THE PSYCHOLOGY OF COMPLAINTS AND COMPLAINT HANDLING
When you encounter a harassment complaint, what are common dynamics?

- Long incubation period
- Ambiguous welcomeness
- Conduct Issues – Organizational Irritation
- Performance issues
- Relationship issues
WHAT EXPLAINS THESE PATTERNS AND TRENDS?

- The psychology of the individual
- The culture of the organization AND
- The particular stage of affiliation and engagement of the affected individual
TODAY WE WILL DISCUSS

- How a person transforms from an engaged employee to a plaintiff
- Some of the challenges organizations face due to misconceptions about what a complainant “should” look like
DELAYED REPORTING/INCUBATION
MENTAL MODELS

- Perception of consistent behavior changes over time
“SPOUSAL SNIFFING”
COPING CAPABILITY

- Predetermined by
  - Individual characteristics
  - Social support systems
  - Life experiences
  - Personal history
“FULL CUP” ANALOGY

Diminished Functioning
Stress
Equilibrium
PRAGMATISM: BAT-TS
(BEST ALTERNATIVE TO TODAY’S SITUATION)

- Fastest reporting among
  - Highly Employable
  - Financially secure
  - Independent
  - Well supported

- Slowest reporting among
  - Developmentally promoted (not “officially” qualified)
  - Single parents
  - Financially troubled
  - Physically stressed
  - Socially isolated
Adult children of normal parents, annual convention.
Organizational culture and behavior as observed and recognized by employees play a huge role in early or delayed reporting.
ORGANIZATIONAL CREDENCE

- Perceived organizational threshold – how likely am I to be believed?
  - History
  - Status, authority and power of respondent
  - Organizational Culture
The longer the complainant waits, the less s/he viewed as credible
The more subtle the conduct, the less credence given
Combination of two “sets up” complainant for skepticism.
ORGANIZATIONAL CULTURE

- **Receptive Culture**
  - Engagement Driven
    - Emotionally intelligent
    - Effective intake
    - Empathy
    - Non-blaming approach

- **Deflective Culture**
  - Compliance Driven
    - Attribution oriented
    - Studied objectivity
    - “bottom line” mentality
COMPLAINANT A "BAD EMPLOYEE?"
THE COMPLAINANT ISSUE TRIAD

- Measurable Performance
- Attitude
- Attendance
Avoidance behavior
Logical carryover from mistreatment; fear anxiety, harassing conduct
Behavioral change causes secondary stressors
Performance is affected
COMPLICITY – GOING ALONG TO GET ALONG?

- Four stage process of organizational engagement
  - Affiliation and Novelty (learning curve)
  - Affiliation and Recognition
  - Recognition and Fairness
  - In the absence of fairness….
  - JUSTICE
<table>
<thead>
<tr>
<th>Engagement Stage</th>
<th>Person Seeks (for engagement)</th>
<th>Tolerance Level</th>
<th>Actions in face of unwelcome conduct</th>
</tr>
</thead>
<tbody>
<tr>
<td>New or New Group</td>
<td>Affiliation</td>
<td>High</td>
<td>Adapt or Escape</td>
</tr>
<tr>
<td>Post Initiation</td>
<td>Affiliation Recognition</td>
<td>Varied: Distinguishes between groups and individuals</td>
<td>Balance maintaining relationships and employment by use of social sorting or nonverbal cues</td>
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<tr>
<td>Mature Employment</td>
<td>Recognition and Reward Fairness</td>
<td>Reckons with inequity Intolerance for unfairness</td>
<td>Will formally or informally act on issues and conduct that interfere with engagement</td>
</tr>
<tr>
<td>Disrupted</td>
<td>Disengaged (JUSTICE)</td>
<td>Declining tolerance Negative Immunity</td>
<td>Alliance Formation Triad conduct</td>
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THE FIRST 24 HOURS
PEOPLE HAVE PROBLEMS

- They can try to manage them
- Or they can tell you about them.
We can’t necessarily control their decisions about when to talk to us.

- But we can control how we respond.
- Sepler & Associates learned from over 1500 complaining individuals that the decision to work towards resolution or to become adverse to the employer began within the first twenty-four hours after the complaint.
THERE IS A CONTINUUM OF COMPLAINT HANDLING THAT CALLS FOR DIFFERENT APPROACHES AND SKILLS FROM INVESTIGATION
“COMPLAINT HANDLING”

- Listening
- Reserving Judgment
- Being open ended
- Demonstrating Empathy
- Showing emotional intelligence
INVESTIGATION

- Critical listening
- Focusing on Facts
- Being steadfastly neutral
- Base lining for credibility
- Pushing back on gaps and inconsistencies
PURPOSE OF THE INTAKE

- To get enough facts to determine an appropriate course of immediate action
- To demonstrate to the complaining employee that they are being taken seriously and their concerns are being heard
- To affirm feelings (as opposed to facts.)
ENOUGH FACTS

- Let them tell their story without interruptions or questions.
- Follow up with questions about facts only to the point necessary to grasp the “big picture” and to assess risk
- Determine the amenability to interim actions
- Demonstrate they are being taken seriously

- Thank them for coming to you.

- If they allege violations of policy, reinforce that policies are taken seriously.

- If they allege conduct that would not violate policy, acknowledge that interpersonal conflicts can be disruptive and there is a desire to assist people in reducing those conflicts.
AFFIRM FEELINGS

- Name the feelings
- Acknowledge or Ask about the impact they describe.
- “We don’t want people feeling....”
THINGS TO AVOID

- Questioning motives
- Assigning responsibility
- Demonstrating cynicism
- Being burdened
- The consequences of which will be....
“IF YOU DON’T TAKE ME SERIOUSLY, I WILL FIND SOMEONE TO MAKE YOU DO SO.”
We need to make it easy to complain

- The longer a problem continues, the worse it will get and the harder it will become to resolve it.
INCUBATED INSTITUTIONAL PROBLEMS

- Are the consequence of believing that the best alternative to tolerating the problem is worse than the problem itself.
- Reprisal
- Disbelief
- Nothing will happen
- The wrong thing will happen
MANAGE BY INTENSITY

- The “Contact” in 48 hours
- The “Concern” in 24 hours
- The “Charge” immediately
Isolated
Uninvolved
Easily Verified or Not Necessary to Verify
Due Diligence Reporting
Low Impact Management
THANK THE COMPLAINEER

- Take action necessary to address the issue
- Follow up to be sure it has stopped
- Follow up to be sure there is no further build up
- Document actions taken
CONCERN

- Cup is Filling
- Owns issue but is afraid of resolution
- Needs sensitive but direct intervention
- Generally multiple events or pattern of escalation
- Fact Finding will be necessary
- Avoid defensiveness and emphasize promptness and action.
Why Do They Say...

- Please don’t tell anyone?
  - “Cup” is too full
  - Stress feels unmanageable
  - Consequence of addressing still feels greater than consequence of remaining passive
HOW TO DEAL WITH “DON’T TELL”

- Ask what they are concerned about
- Explain the “toothpaste” phenomena and likelihood situation will feel worse with the passage of time
- Be clear about obligation to act
- Offer support for a workplace where people aren’t struggling with things they shouldn’t have to struggle with.
CHARGE

- Perceived as a Crisis
- Focus is on managing person, situation and response
- Cup is overflowing
- May be multiple interwoven issues that need to be sorted out
- Buy time, faith and patience
- Be smart and careful
CHARGE

- Drop everything
- Devote time
- Demonstrate urgency
- Be aggressive about interim actions
- Be available
DO NOT EXPECT FACTS

- Self Advocacy is a necessary precursor to speaking factually
- My Side
- The Facts
- The Truth
LISTEN DEEPLY AND WITHOUT PREJUDGING

- Every word
- With empathy
- As though there was no history
- As though everything can be addressed
- As though the employee matters
ASK QUESTIONS

- Focused on the “what,” versus the “why.”
- Because you really want to know
- Because you know that it is not your perspective that matters
- Avoid closed ended questions that sound like attacks
- What has been happening?
- How long?
- Who else....?
- Records or evidence?
BE CAREFUL OF ASKING WHAT THEY WANT.
KEY ELEMENTS TO AN EFFECTIVE COMPLAINT

- Time
- Information
- Credence
- Attention
- Reaction
- Support
- Respect and Dignity
- Striving for Fairness
AVOID

- Extensive or intensive note-taking
- Questions or comments about the character of the complainant or anyone else.
- Implying that a “false complaint” could result in problems for the complainant.
TAKE IMMEDIATE AND APPROPRIATE INTERIM ACTIONS

- Protect people and avoid recurrence
- Preserve evidence
- Maintain goodwill
MOST IMPORTANTLY

- Continue to communicate regarding the process
  - Manage frustration, misinformation or a sense things are “dragging on.”
  - Stay within “need to know,” but don’t be entirely opaque.
  - Make sure the complainant knows it is okay to inquire about the process.
EXPLAIN THE OPTIONS

- **No Action**
  - Does not exclude working with the complainant to assist with concerns

- **Remedial Action without investigation**
  - Training, universal communication, etc.

- **Investigation**
IN SUMMARY

- Separate intake and investigation
- Train front line people about the difference
- Streamline interim actions
- Maintain communication
WHO STAYS AND WHO SUES?

**Inclination to stay:**
- Strong Intake: Listened to, taken seriously, something happens
- Receptive organization with high credence
- Short incubation period
- Moderate conduct
- Non CI3
WHO SUES?

- Inclination to sue
  - History of victimization
  - Deflective culture
  - Longstanding employee
  - Feels blamed, ignored or bungled
  - Full cup
  - Serious conduct or long time conduct
  - In disciplinary or performance correction mode
**IMPLICATIONS**

- **Prevention**
  - Be culturally proactive.
  - Training for supervisors in effective communication, especially intake.
  - Recognize shifts in performance, attendance and attitude early and consider scanning or evaluating.
  - Increase conflict management capabilities and take “unfair” complaints seriously.
Investigation and Analysis

- Ensure fact finder is truly neutral
- Distinguish “intake” from investigation
- Respect narrative
- Prepare complainants for scrutiny (and beware the “nuts or sluts” dynamic)
- Credibility assessments should be rigorous and explore psychological realities, rather than simply occurrences