

# Team Loyalty Doesn't Mean Silence on Misconduct

Refreshed 13 January 2021, Published 31 January 2020 - ID G00719771 - 6 min read

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Legal and Compliance Research Team

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Initiatives: [Corporate Ethics and Integrity](#)

The backlash faced by the Houston Astros whistleblower reflects a barrier to speaking up: the prospect of being seen as a traitor to colleagues and the organization. Chief compliance officers can learn from two ethics scholars to ease staff's minds about raising issues without hurting team morale.

Among the baseball players on the Houston Astros, it was allegedly an open secret: some among their number were decoding the hand signals used by opposing teams with the aid of video feed. They used smartwatches and mobile phones to pass along the planned next pitch to base runners and batters, gaining a competitive edge.

Many of them [told investigators](#) they “knew the scheme was wrong,” according to a Major League Baseball statement last month. After all, stealing signs is a time-honored practice, but the league explicitly forbids using technology to do it. <sup>1</sup>

Yet apparently no one raised concerns — not until the sole whistleblower, pitcher Mike Fiers left the Astros and gave an on-the-record interview to “The Athletic” last year.

The backlash was swift and strong. <sup>2</sup> Critics contended that Fiers described a system that “wasn't something that MLB naturally investigated or that even other teams complained about” and that he “drop[ped] the dime on guys that were supposed to be [his] friends.” <sup>3</sup>

For compliance professionals, the Astros' silence during 2017 and 2018, and the negative comments about Fiers' decision to go public, reflect psychological barriers to speaking out about observed misconduct when a team is striving to reach a common goal. The prospect of being castigated as a traitor to colleagues and the organization — [which could lead to retaliation](#) — can wrack nerves and keep people quiet.

Cohesiveness is just as important in corporate settings as in sports. But you can teach employees — using a team setting — that a commitment to corporate integrity is a commitment to colleagues as well.

“Appeal to the employees' higher value,” in the words of Gerald Koocher, a psychologist and senior lecturer at Harvard Medical School who spoke with us recently. <sup>4</sup> “Say if someone is cheating,” he added.

“it hurts us all in the end.”



Gerald Koocher, psychologist and senior lecturer at Harvard Medical School (Photo Credit: Gerald Koocher)

And then you can equip them to engage in informal interventions designed to soothe team tension rather than inflame it.

## Engage Teams in Regular Group Discussions About Ethics

Share [resources](#) and [talking points](#) with managers to help them lead a group conversation about what’s right, what’s wrong and how to fix ethical problems together.

For instance, managers can ask:

- What are the behaviors you want to start, stop, and continue to improve your ethical performance?
- What common ground do we see among these commitments that we should work on as a team?

Or, start with an ethical dilemma sourced from the news and ask employees:

- What went wrong in this case?
- How would it affect the organization?
- If you were this person, what would you do?
- How would you react if a peer reported the issue?

To take this concept a step further, coach managers to ask direct reports “to use the same creative intelligence that they would use on any other business problems” to brainstorm solutions to ethical challenges, suggested Mary Gentile, a business ethics expert and professor of practice at the University of Virginia’s Darden School of Business. <sup>5</sup>

Mary Gentile, business ethics expert and professor of practice at the University of Virginia (Photo Credit: Mary Gentile)



Managers can say:

- We want to be the most successful at producing and innovating a particular product or service, but we want to do that within the legal/ethical/sustainable construct. What are some of the ways for us to achieve that?
- Here is an appropriate solution to the ethical conundrum on our agenda..Now, how can we implement this in our day-to-day work?

“When you do it that way, it’s signaling to employees that you don’t see it as a trade-off between being good and being successful,” Gentile told us.

To lay the groundwork for these conversations, of course, compliance leaders must make expectations for integrity crystal clear through policies or other incentives. [Medtronic](#), for instance, spelled out employee responsibilities for ethics in performance objectives (Figure 1).

**Figure 1: Medtronic’s “How Goals”**

**Medtronic’s “How Goals”**

	<b>“What Goals” (Business Objectives)</b>	<b>“How Goals” (Compliance Objectives)</b>
<b>Individual Contributor</b>	Log all journal transactions in the new financial IT system by the system cutover date.	Provide updates on project progress at department biweekly staff meetings and <b>foster discussion, encouraging candid feedback</b> on implementation efforts and issues.
<b>People and Program Leader</b>	Implement alternative payment models for region to increase X% in Q3.	<b>Champion a team to partner with regulatory and legal</b> to inventory applicable laws and regulations governing the payment model by Q2.
<b>Vice President and Above</b>	Achieve 100% of annual sales targets and revenue.	Bimonthly, <b>communicate with team about the importance of ethical decision making and raising concerns.</b>

Source: Adapted from Medtronic

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Coach the Team on Informal Interventions

When you work side-by-side in the office or socialize after hours, it's hard to believe a colleague might do something wrong — and it's even harder to take action against them.

A light touch among peers may help, Koocher suggested. For instance, an employee observing apparent misconduct can approach the person involved and ask, "I'm confused. Are we allowed to do it this way?"

With the question, the employee:

- Raises the question that the suspect has to answer
- Shows that he or she has noticed the misconduct

Encourage employees to rehearse conversations like this with each other, with their own scripting. That way, the behavior feels more comfortable if it becomes necessary in real life.

Practice also helps employees defuse tension. Colleagues can tell them if they sound judgmental or accusatory when they are nervous about raising issues, which would make matters worse. "Think about how [to] frame this in a way I'm not the enemy of the organization but actually furthering [it]," Gentile said. "Present it as a joint problem-solving thing, [that] we both want the team to do well."

An early-stage approach like this can ease the employee's mind about raising questions, "especially when it's a person you care about, and you prefer not to harm," Koocher said. If the activity persists, it sends a clear signal that reporting should be the next step.

## A Team Exercise in the Aftermath of Scandal

Astros owner Jim Crane was explicitly exonerated in the MLB report, which said there was "absolutely no evidence" that he was aware of the players' sign-stealing system and that he is "extraordinarily troubled and upset" by the investigation's findings. <sup>6</sup>

Crane says the players will take one more important step as a team during spring training before the 2020 baseball season starts: "We're going to sit in a room and talk about it and then we're going to come out and address the press — all of them will address the press — either as a group or individually. Quite frankly, we'll apologize for what happened, ask forgiveness and move forward." <sup>7</sup>

by [Dian Zhang](#)

Contact Dian with questions or comments

## Recommended by the Authors

[Cultural Roadmap to Building Organizational Justice](#)

In light of the increased public focus on culture, chief compliance officers must actively strengthen organizational justice by increasing transparency, equipping managers to lead team conversations and strengthening perceptions of fairness.

### [To Combat Fear of Retaliation, Policies Aren't Enough](#)

At a time when allegations of workplace retaliation repeatedly make headlines, it's important to restore employee confidence in speaking up. Compliance leaders can address the issue by creating a safe environment where employees feel encouraged to voice concerns and see reporting taken seriously.

### [Turn the Cultural Tide With Bystander Intervention Training](#)

Learn how to help employee short-circuit misconduct in progress by applying intervention techniques in the moment, not just report issues that have already occurred. Get tips from the U.S. Congressional Office of Compliance, the EEOC, a non-profit and academia.

### [Developing and Maintaining an Effective Helpline](#)

An effective helpline allows employees to report any issue. Compliance needs to increase employee awareness of the helpline, and make sure the complaint process is transparent and includes follow-up with all involved employees.

### [Could Wells Fargo Happen at My Company?](#)

Use this presentation deck to structure a discussion with C-Suite and board members around how to prevent cultural failures at your organization.

## Endnotes

<sup>1</sup> [Astros Manager and G.M. Fired Over Cheating Scandal](#), The New York Times

<sup>2</sup> [The Astros stole signs electronically in 2017 – part of a much broader issue for Major League Baseball](#), The Athletic

<sup>3</sup> [Jessica Mendoza, Mets advisor, calls out sign-stealing whistleblower Mike Fiers](#), CBS Sports; [Former MLB players, coaches have mixed feelings toward Mike Fiers, the whistleblower in the Astros' cheating scandal](#), USA Today

<sup>4</sup> [Responding to Research Wrongdoing: A User-Friendly Guide](#), by Patricia Keith-Spiegel, PhD, Joan E. Sieber, and Gerald P. Koocher, PhD.

<sup>5</sup> Mary C. Gentile, PhD is the author of the book, [Giving Voice To Values](#). She is also creator and director of [a program bearing the book's name](#) at University of Virginia.

<sup>6</sup> [Statement of the Commissioner, The Major League Baseball](#)

<sup>7</sup> [Astros owner Jim Crane says players will apologize for electronic sign-stealing scandal, USA Today](#)

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