevant manager, seal it, and slip it under the OO's door. The OO could then take the letter to the addressee, noting that the letter had not been opened or read by the ombuds.

*Almost three quarters of the ombuds reported that they helped their constituent to act directly—to find and use an effective way to get the information to the right person. Examples include helping the constituent to assemble the needed information, talk with a line manager or compliance officer, use a hotline, send a detailed report to several relevant authorities, or join with other constituents in sending a factual letter about shared concerns.*

*Nearly two-thirds reported that they had received permission to transmit information from a constituent, identifying the source. Examples include an OO then talking with an appropriate manager—identifying the source with permission.*

*More than a quarter of the OOs reported that they had found some other specific way of communicating critical information—a way that had not been identified on the survey—to an appropriate recipient. As an example, from an interview with an OO, one visitor chose, after long discussion, the option of contacting a trusted former manager. The former manager in turn spoke off the record with an old friend currently in senior management. That senior officer in turn immediately looked into the situation while protecting the source.*

*A fifth of the ombuds reported that they found an effective way for a compliance office to find the information for itself. As an example, the OO might use a specific kind of generic approach<sup>5</sup>. In this approach, the ombuds would alert the relevant compliance office. OOs would provide sufficient, but anonymous, information that would help compliance officers—unobtrusively and effectively—to look for and review evidence in an apparently routine safety inspection, security review, financial audit, or other “spot check.”*

*Less than a tenth of the ombuds reported that they had breached confidentiality in one or more very serious cases, presumably having found no other reasonable option to deal with an imminent risk of harm. In a few responses, the OOs reported that they were *required* to report the concern. In the other cases of breaching confidentiality, the OO presumably perceived an imminent risk. This could happen when the OO judges that the issue is an emergency, such as a potential suicide or homicide. In such a case, OOs might report to line or staff managers in a way that made the source identifiable.*

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<sup>4</sup> [“Consider Generic Options When Complainants and Bystanders Are Fearful.”](#) Rowe, Mary. MIT Sloan Working Paper 6259-21. Cambridge, MA: MIT Sloan School of Management, February 2021.

<sup>5</sup> Ibid.

A few ombuds reported finding other ways to get information where it needed to go.

From analysis of the “most serious case” responses in the 2016, 2018, 2020, 2022 and 2024 surveys and numerous conversations with senior OOs, we learned that ombuds are in fact willing to breach the important standard of confidentiality in the rare cases where the OO judges that a situation warrants this action. However, the survey data also show that ombuds who took the survey were able to offer multiple options to MSC constituents—for information to get where it was needed—without compromising the confidentiality of their constituents.

Some ombuds have noted the various methods of communication used in their most serious cases as part of their reports to constituents and employers.

### **Additional Ways of Assessing the Seriousness of Cases**

This report has illuminated several aspects of “seriousness” in addition to the issues in the cases, and we do not know which other aspects of their cases led ombuds to designate certain cases as MSCs. Many organizational ombuds might point out that almost all their cases might be “serious” to somebody. And many OOs are careful to point out that their own sense of “seriousness” is not the only definition that matters in the work of an ombuds office. Many OOs work closely with their employers and constituent groups to understand the “seriousness” parameters that matter in each organization. OOs might point out that “seriousness” will always depend on context—and each OO might pick up on some aspect of a case in a somewhat different way.

From the IOA survey and in various interviews with organizational ombuds, we indeed note that different OOs describe “seriousness” in several ways. For example, cases that challenge the OO’s adherence to professional impartiality, neutrality, and independence are reported recently to be more common. This fact alone may be seen as “serious.”

And, in interviews, we learned that for some OOs, the concept of “seriousness” brings to mind difficult cases that are particularly challenging. We heard comments like:

- “This case was way outside the norm.”
- “I could see the potential of serious harm for a number of different people and my organization.”
- “The scale of this case was impinging on the mental health and careers of many.”
- “I felt for a long time I was not able to have an input; the people and resources who should have been acting were not doing so. I felt this case was a real threat even to my service as an OO.”

As noted above, some ombuds keep generic (non-identifiable) data about the number of constituents affected by each issue. For example, a particular case might have affected one person, a few people, a unit, a division, the whole organization—or also people beyond the organization. Some OOs keep aggregated data about cases that directly relate to a specific aspect of the organizational mission (for example, quality control for



products or services) or a current organizational commitment like employee safety. Some OOs classify all cases that include credible allegations about apparently criminal behavior as MSCs. Some keep generic data about cases that last more than a year.

One OO told of tallying the number of cases where constituents brought in good new ideas. Several OOs tally cases which result in clear net benefits that are easily assessed.

In our ongoing research about the value of organizational ombuds and how to communicate that value to constituents and organizations, we discovered different ways of understanding the Most Serious Cases. We also discovered some unifying points that are important for illustrating the value of an OO both to those they serve and to ombuds practitioners themselves: Constituents and organizations do care about the cases ombuds define as serious. And organizational ombuds have no difficulty in describing the cases they see as serious.