The Dean as "Mediator": Leading a Problem-Solving Session

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A problem between staff or Department Chairs sometimes can be managed by the Dean who leads a problem-solving session. While the Dean rarely may choose this option, personal intervention by a Dean with the appropriate skills can demonstrate the importance of reaching a solution in a timely manner.

This article discusses the criteria for appropriate situations for the Dean's personal attention and a process to follow during a problem-solving session. How to hire a certified professional mediator is discussed in a separate article.

When is Intervention by the Dean Appropriate?

Personal intervention by the Dean is most appropriate when the issue is large enough to be a concern for a department or the college but not yet fixed into firm battle lines.

Intervention by the Dean can be considered when one or more of these conditions exist:

- The Human Resources department, University Attorney, and union rules agree that the Dean's intervention is appropriate.
- The disputing parties have tried and failed to solve the issue on their own.
- The disputing parties don't have the communication skills to work out their issues or have stopped communicating.
- The Dean can create motivation in the parties to settle the issue.
- The Dean can create deadlines or a sense of urgency to settle the issue.
- There is relative power balance among the parties or the Dean is capable of dealing with power imbalance.
- The parties are currently not in litigation or other formal grievance processes.[1]
- It is the personal intervention of a Dean that might allow the issue to be settled.
- Others will perceive the Dean's action as positively intended.

In addition, the intervention of the Dean sometimes can allow individuals who have publicly taken a position that created a deadlock to find a face saving way out of the standoff.

This article uses "mediation/problem-solving process" as the term to describe the steps the Dean will use in leading the conflicting individuals toward a solution.[2] If your institution uses these terms as part of formal grievance

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[1] While mediation may be used inside a grievance or legal proceeding, the Dean would not be the one to facilitate the session.

[2] Mediation is used as a general term rather than in the sense of a professional mediator. Professional mediators are neutral and have no stake in the outcome of the dispute. The Dean who "mediates" or leads a problem-solving session is not neutral and does have a stake in the disputants resolving their differences.

procedures, other terminology should be created to differentiate this informal process from any formal process.
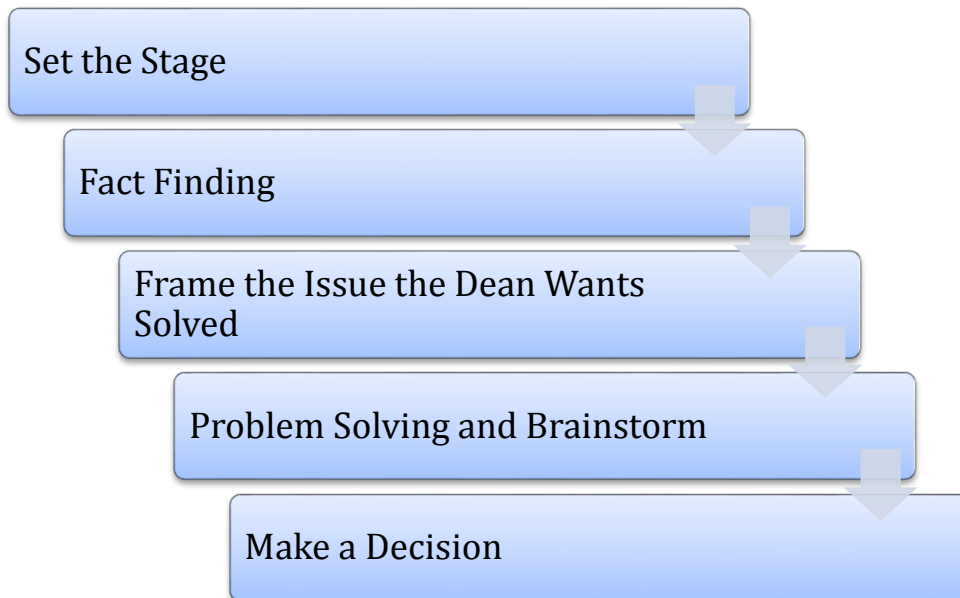
Before the Session

Prior to meeting with the parties, the Dean's office should be sure several conditions are met. First, have the individuals tried to solve this problem on their own? If not, the situation may not require the personal attention of the Dean—yet. Individuals who have not tried to solve their own issues can be motivated to try to work things out or pointed to someone who can coach them on how to approach the other party. Second, it is imperative to understand the general situation from each individual's perspective—one person's view rarely is an objective account of everything that has happened (see Olson, 2008).

If the situation seems ripe for the Dean's personal intervention, each individual can be interviewed in advance (or not) to find out the facts of the case and the emotional tone of the individuals. The Dean's office may also want to share data with the parties if more information might help solve the issue. At minimum, the Dean should provide a rationale for calling the individuals into a problem-solving session and motivate them to want to work on the problem. For example, the issue may be affecting other departments, students are impacted, or reputations are at stake. If there are looming deadlines or decision points that affect the individuals or their department (budget requests, schedules, annual performance evaluation cycles), these might be usable as motivating factors. In some cases, an individual's self image as a good problem solver or helpful person and/or a desire to have the problem go away is motivation enough.

Depending on the complexity of the issue, one two-hour session may be sufficient. In other cases, the process will require two sessions of two-hours within a two week period. The time between sessions can be used to research additional data that needs to be brought to the table.

The Mediation/Problem-Solving Process

The process has five steps. Each step and its attendant communication techniques will be discussed.

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│ Set the Stage                   │
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    │ Fact Finding                    │
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        ┌─────────────────────────────────┐
        │ Frame the Issue the Dean Wants  │
        │ Solved                          │
        └─────────────────────────────────┘
            ┌─────────────────────────────────┐
            │ Problem Solving and Brainstorm  │
            └─────────────────────────────────┘
                ┌─────────────────────────────────┐
                │ Make a Decision                 │
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Set the Stage

The session can be held in the Dean's conference room or another place that is private. The Dean should sit in the "power" chair at the table and the individuals in conflict should be given places that visually are equal (i.e., the chairs are equally comfortable and the physical space does not provide one person an advantage over the other).

To open the session, the Dean will present a no more than a 3-4 minute pre-planned speech that accomplished the following goals:

- Thanks the individuals for taking the time to work on this important issue
- Reminds them of reasons the issue needs to be settled
- Sets ground rules for the session
- Previews the process that will be used
- Transitions to the fact-finding stage

The Dean's opening speech to set the stage might sound something like this:

"I want to thank you both for coming here today to work on this issue. As you know, we've all had numerous students in our offices complaining about what they see as a bottleneck in the Math course sequences. We're here today to get the facts on the table so everyone has the same data about the issue and then to see what solutions might fix the problems that we find.

I've found a problem-solving session work best if we follow some guidelines. First, I expect you to use professional communication and to be as forthcoming as you can. Second, to get things started, I'm going to ask each of

you a few questions so you can share what you know about the issue. Please don't interrupt while the other person is talking.

The questions I ask should get the data we all need to know on the table. At that point, I will make a decision about the parts of the issue that we can work on. After that, you each will have an opportunity to talk about solutions that might fix the issue for everyone involved. At the end of the session, I will either endorse the solution that the two of you have agreed on or let you know what will be happening next.

So, let's get started.

Fact Finding

This phase begins with a pre-planned question that will be asked in the same way of each individual. The question should be "bland" and give the each person a wide choice in how to answer. For example:

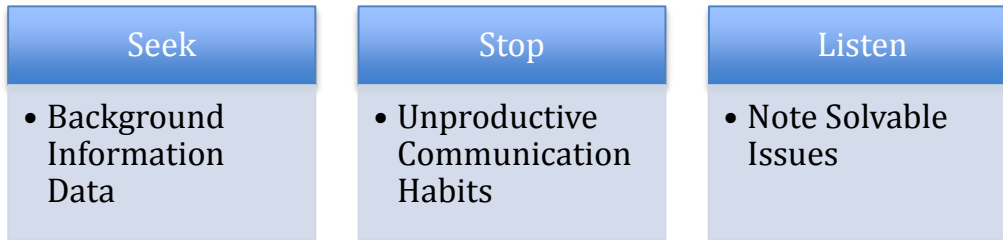"Would you tell me about the issue from your perspective?"
"So, what has been going on?"

If one person is weaker or less vocal than the other, start with the less powerful individual. Likewise, if one person is more visibly agitated than the other, begin with the more emotional person—individuals who are in the midst of strong emotion are less able to listen.

Do not let the first individual speak for more than five minutes before interrupting and switching to ask the same question of the other individual.   When one person talks more than the other, that individual has the advantage of defining the situation and puts the other on the defense. So, after a few minutes of the first person speaking, the Dean might say:

 "Let me interrupt you there and find out Bob's initial ideas on the subject. I know you have more to say and I'll be back to you again in a short while."

During the fact-finding stage, the Dean accomplishes three concurrent tasks..

Seek	Stop	Listen
• Background Information Data	• Unproductive Communication Habits	• Note Solvable Issues

Seeking Information

After both have had an initial opportunity to speak, follow-up with questions to find out more about the situation. It is helpful to pre-plan a series of questions that are likely to be useful in this type of situation. For example:

- "How exactly is this affecting your department?"
- "What has the impact been on the students in your lab?"
- "How does the situation affect you personally?"

Continue to switch back and forth when asking questions and have the individuals speak to you directly rather than to each other. If possible, present a tone of genuinely wanting to understand the issue rather than of a police officer conducting a criminal investigation.

Stopping Unproductive Communication Habits

In some cases, the individuals will have communication styles or habits that are not conducive to mutual problem solving. In these instances, the Dean must interrupt to maintain control of the session and stop the unhelpful comments. The individuals may:

- Use name-calling
- Accuse the other person of bad motives
- Blame other people
- Claim everyone agrees with them
- Want to control the session
- Try to jump immediately to their favorite solution

The Dean must be willing to be in charge of the session and to interrupt when talk becomes unproductive. For example, the Dean may ask: "How is the issue affecting your department," and the answer might be: "It's affecting us because she doesn't

care if students graduate or not ….." Before allowing the individual to get a full head of steam in accusing the other person and guessing about her motives, interrupt and redirect. The Dean may interrupt and say, "I'm sorry I wasn't clear on what I was asking. What I want to know is: How does the problem affect your students?"[3]

Likewise, if ground rules are broken in significant ways, the Dean will interrupt and redirect. For example, if one individual continues to interrupt the other, the Dean might interrupt and say, "Let me stop you for a moment. During this part of the process, I need each person to speak to me rather than to each other. I see that you have something to say and I will get back to you in a moment." Or, "Excuse me for a minute. It doesn't really work for me when everyone is speaking at the same time. I will get back to you in a moment."

In some cases, an individual will be conveying important information, but using words that will cause the other person to react defensively. For example, if one individual continues to characterize the other department's students as "lazy whiners" while presenting data on the pass rates for a class, the Dean may interrupt and say, "I need to stop you for a moment. Part of our process is to avoid language that doesn't help the problem-solving procedure. I think you are presenting some good numbers about the course pass rate. Would you continue with that data without the added characterizations about students' attitudes?"

Other types of inelegant statements also can be *reframed*. Reframing is a skill that paraphrases a comment by twisting it to a larger picture or replacing a negative tone with its positive alternative. For example:

"He won't help me."
Reframe: "You would like some help."

"She won't return my e-mails."
Reframe: "You would like better communication."

"Things will never change."
Reframe: "You would like to see some progress."

During the fact-find phase, remember that it is important to get data on the table for several reasons. First, if departments are using different data, it will be difficult to discuss the issue efficiently. People also interpret data in unique ways, which can confuse the situation. Establishing a common way to interpret data or criteria for data selection may be important. Second, the individuals in conflict rarely have thought about the problem from the other person's perspective. It is appropriate to ask questions that the Dean already know the answer to--if the answer informs the other person. There are three people in the room. Sometimes the Dean will converse during fact finding with one person, so the other person can learn things he or she might not have thought about. For example, the Dean may be fully aware of how a problem is affecting students, but still ask one chairperson to

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[3] When to interrupt and how to redirect an individual will be guided by the Dean's past history with the individual.

discuss those effects so the other chairperson indirectly learns more about the overall issue.

This section would be incomplete if it did not mention that the Dean also might have unproductive communication habits. In particular, it is important in this phase of the process that the Dean asks questions so others can speak. If the Dean talks too much or carries the load of providing most of the information, the intervention process can be weakened. The general advice provided by Paula Krebs, Dean of the College of Humanities and Social Sciences at Bridgewater State University, is useful to the Dean who leads a problem-solving session.

> Since transitioning out of the faculty and into administration, I've had to work hard to learn how to shut up and listen. My job, I've discovered, isn't to solve the problems. It's to understand them and then to work with the people affected to come up with ways to solve the problems. (http://shar.es/1gB9Mc)

Listening for Solvable Issues

It is common for individuals to leap directly to talking about solutions before the issue has been fully investigated. The process works more efficiently if the Dean stops these impulses. When someone makes a suggestion for a solution, interrupt to say: "We're not talking about solutions just yet. Why don't you make a note of that for later in the process."

As the individuals lay out the facts, the Dean listens for the underlying solvable issues and places those items in the "Issues" area of the notetaking sheet (see Appendix A). The Dean will use these notes when framing the issue for the problem-solving stage of the process.
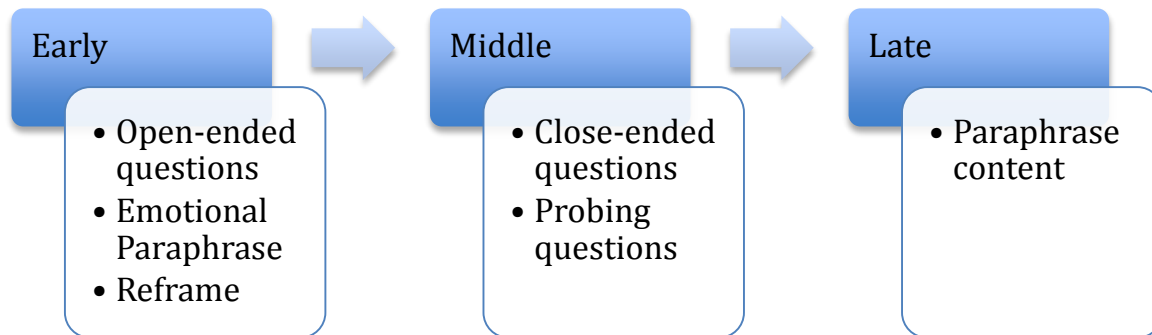
Some issues are more immediately solvable than others. If there is a law or institutional rule that is causing a problem, the Dean cannot overrule that fact. In other cases, the people in the conflict may characterize a problem as unsolvable when it really is not. For example, not having enough money often is seen as the issue. Looked at more creatively, the issue may be:

- How money is used.
- If all methods of raising money have been accessed.
- Creative ways to finesse the financial system.

As the Dean listens during the fact-finding phase, notes are made of all the issues that are involved in the problem. The Dean will decide later which issues to focus on during the problem solving stage.

The skills used during the fact-finding phase are illustrated in the diagram below. The sequencing of skill usage is important. Questions are very general at the outset to let the individuals tell their stories in the way they choose. If the Dean becomes too specific too soon, the issues that really are important may not come out. Likewise, it is best not to just paraphrase or repeat one person's facts during

the early part of the session. Repeating one side's facts may seem like the Dean's endorsement of those facts.

Early		Middle		Late
• Open-ended questions • Emotional Paraphrase • Reframe	→	• Close-ended questions • Probing questions	→	• Paraphrase content

When emotions are present, the Dean may apply emotional paraphrasing and/or reframing.[4]

Frame the Issue the Dean Wants Solved

When the disputing individuals start to repeat themselves and/or there is enough information to identify the issue that needs to be resolved, it is time to move to the next step.

<u>Taking a Break for More Research</u>

If more research needs to be gathered, the Dean may stop the session and make assignments for data to be gathered and/or solution ideas to be generated.
Keep in mind these parameters when breaking the session:

1. The next meeting should be scheduled for a specific time no later than two weeks away—the sooner the better so momentum is not lost.
2. Research assignments should be linked to objective data sources or based on already established criteria.
3. The Dean might commission an objective third party to gather data.
4. It often is helpful to gather data on what other institutions have done successfully with similar types of issues.

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[4] Moderating emotion is a specialized skill. For more information, see the suggested readings in Appendix B.

5. Any "homework" given to the parties must be mutually framed to minimize the impulse to return only with solutions that meet one person's self-interest.

The mutual frame is particularly important. At this point, the Dean becomes very specific in saying something like:

"I think we need more data on this issue before we can realistically decide what to do. In the next two weeks, I want each of you to find out what other departments are doing around the country when these issues arise. I will be asking other Deans the same question. I also want you to think about what solutions might exist for the problem. I am only interested in solutions that will work for everyone—in other words, ideas that will get students through their Math courses so they can graduate in four years without breaking the back of the Math department."

Moving Immediately into the Problem-Solving Phase

Sometimes, an issue will be clear enough to move into the search for solutions. If so, the Dean will pause to consider how to frame the issue. Several issues probably arose as the individuals told their views of the problem. The Dean now chooses which of those issues will be the focus on the rest of the discussion.

During fact finding, the Dean listened and recorded possible issues on the notetaking form. Select from this list and put the issues in a logical order.

Next, consider how the problem can be worded strategically. For example, the Chair of Biology's "bad attitude" was brought up repeatedly by the Chair of Math, so the Dean wrote "attitude" in his notes. However, someone's "attitude" really isn't negotiable. Instead of using the word "attitude," the Dean will reframe the issue into professional workplace language. For example,

- Collegial communication among the two of you
- Communication protocols the two of you can use.

The reframed issue is more negotiable and less likely to be immediately rejected.

The issue to be solved sometimes can be framed using what is called a two-way reframe. The two-way reframe puts the goals of each individual together in one sentence.

"As we move to examine possible solutions, what we are looking for is a solution that gets the qualified Biology students through their Math courses in time so they can graduate in four years in a way that allows the Math department to maintain quality and sanity."

If a two-way reframe does not come to mind, a general frame may sound something like:

> "As we move to the problem-solving part of our discussion, keep in mind that we are looking for a solution that meets everyone's interests—students, both departments, and the college."

Problem Solving and Brainstorm

This stage usually allows the disputing individuals a chance to come to their own decision. They will buy into an outcome more if they have a substantial part in creating it. Thus, the Dean should delay giving his or her ideas of what to do about the problem. At the early stage of problem solving, even ideas that are unlikely to work should be given some time. The individuals involved may have novel variations on some old ideas. For example, it is common for Department Chairs to suggest hiring more faculty or staff as their first idea. Even though the Dean may not have any discretionary money in the budget, this idea should be allowed to stand as one among many other solutions—just to see if there is some variation that might work (i.e., short-term funding, seeking grants to fund staff, finding partners that can bring cash to the table, and so forth).

Beginning this phase with brainstorming is useful. Brainstorming is a process where many ideas are generated in a short period of time. The Dean will introduce the process by saying:

> "We're going to start the search for solutions with brainstorming. Here is how we are going to structure the brainstorming. We will take no more than 10 minutes to generate as many ideas as we can. During the 10 minutes:
> - No evaluation of any of the ideas—we will do that later.
> - All ideas are welcome, even wild ones.
> - The two of you will alternate in giving short ideas—we don't want the fully developed program at this time.
> - I will write each idea on the whiteboard.

As the ideas emerge, stop the individual who derides the other's contribution or wants to evaluate an idea. Also avoid expressing nonverbal agreement or disdain for any ideas.

At the end of the brainstorming session, ask the individuals to stand together at the whiteboard to "see if any of these ideas, separately or in combination, might be a way out of this issue that works for everyone involved."

Hopefully, the evaluation of the brainstorming session will lead to some ideas that can be developed into a solution. Other ideas for the problem-solving phase can be found in advanced mediation books and the resources in Appendix B.

If the discussion becomes strained, the Dean can bring what the individuals have in common to their attention. For example,

"I think things are getting a little tense. Let's stop for a moment to remember why we are all here. You both share this issue and the stress that it is causing your departments. You both also want to help students as much as you can. So, keeping your common goals in mind, what can we do about this issue?"

At the end of the problem-solving phase, the Dean should have a numbered list of items that have been agreed to. It is useful to start making these notes on a fresh sheet of paper. As the disputing individuals come to an agreement, write that agreement down in their words as much as possible. For example, if both chairs agree that they need to have better communication and share course schedules earlier, the Dean would record:

1. Better communication
2. Early sharing of course schedules

These items are called the "Soft Agreement" because the language typically is vague or ambiguous. It is more important at this stage to have the disputing parties agree (to anything) rather than to spend time hammering out the specific details.

Make a Decision

While there may be times when the Dean will allow the parties to make the final decision, usually the Dean will allow the parties to build much of the solution and then add the interests of the Dean's office to the outcome. The Dean will endorse the outcome and may make further assignments of duties or allocations of resources based on that decision.

Ensuring Outcomes are Durable

Once the Dean endorses the Soft Agreement, it is time to make that agreement durable by being sure it is phrased in a way that is concrete, specific, behavioral, and observable.

The Dean will bring each item in the Soft Agreement back to the table and ask questions to elicit the specifics from the involved parties. For example, if the chairs agree to share their course schedules early on, the Dean would repeat that agreement and then ask: "When exactly will that happen?" If the parties agree to have better communication, the Dean might ask, "What exactly does that look like?"

If the Dean has taken the time to help these individuals reach an agreement, the Dean also may wish to provide leverage to ensure that the agreement is followed. For example, can benchmarks be set to demonstrate that the plan is being implemented and is working? Is a follow-up meeting needed to be sure the individuals are carrying through on what they agreed to do?

Another important skill in the final stages of reaching an agreement is *reality testing.* Asking questions like those below can be helpful:

- Can you really get the task done in that timeframe?

- How will you get the other parties involved to agree to these changes?
- How will this solution impact other parts of your department?

In all cases, the final words from the Dean to the individuals should be to thank them for working on the solution to the problem. Hopefully, if the Dean helps the individuals succeed, they can work together without the Dean's help the next time a new issue arises.

Appendix A:
Notetaking Worksheet

Facts

Commonalities

Solvable Issues

Additional Resources

McCorkle, Suzanne, and Melanie J. Reese. (2010). *Personal Conflict Management.* Boston: Pearson (now Rutledge).

McCorkle, Suzanne, and Melanie J. Reese. (2015). *Mediation Theory and Practice.*2nd ed. Los Angeles: SAGE.

McCorkle, Suzanne, and Stephanie L. Witt. (2014). *People Skills for Public Managers.* M.E. Sharpe (now Rutledge).

Olson, Gary. (2008). Resist the Rush to Judgment in Personnel Disputes. *Chronicle of Higher Education,* 54.19.

Reeder, Heidi. (2014). *Commit to Win: How to Harness the Four Elements of Commitment to Reach Your Goals.* N.Y.: Hudson Street Press.

Runde, Craig E., and Tim A. Flanagan. (2007). *Becoming a Conflict Competent Leader.* San Francisco: Jossey-Bass.