

The Eavesdropping Manager Who Was a Hesitant Bystander

A Negotiation and Conflict Management Teaching Case

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About this teaching case: This teaching case was developed for managers and ombuds who might be asked for help by a hesitant bystander.¹ The case describes allegations of bullying and sexual harassment overheard by a manager who was eavesdropping. The case begins with questions that you might wish to consider in such a situation.

Hesitation is not necessarily all bad if a situation is not an immediate emergency. Bystanders may need to think carefully about whether they have enough information—and how to act. Some bystanders (and bystanders of bystanders) feel uncomfortable—or even seriously worried—about how and from whom they have learned of what seems to be unacceptable behavior. Some bystanders need to consider whether a target or perpetrator of unacceptable behavior will welcome intervention. Bystanders usually will need to understand the legal obligations of their employer, if they report what they have learned and how they learned of it.

As with all complicated concerns, if you were asked for help by the hesitant bystander in this case, you might wish to do a quick scan—or a thorough analysis—of several questions, including:

- 1) Is this an emergency? (What factors or new events would make this an emergency?)
- 2) Whose interests (including those of your employer) are at stake? Make a list of all those whose interests are at stake.
- 3) What are the interests of each stakeholder?
- 4) What are the sources of power and influence of each stakeholder?²
- 5) What are the *unconstructive* and *constructive* options open to each stakeholder?
- 6) Which rules, regulations, laws—and norms or principles—are relevant?
- 7) What resources are available to help with the various concerns?
- 8) With whom might you wish to talk, and if so, would you mention names, or speak anonymously, or about a “hypothetical situation?” And would you need permission to talk?
- 9) What are all the options³ you might offer to the eavesdropping bystander? (Usually there are several options—and this may be true even in an emergency.) Think about options for this specific case and systemic options.⁴

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[Note: Identifying details were changed from the original case.]

A manager named Lee comes, distraught, into your office with a disturbing problem.

“I came in very early this morning,” says Lee, “And I overheard Chris, a team head, talking on the phone about a group leader, Harrold, whom I don't know personally.

“Chris was nearly incoherent on the phone, sobbing that for weeks she had been treated disrespectfully. She said she thinks that Harrold, the group leader, is deliberately trying to frighten her and make her cry. She is, in fact, frightened. She said that Harrold ridicules her and mocks her as an “incompetent bitch” when they are working alone together. In meetings sometimes it is even worse. He comes late to the meetings of her team, which he is supposed to attend off and on. He interrupts her sarcastically. He asks other people questions as if she were not there. She keeps politely asking him to come on time; he ignores her. Yesterday he stood up at a meeting of her team, and shook his fist at her, yelling crude words for women. She said she was going to try for a transfer to Dallas.

“I am going crazy,” Lee says to you. “I called HR, though fortunately I did not mention anybody’s name—including my own. They said I should immediately tell them who it is, and they in turn will institute what they called a ‘fair, prompt, and thorough investigation.’

“So... I went back to Chris to talk with her. She pleaded with me to keep my mouth shut. She said it would be ‘his word against hers.’ She is very much afraid that, somehow, he will get back at her. She is desperately worried about anyone else hearing about this.

“Chris and I talked about it again at lunchtime. She said she did not want to get anyone in trouble, and she did *not* want an investigation. All she wants is to get back to work.

“She was unbelievably upset with me for eavesdropping. She says there is nothing that anyone can do, and that I have to keep quiet about this until she can try to get out. She was totally against the idea of going to talk with some strange person in HR whom she doesn’t even know. She is really worried about getting a reference because she wants to transfer. And *I* am worried that she—or he—might sue me if I tell anyone. And what happens if there is an investigation, it turns out there is not enough evidence to prove he harassed her, my colleague’s career is ruined, and both of them hate me?

“On the other hand, a recent Team Management Bystander Training workshop I attended at our workplace instructed me to think of my teammates as one group of my own personal ‘customers.’ I am supposed to act ‘responsibly’ if I think someone is being treated unprofessionally. Can you help me? What should I do?”

NOTES

¹ See Mary Rowe, “Helping Hesitant Bystanders Identify Their Options: A Checklist with Examples and Ideas to Consider,” *Journal of the International Ombudsman Association* 16, no. 3 (2023), https://www.ombudsassociation.org/assets/docs/JIOA_Articles/JIOA-2023-E-Special-Edition.pdf.

² Mary Rowe, “[Sources of Power in Negotiations](#)” (one-page list). (Note: This list was originally compiled for MIT Sloan course 15.667.)

³ See Rowe, “Helping Hesitant Bystanders Identify Their Options,” for a checklist and discussion of many possible options for bystanders.

⁴ See Mary Rowe, “Consider Generic Options When Complainants and Bystanders Are Fearful,” *Journal of the International Ombudsman Association* 16, no. 3 (2023), https://www.ombudsassociation.org/assets/docs/JIOA_Articles/JIOA-2023-F-Special-Edition.pdf.