

# CONFLICT MANAGEMENT IN HIGHER EDUCATION REPORT

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## **Mediation: An Effective Way to Restore Collegiality and Shared Governance in Dysfunctional University Departments**

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### **Background**

Conflict happens everywhere; however, in a higher education setting, there are factors such as academic freedom, tenure, and a peculiar governance structure that may under various circumstances open up creative possibilities to a mediator.

Traditionally, university faculty have focused on teaching and research, but now institutions of higher education are placing more serious emphasis on the notion of service or "community" service which often includes collaboration between or among departments or with other universities and agencies. While the traditional responsibilities of teaching and research may be oriented to smaller groups and can be more solitary in nature, current trends indicate a growing need for faculty members to communicate more effectively within and between groups, and to find ways to become more efficient. Departments may add members, increase their diversity, separate or consolidate or reorganize, and as responsibilities become more complex, resources typically become more limited, and perceptions by educators that they are not respected by others continues to grow. An alternative departments have when faced with these challenges is to become dysfunctional (or more dysfunctional) by denying, avoiding, or somehow accommodating conflict --- the latter typically accomplished by "negative" means.

The traditional organizational structure and administration and management of a college or university can, by its nature, create dysfunction. Dysfunction in any group can lead to problemsolving methods that create even more dysfunction and acrimony. As mediators, the authors have witnessed all the favorite ways of dealing with conflict and a few less conventional: avoidance; denial; increased sense of competition (aggressiveness); marginalizing or isolation of members of the group; unsatisfactory compromise or accommodation;

legal action (or threats of legal action); and yes, reported violence, perceived violence, or threats of violence.

While some colleges and universities still prefer to eschew contentious environments, others are addressing the increasingly competitive and complex campus workplace by providing professional growth and development opportunities. These efforts include providing organizational, management, presentation, communication, leadership, or consulting skills for new and experienced faculty, or for graduate students who aspire to become educators. Still others choose to confront certain ongoing conflicts directly, providing the means by which faculty, and sometimes staff, can address serious conflicts in a more productive, lasting manner, while providing the means by which the group can establish working guidelines and ground rules for future interactions.

## **Academic interests**

**W**hat are the interests of universities in the development of problemsolving models, and what are the interests of faculties (faculty members) in learning how to collaborate and problem solve in different ways?

In a modern, complex, higher education environment, faculty members often want more information about routine, departmental business; input into decision making regarding the administration and management of the department; input into budget processes and staffing decisions - both faculty and administrative; action on quality of life issues (space, teaching assignments); as well as information on how departmental changes might influence who has power, who doesn't, who gets resources, i.e., money and recognition.

Mediators may be called upon to assist faculties in discussing difficulties in separating "academic freedom issues" from "administrative governance" or management issues. Academic freedom can be seen as an excuse for taking a certain action. What are the issues related to: academic freedom for individuals vs. the collective interests of the academy; or conflict between group rights and responsibilities and individual rights and responsibilities? The Academy has held as a strong core value that an individual faculty member has certain rights to express opinions and controversial views. Sometimes the protection of individual rights and associate responsibilities to pursue the truth as opposed to what may be good for the organization as a whole must be explored.

Mediation as an intervention in this setting calls for mediators to assist a potential client in deciding if and how to use this kind of interest-based problem solving by an impartial third party to address departmental/faculty disputes. There will be questions about: using an

external impartial third party as opposed to an internal party who "knows us;" whether this is counseling or therapy instead of direct problem solving; what this interest-based vocabulary means; the difference between positions and interests (often a new concept); and questions on where the money for the intervention is going to come from.

## **Roadblocks**

Of the "roadblocks" encountered, five stand out because they have, in this mediator's experience, occurred more often in higher education settings than in other settings. Anticipating them empowers the mediator and the process.

### *Issue:*

Reluctance, strong verbal resistance, (and several times downright obstreperousness) toward participating in the problem solving sessions. Faculty members will express disagreement with a process in which they will be sitting across the table from someone with whom they have a strong difference of opinion. It may come in an initial refusal to meet, or it could be stated in the meetings that the process is a waste of valuable time.

### *Issue:*

Lack of understanding or a resistance to the concept of what confidentiality means in a group mediation. WHO can speak TO WHOM about WHAT and at WHAT POINT become valid interests. This discussion can also be a way to stall the meeting process.

### *Issue:*

Participants will try to control the environment of the sessions to the degree that they feel out of control of the process. There may be attempts both prior to and during the meetings to change the geographical location of the meeting(s), table arrangement, the seating of groups of faculty or staff, groupings of people within information gathering or brainstorming activities, or time of the sessions or breaks.

### *Issue:*

There may be attempts to disrupt the trust the mediator needs to establish between him/herself and the participants. "Ex parte" conversations or communications prior to, during and following sessions, either in person or through e-mail, can occur. These attempts can subvert the mediator's efforts to be impartial and can make it necessary to address why some people have certain information and not others.

### *Issue:*

Mediator credibility is sometimes challenged in order to stall or cast doubt on the process. This can occur because of a lack of information about the experience and background of a professional mediator, or because lack of understanding of the interest-based problem solving conducted by an "outsider."

**K**nowing about potential obstacles is helpful because one can plan how to address them if confronted. Often the time prior to a mediation is filled attending to a plethora of details that one can predict. To have time taken away in an already "charged" atmosphere from those details and placed on things that may disrupt the working environment can be problematic.

It is often easier to address attempts to circumvent or derail the process if the group is small; however, the larger the group the more involved the mediator should be in the preparation of the parties regarding the process. Whether the mediation is voluntary or "required" (officially or unofficially) it is in the best interests of the process for everyone to be clear on some of the logistics. The parties must know what interests they have in attending and participating in the mediation. The interests, which can be personal, professional or a combination, can be described to them or elicited from them. Parties often do not see the multiple interests they might have in being a part of a solution.

## **Solutions**

**C**onfidentiality is a topic to be challenged because of the complex nature of issues that might be raised. Ground rules related specifically to details about confidentiality have been devised and agreed upon in these settings. In addition, participants may move in and out of the mediation if conducted over an extended period of time, and all ground rules, including these, must be reviewed and agreement reestablished.

Faculty members have walked into a room, reviewed the environment and have "humorously," but seriously, "accused" this mediator of attempting to "get us to talk to each other!" This has been followed by suggestions about and attempts to move to an alternative room down the hall, or reconfigure the furniture. Others will move to another table, sit on the periphery of the group, stand or leave a meeting at a given time. Again, a reminder of the interests to be met in staying with the process must be reviewed, and ground rules about how to go forward must be established, with the entire group.

Mediators must be clear from the beginning about the kinds of communication that are acceptable and unacceptable between the

mediators and the parties. The maintenance of neutrality should be evident to everyone at all times. Other guidelines about types of conversations that are appropriate or inappropriate and how and if information related in the conversations will be shared, must be established. Lack of trust can be spread very quickly if it is perceived that information has been discussed outside of the mediation sessions. Following the ground rules as well as full disclosure is critical.

Mediator credibility must be established very early in the process. With some clients, detailed information about the mediator's background or credentials (other than mediation) is less important. This mediator has found that "credentials" (education, experience in higher education issues, work experience, mediation expertise) are an important part of establishing credibility. Groups also have responded positively to a more thorough description of the process, the research and/or philosophy behind the process, information about the literature on the effectiveness and benefits of mediation, as part of the preparation for problem solving sessions. In addition, it has also been helpful, when addressing some issues, to describe what is happening during the mediation.

## **Diversity**

**I**t is important to think through diversity or the lack of diversity in higher education and how it can affect the process environment for problem solving. Diversity may be a factor in any combination of ways. There are often more men than women in certain disciplines, departments, or areas of study. International and cultural characteristics and language may affect the logistics of the mediation. There can be differences due to faculties having an enthusiastic, young, entering group of faculty (demonstrating optimism) along with faculty members who are more experienced in the ways of university life and culture (and therefore, more resistant to change or showing signs of cynicism). Common interests may be difficult to find because of the nature of higher education specialties and expertise in narrowly defined areas. Also, individuals in different disciplines may discuss, create, and problem solve in very different ways, i.e., cultures of social sciences, the arts, bench science. The intervention designed can take some, although not all, of these diverse skills, points of view, and ways of looking at the world into consideration.

Although higher education has unique features, we should continue to keep in mind that conflict in this setting derives from the same sources as other conflict: limited resources, unmet basic human needs, and tugs-of-war over how we express our values through our behavior toward others. If we keep this in mind while creatively applying the process and skills that we know, we can help them explore common interests and solutions.

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