"Braking" bad: How managers can respond to employee misbehavior

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abstract

Employee misbehavior can be defined as transgressions that go beyond unintentional mistakes but do not rise to the level of criminal offenses. Managers are often given substantial discretion over how to handle such behavior, but they may be unsure about what their response should be or unaware of the extent to which others will care about their response. We offer a framework to help managers respond to misbehavior, particularly when firing the offender is not an option. We identify types of formal and informal responses that not only deter future offenses but also help to restore perceptions of justice within the organization. We also provide guidance on how managers should select and communicate these responses to other employees. Finally, we highlight two supplementary actions that managers can consider to restore perceptions of justice: *victim restitution* (that is, providing compensation to or otherwise helping to assuage the distress of the wronged party) and *offender reintegration* (that is, helping the wrongdoer get back to work within the organization).

Core Findings

What is the issue?
Employee misbehavior frequently lies somewhere between unintentional mistakes and criminal misconduct. Managers therefore face confusion about the appropriate course of action when employees intentionally and seriously misbehave, especially when this conduct does not rise to the level where employment can or should be terminated. Using appropriate informal and formal sanctions, which support both victim restitution and offender reintegration, can restore a sense of organizational justice.

How can you act?
Selected recommendations include:
1) Considering actions that support victims, such as compensatory justice and apologies
2) Supplementing punitive responses with developmental responses when misbehavior could be partly unintentional

Who should take the lead?
Managers and organizational leaders

In 2010, an employee of the Australian bank Macquarie was taking part in a live TV broadcast about interest rates. The interview went viral when viewers noticed that another Macquarie banker was clearly browsing pornography in the background.[1] Employee wrongdoing—whether petty theft, insubordination, or something as disturbing as the employee browsing pornography while at work—is unfortunately common. When such behavior occurs, managers—that is, people with authority and supervisory duties in an organization—are frequently called on to respond. Like all people, managers generally want justice to be served but also want to be seen as fair and compassionate. Further, managers are highly motivated to deter future offenses, because employee transgressions can be costly: US companies lose $50 billion annually from employee theft alone.[2] Even so, managers may be unsure of how best to respond to wrongdoing or may not even realize that people might want them to respond.

Wrongdoing can vary in intentionality, severity, and legality. In Table 1, we sort various employee transgressions into three categories: unintentional mistakes, serious misbehavior, and criminal misconduct. What constitutes an appropriate managerial response largely depends on the category into which an employee's behavior falls. For example, if a bank teller embezzles money, this action violates the law. A manager's appropriate response would be to fire the employee and report the embezzlement to a law enforcement agency, such as the FBI in the United States or the Serious Fraud Office in the United Kingdom, for further action. In contrast, if a teller miscounts the cash in a drawer, then a manager's appropriate response to this unintentional mistake would be to provide an intervention intended to instruct the offender so the mistake would not be made again.[3]

Between unintentional mistakes and criminal misconduct lies *serious misbehavior*, which, as Yoav Vardi and Yoash Wiener have put it, includes "any intentional action . . . that violates core organizational or societal norms."[4] Although serious misbehavior may not be easily defined, scholars generally distinguish between three types: *interpersonal misbehavior* (such as harassment, bullying, or incivility), which harms individuals in an organization;[5] *group misbehavior* (such as discrimination and social undermining), which harms individuals and impairs the organization or a subset of people within the organization;[6,7] and *organizational misbehavior* (such as theft, vandalism, absenteeism, and substance use), which harms the organization as a whole rather than specific individuals.

Researchers have studied many types of serious misbehavior, including workplace deviance,[6] wrongdoing and misconduct,[4] employee mistreatment,[8] counterproductive work behavior,[9] transgressions,[10] violations,[11] and offenses.[12] The common thread in all of these concepts is the understanding that serious misbehavior breaks social or cultural norms and harms an organization or its members.[13]

Responding to these cases can be challenging. Because serious misbehavior falls below the threshold of criminal misconduct, responses generally come from within the organization rather than from external legal or regulatory bodies. But serious misbehavior is also intentional, and thus it is unlikely to be caused purely by naivety or lack of knowledge. Responses must therefore go beyond instructional training, feedback, or other learning-oriented approaches used to correct behaviors that led to unintentional mistakes.

Organizations typically have policies that provide managers with some general guidance about how to act when misbehavior occurs. But these policies often leave much of the decision-making up to individual managers. For example, the Bank of England's staff handbook specifies that if an employee misbehaves, that employee's supervisor or manager will give a first written warning. A failure to fix the misbehavior may lead to a final written warning. After that,

> if [the employee's] conduct . . . remain[s] unsatisfactory in any respect . . . it may be decided that further disciplinary action is necessary. This may take the form of dismissal with or without notice. . . . demotion and/or reduction in pay, transfer

Table 1. Types of wrongdoing

Many types of bad behavior can occur in organizations. We focus on the middle category, serious misbehavior, as managers have the most discretion over this form of bad behavior, yet organizational policies often provide insufficient guidance for how managers should respond.

Category of behavior	Subcategory	Example	Typical response
Unintentional mistakes[A]		• Errors • Negligence • Unintentional harmful missteps	Managerial responses focused on improvement, which may include • performance improvement plans • training • feedback
Serious misbehavior[A,B]	Organizational (the misbehavior primarily harms the functioning of the organization)	• Employee theft, pilfering[C,D] • Misuse of company resources • Vandalism[E] • Insubordination • Substance use[F] • Sabotage (as in intentionally damaging equipment) • Absenteeism[D] • Misrepresenting work hours	Managerial responses, possibly guided by organizational policies, that may include • imposing a negative consequence on the employee • attempted offender reintegration
	Group (the misbehavior harms an individual and impairs group or organizational functioning)	• Discrimination (racism, sexism) • Customer harassment[G] • Social undermining (malicious gossip, rumors, and the like)	Managerial responses, possibly guided by organizational policies, that may include • imposing negative consequences on the employee • attempted restitution for victims and offender reintegration
	Interpersonal[H] (the misbehavior harms an individual)	• Harassment of a coworker • Bullying • Incivility • Abusive behavior	Managerial responses, possibly guided by organizational policies, that may include • imposing negative consequence on the employee • attempted restitution for victims
Criminal misconduct		• Fraud • Embezzlement • Extortion, blackmail • White-collar crime[I] • Bribery • Assault • Ponzi schemes • Insider trading • False reporting on legal documents	Termination, responses by external parties (such as the criminal justice system or regulatory agencies), or both

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B. Ackroyd, S. (2007). Organizational misbehavior. In G. Ritzer (Ed.), *The Blackwell encyclopedia of sociology* (Vol. 18, p. 50). John Wiley & Sons.

C. Greenberg, J. (1990). Employee theft as a reaction to underpayment inequity: The hidden cost of pay cuts. *Journal of Applied Psychology, 75*(5), 561–568. https://doi.org/10.1037/0021-9010.75.5.561

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I. Braithwaite, J. (1985). White collar crime. *Annual Review of Sociology, 11,* 1–25. https://doi.org/10.1146/annurev.so.11.080185.000245

"managers are not always able or willing to fire employees"

to other duties or disciplinary suspension without pay.[14]

Many other organizations have similarly worded policies, which simultaneously give managers discretion but very little guidance regarding how they should respond.

In addition, most organizational policies fail to acknowledge that managers must consider multiple perspectives beyond the offender's point of view in selecting their course of action. Employee misbehavior is frequently an open secret. It often occurs in public, is witnessed by others, or becomes known through gossip and rumors or managerial responses. Such behavior can therefore have implications for victims, other employees, and even human resources (HR) departments. As a result, these varied individuals often want to see justice served or restored in their workplace—meaning they are aware that wrongdoing has occurred in their organization and they want steps taken to right the situation. (Scholars refer broadly to this desire as a need for *restoring justice* after a transgression.) Yet policies typically do not tell managers what to do vis-à-vis managing others' impressions and desires for justice.

In this article, we aim to provide guidance about how managers should respond to serious employee misbehavior, particularly given the multiple viewpoints involved. We walk through the decisionmaking process in choosing and
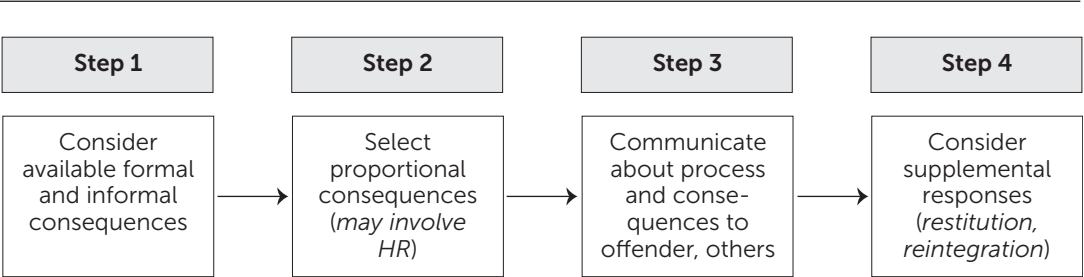
implementing consequences for serious misbehavior. Proceeding in chronological order, per Figure 1, we offer recommendations at each stage: Identifying what actions are available, deciding how to choose among them, and communicating about the chosen response. Along the way, we highlight nine recommendations that are based on our review of existing research. We close with a discussion of supplemental actions that managers can take to further ensure justice is served in the workplace and that victims and wrongdoers find ways to move forward.

Why Delivering Justice Should Be a Priority in Responding to Employee Misbehavior

Imagine you are a manager who discovers that one of your employees has been racially discriminating against colleagues in your organization. This serious misbehavior harms these colleagues and can influence other employees' behavior in negative ways. Research suggests, for instance, that discrimination based on stereotypes about entire groups of people can be contagious.[15] Furthermore, such behavior can lead to a hostile work environment and send a message that undermines or contradicts the organization's stated values. In short, this misbehavior causes damage at both the interpersonal and the organizational levels.

Termination may seem to be an obvious response. But managers are not always able or willing to fire employees, even as a response to serious misbehavior, as when the offending employee is protected by tenure or by laws that make it difficult to terminate employees.[16,17] Even

Figure 1. Chronological decisionmaking process for responding to misbehavior

Step 1		Step 2		Step 3		Step 4
Consider available formal and informal consequences	→	Select proportional consequences (*may involve HR*)	→	Communicate about process and consequences to offender, others	→	Consider supplemental responses (*restitution, reintegration*)

when managers are able to fire offenders, they often find it deeply uncomfortable to administer this form of punishment.[18] Thus, termination is a relatively rare outcome. Less than 1% of federal employees are fired for misbehavior, for example.[19,20]

Our first recommendation for managers supervising someone who commits serious misbehavior relates to these cases:

> *Recommendation 1. When employees engage in misbehavior and termination is not an option, managers should find ways to impose other consequences on the offender.*

There are many important reasons to pursue this course of action. For one, it can deter future wrongdoing and help individual victims feel heard and protected. In addition, it sends a powerful message to others in the organization who may be watching events unfold to determine whether theirs is a just workplace.

Why else might it be beneficial for managers to impose consequences? When other employees become aware that misbehavior has occurred, they often desire both retribution[21] and deterrence to ensure the misbehavior does not happen again.[22] Employees therefore look to managers to impose consequences.[23] If employees do not see the offender being held accountable, they are likely to experience a strong sense of injustice, which reduces their motivation,[24] productivity,[25] and trust in the organization.[26]

A lack of consequences increases the likelihood that employees will engage in counterproductive work behaviors like destroying equipment, spreading rumors, and stealing.[25] Employees may retaliate against managers for failing to denounce misbehavior,[27] or they may even attempt to take justice into their own hands and become rogue workplace vigilantes.[28] Alternatively, employees may imitate the offender's bad behavior because they believe they can get away with it.[29] In short, when managers do not punish misbehavior, this leniency might further damage the organization over time.

The perspectives of other employees also come into play when considering nonpunitive responses to serious misbehavior. Managers may be tempted to outsource punishment to HR departments or rely on developmental approaches, such as education or training aimed at improving an offender's behavior. However, research reveals that third parties prefer punishment to rehabilitation or restoration in the aftermath of serious misbehavior.[22] Thus, even if managers impose developmental consequences (like remedial training) or defer to HR departments for punitive actions, other employees will likely believe that the manager responded inadequately to the misbehavior if punitive consequences are not also imposed.

What Formal & Informal Consequences Could a Manager Impose?

A manager needs to assess several aspects of a situation before deciding how to respond to serious misbehavior. Because people have a strong desire for justice and developmental options are unlikely to satisfy this desire, managers should start by considering options that incorporate some form of punishment. Although managers might assume that punitive responses must be severe or involve financial penalties, such as reduced pay, research shows that other types of punishments may be just as effective in deterring future violations and restoring perceptions of justice in an organization.[30] In Table 2, we provide a list of punitive consequences that managers could impose.

A number of these consequences can be classified as *formal sanctions*, meaning they make use of existing organizational channels, like HR or payroll processes. These approaches can include demotion,[31,32] formal written warnings,[33,34] temporary suspensions,[33] or the revocation of workplace perks like travel or the use of company vehicles. Managers can vary the harshness of these sanctions. For example, a temporary two-day suspension is less severe than an indefinite suspension without pay.

Selecting formal consequences can—and sometimes must—be done in conjunction with

Table 2. Types of consequences available to managers

Consequence type	Example	Description
Formal	Demotion[A,B]	Reducing the rank or role of an employee, permanently or temporarily
	Formal written warning or point deduction[C,D]	Submitting a formal report to the human resources department or formally deducting points from the employee's points-based evaluation record
	Temporary suspension[C]	Removing the offender from the environment for an extended period of time, either paid or unpaid
	Revocation of perks	Disallowing things from the job that the offender enjoys, such as travel
Informal	Informal warning[C]	Reprimanding the offender without documenting the communication
	Assigning undesirable tasks[E,F]	Giving the offender disliked tasks, reassigning desirable or high-status work, or both
	Status reduction[G,H,I]	Reducing the influence or esteem of the offender within the group (for example, moving the offender to a less visible workspace, like a basement office)
	Publicly denouncing the behavior in a group communication	Communicating to others that the misbehavior occurred, is unacceptable, and is being responded to, with or without identifying the offender
Informal, to be used with caution (once initiated, these may be difficult for a manager to control)	Embarrassment[J,K,L]	Making the offender feel scrutinized by others (for example, allowing gossip to spread)
	Ostracism[M]	Socially excluding the offender (for example, not inviting the offender to important meetings or removing the individual from key committees)
	Public shaming[N,O]	Informing others about the offender's transgression while making public statements condemning the transgression, the offender, or both

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M. Williams, K. D. (2007). Ostracism: The kiss of social death. *Social and Personality Psychology Compass, 1*(1), 236–247. https://doi.org/10.1111/j.1751-9004.2007.00004.x

N. Andrighetto, G., Brandts, J., Conte, R., Sabater-Mir, J., Solaz, H., & Villatoro, D. (2013). Punish and voice: Punishment enhances cooperation when combined with norm-signalling. *PLOS ONE, 8*(6), Article e64941. https://doi.org/10.1371/journal.pone.0064941

O. Harris, M. A. (2012). Shaming as a technique for information security policy and training adherence. *SAIS 2012 Proceedings,* Article 16. https://aisel.aisnet.org/sais2012/16

HR departments. This collaboration may mean that managers do not have complete discretion over how to respond. Moreover, managers and HR personnel might disagree about the best course of action, because HR personnel sometimes have different incentives than managers do. For example, if members of the HR department are concerned about offenders suing the organization, they may prevent managers from imposing proportional consequences on offenders.[35] Managers may be tempted to simply accept the HR department's approach—indeed, they might even feel relieved to be absolved of the responsibility of responding. However, if others believe the HR department's actions are insufficient, then managers will have to respond in other ways or communicate about the ways in which they are constrained (see the How Should Consequences Be Communicated? section).

Managers may also administer *informal sanctions*, which convey social disapproval but do not involve formal channels. For example, managers who feel they need to take action beyond the HR department's response might choose to give an offender less desirable work assignments.[36] Among other informal sanctions that managers can impose are verbal reprimands;[33] reductions in status, prestige, or social standing;[37,38] ostracization of the offender;[39] and even public shaming.[40,41] Research suggests that informal sanctions can be just as effective as formal sanctions at deterring future transgressions[42] and improving the workforce's perceptions of justice.

Informal sanctions do not require organizational support or administrative processes; managers (and even peer employees) can impose them when their own status, position, or political capital does not otherwise allow them to pursue formal sanctions. In fact, managers may have to use informal sanctions when formal channels are unavailable. A downside to some of these approaches is that once they are enacted, it is difficult or impossible to stop or constrain them.[43] For example, severe public shaming in response to a relatively minor offense (like arriving late to a meeting) could lead to social ridicule and turn the offender into a pariah.

Because informal sanctions often arise organically, managers should find out what informal sanctions are already happening within their organization so that they do not excessively pile on additional consequences. (They may also need to intervene if peers' sanctions have gone too far.) These concerns should not deter managers from using informal sanctions. Rather, they are reminders that managers should also think through how informal sanctions can be constrained. In Table 2, we flag particular informal sanctions that should be used with caution.

Making Decisions About Appropriate Consequences

In addition to determining whether formal or informal sanctions are appropriate, managers need to consider the severity of the misbehavior. How much harm was caused, or how "wrong" is the misbehavior perceived to be? Managers need to evaluate multiple perspectives on these questions to satisfy their employees' sense that the consequences are proportional to the misbehavior (that is, sanctions are neither too mild nor too harsh).

Third parties may feel justice has not been restored when consequences seem too lenient.[44] And draconian managerial punishments may lead third parties to believe that the offender has not been treated fairly.[45] Furthermore, offenders who feel unjustly treated may retaliate in some way.[46] In other words, responses to employee misbehavior must be harsh but fair enough to both restore justice in the eyes of others in the organization and avoid creating offender backlash.

Making the selection of consequences even more challenging is the fact that assessments of wrongdoing, severity, and proportionality are highly subjective. Such judgments are influenced by many factors, such as culture,[47] knowledge of the situation, individuals' varying perspectives, and the capacity to empathize with others.[48]

This leads to our second recommendation:

Recommendation 2. Managers should select consequences that—in the eyes of others—are proportional to the severity of the misbehavior.

In other words, managers must impose consequences that are considered appropriate by both offenders and others in the organization. To do so, managers should consult the victim or victims (if specific victims are involved), the offender or offenders, and other employees to learn about and understand what they would consider to be an appropriate response. Insights into this approach come from research on procedural justice—that is, the study of whether the procedures used to arrive at decisions and outcomes are perceived as fair. These studies show that decisions made with an emphasis on transparency and in consultation with others who might care about the decision (such as disciplinary boards) facilitate buy-in on the decision.[49]

What to Do When Facing Uncertainty Regarding the Misbehavior

Uncertainty surrounding a purported misbehavior can make it difficult to impose proportional consequences. Uncertainty can take several forms. In some cases, it is hard to determine whether a harmful behavior actually occurred. For example, managers might not be able to verify accusations of inappropriate sexual comments, or they might find that people disagree about whether a lunch invitation was, in fact, a sexual proposition. In such situations, managers should first gather all relevant information from reporting parties and other observers. While collecting these details, managers must remember that victim and third-party perceptions of whether misbehavior occurred are what matter. If the victim and third parties perceive that misbehavior occurred and a managerial response is absent, these individuals are likely to feel that justice has not been restored.

Thus, we offer our third recommendation:

> *Recommendation 3.* When managers cannot verify whether harmful behavior

occurred, they should communicate to the reporting employee (a) that they have heard the allegation, (b) the reasons why they cannot verify whether misbehavior occurred, (c) what they intend to do in response, and (d) how the uncertainty influenced their decision.

This multistep approach is powerful in part because it is transparent—and several studies have demonstrated that employees care about transparency and procedural justice.[49]

Uncertainty can also arise when the standards regarding organizational values, norms, or policies are unclear or if the seriousness of the misbehavior is subject to debate. For instance, stealing office supplies or occasional tardiness may violate rules but, in certain organizations, these offenses may not be classified as serious.

In these scenarios, managers should start by seeking clarification from the HR department about their organization's standards and use their discretion when deciding whether the behavior constitutes serious misbehavior. Managers can also seek feedback from trusted parties, both formally and informally, to better gauge how others perceive the situation. Once again, what matters most is that the approach is transparent and consistent across offenders who commit similar transgressions. To the extent that managers judge serious misbehavior to have occurred, punitive responses should be enacted. However, if there are mitigating circumstances (for example, the offender was coerced into the misbehavior), managers could consider applying less severe penalties.

Finally, managers may experience uncertainty about whether the offender intended to seriously misbehave. Regardless of the offender's underlying intentions, if serious misbehavior occurred, punishment should be enacted to uphold the organization's values[50] and because third parties are likely to perceive a lack of punishment to be unfair. Our next recommendation comes into play in these situations:

> *Recommendation 4.* When misbehavior could be partly unintentional, managers

should consider supplementing their punitive response with a developmental response.

For example, when British soccer player Jamie Vardy used a racist slur against a Japanese man in a casino, Vardy said that he was unaware that the term could be offensive.[51] The athletic club of which Vardy was a part needed to convey that racism violates their values and would not be tolerated. But given Vardy's professed ignorance, the club leadership supplemented their punitive response with a developmental one by both fining him and requiring diversity training.[51] This approach meets the expectations of third parties, who want to see punitive action when serious misbehavior occurs, and also accommodates the perspective of offenders, who typically feel that because their misbehavior was unintentional, they should be treated leniently or receive rehabilitative treatment such as education or training. Furthermore, when coupled with a developmental approach, punishment may feel more palatable to managers.

How Should Consequences Be Communicated?

Before managers communicate their course of action, they should first consider how best to approach the offender. A punitive consequence can make offenders feel marginalized and unvalued,[10] so offenders may psychologically withdraw from the organization afterward.[52] Managers, meanwhile, may need offenders to remain involved and productive members of the organization. In these cases, we recommend the following:

> *Recommendation 5. If managers wish to keep offenders engaged at the organization, they should communicate consequences to offenders using language that makes offenders feel like they still belong at the organization.*

Organizational behavior research has found that managers can simultaneously punish offenders while also using *reintegrative language*[10,53] to frame the manager's decisions in ways that affirm that offenders are still valued and

"employees might assume that the offender got away with the misbehavior"

can recover from the incident. For example, a manager might tell an offender that "your actions are not who you are. Do not let them define you. People mess up, and it's not the mess-ups that define them, it's how they come back from them."[10]

Not only is it important to communicate consequences to offenders, but it is equally important that managers inform other employees that the offender has been held accountable.[54] Without such communication, employees might assume that the offender got away with the misbehavior, leading them to perceive the workplace as being unjust,[54] even though the manager has, in fact, administered discipline. We therefore offer our sixth recommendation:

> *Recommendation 6. Managers should communicate to others in the organization that they have taken actions to hold the offender responsible for the misbehavior.*

In some circumstances, managers cannot speak directly about an offender—as when legal concerns or HR policies bar this option—but managers can still share their responses to the misbehavior with employees by making a general statement about the type of misbehavior and its consequences without mentioning an individual situation or naming the offender. Studies have found that even indirectly communicating that an offender was held accountable—without specifying the exact actions taken—may help employees feel that justice has been restored.[50]

When updating observers in this way, managers should ensure that the following two elements are a part of their message:

> *Recommendation 7. Managers should clearly convey that the consequences*

were a direct result of the misbehavior (that is, they were contingent on the behavior), and managers should supply the reason for the consequences (the rationale).

In the aftermath of bad behavior, people spontaneously and automatically attempt to understand why the events occurred,[55,56] in part to anticipate a manager's choices and the likelihood of these transgressions occurring in the future. For this reason, managers who directly link misbehavior with negative consequences (through *contingent communication*) can help other employees understand the consequences and their context.[57]

One example of contingent communication is a message from Chicago's National Hockey League team, the Blackhawks. When the league suspended the team's assistant coach, Marc Crawford, for verbally abusing players, the organization issued a statement:

> [We, along with] independent legal counsel, conducted a thorough review of assistant coach Marc Crawford in response to allegations of misconduct in previous coaching positions. . . .
>
> We do not condone his previous behavior. Through our review, we confirmed that Marc proactively sought professional counseling to work to improve and become a better communicator, person and coach. . . .
>
> We have determined that Marc will remain suspended from team activities until January 2, 2020, at which time he will resume his assistant coaching duties, subject to his continued compliance with his contractual obligations and team expectations. In addition, he will continue with his counseling moving forward.[58]

This statement communicates that Crawford was held accountable and that his suspension was directly linked to his alleged misconduct. When consequences are understood to be contingent on a particular instance of misbehavior, observers infer that misbehavior will lead to consequences. This cause–effect pairing helps observers feel that they understand the rules of the organization, which fosters perceptions of a just work environment.[59] Moreover, employees who feel that consequences in the workplace are contingent on misbehavior perceive their supervisors to be more effective.[57] Other research indicates that workplaces with contingent discipline are often more functional than workplaces with noncontingent discipline.[60]

In addition to articulating contingency, managers should offer a rationale for choosing those consequences that clarifies the intended purpose or goal of an intervention. Take the case of a Southwest pilot caught making sexist remarks about flight attendants. Southwest temporarily suspended the pilot and sent him to diversity training. A vice president from Southwest announced these consequences, saying that the goal of the suspension and training was "to reinforce the company's expectation that [the pilot] show respect and treat all with dignity."[61]

Absent a communicated rationale, employees may view the process of administering consequences to be unfair, which could be problematic: Perceptions of unjust processes harm organizational functioning even more than do perceptions of unjust outcomes.[49] Failing to explain the rationale behind a manager's response to misbehavior may lead observers to infer that the consequences were being administered for a different reason. This misunderstanding may then lead them to view the consequences as mismatched to the misbehavior and therefore ineffective. For that matter, if observers misunderstand the manager's intentions, they may conclude the intended goals were not achieved. A manager may choose to move a misbehaving employee to a new role in which it is impossible for the offender to reoffend, for example. But if other employees believe that the relocation was the manager's effort to punish the offender in a way that would make the transgressor suffer for their crime, they may see this response as too soft, thus failing to understand the true rationale behind the manager's actions.

What Can Managers Do to Provide Restitution to Victims of Serious Misbehavior?

When a person's misbehavior harms another individual, the victim of this interpersonal misbehavior may feel that their status, belonging, autonomy, dignity, and respect have been compromised.[5,62] As a result, victims (and other employees) tend to perceive the social dynamics of an organization as being unbalanced after interpersonal misbehavior.[63,64] For example, they often feel the victim is owed something from the offender or the organization broadly. Offender-focused consequences might be one way to reestablish justice perceptions, but managers should also consider victim-focused responses.[65] Hence, beyond attempting to have the offender experience proportional consequences, managers may also need to think about how best to accomplish *victim restitution*—that is, how best to provide compensation to or otherwise help to assuage the distress of the wronged party. This leads to our next recommendation:

> *Recommendation 8. Managers should consider actions that support victims, such as compensatory justice and apologies.*

Victims care greatly about having their status restored and needs met in the wake of interpersonal misbehavior.[66] Moreover, substantial research shows how important it is to both adopt procedures that ensure respect for victims (procedural justice)[49] and ensure that victims feel respected and heard (interactional justice).[67] The enactment of these responses, which can restore the victim's understanding that they work within a just organization, may reduce the likelihood that the victims of wrongdoing retaliate against the organization.[68] More generally, managers must create a psychologically safe environment in which people can bring problems to the attention of management without fear.[69] The absence of such a climate, by contrast, works against managers' efforts to restore perceptions of justice and can lead to the proliferation of additional misbehavior.[70,71] In sum, after interpersonal misbehavior occurs, managers should not only impose consequences on the offender but also publicly and visibly take actions that address victims' needs and rights.

The rights of victimized employees are often enumerated in employee handbooks—they may even have access to ombudsmen or the right to a union representative to aid them—but some formal organizational policies actually limit victims' rights in the aftermath of misbehavior. Organizations are often fearful of legal action by victims—which could harm the reputation of the organization or the offenders—and they therefore put obstacles in place to deter lawsuits or protect the status of either the organization or offenders.[72] For example, sexual harassment cases are often settled under a nondisclosure agreement (NDA) in an attempt to protect the reputation of the offender.[73] However, such practices do little to aid victims.

Putting aside concerns about the fairness and morality of NDAs in this context, it is important to consider what might actually help victims feel psychologically protected and restored and to avoid any attempts to offer mere appeasement. One option is to demonstrate *active compassion* for the victim, meaning to take steps that offer comfort or otherwise address the victim's pain.[74] Managers can do so by giving victims the time and resources to pursue their own path to restoring justice, providing forums for victims to air their grievances and voice their experiences,[75] encouraging offenders to apologize to victims,[76,77] and providing financial or other forms of compensation.[78,79]

The exact actions managers take on behalf of victims may depend in part on the nature of the misbehavior. Victims may want face-to-face apologies if they were treated unfairly—but not if they suffered sexual harassment or other traumatizing offenses.[8] In the former case, managers could provide forums for offenders to apologize. In the latter, managers could move the offender out of the victim's work environment and provide the victim with compensatory resources, such as a private forum in which to talk about the harassment experienced, time off from work, social support, or sponsorship during a job search.

Annual loss from employee theft in the United States is $50 billion

<1%

Federal employees fired for misbehavior

"victims themselves should be involved in the justice process"

Managers should also consider involving people at multiple levels of the organization in the response. Although managers who directly supervise the victim and offender—and therefore know both parties well—may be more likely than senior leaders to gain offender cooperation,[80] the involvement of senior leaders can foster perceptions of justice in other ways. If senior leaders are involved in selecting and communicating responses to wrongdoing, victims may feel that the organization is taking their perspective seriously. The involvement of high-status leaders gives employees the impression that justice—and the specific incident at hand—is important to the organization.[81,82] Most critically, victims themselves should be involved in the justice process: As noted previously, managers should ask the wronged individuals for their input on the situation, particularly about what kind of response or punishment is warranted. In addition, managers should make victims aware that their actions are intended to restore justice and empower the victim within the organization. Otherwise, victims or third parties may perceive such actions to be attempts at victim appeasement rather than a sincere effort to be supportive.

If managers handle these responses well, they may even accrue some personal benefits. Managers who both compensate victims and discipline offenders are held in high esteem by observers. They are more likely to garner support for election to a specific office or promotion within an organization than are managers who only discipline offenders.[65]

How Can Managers Reintegrate Offenders?

Offenders who remain at an organization pose many challenges that managers should not ignore. As described earlier, wrongdoers may disengage from the organization after being punished. Alternatively, other employees may not accept offenders who remain, which could lead to perceptions of injustice, dysfunctional interactions, and loss of productivity.[83] Because organizations depend on employee engagement and cooperation, managers may want to support *offender reintegration*,[10] that is, the repair of relationships shattered by the transgression so that the offender can again become an accepted part of the organizational community.[84]

For example, managers can help people who have committed serious misbehavior reestablish trust with others by facilitating their efforts to actively make amends[53,84] that go above and beyond the consequences imposed by the manager, whether in expressing sincere concern for third parties or by publicly reaffirming the organization's values.[48] If third parties respond in supportive ways to the offenders' repair attempts, offenders, in turn, are likely to feel reaccepted by organizational members.[10,48,84]

To foster reintegration, managers can bring offenders and other organizational members together through *restorative justice conferencing*,[48,75] in which offenders offer amends and third parties reaffirm support. This discussion can also serve as a space for third parties to voice their grievances, which can be therapeutic and facilitate relationship repair.[85] Managers can also support offender reintegration by making public statements describing the restorative justice conferencing process,[48,75] affirming the offender's continued role in the organization, or both.

These steps can help offenders feel reaccepted and can clarify to third parties how they should interact with offenders. For example, Louisiana State University (LSU) suspended basketball coach Will Wade for violating the National Collegiate Athletic Association's (NCAA's) policies for recruiting student-athletes and initially declining to meet with administrators. When there was no evidence of misconduct and Wade was later reinstated, the LSU athletic director made a public statement reaffirming his place:

> The LSU Athletics Department today agreed to reinstate Will Wade as head coach of the Tiger basketball program.

Coach Wade met Friday with University and NCAA officials. During those meetings, he answered all questions . . . in connection with recently reported allegations of irregularities in college basketball recruiting.

The University regrets that Coach Wade did not choose to fulfill his obligations to LSU when he was first asked to do so. However, the seriousness of the allegations and Coach Wade's prior refusal to refute them could not be ignored without exposing the University and the basketball program to great risk. Protecting LSU and preserving our integrity must always be our first priority.

Coach Wade's explanations and clarifications offered during the meeting, absent actual evidence of misconduct, satisfy his contractual obligation to LSU. Accordingly, I have recommended that Coach Wade's suspension be lifted and that he should be allowed to resume his coaching responsibilities.[86]

Managers can foster reintegration in some cases by giving offenders a chance to publicly address their misbehavior. This strategy is not necessarily appropriate in cases where there are clear victims, but it can be effective for misbehavior that harmed an organization rather than individuals. In the case of LSU, Coach Wade issued a public statement:

I am humbled and grateful to be back at LSU. I would like to express my appreciation to [the] President . . . and Athletic Director . . . for my reinstatement, and I sincerely apologize to the university and our fans for the disruption to the University and the program.

I regret the circumstances that prevented me from meeting with the University sooner. I wish I could have addressed these issues when the University first requested a meeting, and I'm grateful they gave me the opportunity to do so last week.

I completely understand that without my denying or explaining the media reports accusing me of wrongdoing LSU

was left with no choice but to suspend me until I was willing and able to meet with them. Any other course of action would have put the program and the University at risk.

I look forward to re-joining the team right away. I intend to sit down with my student-athletes and co-workers to explain what has happened during the last 30 days and how I intend for us all to move forward.[87]

This example illustrates how offenders can publicly take responsibility, express remorse, and describe their plans for future action and improvement, which can facilitate reintegration and reacceptance. Even if HR departments or legal concerns prevent managers or wrongdoers from making public statements, managers may be able to articulate such information privately to their work groups or orchestrate private opportunities for offenders to communicate with other organizational members.

We summarize our advice for offender reintegration with a final recommendation:

Recommendation 9: Managers should carefully consider whether to attempt to reintegrate offenders; if they decide to do so, they can accomplish reintegration by (a) facilitating interactions between offenders and other organizational members, (b) making public or private statements to others that affirm the offenders' place (and future) at the organization, (c) offering offenders a chance to voice apologies to others in the organization, or (d) doing some combination of these.

We must caution that offender reintegration is not always appropriate. If employees believe that an offender should have been terminated or received a harsher consequence than was actually administered, seeing the offender being actively reintegrated into an organization may increase employees' perceptions of injustice.[44] Thus, offender reintegration should only be pursued if managers believe that other employees have been satisfied by the negative

consequences administered. In addition, reintegration may be more suitable in the case of organizational misbehavior, when no identifiable individual victims exist.[62] Third parties are generally highly sympathetic to victims;[88,89] thus, if employees believe that offender reintegration is taking precedence over victim restitution, they are likely to believe that justice is not being restored.

Conclusion

In the aftermath of employee misbehavior in organizations, when an offender remains employed, managers must find ways to hold the offender accountable and foster perceptions of justice among employees. By selecting appropriate consequences, communicating those consequences to everyone involved, and taking actions to support both victim restitution and offender reintegration, managers can help restore and enhance perceptions of justice in the organization. Disciplining offending employees and addressing the concerns of victims and other observers may not be easy, but these steps are critical for moving organizations successfully through incidents of bad behavior.

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