



# COALITION OF FEDERAL OMBUDSMAN

## MEETING MINUTES

**Date/Time:** December 10, 1:30pm – 2:30pm

**Location:** Environmental Protection Agency (EPA), William Jefferson Clinton Building North, Conference Room 6013

### **Agenda:**

A distinguished guest speaker, Dr. Mary Rowe, announced her retirement this year as Ombudsman at Massachusetts Institute for Technology (MIT) after having served for four decades in the field of conflict resolution.

### **Highlights:**

Dr. Rowe served as Ombudsman at Massachusetts Institute for Technology (MIT) for 41 years. She provided leadership in the profession, helping to create the Corporate Ombudsman Association, which became the Ombudsman Association and later the International Ombudsman Association (IOA). Although retired from her role as Ombudsman, she continues to serve as an adjunct professor in the Sloan School of Business. Her research interests include topics such as the origin of the Ombudsman office and the role of bystanders in cases of bullying and harassment.

Dr. Rowe shared her work on “bystanders.” She believes that helping bystanders raise issues can help an organization build a healthy climate and deal with unacceptable behavior. The discussion revolved around the two working draft papers she wrote on this topic and shared with the group. The first paper addressed barriers to responsible bystander action and ideas for fostering effective “receptivity” (when it is perceived that an organization doesn’t want to hear bad news). The second paper addressed the ways that bystanders can help build a climate for high productivity and fewer occasions of unacceptable behavior—as well as a climate in which bystanders are more likely to take responsible action. Ombudsman can play a critical role in this context in helping bystanders overcome concerns about coming forward (safety, resources and options) and possibly lead them to take action.

### **Attendees: (in person)**

Emily Albertson, Federal Reserve Board  
Mollie Berg, Department of Defense, NGA  
Andrea Brown, Department of State  
Sheryl Brown-Norman, Office of the Director of National Intelligence  
Scott Deyo, Department of Defense, NGA  
Claire Heffernan, Department of Homeland Security, TSA  
Noreen Kinnavy, International Broadcasting Bureau  
Lisa Levine, Department of Justice  
William Maurer, Department of Energy  
Carrie McGuire, Office of Government Information Services, NARA  
Kirsten Mitchell, Office of Government Information Services, NARA

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Sigal, Shoham, Department of the Interior  
Julie Smith, Department of State  
Paul Sotoudeh, Consumer Financial Protection Bureau  
Yolanda Swift, Small Business Administration  
Alexandria Wolfe, Small Business Administration

**Attendees: (by phone)**

Monique, Bookstein, Department of Justice, FBI  
Albert Conerly, Department of Health and Human Services, FDA  
Tangita Daramola, Department of Health and Human Services, Centers for Medicare & Medicaid Services  
Steve Gadziola, Department of Homeland Security, FEMA  
Victoria Gilner, Department of Defense, Air Force  
Wendy Kamenshine, Consumer Financial Protection Bureau  
Mona Lease, Student  
Tracey McNeil, U.S. Securities and Exchange Commission  
Celeste Merrix, Department of Homeland Security, FLETC  
Heather Milner, Consumer Financial Protection Bureau  
Pamela Pontillo, Department of Energy, Office of Conflict Prevention and Resolution  
Sara Roberts, Department of Homeland Security, TSA  
Mary Rowe, Retired  
King Stablein, U.S. Nuclear Regulatory Commission  
Guy Weber, Department of Defense, NGA  
ReaWinder, Department of Homeland Security

## Some Notes on Peers and Bystanders within Organizations with Respect to Behavior Seen to be Unacceptable

### *Abstract*

After most unfortunate—or terrible—events, the daily papers remind us that “someone usually knew” of problematic behavior by the perpetrator before the event. Scholarly research affirms the point.<sup>1</sup>

It is evident that peers and bystanders can sometimes make a major difference within organizations—in a wide variety of ways. Examples are easy to find. An alert custodian coming in to clean a building might notice some unusual trash, or see an unexpected visitor at night, and *prevent* criminal behavior. A salesperson might *deter* a fellow salesperson from misusing company funds or sexually offending someone on a trip. A support staff person might arrange in a quiet, professional way to *interrupt* or *re-focus* a supervisor as he or she begins a frightening tirade against an employee. An information system employee might become concerned about the integrity of a fellow employee (and the company IT system) and quietly *seek advice* from the IT security experts. A skilled laborer might notice unsafe behavior at a work site and quickly *mitigate* or *prevent* effects from the error. Someone might find that the name of a minority candidate was unintentionally left off a promotion list, and suggest a new corrected list, *remediating* an error that might have originated in unconscious bias. A manager might suspect wrongdoing by another manager, customer, donor or vendor, and take steps to *stop* or *report* the behavior.

However, many people hesitate, much of the time, in the face of unacceptable behavior. Except in sudden, dangerous emergencies—when some people may act instinctively, without consciously thinking about it—people often hesitate before acting on the spot, or reporting behavior they perceive to be unacceptable. There are many reasons why people think hard about taking action.

On the other hand, there are many reasons why people *do* act or report responsibly. With respect to both inaction, and action, the reasons are best understood by thinking of bystander action as a *process* that occurs in a *context*, in this case in the context of a company. The bystander *process* proceeds from:

- 1) perceiving behavior that may be unacceptable, to
- 2) assessing the behavior, and then
- 3) judging whether action is required, and
- 4) deciding whether and how to make a particular personal response (or responses).

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<sup>1</sup> Fein, R.A., Vossekuil, B., Pollack, W., Borum, R., Reddy, M., & Modzeleski, W. “Threat assessment in schools: A guide to managing threatening situations and creating safe school climates.” U.S. Department of Education and U.S. Secret Service, May 2002. (E.g., “Targeted violence is the end result of an understandable, and oftentimes discernible, process of thinking and behavior,” p. 22.)

The fourth step may be especially complex. Often there are a great many options. For example, some bystanders will engage personally and *informally*, to prevent, interrupt or stop unacceptable behavior, but not (initially) to make a formal report. Some, however, may only be willing to make a *formal* report. Some may not act at all.

The *context* for this “bystander process” will almost certainly influence what the bystander will do. Context will be especially important before the bystander process begins, and also toward the end of the process. The *setting in which unacceptable behavior first occurs, the people involved, and recent events* are part of the opening context. The context toward the end of the process includes the *resources—and options—that are available to the bystander, and his or her perceptions of peers, supervisors, and the management and other authorities*.

Those who are interested in fostering responsible behavior by peers and bystanders have many opportunities to influence the *context*, and every step of the *process*. Happily enough, success in this endeavor may build on success. Known success by one responsible bystander may influence the behavior of the next bystander.

### **Some Notes on Bystanders**

Bystanders serve an important function in society by preventing, re-focusing, interrupting, mitigating, stopping, remediating and reporting unacceptable behavior. However, many people hesitate, much of the time, in the face of unacceptable behavior. People often think hard, before taking any personal action. They may decide *not* to take any action about behavior that they perceive to be unacceptable.<sup>2</sup>

These notes review some of the many reasons bystanders give, as to why they hesitate, and the (fewer) reasons they give as to why they *have* taken responsible action.

Some long-standing research about bystander inaction focused on the so-called “bystander effect.”<sup>3</sup> This often-cited “effect” is thought to explain why individual bystanders sometimes have not acted in a particular (relatively rare) event. Much research has focused on single-incident, dangerous emergencies, in public, with strangers. The traditional research often focused on one or two bystander actions: typically physical intervention and/or reporting to authorities.

The apparent failure to take responsible action in such emergencies is often attributed to a particular barrier, namely, “diffusion of responsibility.” The effect is thought to be stronger when there are more rather than fewer bystanders.

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<sup>2</sup> See “Dealing with—or Reporting—Unacceptable Behavior,” Mary Rowe (MIT), Linda Wilcox (HMS), and Howard Gadlin (NIH), in the *Journal of the International Ombudsman Association*, Winter 2009, 2(1).

<sup>3</sup> “Bystander Intervention in Emergencies: Diffusion of Responsibility,” John M. Darley and Bibb Latané, *Journal*

As it happens, the particular, often-touted “effect” is not a universal truth about bystanders. For one thing, in real life, there are dozens of reasons why bystanders do not act, not just one.<sup>4</sup> There also are many reasons why bystanders *do* take responsible action, and it turns out that they do so in many different ways. And finally, even in (stereotypical) single-incident, dangerous, public emergencies with groups of people, the famous “bystander effect” does not always occur.<sup>5</sup>

In everyday life bystanders do frequently act, responsibly and helpfully. They do so in many informal ways, as well as reporting unacceptable behavior to authorities. For example, a major study in *Nature*<sup>6</sup> illuminated a wide variety of actions taken by scientists who saw problematic behavior in labs. (The study was done in institutions funded by US agencies.)

In recent times a number of institutions, including the armed services, have done focused training, to encourage responsible bystander behavior. There is a wide literature on reporting safety problems that includes the concept of bystander reporting. Bullying and sexual assault are the focus of many programs.<sup>7</sup> “Friends don’t let friends drive drunk” is an example of a well-known attempt, since 1992, to encourage peers and bystanders to prevent drunken driving. There are many new initiatives in public and private institutions and associations to help deal with “insider threats.”

My own organization has had intermittent bystander training about unacceptable behavior for three decades. Programs have focused on topics like harassment, diversity, alcohol use, integrity in management education, dealing with the fear of violence, research integrity and team behavior.

In almost every organization, and despite some training to act responsibly in the face of unacceptable behavior, it is clear that more bystanders could be more helpful more often. As far as one can tell from dozens of everyday articles and newspaper reports, many people in every culture still hesitate to act, in a wide variety of situations, when they see unacceptable behavior.<sup>8</sup>

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<sup>4</sup> Rowe, Wilcox and Gadlin, op.cit.

<sup>5</sup> “Third Parties, Violence, and Conflict Resolution: The Role of Group Size and Collective Action in the Micro-regulation of Violence,” Mark Levine, Paul J. Taylor and Rachel Best, *Psychological Science* 2011 22: 406, originally published online 8 February 2011; and “Be aware to care: Public self-awareness leads to a reversal of the bystander effect,” Marco van Bommel, Jan-Willem van Prooijen, Henk Elffers, and Paul A.M. Van Lange, *Journal of Experimental Social Psychology*, available online 22 February 2012; and “The Responsive Bystander: How Social Group Membership and Group Size can Encourage as well as Inhibit Bystander Intervention,” Mark Levine and Simon Crowther, *Journal of Personality and Social Psychology* (2008) Volume: 95, Issue: 6, 1429-1439.

<sup>6</sup> “Peers Nip Misconduct in the Bud,” Gerald Koocher and Patricia Keith-Spiegel, *Nature* vol. 466 July 2010.

<sup>7</sup> See for example Stopbullying.gov: A federal government website managed by the US Department of Health and Human Services, 200 Independence Avenue, S.W. - Washington, D.C. 20201; and **Engaging Bystanders in Sexual Violence Prevention**, Joan Tabachnick, The National Sexual Violence Resource Center, 2009. The recent White House Report has an excellent section on bystander programs: *Bystander-Focused Prevention of Sexual Violence*, April, 2014.

<sup>8</sup> As just one example, see “Bullying and the Peer Group: A review,” Christina Salmivalli, *Aggression and Violent Behavior* 15 (2010) 112–120. It extensively reviews the literature on bullying among children, concluding that children, as well as adults, generally hesitate more often than acting, to stop bullying.

There are of course wonderful exceptions, as when some individuals react intuitively and instantaneously in dangerous emergency situations.<sup>9</sup> However, many employees and managers have learned, long since, that sticking their necks out may have bad consequences—and they *fear a wide variety* of bad consequences.

It turns out that there are many bumps in the road, and sometimes side trips, as a bystander does or does not proceed to taking action.<sup>10</sup> Most bystander behavior is not just an “act;” it is, rather, a *process*. A bystander may or may not progress beyond step one, and also may go back and forth from step to step and within a step. Recognition of factors that *inhibit* action may help in designing effective programs to *encourage* responsible bystanders. Here are some common problems listed with each step:

### **I: The bystander does not “see” unacceptable behavior**

- An employee or manager working in a new environment may not know enough about the work—or the rules—to think about a particular behavior as unacceptable; he or she may not even notice that it occurred.
- A skilled laborer becomes habituated to many kinds of odd behavior that happen very frequently in her workplace—or she is too absorbed to notice unacceptable behavior, because she is focusing on something else.<sup>11</sup>
- “Motivational blindness” blocks a manager traveling on business from noticing very inhumane behavior; (the manager knows intuitively—below the level of conscious thought—that it is not safe or advantageous to “see” this behavior; the behavior is therefore not observed or remembered.)<sup>12</sup>
- A technical expert who moves from one organization to another forgets ephemeral glimpses of unacceptable behavior by a charming host, in part because the behavior comes and goes very quickly.
- A non-exempt employee successfully avoids being in the presence of certain unacceptable behavior by a supervisor, without consciously thinking about it.

### **Two: The bystander cannot or does not judge the behavior**

- An employee or manager from a background that is “non-traditional” for the given workplace does not know how to judge the problematic behavior.<sup>13</sup>

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<sup>9</sup> Instantaneous actions of this sort—like jumping to save a child who falls from a subway platform—may be what Professor Daniel Kahneman would characterize as “System One” actions that occur faster than “conscious” decisions can occur. (Daniel Kahneman, *Thinking, Fast and Slow*, Farrar, Straus and Giroux, 2011.)

<sup>10</sup> See for example, a review of research studies by Christopher Colvin, “An Exploratory Study of the Fundamental Characteristics Influencing the Analysis and Communication Activities of Health Care Incident Reporting Systems,” Masters Thesis, University of Toronto, 2011, and the ombudsman practitioners’ study by Mary Rowe, Linda Wilcox and Howard Gadlin, *op.cit.*

<sup>11</sup> Arieh Rack and Irvin Rock, *Inattentional Blindness*, MIT Press, 1998.

<sup>12</sup> **Max H. Bazerman and Ann Tenbrunsel use this term in *Blind Spots: Why We Fail to Do What's Right and What to Do about It*, Princeton University Press, 2011.**

<sup>13</sup> It is very common in all organizations that managers as well as employees may not know or understand all the laws and policies relevant to unacceptable behavior.

- A first level supervisor thinks, “*There probably is not much of a problem here,*” because the problematic behavior is sporadic; he also does not have a clear idea about what was happening before he came to the unit, and what the customs are.
- The apparent perpetrator is highly placed, like a senior manager, or a visiting consultant who seems to have a right to act unconventionally; the employee thinks, “*My judgment must be wrong.*”
- The apparent perpetrators are co-workers who were all hired in at the same time; a puzzled employee thinks, “*This must be OK, my friends are all doing it.*”
- A bystander in an isolated workplace is expected by her co-workers to go along with problematic behavior, as if, “*Of course, it is OK;*” in addition, the woman may be talked out of any doubts.
- There may be intangible gains for the bystander, (like getting attention and mentoring from a perpetrator), and these gains may seem to cancel the problematic aspects of a perpetrator’s behavior.

### **Three: The bystander cannot or does not decide if action should be taken**

- A new supervisor who sees something problematic may doubt his own competence to know if there should be action. He has no relevant experience, and does not know whom he could ask.
- An employee from a different cultural and ethnic background, who sees problematic behavior by a US colleague away from the workplace, has no idea about what *can* be done if it appears that she has no conclusive proof, and no (other) witness.
- A manager thinks, “*Any kind of action will threaten my work unit here, and also the whole project.*”
- A supervisor who is on a travel assignment, thinks, “*There is no one who is competent—and there is no one powerful enough—and no one here that I trust—to inquire, investigate, analyze, and fix this.*”
- Two systems engineers who notice problematic behavior decide that, “*Any action would result in too much being done or nothing being done—even just talking about an investigation would have bad consequences.*” (And, in fact nearly everyone hates investigations.)

### **Four: The bystander cannot or does not take *personal* action**

- An employee working in a different culture cannot imagine himself or herself reporting unacceptable behavior: “*I have been trained from childhood not to attract attention.*”

- An analyst has heard about someone who tried to stop unacceptable behavior at the beginning of his project, allegedly with very bad consequences.<sup>14</sup>
- A manager says, *“No one higher up wants to hear bad news. No one is asking to hear about problems here. There is no feedback from the company about what happens if someone reports another manager. So far as I can tell, no one actually knows if there even is a real complaint system, or whether things are just handled by whoever has the wheel. Probably most such problems just get ignored.”*<sup>15</sup>
- A worker in a nearby unit cannot assess the evidence of behavior next door that she thinks may be wrong; she assumes any action will be *“his word against mine,”* and worries that her own competence may be questioned.
- A support staff person may think taking action is not part of her or his job description; *“There are other people here senior to me. Surely someone more expert than I will act.”*
- An overworked single parent is exhausted: *“I am just going to go on keeping my head down, and focus on my work.”*
- Frightened production workers wish for specific options that do not appear to be available: *“My supervisor is the only person I could have told, but he is just about to leave.” “There is no supervisor in this work unit that I could go to who is from my background.” “I could only report if I could do it anonymously.” “I would need to talk it over with someone safe before I could take any action but I do not know to whom to go.” “I could only do this within an official channel that could guarantee no bad consequences, but no one can prevent covert retaliation.” “In my culture I could only do this through a back-door, informal route and I do not know of one.”*
- A young supervisor knows that loyalty is everything: *“The boss that I report to is the problem. But—important people get treated very differently.”*
- A public services worker is wary about giving offense in his very diverse work group: *“I cannot risk raising a concern about someone from another culture.”*
- A young trainee alone in the locker room getting dressed cannot imagine taking action by herself: *“If only someone else would notice and say something. If only I had someone else to act with me.”*
- A technical consultant who wants citizenship in the US worries that people will guess who reported the behavior if he makes a report about it. He thinks immediately of bad consequences: being blamed, losing a visa, being shunned by co-workers, being scolded by family back home for sticking his neck out, or subject to a lawsuit. *“There is no way to prevent covert retaliation. I would be seen forever as a troublemaker and not as a professional.”*
- A supervisor has been told by the perpetrator or another bystander not to discuss the matter with anyone; she has been threatened, and is scared.

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<sup>14</sup> See for example, Reuben, E., Stephenson, M., “Nobody likes a rat: On the willingness to report lies and the consequences thereof.” *J. Econ. Behav. Organ.* (2013); and Dyck, A., Morse, A., & Zingales, L. “Who blows the whistle on corporate fraud?” *The Journal of Finance*, 65, (2010). 2213–2253.

<sup>15</sup> Many studies make this point, e.g., Colvin, op.cit., p.14, and many ombuds practitioners hear this view.

## Why do some bystanders act or come forward?

Many bystanders who act responsibly describe socially constructive reasons for coming forward. They cite relevant rules and policies, the requirements of their position, a responsibility to their profession or work unit, and good friends. Many talk about careful training by a good mentor. A senior professional may mention having had good role models over the years.

Some responsible bystanders feel a responsibility toward their faith, the values they were taught as children, family honor, or their country. Some want to protect someone else.

It seems probable that some kinds of responsible bystander behavior are very common in the mundane world. Many lost items are returned to their owners. People get help crossing the street. Strangers help people who drop something. Misdirected packages get delivered correctly. Courageous souls sometimes help to direct traffic to undo a gridlock. Kind souls move from a good seat on an airplane to help a family; others shovel out someone else's driveway. It is likely that pro-social motives are quite common among many people.

However helpful bystander behavior sometimes occurs for reasons that may appear less appealing. Some bystanders are really angry with the perceived offender, and happy to drop a dime. Some want revenge or punishment—to get back at a person they believe to have harassed them. Some will want to punish a person who *reminds* them of someone who injured them. Some may expect a tangible or intangible reward for coming forward. Some want to interfere with the progress of a competitor. Some simply feel desperate.

All these motivations appear to help a bystander overcome the concerns they may have, about taking action.

**Taking Action.** In general, people are most likely to take responsible action if:

- \* They see or hear of behavior they believe to be *dangerous*, especially if it seems like an *emergency*, and especially if they think that they or significant others are in immediate danger;<sup>16</sup>
- \* They perceive that an apparent perpetrator *intends* harm, and especially if that person is seen to have hurt or humiliated others;
- \* They believe they have *powerful or complete evidence*, or others will accompany them as witnesses if they make a report, and they think they will be believed;<sup>17</sup>
- \* There are resources that are seen to be: *safe, credible and fair, accessible and easy to find*.<sup>18</sup>

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<sup>16</sup> "The unresponsive bystander: are bystanders more responsive in dangerous emergencies?" Fischer, P., Greitemeyer, T., Pollozek, F., & Frey, D. (2006). *European Journal of Social Psychology*, 36(2), 267-278; and "The Bystander-Effect: A Meta-Analytic Review on Bystander Intervention in Dangerous and Non-Dangerous Emergencies," Fischer et al, *Psychological Bulletin*, 2011, Vol. 137, No. 4, 517–537.

<sup>17</sup> The point is frequently reported by ombuds practitioners.

<sup>18</sup> Mary Rowe and Michael Baker, *Harvard Business Review*, Vol. 62, No. 3, (May-June, 1984), pp. 127-136, "Are you Hearing Enough Employee Concerns? A review of non-union complaint systems in the U.S."

- They know and trust a specific person to go to for advice, especially the manager in charge of the work unit;<sup>19</sup>
- There are trusted access points like EAP, medical department, HR managers, security, quality assurance, compliance, or ethics officers, especially if these people are known personally;
- There are “zero barrier” access points, like an organizational ombuds, or chaplain—someone with whom they can consult completely off the record—and *who will help to develop a choice of options for action*;
- There is a Hotline or Dialog Line, that is believed to be safe, and which is known to result in effective action;
- They know how their conflict management system works. Their system has more than one option *and* there is an option in their complaint system that meets their particular needs. And they believe—if they decide to report the behavior—that the system will take appropriate and timely action.<sup>20</sup>

### **What Can Be Done to Improve the Bystander’s “Context”?**

**Training is essential.** Especially in organizations with very diverse populations and high turnover, it is essential to help people learn the *rules, definitions of “what is unacceptable and why,” local resources, and local options for bystander action.*<sup>21</sup> It is important that people understand the meaning of a “good faith report,” the definition of retaliation, and all company policies and procedures with respect to intimidation and retaliation.

It may help for at least some training to be done *issue by issue*. Issue-focused training helps bystanders know and recognize specific problems and helps to legitimate their taking action. Training of bystanders often imparts skills that can be proven to make a difference, (for example, CPR training.) Two topics are particularly useful:

- **Safety and harassment are issues of special importance:** If an agency or other organization is hoping to foster responsible bystander action about “all” unacceptable behavior, it may be useful, if relevant to the workplace, to offer specific training with respect to abuse and assault, alcohol, bullying, drugs, harassment and safety. This is true for a number of reasons.

Alcohol and drugs are “special issues” because many forms of unacceptable behavior are associated with the use of alcohol and drugs and, also, bystanders often know if there is misuse of alcohol and drugs.

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<sup>19</sup> Amy Edmondson and colleagues at Harvard Business School have studied this phenomenon in some depth.

<sup>20</sup> Colvin, *op.cit.*

<sup>21</sup> See for examples, Randi L. Sims, “Comparing ethical attitudes across cultures,” *Cross Cultural Management: An International Journal*, Vol. 13 no.: 2 (2006) pp. 101 – 113; Young Sook Moon and George R. Franke, “Cultural Influences on Agency Practitioners’ Ethical Perceptions: A Comparison of Korea and the U.S.,” *Journal of Advertising*, Vol. 29, No. 1 (Spring, 2000), pp. 51-65. This point is reported in many studies.

Bullying, and other forms of harassment, abuse and assault also are “special issues.” Of great importance, a perception of having been harassed or bullied is frequently the tipping point for a bystander to take action about any unacceptable behavior. And a bystander who is thinking about taking action with respect to a particular offender—about *any* form of unacceptable behavior—may be more likely to take action if that offender is also thought to have harassed people in the past. That is, the perception of feeling harassed seems to stick in the mind.

More generally, there are additional reasons (in the context of seeking to prevent all unacceptable behavior) to keep emphasizing the norms that relate to ensuring **safety**, and preventing **harassment**. Safety, responsible relationships, “supporting the local community” and “respect,” may be easier to discuss than misconduct and crime. (The idea of whistle blowing often is not kindly received—and nearly everyone hates investigations. Supporting the safety and success of a work unit or local group is much easier to discuss—and these discussions of course also may serve to establish a social norm that makes all unacceptable behavior less likely.)

Finally, discussions about safety and respect are quite common in many organizations and in many cultures, and may form a familiar platform for the idea of “see something, do *something*”<sup>22</sup>. People who are accustomed to thinking about “safe procedures and respect for members of the work unit,” as an alternative to safety problems and harassment, may be more likely to notice *all* unacceptable behavior.

**Success stories help.** Communicating stories of bystanders—who have acted on the spot to stop problematic behavior or who have reported it—may help to support the social norms about safety and responsible conduct. It appears helpful to describe responsible bystanders as if they are “normal humans who are doing the right thing” through good observation and ordinary competence. That is, *responsible bystander behavior is not exceptional heroism requiring super-human skills*. Helpful bystanders should be portrayed as *role models easy to follow*.

**Appeals to several, different, socially positive motives may help.** Routine appeals of several different kinds may be helpful in connecting with bystanders. It is not just that bystanders are all different individuals, even in an apparently homogenous culture. Each bystander may have *several social identities, only one of which would motivate action*, e.g. the honor of our highly skilled technical group, the good name of our organization, the safety of neighbors like us, an appeal for protection of coming generations, patriotism, requirements of law.

**Complete proof should not be required.** It helps for bystanders to know that they do not need to have perfect evidence to act, especially if they act informally.<sup>23</sup> A belief that “just a hunch

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<sup>22</sup> Because bystanders often consider a wide range of options other than just reporting to authorities, “See something—do *something*” may be sometimes be more useful than “See something—say something.” But this may need to be combined with a longer list of options for the bystander.

<sup>23</sup> Koocher et al, op.cit., make this point in detail, urging bystanders to be willing to act on the spot informally, in many or most situations. The “User-Friendly Guide” that accompanied their article in *Science* could be offered to everyone in labs.

might be important” can be built into teaching stories and training, with examples of how unobtrusive inquiry can be helpful in fixing many problems early on, by informal intervention. It should be portrayed as normal, in relevant circumstances, to raise a question, person to person, without triggering an earthquake.

**Safe, accessible and credible options need to be understood.** People need to know several, safe and accessible ways: 1) to seek private advice and support, and 2) to report.

Many people want to talk things over before they decide to take action and before the employer is formally involved. Most people prefer a trusted, local person in charge, or a respected in-group “elder.” An ombudsman or chaplain may help. Anonymous help lines may help. (Apps for the cell phone are sometimes helpful about bullying and assault.)

Options—and a *choice* of options—for talking things over, and for reporting, are very important to bystanders. Some bystanders will only help if they can take *informal* action. They may consider a great many options. They may be willing to try personally: to prevent or deter, question, interrupt, re-direct, mitigate, or remediate unacceptable behavior. They may be willing to do this alone—or together with peers. They may try one option—and then another.

Some will prefer—or later be willing—to take *formal* action. They may be willing to report unacceptable behavior to authorities, as a first step—or as a last resort. They may *only* be willing to report if they can do so anonymously.

Having a choice of options is, therefore, a major issue for bystanders. This fact can be a challenge for employers. Mandatory reporting and mandatory investigation requirements are now commonplace, with respect to some issues, for supervisors.<sup>24</sup> It is now a leading issue, for those who design complaint systems, to meet the challenge of coordinating a complaint system so that the benefits of “bystander choice” can survive.

**“Receptivity” helps.** Many people believe their organization does not really want to hear any bad news. Many people automatically distrust the capabilities of organizations to look into, investigate and deal with an issue without bad consequences. The credibility of complaint managers is key to encouraging bystander reports. This is why local people in charge who are trusted are so important as a first point of access. Both employees and managers need to trust the person they have gone to for advice, if that person says, “This matter needs to go forward to investigation.”

**Competent, impartial investigators help.** For the complaint system to be seen as safe and credible, investigations need to be to be competent, fair, prompt, thorough and discreet. It is important for people to believe that false allegations will be dealt with appropriately, as well as good faith concerns. Workers and managers (including senior managers) often do not trust what will happen if they report information.

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<sup>24</sup> The current debates about Title IX requirements in academe, and sexual harassment in corporations, are just two examples.

**Providing information about procedures may help.** People in an organization may know very little about relevant procedures. An organization needs to communicate frequently and consistently about the complaint system, if people are to know what they need to know. This requires planning and resources. The challenges here are not simple.

It is objectively difficult for employers to deal fairly and effectively with reports of unacceptable behavior. One reason is that managers rarely receive really good evidence about wrongdoing, let alone “all” the relevant evidence. They may hear second-hand stories and fragments of stories. It may help to teach employees and managers how to make a report by answering the questions: Who, What, When, Where, Why, How, with Whom.

Managers may lack appropriate training about dealing with ancillary problems, like retaliation, complexity and maintaining privacy. For example, they may not know how to prevent or deal with concerns of overt—let alone covert—retaliation. Line and staff managers may lack the resources they need to deal with complex concerns about unacceptable behavior. (A complex concern might have multiple issues, multiple cohorts, and the concern may cross multiple organizational and national boundaries. Investigatory and decision-making processes may appear to move slowly and awkwardly in complex cases.) And finally, organizations (for many reasons) keep personnel actions very private. This means managers may not have “learned how,” by hearing about other cases.

Take all these points together and it is easy to see why bystanders do not understand what will happen if they come forward.

Building the credibility of response mechanisms requires giving the people within an organization some information about what happens when people report.<sup>25</sup> It may be possible to create and provide generic communications about how the response mechanisms work, how the rights of everyone are taken into account, how long the procedures may take, and what the (aggregate) results are.

**Bystanders need care and respect.** It is important to respond with care to the interests of individuals who come forward to report. It is commonplace to note that a complaint system must deal fairly with (allegedly) injured parties and responders. It is not common to have thought through the special situation of complainants who are not directly injured parties but just bystanders. An organization needs to build the reputation of dealing respectfully, as well as fairly and competently, with bystanders who offer information.

This may be especially important with problematic bystanders. Some people who report unacceptable behavior are bewildered or anxious. A bystander—who is doing the right thing by reporting—may be very angry or actually seeking revenge—and in fact will only have taken the

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<sup>25</sup> Christopher Colvin, *op.cit.*

risk of reporting because of that anger. Women and men who have felt harassed or mistreated in the past may be fearful and very upset; they also may believe they are taking additional risks in coming forward, and may need reassurance about their safety.

### **A Focus on the Future**

We need to know more in this relatively new field. Some organizations are innovating well with some of the issues in this paper. Some organizations are collecting data about what works and what does not work—data that will be very helpful. We need to know more about bystanders who have succeeded with informal and formal options.

We also need to know about the possible risks of encouraging more bystanders to act. We need to know about false allegations, vengeful allegations, and reports based on misinformation. We would like to know about employees and managers who give up on trying to change behavior they see to be unacceptable, and whether it appears that they may have been correct or mistaken in their judgments. Importantly, does retaliation happen a lot, despite good policies?

Ideally bystanders should have options for addressing unacceptable behavior, in good faith, without fearing retaliation, disrespect or disbelief. Training programs, and a systems approach, about how to report a concern, how to listen to concerns and complaints—and communications about the complaint system, may be able to help. And we should study the effects of new programs about bystanders.

## **“Bystander” Queries**

To prepare for our discussion of responsible bystander behavior, would you be willing to think about several questions? The queries on these three pages are just to provoke our thinking about the roles of bystanders: 1) in fostering and affirming exemplary behavior, and 2) in dealing with unacceptable behavior.

A “Bystander” is: A person who observes or learns about good—or bad—behavior by others, and who is not knowingly engaged in planning or executing that behavior. The Bystander typically has no formal role in the situation. This person may or may not take action.

(For these questions, you are the judge of whether the behavior that was observed was “good” or “bad.”)

1. **A peer or bystander behaved in an affirming and helpful way:** Can you think of times when a bystander helped you or someone else that you care about, in a significant way? What happened? (Examples: a bystander thought well of something you did, and then unexpectedly introduced you to an important job contact or offered you financial help or moral support. Or a peer unexpectedly spoke in public about good work you or another had done. Or a peer went out of the way to help you with excellent work you were doing.)
  
2. **A peer or bystander came to know of unacceptable behavior and took no action:** Can you think of times when something unacceptable happened before you came to your present employer (XXX), or while you have been at XXX? In brief, what happened—that is, what were the issues, in events you know about?
  
3. **A peer or bystander came to know of unacceptable behavior and took action:** In brief, what happened and what was done?

## Bystander “mentoring” — to foster and affirm exemplary behavior

(This page is to illustrate a wide variety of micro- and macro-affirmations offered by peers and bystanders)

- Affirming your efforts and your achievements, in expected and unexpected discussions with you, with specifics about what you did well
- Cheerleading for your work, in many discussions with others
- Coaching, with specifics, to help you when you need to do better, and, with specific feedback, helping you to avoid mistakes
- Confidant, listening for anything you need to talk about
- Counseling for dealing with dilemmas
- Developing various different talents you might have or could develop
- Griot: teaching about your organization, so you learn “how things work”
- Guarding your interests when you or your team (or your reputation) need some protection from irresponsible people
- Inspiring, to help you define that which is excellent and to develop new goals
- Integrity role model, illuminating the way to deal with ethical dilemmas
- Master of the subject matter, helping when you get stuck
- Nominating you behind the scenes for an important task or job or award
- Opening doors and building bridges, helping you connect, build a network
- Patron (or benefactor) speaking for you and your team, recruiting and providing resources
- Personal and professional role model, providing an “existence theorem” for you on your chosen path
- Pioneer, showing the way, where there are no road maps
- Seminal source, providing you with new ideas
- Teacher or trainer, helping you organize how to learn what you need to learn

Q. Which kinds of formal and informal mentoring have peers and bystanders provided to you? Which have you provided for others? Which might be useful in your organization?

## Bystander Interventions with respect to “unacceptable behavior”

(The reason for this page is illustrate the fact that most bystanders in real life seek options and a *choice* of options.)

- Act in such a way that the behavior will come to the attention of managers or other authorities, or of routine monitors
- Ask questions, in an direct or indirect fashion
- Consult generically with useful resources, in an direct or indirect fashion
- Deflect or derail the behavior (unobtrusively as with humor, or overtly)
- Discourage, disparage, deter behavior that is unacceptable
- Engage others to help you deal with the behavior
- Instigate or trigger a “generic approach” such as asking for relevant training about the problem, without (yet) identifying any individual
- Interrupt the behavior
- Mitigate the behavior
- “Name” the behavior so it does not happen un-noticed
- Observe the behavior, gathering more information before choosing an option, perhaps collecting evidence
- Prevent the behavior from recurring (e.g. by making the behavior punishable or by encouraging positive alternatives that block it)
- Punish the behavior (at the time or later) or act to see it punished
- Re-channel plans or persons or resources engaged in unacceptable behavior, for example engaging the relevant person elsewhere, removing their access
- Remediate the behavior, (noticeably or behind the scenes, in an overt way or “routinely”)
- Report the behavior, (alone or with others, once or repeatedly, in writing or orally, identifiably or anonymously, formally or informally, immediately or later, with a few salient details or with exhaustive information)
- Stop the behavior
- Stop the behavior and follow up, directly or indirectly, to see that it stays stopped
- Teach others how to identify and assess unacceptable behavior and how to report it: “*Who, What, When, Where, Why, How, and with Whom?*”
- Teach others how to lead and exemplify positive alternatives, (in groups, as relevant, or “Each one, teach one; each one, reach one”) to block the unacceptable behavior
- Try more than one of these interventions as needed

Q. Which kinds of action have you seen used? Which have you undertaken? Are there options of which you or your organization would not approve?