

Questions for Ombuds to Consider When Facing a Difficult and Complex Case

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When facing an unusually difficult and complex case or decision, organizational ombuds may find these questions helpful:

- 1) Is this an emergency? If not, what factors or new events would make this an emergency? If it is not an emergency, is it urgent? How urgent? Why is it urgent?
- 2) Whose interests (including those of the employer) are at stake? Make a list of all those whose interests are at stake.
- 3) What are the interests of each stakeholder, or set of stakeholders?
- 4) What are the sources of power and influence¹ of each stakeholder or set of stakeholders?
- 5) What are the unconstructive and constructive options open to each?
- 6) Which rules, regulations, laws—and norms and principles—are relevant?
- 7) What resources are available to you and your visitors to help with identifying constructive options in this situation?
- 8) With whom might a visitor/inquirer or you wish to consult, and if so, would they or you mention names—or speak anonymously, or about a “hypothetical situation?” And would they or you need permission to talk?
- 9) What are all the options for the situation or decision? (Usually there are several options—and this may be true even in an emergency.) Think about all the realistic options for this specific case or decision—especially systemic options. Include the option of doing nothing and “fallback options.”² Do any of the options, especially the systemic options, require a sequence of steps, and/or follow-up?
- 10) Before an option is undertaken, or immediately afterward in the case of an emergency, can you help to plan for next steps? If no option is undertaken, can you help to plan the future? This is another point where it can be especially important to think about good ideas for the future of the visitor(s) and good ideas about policies, procedures, and structures in the organization.

¹ Mary Rowe, “Sources of Power in Negotiations” (one-page list), <https://mitsloan-phs.s3.amazonaws.com/wp-faculty/sites/84/2023/08/18131605/Mary-Rowe-List-of-Sources-of-Power-in-Negotiation.pdf>.

² In their classic book *Getting to Yes*, Roger Fisher and William Ury dub this type of fallback option the “Best Alternative to a Negotiated Agreement” or “BATNA.” See Roger Fisher and William Ury, *Getting to Yes: Negotiating Agreement Without Giving In*. Houghton Mifflin Co., 1981.

