

# CONFLICT MANAGEMENT IN HIGHER EDUCATION REPORT

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## Developing Departmental Communication Protocols

by Larry Hoover

A "Communication Protocol" is a set of guidelines for day-to-day communication and informal problem solving developed in a mediation context involving a group of co-workers. These "Protocols" are most effective when developed with the full participation of both staff and management. Although difficult to achieve, in academic units the chair needs to participate. The more inclusive the group, the more the "Protocol" will reflect the culture and norms of the organization.

Developing a "Communication Protocol" is typically done in a two to three hour session. The session is divided into three discrete subsections. The first consists of a 30 to 45 minute discussion led by the mediator describing various definitions of conflict, as well as, one description of the "stages of conflict". \* The emphasis is on helping individuals begin to focus on how they contribute to "conflict" in their respective organizational relationships. The second and most critical subsection is a group discussion of three questions posed by the mediator. This section takes from one to one and one half hours. The discussion eventually becomes the "Protocol". The final subsection discusses the implementation process, which generally takes thirty to 45 minutes.

It is important to suggest that the group take some additional time subsequent to the session for reflection on the material developed. This additional time will insure the proposed implementation process does not in anyway disturb existing policy or union agreements. It will also allow those in the group, who need reflection time to compose and articulate their views, to do so.

### Historical Development

The formal mediation program at UC Davis began in 1994. Although the Mediation program achieved a high percentage of agreement (90%), there were two problems that quickly emerged. The first was that many agreements fell apart rather quickly, when participants in the mediation returned to their workplace. The problems they had addressed in the mediation were typically generalized in their department, and the environment into which they returned was often very toxic. Immediately upon reentry various hostile "camps" would begin working to undermine the mediation agreement, very often successfully. The second issue was the reluctance of many individuals, or their departments to use mediation. They often wanted a more general problem solving approach that initially avoided any direct confrontation between individuals, or groups.

## Rules of the Game

Have you ever gone to someone's house to play cards or some game? As the game progresses, based on your understanding of the rules you announce "you win". Suddenly the home owner announces with some annoyed astonishment, "oh no, you don't win, that's not how we play it here!" Nearly everyone's reaction to the imposition of new unknown rules after the start of the game is typically somewhere between frustration and anger. The same situation arises in a work location when individuals with widely diverging backgrounds come together to work. Typically, basic assumption about "how to communicate respectfully", as well as, "how to respectfully address problems", is seldom if ever discussed. The result is not unlike the situation described above. If individuals interact, they are surprised, if not annoyed that their coworkers behave so badly. The assumption is of course, that there is some a priori understanding and agreement on "the rules of the game" for communication and problem solving. The manner in which people interact is so unacceptable that those involved become stuck on how they are communicating, rather than being able to focus on what the issues are about which they are concerned.

\* For information see: Human Resource Management in the Hospitality Industry, Frank M. Go, Mary L. Monachello, Tom Baum; John Wiley & Sons, Inc., 1996

The development of these "Protocols" has been effective in addressing both the reluctance of departments who are more comfortable with an initial indirect approach to problem solving, as well as, insuring that individuals returning to a department have a greater chance of making the implementation of their agreement successful.

## Process for Development of a Communication Protocol

The manager of a department notifies those who will be attending of the time, date and location of the two to three hour session. The purpose of the session typically is described as follows:

*The purpose of this session is for the group to develop a "Communication Protocol" for all employees in the department to use, when appropriate, for respectful communication and effective conflict management. Using material provided the group will develop a set of guidelines (Protocol) that reflects the culture and needs of each of us as individuals or those of our group. Once the session is completed, a draft will be circulated to the group for additional comment. Once this comment period has ended, the remarks will be incorporated, and the new "Protocol" will be distributed, posted on the department's bulletin boards, and provided to all employees as part of their orientation. It should be seen as an evolving document that will be periodically revised on an annual basis to reflect the evolving needs of our staff."*

Normally, the session is mandatory, since it is during normal work hours, and does not take on involuntary discussion of any specific individual's problems, complaints

or grievances. The session is usually away from the regular work location. Casual coming and going during the session is not permitted. This is particularly important regarding the participation by the organization's management. Such behavior is typically seen as an indication that the session is not important.

The two or three hours session for developing a "Protocol" is divided into three subsections.

### **Protocol Process: Subsection One**

The first subsection begins by asking attendees to "think of the name of an individual in your organization who causes problems." After a brief period for reflection, the participants are asked "who has thought of their own name?" Typically no one has. This initial question begins a process for self-examination of how each person may contribute to problems in the organization. This is followed by a discussion of various definitions of conflict, ending with a customer service definition, suggesting that complaints are important "gifts of information", necessary to allow for change. The soon to be developed "protocol" is described at this point as a mechanism or set of ground rules for "giving (or receiving) the gift of information". The section then turns to a discussion of the "stages of conflict". This discussion allows participants to see how conflict becomes individually and/or institutionally dysfunctional, including the development of "camps". This latter point allows for a discussion of how mediation agreements are sometimes undermined by an individual's friends within their camp, who may resist the reduction of conflict, if it is seen as devaluing the friendship, demonstrated by new behavior which is friendlier with the "enemy".

### **Protocol Process: Subsection Two**

Once the discussion of the didactic material is complete the second subsection begins. As a group, attendees are asked to respond to a series of three questions. Each question is followed by a discussion of the attendee's thoughts and perceptions. The remarks are written on a flip chart for all to see and reference as the discussion unfolds.

The questions are as follows:

1. If someone is having a problem with you, how would you like them to handle it?
2. If a coworker comes to you to complain about someone else in the department, what should you do?
3. If you have made a "good faith" effort to follow what was developed in #1 above, but you can't successfully address the issue, what is your next step?

The group's answer to the first question is always "come talk to me". The dialogue that follows allows each individual in attendance to discuss what must be included in the "Protocol" to insure a safe and respectful discussion process. Typically, the items listed identify a comprehensive set of "rules of the game", or ground rules, that allow individuals to get past process issues and on to substance. Sample agreements are provided in attachments #1 and # 2.

The answer to the second questions allows the group to develop alternatives to "camps". It also identifies an alternative role to that of "gossiper". Individuals can remain good friends with their old "campmates", and evolve into coaches for developing their friend's communication and conflict management skills.

The outcome of the discussion of the third question leads to a change in management's role in the department's informal problem solving process. Often the supervisor self identifies as the point for initiating complaints. This often creates an atmosphere where individuals give up personal responsibility for problem solving, instead "tattling" to the supervisor, who becomes a sort of ultimate parent. This tattling approach often evolves to the point where the "tattler" insists that the supervisor resolve the problem in such a way that the person "tattled" about will be unable to identify the "tattler". This frequently evolves into a no win situation with the supervisor being unable to be sufficiently clear about the problem to insure the problem individual understands either the problem, or the expected outcome. Often the result is that the problem behavior continues, and the "tattler" now is able to further complain "management never does anything!".

Typically, the outcome of this discussion leads to a change in role of management from "parents" to quasi mediators, who bring the parties together and helping them manage their conflicts directly.

Not surprisingly, the "protocols" developed by various groups are very similar. Attachment #1 and #2 are good examples.

### **Protocol Process: Subsection Three**

The third section of the session focuses on the implementation of the protocol. In this section attendees are divided into small groups and asked to discuss assigned questions. As the small groups report back, their reports are written on a flip chart. The whole group then determines an implementation process that meets individual, organizational and institutional needs. Questions that need to be discussed are as follows:

1. Should the Protocol developed in the session be kept in draft form for additional review and comment by the group, if yes, how long?
2. When implemented should the "Protocol" be seen as a regular part of the departments operational expectations, or should it be a " pilot program"?
3. When and how should the "Protocol" be evaluated as to its usefulness, need for revision, etc.?
4. When implemented are there any organizational changes that need to be made or overcome?
5. How does the "Protocol" link to either the mediation or formal grievance processes?
6. (Optional for groups with union contracts) Are there any formal notice requirements for any of the unions.

7. Can or should the "Protocol" be a performance expectation for faculty, staff and graduate students of the department?
8. What do I, as an individual need to do differently if the "Protocol" is to be effective?
9. How are individuals new to the department to be oriented to the "Protocol"?

## **Implementing Issues**

There are several issues to consider prior to the implementation of a new "Protocol". They are as follows:

1. If you are in a unionized environment, the union may see the implementation of the "Protocol" as a change in working conditions requiring at a minimum official notice, if not bargaining. This would be particularly true if employees were to be evaluated on their adherence to the "Protocol".
2. The "Protocol's" value is that it reflects communally developed "rules of the game". Some managers see the end product as useful and simply impose it on other parts of their organization. This approach is inconsistent with the notion communal ownership and understanding, and typically leads to the imposed "protocol" being largely ignored.
3. The "Protocol's" value is related to its being a document that reflect group norms and expectations. It must be periodically revisited and if necessary revised, or it will pass into oblivion as just another flavor of the month management project.
4. The "Protocol" is meant to address basic communication and conflict management issues. Participants should understand that certain issues such as allegations of sexual harassment, violence and "whistle blowing" are not covered by this process.

## **The First Protocol: A Case Study**

The Davis Mediation Program came into official existence in 1994. The first actual "Communication Protocol" was developed in 1996 in the department of one UC Davis' volunteer mediators. The mediator brought to the attention of her management group that she had observed some of the indirect communication and non-productive problem solving problems she had both learned about in her mediation training, and had observed as a mediator. She discussed the matter with the management team, who in turn advised staff of the process.

This department consisted of approximately 25 individuals including four management personnel. The entire group fully participated in the three hour session, and in a post session process of further editing and refining the material generated in the class. The "Protocol" was distributed to participants and posted on the

department bulletin board. The "Protocol" is also used to orient new staff to the department's behavioral expectations for effective communication and productive conflict management.

The "Protocol" has been in effect for seven years. Management of the unit describe the "Protocol" as "highly effective" and "has led to much more direct communication and depersonalized problem solving".

## **Invitation**

The Communication Protocol has been a useful tool at UC Davis. This year Mediation Services worked with nineteen departments to develop their unique "Protocol". It is a tool that mediators are invited to use and give us any feedback which may help us with the evolution of this tool. Comments may be forwarded to ldoover@ucdavis.edu

## **Attachment 1**

### **Communication Protocol**

The following principles and ground rules have been agreed upon for communication and conflict management.

1. Deal directly with the person involved, unless it is a supervisory matter, in which case you should talk to the person's supervisor. If, after dealing with the person directly and you are unable to resolve the matter, then bring in the supervisor.
2. Appreciate that different communication styles exist.
3. Be civil – no yelling and no profanity.
4. Stick to the issue at hand – no "kitchen sinks" or irrelevant issues should be brought up.
5. Be aware of the work environment; use a private office when the situation calls for it.
6. Be honest and trustworthy.
7. Be consistent, especially when delivering your message to more than one party.
8. Don't undermine by griping behind other's backs. If you are brought into this type of situation as a third party, support our protocol by reminding the person to talk directly to the appropriate person.
9. Do your fact-finding, especially when representing the position of others in a critical manner.

10. Be willing to be identified if you have a concern or complaint; anonymous complaints will not be addressed.
11. During all aspects of communication, conflict management and decision-making, separate the issue from the person. In other words, don't personalize an issue when delivering or receiving.
12. When receiving a message, demonstrate verbal acknowledgment that you have received the message; avoid withdrawal, passivity or passive-aggressive behaviors

The following protocol for decision-making was agreed to by staff.

1. Solicit input from the appropriate parties at the appropriate time. Different levels of involvement and responsibility will determine who is ultimately involved in the decision-making process. This step should be a proactive, information-gathering one without pre-judgment.
2. Acknowledge opinions/input and express appreciation for ideas. If information is known that has bearing on the decision, that information should be shared at this time, using language such as "Yes (acknowledging input), and (sharing information)..." A good faith effort will be made to address serious and legitimate disagreement.
3. When decisions are announced, provide information as to why the decision was made, including what the department/program/person's needs are.

*Note: Information is communicated through a variety of channels including through the Program Coordinator and/or through supervisors, e-mail, individual meetings, etc.*

4. If an individual has questions, s/he is responsible for seeking answers from the supervisor or Program Coordinator

*Note: Factors that go into decision-making are often numerous and complex, and information will be shared to the appropriate extent. Recognize that there often exist constraints in decision-making including time, scheduling, budget, management prerogative, etc.*

5. After seeking clarification, the individual staff member should express any remaining concerns or complaints in a timely (two-week period) way to the decision-maker(s). Anonymous complaints will not be considered.
6. Staff are expected to support the decision.

*Note: It is important for everyone to trust that input was weighed in the final decision and for staff to be able to "get on with it" rather than always wait for consensus which may never be achieved. Consensus is not only not always possible, it is also not always desirable. It is also important to "let go". If an individual finds him/herself in a pattern of disagreement with decisions and*

*philosophies of the department, s/he can always pursue other available options.*

## **Attachment 2**

### **Communication Protocol**

As a way of encouraging the management of the day to day conflict that is an inevitable part of life, this unit has developed a basic set of expectations regarding how individuals will go about handling workplace conflict. This alternative approach is a voluntary supplement to existing processes whose focus is problem solving.

1. If an individual has a problem with another person, all have agreed to go to that person first to discuss the matter. In order to insure the success of this direct approach, all agree to handle such discussions in the following manner.
  - Approach the person with whom you have the problem and ask to meet to discuss the matter; avoid approaching them in an "attach-blame" mode.
  - Find a mutually agreeable time and place to meet. The location needs to allow the parties privacy.
  - Let the other party know what the general issue is you wish to discuss, when you set the meeting up.
  - Voice tone and body language must be civil and courteous.
  - Avoid personalizing the problem, focus on behavior. Attach the problem, not each other.
  - The conversation is to remain confidential until both agree it may be shared with others.
  - Ask open ended questions to promote discussion, rather than "interrogate by asking "yes-no" questions.
  - Listen, maintain appropriate eye contact, and keep an open mind.
  - Summarize the other parties concern to check for understanding before attempting to "solve it".
  - Retaliation is not permitted.
  
2. If some approaches you to discuss a problem with a third party, remind them of #1.
  - If the person just needs to "vent", listening with the intent of focusing the person with the concern on developing a #1 strategy is appropriate. Pouring as on the fire is not permitted.

3. If the parties have made a good faith effort to resolve the problem, and they are unable to find a solution, the matter may be referred to the next level in the chain of command.
  - Typically both parties will go together to discuss the issue with the supervisor/manager.
  - The same general conditions described in #1 are to be used to set up the conduct of this meeting.
  - The supervisor will listen with an open mind to both sides; acting as facilitator, rather than decision maker, when possible.
  - Decisions will be made on the basis of a principle that will be applied to all employees.
  - If the supervisor needs additional time to make a decision, all parties will come to a common understanding as to the specific time the response will be given before leaving the meeting. If the agreed to date cannot be met, all will be advised of the revised date.

Although this process is intended to promote direct one on one problem solving, if all involved agree, third parties may be present to provide support. If the third party is present to act as an advocate, traditional adversarial processes should be used in place of the above process.

*Larry Hoover is the Director of Mediation Services at the University of California - Davis. He notes "I would like to thank Maureen Brodie for her earlier work and for continuing to collaborate with me on this process. I would also like to thank Sally Waters for her recent work with the "Protocol".*