A Policy of Zero Tolerance with Exceptions: Writing Organizational Policy in a Changing Environment

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Management exists within a framework of "do's" and "don'ts". This framework requires the ability of managers to make decisions that don't always conform to a set of rules, and yet are held to a standard of right outcomes based on the rules. Managers, who don't follow the rules or policies, are judged based on their decision as it relates to the rule or policy. The use of policies and procedures to guide decisions is fine until something comes along that doesn't fit the mold of a normal day-to-day business issue and suddenly an "out of the norm" decision is required.

INTRODUCTION

Managers operate in a world of constant change and difficult decisions. The challenge facing managers having to make consistent decisions arises partially from the difficulty of designing policies and procedures that allow for conformity and at the same time allow for flexibility. A case in point would be the "Zero Tolerance Policy" when in fact there is no such thing as a "Zero Tolerance Policy." This type of policy has created many unexpected consequences and caused high levels of stress on the managers tasked with implementing them.

Policies are written with the intent to make things better by helping the decision-making process work better for everyone. Something happens in the workplace that needs to be addressed, and suddenly a policy is written to make sure it is handled consistently for everyone in the future. The question arises as to how we redesign the policy-making and implementation process. What steps should we consider first before writing a policy? How do we determine the "domino effect" before the policy is implemented?

Managers are being required to know the employment laws and organizational policies and also to use "common sense" in handing all issues. Rethinking our way of utilizing policies in the ever changing workplace environment is needed in today's society. Managers are becoming more of a coach and mentor than a rule master. With the rapid changes taking place in our generational demographics, what will the new policies and procedures requirements be for future generations? How will managers consistently apply policies that leave little room for judgment? This paper presents examples of changes in policy development and implementation processes, and recommendations for best practices.

POLICY DESIGN

Policy development can be a very broad topic and one that involves many different levels of design. The focus of this paper is targeted toward organizational policy development to address specific needs and required decision-making guidance. When discussing policy development for an organization, this research is not intended to focus on developing policy within a political context. This type of policy development views policy design and implementation through the use of logic models. Such models focus on how the policy will be represented, implemented, and measured within a broad scope of both internal and external stakeholders (Wallis, 2010). Many organizational policies are designed primarily to address a day-to-day need without a broad consideration of stakeholders beyond the immediate department or organizational context.

Several things need to be considered when designing an organizational policy. Unfortunately the driving force behind most new policy development is an urgent need to address an unsatisfactory condition or situation without considering the long term impact of full implementation. This need supersedes a systematic approach to policy development and has the power to override common sense. We realize this is a strong statement, but many policies have been developed with the sole purpose of addressing a single issue that arises from a crisis situation. Rarely do policies happen because they are part of a long-term well-thought-out strategic plan with no necessary need for changing the organization's decision-making processes in the short-term. Policy design should take into consideration all the potential variables of consistent decision-making, implementation, equity, and predetermined analysis for revisions. The more established organizations, such as large businesses and government agencies, have well-defined and engrained policies that are so heavy with restrictions and add-ons that it makes policy enforcement almost a joke.

The exceptions to the policy become the "rule" of the policy. You have a policy that says you can't dress a certain way at work, and then you make an exception for Fridays. This change becomes the new policy until you make an exception for Wednesday, and before long the dress code policy becomes impossible to enforce. In the academic environment we are constantly making new policies concerning the use of technology in the classroom. Students appear confused, especially when we enforce the policy differently depending on which professor or department is interpreting it. The challenge is allowing exceptions without the exceptions becoming the norm.

CONSISTENCY IN DECISION MAKING

The need for consistency is both a "fair" and "legal" requirement in an organizational climate. Treating people fair and equably is not only the right thing to do, but it is the legal thing to do. How can you always be consistent? How can you ensure fairness in your policies and procedures? When is it okay to be inconsistent and yet be fair? In the Book "The Art of War" by Sun Tzu, it is taught that establishing the rules and abiding by them to the letter is a foundational cornerstone for developing strong leadership. Once you break the rules and allow this behavior to go unaddressed, even by a high level employee, you have weakened the leadership position. With this in mind, how can you be inconsistent and consistent at the same time when handling challenging situations or difficult decisions?

The challenge in having policies that are strictly based on rules and regulations is not to build walls and limit the ability to react to out-of-the-norm situations. Basically it is hard to be consistent with a strict rule-based policy and also seem to understand the out-of-the-norm situations that require some flexibility. The need then is to develop policies that have guidelines and at the same time allow for flexibility in the application.

RULES VS PRINCIPLES (GUIDELINES)

Taking a difference approach to policy development includes moving away from simply writing new rules and instead developing principles that can be used to guide behaviors or outcomes in a variety of

different situations. It involves moving away from the reliance on specific (sometimes highly detailed) rules and relying on principles to determine the standard or expectations of acceptable behavior. This new approach does bring new challenges in the area of accountability and consistent application. To be successful, it requires learning new skills in the administration and approaches required from the organizational leadership (Black, Hopper, & Band, 2007).

Principle-based decision making processes require trust in ability and an understanding that values should serve as the foundation for appropriate decision making. These values are developed into guiding principles that start with the individual and then move through the organization. Fundamental changes in behavior are achieved through the successful implementation and administration of the appropriate guiding principles (Castiglione, 2013). Recently we helped create a new Social Media Policy for an organization that worked with a large group of individuals in the Millennial/Gen Y generation. We actually decided to change the word "policy" to "guidelines" and focus on the key principles we identified to guide behaviors in this particular age group. By taking this approach to policy development, we have found that consistency is a goal that can still be obtained even if the outcomes (decisions) are different based on the policy administration. In other words, you should always be consistent in how you reach your decision, but the outcomes may be different based on the environment and various factors impacting the decision.

Of course, there are many good patterns and examples of traditional policy development that require an established list of rules "do's" and "don'ts". It is important to understand the strengths of such policies and also the limitations of flexibility.

BEST PRACTICES

In this section of the paper, we will show two different approaches to best practices in policy development. These approaches show a traditional model for policy development and a more unstructured model designed for flexibility in both development and implementation. Both development processes focus on achieving a highly useful, practical and effective organizational policy. The process of achieving these desired outcomes is approached in very different formats and early design stages.

ACUPA POLICY DESIGN

The first example, as shown in figure 1 below, is from the association of college and university policy administrators (ACUPA). This chart lays out each critical stage of development and the key areas such as: predevelopment, development, and maintenance. This process is strong in issue identification and securing the needed approval processes throughout design and implementation. It is also strong in understanding the need for constant maintenance and policy updates. It follows a linear process that covers all the bases and helps make sure a well-defined highly structured policy is created. The overall need and expected outcomes are both identified and included within the policy development steps.
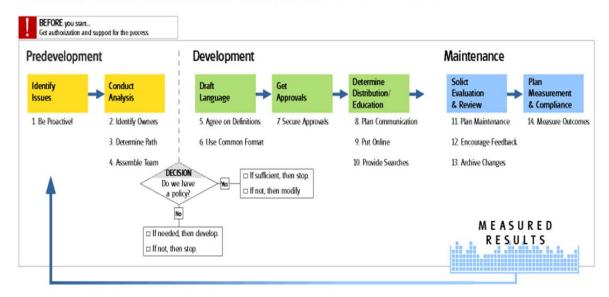
FIGURE 1
ACUPA POLICY DEVELOPMENT PROCESS

As illustrate in figure 1, a critical key to writing a good policy is to truly know what issue or situations you are attempting to address and improve. This may seem too basic, but it is very important; without starting out on the right foot you might spend an enormous amount of time trying to fix something that isn't broken. Keeping it simple upfront is very important. The strength of the simple structure lies in its simplicity (Robbins & Judge, 2015). At the beginning of policy development there is a tendency to create a wish list and to keep thinking of things to include. At this initial stage, it is recommended that policy-makers be specific and expand only if the need truly exists.

You also need to identify the stakeholders and people who will be most affected by the new policy. Many times policies and procedures are written at a distance from the issue or situation needing to be addressed, with the result that once the policy is completed people will ask what were they thinking when this was written. It is simply a case of not truly knowing everything needed to develop a good policy and having the need to cover everything. To help address this disconnect, it is recommended that you assemble a team knowledgeable of the issue to help you create the new policy or procedure.

After you have identified the key issue(s) and designed the policy with appropriate language through key approvals, you begin the broad communication and implementation. An important point to remember is the need to evaluate and constantly revise the policy as needed. The desired outcome is a well-established policy that is broadly communicated and one that will be used appropriately. There are

countless policy manuals that have been well written and yet seldom get used and stay on the shelf collecting dust.

PRINCIPLE BASED POLICY DESIGN

Another key consideration for best practices is to move away from a rigid rule-based policy development process and move towards a more flexible principle-based policy. In the following figures 2 & 3, we begin highlighting two different approaches to policy design that both contrast and highlight key differences between a rigid design and a flexible design. This is a difficult move in organizational cultures that rely on strong leadership from the top in the decision making and approval processes. The developmental paths begins just like the traditional policy development with identifying the issue (s) and making sure the correct need is being addressed.

Depending on the policy development process, the expected outcomes rely on policy implementation, and to some degree, acceptance. This process of development understands that a good policy is not only used appropriately, but is supported and aligned with the needed change for organizational success. Beginning with the end in mind is a good rule of thumb, but it cannot justify any means to get there. It is very important to get support and buy-in from the people who are impacted by and are expected to implement the new policy.

It is also important to understand that support and buy-in does not mean total agreement. It does mean broad support and acceptance. The goal is to replace the need or desire for support and reach a higher level of acceptance that becomes a level of ownership for the new policy (guidelines). This greatly enhances the full implementation and use of the new policy. The people impacted by the policy will see it as a useful process and one that allows some degree of flexibility to reach common sense outcomes. It is not meant to be a restricting process, but more of a direction-setting policy with a positive desired outcome of changed behavior. Using a principle-based policy or guidelines requires a higher level of trust in the organizational leadership and focuses on doing the right thing more than doing it the right way.
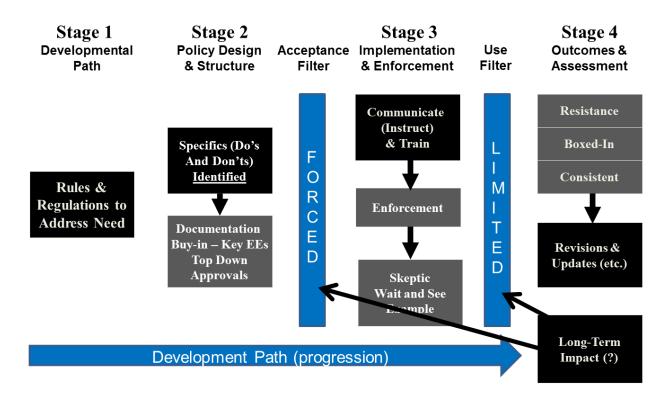
Stage 1

At this stage, as shown in figure 2, is found the critical step of identifying the correct issue to be addressed. It doesn't matter which policy development process you select, if you haven't identified the correct issue to address, the policy will not be used successfully. In fact, if the correct issue is not addressed, it will cause confusion and frustration that adds to the time required and hinders acceptance. Revisions will have to be made, and the overall effectiveness will be diminished. The key differences lie in the initial developmental steps once the issue(s) have been identified. Basically, it is at this point a decision is made to either begin by writing rules and regulations that address the direction of change or by developing a set of principles that encourage the desired behavior (s) to address the direction of change.

Stage 2

At this point the desired outcomes are expressed, and the required set of rules "do's" and "don'ts" are identified. Everything is documented exactly as desired and buy-in is secured from high level leadership for the policy. The high level of commitment obtained from the top leadership is for both implementation and compliance (following the policy). It comes down to the list of "do's" and "don'ts" and how they are to be followed. Key employees are identified to approve, communicate, and provide direction in the developmental process. The developmental process and format of the policy is taking shape within a limited amount of communication and buy-in.

FIGURE 2
TRADITIONAL POLICY DEVELOPMENT PROCESS (FOUR STAGES)

Traditional Policy Development Path

Stage 1 Developmental Path	Stage 2 Policy Design & Structure	Acceptance Filter	Stage 3 Implementation & Enforcement	Use Filter	Stage 4 Outcomes & Assessment
	Specifics (Do's And Don'ts) Identified	F O R C E D	Communicate (Instruct) & Train	L I M I T E D	Resistance / Boxed-In / Consistent
Rules & Regulations to Address Need	Documentation Buy-in – Key EEs Top Down Approvals		Enforcement		Revisions & Updates (etc.)
			Skeptic Wait and See Example		

Development Path (progression)

Long-Term Impact (?)

Acceptance Filter

Policy acceptance by the employees tasked with interpreting and implementing the new requirements are critical to the overall success and realized outcomes. In a traditional policy development process, once the policy has been written and approved then the policy is required (forced) to be used. As the policy is rolled out, many things impact the acceptance of the new policy. Some of these begin with the basic first step of identifying and addressing the correct need. Added confusion is created when policies are written to address a need caused by one incident, but not totally bought into by the employees tasked with interpreting and implementing the new policy. For example, when a policy such as attendance is created to force employees to come to work on time, it can also be interpreted as a time determinant for not only beginning and ending work but also for when work actually occurs. As a case in point: when a person is required to use a time clock to record working hours, it is then a document trail detailing when they should work and not work. Basically, anything that is not on the clock is not considered work. This type of policy is supported by employment law, but it does create some confusion in an unstructured work environment.

Another recent example of confusion created by a new policy would be the "The Affordable Care Act" requiring insurers to cancel individual policies if they don't meet new minimum benefits or cost-sharing rules established by the federal government. The intent of this policy was stated much differently, and has caused many debates and frustrations regarding its interpretation. Again, the policy roll-out has been difficult because of differences between what was originally said to be addressed and how the

implementation process has had to be adjusted or revised to clear up confusion caused by a different outcome (overall impact) than what was communicated.

Stage 3

After the policy has been developed, then it is communicated to the workforce and the impacted employees are trained and instructed on the correct use of the policy. This step is also well documented and given strong emphasis. This stage is presented with an understanding that the policy will be used as necessary to address situations that are out of compliance. It is at this stage that a certain level of "wait and see" is felt by many within the workforce. The employees understand that new policies are constantly being developed and many times the need for the policy changes or the level of buy-in drops to a point where the policy simply is not enforced anymore. If the skeptics can wait long enough, then the policy will either go away or simply become an out-of-date document that no longer affects them.

Limited Use (Filter)

At the time of creation, all policies are expected to be used and to achieve the desired outcomes. The actual success of the policy lies in the level of use and how well the need is addressed. The true test of a policy can be measured by the overall commitment to follow the requirements (rules & regulations) and the long term impact on the organization. One of the "watch-outs" for utilization is the unforeseen domino effect caused by a rigid set of rules. A domino effect as defined by BusinessDictionary.com as the repercussion of an act or event under which every associated or connected entity is affected to more or less the same degree. This affect is named after the circular arrangement of dominos in which if any one domino falls, all fall. When writing policies, it is hard to consider the domino effect unless you have a strategic focus.

Another concern to consider is unintended consequences that happen when a policy is implemented without considering the full impact or big picture. A perfect example is the "Zero Tolerance Policy" as discussed at the beginning of the paper. As an example, Debra Smith, the multi-unit owner of eight Subway sandwich shops, had a vision to establish a chain of family friendly restaurants that promoted a clean, safe, and attractive atmosphere. Debra had grown her operation from one shop location in a very small rural city to eight locations – five of which were in a much larger city. Debra attributed much of her success to the values and attitudes that she personally modeled in her management style and work behaviors. To help promote and foster these values and behaviors throughout all the stores, she developed an extensive new employee orientation and well documented personnel policies that were very typical to the fast food industry.

One policy that was unique to Debra's operation was a zero tolerance policy against the use of profanity in the work place. This policy was written to establish a cooperative and professional workplace environment. Everyone bought into the policy on these premises. The written policy stated that the use of profanity or vulgar language will be grounds for immediate termination. The policy forces the question, "Would Debra actually fire someone that used profanity in the workplace regardless of the situation?" The policy had never really been tested until the day Debra received a phone call from her General Manager, telling her that one of their best managers, had just gone berserk at a meeting and cursed out all the other managers in the room. Wow! What should Debra do? Should she fire the manager for violating the zero tolerance policy? Now the real dilemma is being forced on the manager because of the No Tolerance policy. Again, the policy was developed and written for the right reason, but its implementation and ultimate effect on the workplace is in doubt.

Faced with having to make the difficult decision of letting the manager go, it was decided to wait and fully evaluate the incident from all angles. Basically this decision has caused a longer delay in addressing the issue, and it eventually went away or at least dropped from the top of the to-do-list. As the time passed, most everyone tried to forget about the incident and hoped that there would not be another situation involving profanity in that type of sitting. Based on manager interviews and further discussions, it was discovered that profanity does occur on many occasions in the normal course of work. It was also discovered that the actual written policy does state a zero tolerance for profanity. The policy is still used

for training purposes and no one has challenged its validity. The time bomb is ticking and everyone knows that the next incident is just a "word" away.
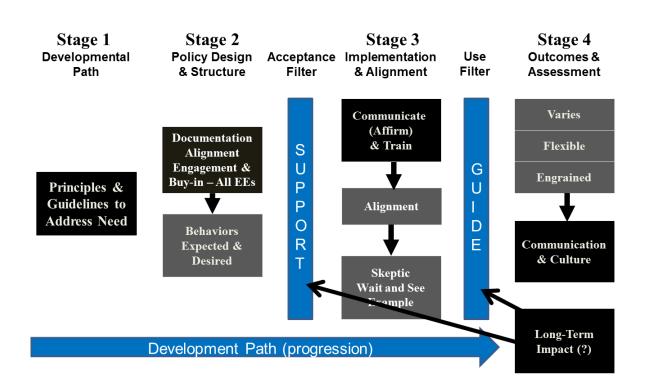
Finally, if a policy is deemed to be too difficult to use, or if it simply does not adequately address a long term need then it will simply cease to exist in a practical sense. These types of policies tend to become dust collectors and stay on the shelf. There is a high level of satisfaction in policy creation when it is fully documented and finalized. If the policy is not written in such a way as to be used for a broad area of need, then once the crisis has passed the policy becomes obsolete. The policy is then closed and placed on the shelf until we have another need for it, but when that happens we will probably find a way to address it with an exception, so we really don't need to look at the original or outdated policy. We have now in effect written a new policy that may in fact be undocumented. Many organizations have undocumented polices that every long-term employee knows and recognizes.

Stage 4

The final stage is one of both acceptance and resistance. Depending on how specific the policy is written the final effect may be one that limits or restricts the overall effectiveness of the implementation. The example of a zero-tolerance policy as stated earlier can cause management to be boxed-in with little flexibility in the decision-making process. This causes resistance to use the policy. The more rigid the policy, the more consistent in the final decisions (outcomes), but at the same time a more rigid policy can lead to questionable solutions that seem to say one size fits all. To address this challenge, a process of constant policy updates and revisions is required. This requirement can lead to a large and robust policy that will rarely be read and will be even less likely to be used appropriately.

FIGURE 3
PRINCIPLE BASED POLICY DEVELOPMENT PROCESS (FOUR STAGES)

Stage 1

As shown in figure 3, when considering a principle based approach to policy development it is once again critical to identify the correct issue to be addressed. As stated earlier, it doesn't matter which policy development process you select, if you haven't identified the correct issue to address, the policy will not be successful. A key difference at this stage in policy development begins by establishing a set of principles or guidelines to provide direction and adequate flexibility to fully address a large scope of situations depending on each specific need. At this stage it is recognized that flexibility is just as important as principle refinements. The overall support and usability of the policy or guidelines will greatly increase depending on the acceptance and alignment with the agreed-upon set of principles. This stage begins the engagement and alignment process.

Stage 2

At this point, buy-in is sought from all or a large group of employees who will be impacted by the policy with its stated principles or guidelines. It is important to seek engagement and understanding from those expected to communicate and implement the policy. Documentation will be more focused on identifying and defining each specific principle or guideline. Policy documentation based on principles is normally much shorter and allows more flexibility in interpretation. Again, the desired outcome is alignment with the established principles and not rules-based enforcement. By gaining alignment, a change in behaviors is expected to occur that satisfies the policy goals. This stage is critical for the acceptance and support for the policy. It sets the stage for ownership of the new policy and not just following orders if the proper buy-in and support was gained upfront during the initial development process.

Acceptance Filter

The point of acceptance is much easier when developing principle-based policies. To a large degree the acceptance has already occurred during the identification and definition of each principle or guideline. By involving many of the people tasked with policy interpretation and implementation, the buy-in and alignment has already occurred. If the work up to this point has been done appropriately then the acceptance filter is one of support and even ownership. This is a key strength of principle-based policy development. The policy doesn't have to be forced through the organization. It is seen as a guide that can be flexed within reason to help provide direction. It is not seen as a set of rules that limit decision making and flexibility in application.

Stage 3

Key to this stage is the overall broad-based communication of each principle and/or guideline along with suggestions for implementation. As stated earlier, flexibility is a key strength of principle-based policy development, but at the same time the communication process does allow for training and affirmation on how to use the policy within different scenarios. Training is vital for appropriate interpretation and alignment on the proper uses of the policy. Again, a key goal is not to determine every decision outcome upfront, but to provide consistency in how the policy is administered. As with every policy, there will be skeptics waiting to see how well the policy is interpreted, applied, and fully implemented. The more buy-in you can get from the people impacted by the new policy, the more easily concerns can be addressed.

Guide – Use Filter

The actual application of a principle-based policy can be very broad. You have the advantage of applying a set of principles to each situation that allows flexibility and common sense. The policy is seen as a good tool to help you address and find answers to difficult situations. It is meant to be positive and not restrictive. There is both an art and a science to policy interpretation and use. Policies that are principle-based become easier to use and, to some degree, part of the culture as discussed in stage 4. It is at this point that you know the policy is successful and has achieved full implementation.

Stage 4

The policy implementation process allows for a variety of applications and flexible outcomes. It is a process that is intended to become part of the organizational culture. Decisions are reached by utilizing a principle such as "respect others" that addresses a need to promote a behavior change that fosters the desired behavior. If the desired behavior is not achieved, then the policy allows for more direct enforcement. If the desired behavior is achieved, then the policy allows for positive coaching and recognition. Respecting others is a broad principle that can be applied to a variety of situations with a flexible decision-making outcome. Again, as stated earlier, it is very important to provide the necessary communication, training, and alignment to reach full cultural acceptance. The eventual long-term success of this policy will depend largely on the skills, interpretation, and proper implementation of this policy.

FIGURE 4
COMBINED POLICY DEVELOPMENT PROCESS (FOUR STAGES)

As shown above in figure 4, the initial step in policy development is to decide if you want to establish a set of rules/regulations or a set of principles/guidelines to address the need. Both policy development formats have their advantages and, to some degree, their weaknesses. Overall commitment from the individuals designing and using the policy is required, and there will always be some skepticism for the actual effectiveness of the new policy. Ultimately the long-term impact will be determined by the acceptance and actual use by the organization.

APPLICATION OF THE MODEL

The "decision" at the point of entry to the combined model found in figure 4 is of critical importance. The path chosen for the best policy is better understood if we examine the differences in both paths. As previously discussed, a rule is a fixed application of law or a requirement that has to be followed completely. When considering the decision or implementation from a law perspective; if you use foul language you will be immediately dismissed. In essence all this law requires is a yes or no answer i.e. did the employee use foul language? Answer: Yes, therefore, the employee must be dismissed immediately. No interpretation is needed. The answer is clear and obvious, but as we can see in reality, it is "a less than palatable" option. It creates a boxed-in scenario that can seem out of touch with a common sense approach to the best solution.

From a corporate entity point of view, this type of rule is more applicable to, or more likely to be sourced from, larger corporations with deep and hierarchical spans of control. The deeper the span of control, the more rules typically found and the more complex become the policies to maintain control. "The top-down implementation approach is a clear-cut system of command and control" (Girdwood, 2013). A shallow span of control is more likely to be found in smaller, more nimble corporations, where reactions need to be made on the spur of the moment. These types of corporations are less likely to use corporate rules and prefer guidelines allowing flexibility in reaction to certain situations. The decision path then becomes a choice based on the identity and personality of the company. A more traditional management style would tend towards rules while a more distributed and flexible management style would tend towards guidelines. Two different management styles are in play as well: top down or bottom up management styles?

The different models work best when the management styles match the policy directions of development and management styles should be considered when selecting the policy development track. The creation process for both types (rule and guideline) carry different creation time lines. The creation process for the top-down rule is fairly efficient (Matland, 1995). There are few people involved and their decision process occurs fairly quickly when compared to the bottom-up approach. Bottom up creation of guidelines requires much more time to ensure acceptance by all. The process of group agreement and approval dramatically increases the time required to implement these types of guidelines.

Once commitment has been obtained and the corporation has either enforced or accepted the decision, implementation begins. Implementation time differs in both models as training for the rule-based model requires instruction on how the rules must be applied whereas the guidelines model requires mere acceptance of something those affected already understand. The people involved in the generation of the guideline have already ensured that their understanding is aligned with what the guideline entails.

Given the two models creation process, the use filter is determined by the level of buy in by the employees. Rules imposed and enforced tend to be limited in their use. A good example is the foul language example. Were the foul language example designed as a guideline, the example given above could be explained and still supported by defining "where" and under "what circumstances" the infraction occurred. Guideline: You must not use foul language at all. Application: A situation in front of employees in a closed door meeting is different than a situation where the foul language occurs in front of a company's customers.

The long term impact of a rule, once overlooked, is greatly degraded. The rule loses effectiveness when its application is inconsistent. The flexibility of application using the guideline approach allows each application to be assessed, allowing the guideline to become an accepted, rather than enforced, part of the corporate culture. Flexibility allows the guideline to be continuously used, adapted, applied, and to become engrained within the culture of the corporation.

SUMMARY

Policy development doesn't just happen. It needs to be planned and well-thought-out to be appropriately effective in an ever-changing environment. It is best to begin with the end in mind and

consider all the possible watch-outs that are associated with implementation for the long-term. People support policies that are clear, simple, and developed through a participative method. The best policies are self-correcting; that is, they are developed with the understanding that they will be changed and that there is a process for ensuring this will happen as necessitated by changing variables within the organization. It is also good to consider principles as guidelines and not necessarily a list of rules that send a message of inflexibility. The thought of flexibility doesn't mean an inconsistent process of policy implementation. It means that not all answers will be the same as the policy or principles are used to reach decisions. It does mean that the same process or steps will be used consistently to find the best answer.

In addition, it involves a process of inclusion, in that knowledgeable participants will have a full understanding of the issues and will determine the policy and assist in overseeing its implementation. Additional research in the areas of management style versus policy developmental path(s) and identifying suitable values that drive best policy principles for desired organizational behavior changes will continue to be explored. A successful developed organizational policy is one that is supported and used by the organization appropriately and that ultimately becomes part of the culture.

Policies should not become an entity unto themselves that outlive their usefulness, and in the long-term become more of a burden then a solution. The balance between consistently addressing the need and also allowing flexible outcomes (decisions) is a difficult but worthwhile goal in the policy development process.

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