Basic Guidelines for Handling Complaints

Based on a Magna Online Seminar titled "Basic Guidelines for Handling Complaints" presented by C.K. Gunsalus, JD.

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A Magna Publications White Paper

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ABOUT THIS WHITE PAPER

This white paper is based on a Magna Publications Online Seminar originally delivered on June 10, 2010, by C. K. (Tina) Gunsalus. Dr. Gunsalus is well known as a columnist for *Inside Higher Ed*, providing insight and advice to college administrators on critical personnel issues. She's also the author of *The College Administrator's Survival Guide* (Harvard University Press, 2006) (*http://www.hup.harvard.edu/catalog.php?recid=28312*). A nationally recognized expert on matters of research integrity, whistleblowing, ethics, and professionalism in academia, C. K. Gunsalus is the Director of the National Center for Professional and Research Ethics, Professor Emerita of Business, and Research Professor at the Coordinated Sciences Laboratory at the University of Illinois at Urbana-Champaign. Prior to that, she served as Special Counsel in the Office of University Counsel and Professor in the Colleges of Medicine and Business. In the College of Business, she teaches Leadership and Ethics in the MBA program and is the director of the required Professional Responsibility course for all undergraduates in the college. She is a member of the faculty of the Medical Humanities/Social Sciences program in the College of Medicine, where she teaches communication, conflict resolution skills and ethics. Her professional interests include professional ethics, with an emphasis on research and organizational ethics, communication and conflict resolution. Her most recent research examines the efficacy of role play and simulations in professional education.

Previously, she served for many years as an Associate Provost, where she was responsible for a range of academic policy and administrative duties, including department head training/support and academic policy interpretations and revision. During that time, she was known as the "department of yucky problems," with duties encompassing oversight of the discrimination and harassment grievance procedure, problem personnel cases and membership on the workplace violence team. Before that, her experience at the University included technology transfer, management of conflicts of interest, human subject protection, and long-term service as the campus Research Standards Officer with responsibility for responding to allegations of professional misconduct by faculty and students.

A licensed attorney, Ms. Gunsalus graduated Magna Cum Laude from the University of Illinois College of Law. She served on the Committee on Research Integrity of the Association of American Medical Colleges (AAMC) and the Government–University–Industry Research Roundtable *Ad Hoc* Group on Conflict of

Interest. She was a member of the United States Commission on Research Integrity and served for four years as chair of the American Association for the Advancement of Science (AAAS) Committee on Scientific Freedom and Responsibility. In 2004, she was elected a Fellow of the AAAS in recognition of her "sustained contributions to the national debate over improving the practical handling of ethical, legal, professional and administrative issues as they affect scientific research." In 2005, she was appointed to the Illinois Supreme Court's Commission on Professionalism. She recently accepted a position on the editorial board of the *Journal for Empirical Research on Human Research Ethics*.

Contents

Introduction

When colleagues complain, what does it cost you…besides your sanity?

When a culture of complaint replaces a culture of collegiality on your campus, you suffer—and so does the rest of your leadership. In fact, the entire campus community pays a steep price, because complaints impact morale, productivity, collaboration, retention, and more. Sometimes they also have legal ramifications…and sometimes they create security and safety concerns, as well.

So what's the best way to handle them? The goal is to learn to layer professional skills over your own personality and reactions so you can handle complaints in a way that represents your institution well and allows you to maintain your role as an administrator.

How can you address complaints effectively, resolve them positively, and reestablish healthy and productive working relationships?

You need to do the following:

- Recognize challenges to your neutrality and authority and respond effectively.
- Proactively set the tone for discussion.
- Gather input from all sides.
- Recognize and defuse aggression spirals.
- Focus on principles and facts, not personalities.
- Know and protect your "hot buttons."
- Choose your words carefully and intentionally.
- Learn when to rely on facts, and when on instinct.
- Document consistently and properly.
- Establish and adhere to follow-up plans.

1 Principles

The Train Wreck School of Professional Ethics

Imagine a train that has jumped the tracks. In the immediate aftermath, the steam is still rising from the wreckage, and you can hear the people starting to react to the crash. The first thing you, as a responder, have to do is triage. You have to extract the people who are injured and prioritize who is most seriously in need, who you can help immediately, and where you need extra help. You also need to clear the survivors from the area so they are protected in case of explosion.

In a university, when there is a professional train wreck, the situation is very much the same. Whether you have a case of possible research misconduct, a personnel matter, or any dispute in which complaints are piling up and frustration is rising, the first thing you have to do is triage. You need to be sure you have collected the evidence and protected people from retaliation in case the situation becomes worse.

The problem is never neat or isolated — organizations made of human beings are rarely simple.

After triage, you clear the track so the train can run again. And then you begin the forensic stage, in which you try to figure out why the train jumped the track. Although most trains travel without problems, this one wrecked, and you need to figure out why. You hope that there is a single problem that you can point to, but likely there are multiple causes. Yes, there was a mechanical failure, but there might also have been a failure to inspect the engine regularly, a problem with uneven tracks, or an inexperienced engineer who did not pick up subtle warning signs.

A university train wreck is much the same. Everyone prefers a situation in which one bad person—preferably someone everyone already dislikes—did something malicious. Most people prefer to point the finger at just one player.

The Problem Is Never Neat or Isolated

In reality, universities are made up of human beings. And organizations made of human beings are likewise rarely simple. Typically, in a university train wreck, you will find that multiple people knew of the problem in advance, but they didn't know what to do about it, they didn't know what to say, or they were worried that they wouldn't be heard. Sometimes, one or more of the participants or observers of the problem did say something, but a miscommunication meant that those who could have solved the problem failed to perceive it. Or, sometimes, those who should have spoken up engaged in the ostrich approach, preferring to stick their heads in the sand and hope the problem would go away.

Learning a Set of Habits

Learning to handle complaints in the university setting is largely about learning a set of good habits. A good analogy for this is hand-washing in the medical setting.

Think about how often health care providers wash their hands. Hand-washing is an important step to help ensure cleanliness and to help prevent the spread of infection. Health care providers know this, but on a day-to-day basis they don't stop to think through the situation every time. Rather, their hand-washing is a habit ingrained in their behavior from years of practice.

Likewise, solving problems at the university level is about learning a new set of habits. If you practice good prevention and solution habits, you will soon find that they are second nature.

Prevention Is More Gratifying Than a Solution

Ultimately, train wrecks in universities are never neat or isolated. And while there is a certain satisfaction to being able to solve problems after the fact, the real challenge for an administrator is preventing the problems in the first place. This allows everyone to focus on what brought them into higher education: working with students, making a difference in the world, and giving students a chance to change their fortunes in society. This is a uniquely American concept of higher education, and solving problems before they occur is part of what makes it possible.

2 Practices

Identifying Your Conflict Style

Stop and think: What is your conflict style? Understanding your own conflict style will help you understand and take responsibility for your own reactions. It will also help you understand the reactions of others, since everyone responds differently to a conflict.

When you encounter a conflict, do you:

- Avoid?
- Accommodate?
- Come out fighting?
- Look for a compromise?
- Mull it over and share your reaction later?
- Go into problem-solving mode?

Your answer tells you a lot about your conflict style.

The avoider

Are you an avoider? An avoider wants to delay or eliminate the need to deal with a problem. If you find yourself wanting to take a walk around the block when a conflict arises, you may be an avoider. Or, if your reaction to conflict is to immediately take steps to calm things down and lessen the noise, you may be practicing avoidance.

The fighter

On the other hand, some people are slammers of doors and heavers of crockery. These are the fighters. These passionate responders see conflict and immediately want to engage. This may keep them present in the conflict, but it also has the risk of escalating the conflict to a higher level.

The compromiser

Is your impulse to look for a compromise? The compromiser tries to find the middle ground; if he can't give the other person everything that was wanted, the compromiser will try to offer half.

The second-day responder

Do you need time to think about a conflict and share your reaction later? If so, you may be a second-day responder, who needs time to consider the situation in order to come back with a thoughtful response.

The problem-solver

Finally, the problem-solver jumps into solution mode when faced with a conflict. This is the person who can be so eager to reach resolution that she has difficultly focusing on gathering data and going through proper processes.

Setting the Tone Is Your Job

Part of the benefit of understanding your own conflict style is that it helps you set the tone. As an authority figure dealing with complaints, your primary responsibility is to set the tone for how the discussion will move forward.

Setting the tone requires a set of skills, and these skills require practice. It is not enough to think about these skills conceptually and hope they rise to the fore when they are needed. Rather, one has to practice the skills; say the words you plan to say in the case of a conflict. Practice this skill in front of a mirror or with a colleague so that when a stressful situation occurs you have said the words before. Those words are then familiar to you, and you know how it feels and sounds to say them. This will make it easier when you need them in the midst of conflict.

Tone setting is also not about negotiation. A conflict—particularly one with the potential to become serious—is not a time to compromise, accommodate, or avoid. This runs counter to most administrators' instinct. In an organization populated by different personalities, many of our days are spent negotiating and accommodating. However, when you are in the role of the person to whom a complaint has been brought, you need to turn off the desire to compromise and start by setting the tone. Negotiation and complaint handling are separate and special skills, and when you are the authority figure who must act on a complaint, it is not the time to negotiate.

Understanding the typical steps for successfully handling a complaint will help you do this in the throes of an emotional situation. The three initial questions you should ask in each situation are:

- Is it a complaint?
- Can you act on it?
- In what role are you being addressed?

Case Study 1: The Grad Student and the Affair

You are a new chair of a 15-member department, and on one of your first days you are visited by a graduate student who has made an appointment with you to discuss her career. When she arrives, she asks you to keep your discussion confidential; thinking she wants to discuss job offers, you agree.

However, she tells you that she has been involved in a consensual affair with a faculty member in your department. This faculty member is currently up for tenure. The student says she has been trying to break off the relationship, but the faculty member has been pressuring her to continue. She says he has been stalking her and threatening to delay her degree if she doesn't stay in the relationship.

The student tells you that she has spoken, in confidence, to every member of her dissertation

committee and to the student advocate. However, she refuses to file a complaint or let her name be used because she worries that this will damage her career. She wants you to help her get out of the situation and get her degree so she can successfully enter the job market. She would also like the faculty member to be denied tenure.

Is it a complaint?

The first question to ask yourself as an administrator is whether the student has a complaint. In this situation, without a doubt, there is a complaint here.

Can you act on it?

The more serious part of the problem is whether you, as an administrator, can act upon the complaint.

In what role are you being addressed?

There are multiple possible roles in which you may be addressed in a situation like this. One is as a friendly member of the faculty to whom the student came for advice in a bad situation. One is as a friend; in a small department, there are likely fairly few senior graduate students at any time, so friendships develop among the faculty and the graduate students. Still another role is as the department chair.

Setting the tone will allow you to talk about difficult issues in ways the parties involved can hear and understand.

In this situation, your role as department chair predominates. The student has come to you about a policy-based personnel matter with an allegation of sexual harassment. There is a conflict of interest between the supervisory authority the faculty member holds over the student and the relationship with her that he is pursuing. The faculty member is in a position of power that could impact the student and her career.

Your job as department chair is to be the steward of the quality of the graduate education program in your department; you are the authority figure. Your job is to set the tone for this discussion. Setting the tone will allow you to talk about difficult issues in ways the parties involved can hear and understand.

What should you do?

After hearing the student's complaints, what do you do? Clearly, the first action is to ask the student what action she seeks from you that is within your power to grant. In the scenario posed above, the student has asked for some things that are mutually exclusive: She has asked you to help her get a degree; to help her get out of the relationship; to make sure the faculty member does not receive tenure; and to allow her to ask for all of this without making a formal complaint.

This situation is particularly complex because it is the opposite of a factually determined complaint. For example, if someone slips a note under your door that says, "Chris wrote a paper, and a section of it is reproduced word-for-word from a piece in the New York Times on page B4 in column 6 on October 13, 1948," you can check the information and determine if it is correct. This complaint is based on fact.

If the graduate student does not wish to file and sign a formal complaint, you are very limited in what you can do.

The original graduate student complaint, however, relies on personal testimony. If the graduate student does not wish to file and sign a formal complaint, you are very limited in what you can do.

This is not to say that there are no aspects that can be factually verified. For example, if the student contends that the faculty member has been stalking her by telephone, you could, with the student's permission and a court order, check the telephone records. However, if she does not give that permission, you are limited in what you can do. You may need to tell the student:

"There is little I can do without your willingness to file a complaint so that we can act upon it."

Is it confidential?

There is another wrinkle to this complicated case, and this is the degree of confidentiality that is in fact in evidence here. Remember, our scenario takes place in a small department with 15 faculty members in it. The student has already commented that she has shared her story with her entire dissertation committee (likely three or four people), her advisor, and you. She may well have spoken to a third to a half of her department.

This is a problem not just for you and the student, but for the accused faculty member as well. Now there are several of his colleagues who have information about him that they will remember and likely talk about. This is unfair to him, particularly if the information is untrue.

If it is true, it will be difficult for you to protect the student, her career, and her degree without her formal complaint. You need to explain to the student that by the time multiple people have been taken into a confidence, the issue isn't really confidential any more. If you have promised confidentiality initially, you might say:

"This issue isn't really in confidence any more. If I said to you that I will speak to you about this in confidence, that is wrong. It is not appropriate for me to keep this in confidence."

This is an important lesson: don't make promises you can't keep. Likely, the administrator who promised confidentiality in this situation heard the student say that she wanted to talk about job prospects, and it was easy to think that this was a career counseling situation that could well remain private. However, once the complexity of the situation became clear, the student needed to understand that you cannot both keep the confidence and act upon the complaint.

As you realize this, you may wish to offer the student a choice between talking to you in your administrative role and talking to someone else. Consider language like:

"It sounds like you need someone to talk this through with. Let me get you a good resource, like the counseling center. I cannot be that person because of my job and my role in the situation; the boundaries of my job prevent me from being the one to talk with you about this."

After you refer her to the counseling center, the situation is still not resolved. You will want to call someone for help in your part in this situation—perhaps the dean or the university legal counsel. Unfortunately, if the student never gives you permission to divulge the complaint, you still have to have a conversation with the faculty member about hypothetical situations and policy. You might say something like this:

"We don't have an allegation against you at this time; I am not accusing you of anything. It is my duty to inform you that we have a policy on conflicts of interest that prohibits intimate sexual relationships between anyone who is supervising or evaluating a student, or providing a degree, and that student. It is my duty to give you a copy of this policy and ensure that you receive notice of it. Should there be an allegation of its violation and should the allegation be found true, this would be subject to discipline up to and including termination."

These are the kind of conversations that keep administrators up nights.

Case Study 2: The Case of the Missing Syllabus

You are the associate dean for undergraduate education. A student comes to you angry about paying tuition for a class in which he says the professor has no syllabus and keeps changing the assignments and grading criteria. He tells you that his father is a lawyer and he intends to sue for educational malpractice. He intends to name you, personally, in the lawsuit.

Is it a complaint?

Yes, the student has come to you with a complaint.

Can you act on it?

Yes, you can act on it; in your role as associate dean, you have correctly received the complaint from the student. While you may not be able to take specific action at this point, you have received sufficient information to begin the fact-checking process. You likely have

the obligation to determine the accuracy of the facts the student brought to you. You also will need to determine how the policies of your institution map onto those facts.

Your first action item is to verify what policies and procedures are in play. Does your institution require faculty members to post syllabi? Does the institution require faculty members to distribute them to students by a certain date? Has the faculty member not put out a syllabus? Has he changed the requirements repeatedly, making the course a moving target for the students? Chances are good that your institution has some policies about these issues so students understand what is required of them.

Setting Boundaries

Many people become researchers, professors, or scholars because they enjoy the intellectual life. However, when they are promoted to administration, they find that they have to deal with departments full of people, and people inherently bring friction and complaints.

As an administrator, you will be visited by many people with problems you didn't cause and perhaps cannot fix. If you have time to listen to these complaints as they arise, that is fine; however, most administrators are so busy that they must set boundaries.
In addition to understanding your own conflict style, it is also important to know how to set boundaries when handling complaints. There are a number of types of boundaries, and it is important to set these.

Time boundary

The first boundary is chronological: as an administrator, you have the right to manage your time. You have the right to put limits and constraints on when you will handle an issue.

Occasionally, you will encounter a situation in which someone will bring you an emergency complaint. These situations will require you to stop whatever you are doing and respond. These situations do not happen often.

More often, you will encounter a person who is completely consumed by the problem. He is the middle of the crisis, so naturally the problem is the center of his attention. However, just because it is the center of that person's world at the time doesn't mean you, as the administrator, need to drop everything to attend to it.
At the time of the crisis, this situation is likely just one of many pressing matters you are working on. Some of these priorities may be less important than the crisis, while others may be more important or more time sensitive than the crisis just presented to you.
Administrators must learn to manage their time. If you have other issues that take priority over the current complaint, do not hesitate to ask the complainant to set an appointment to come back at a time when you can give the issue your full attention.

One way to still give time to the new complaint without letting it consume your day is to set

beginning and ending times. For example, you might say,

"I have half an hour this afternoon at 2:00. Would that work for you?"

This sort of statement, which sets both a beginning and an ending time for the conversation, helps control and limit the amount of time that the complainant expects to use. This is important because many complaints are emotionally charged situations, and people in the throes of such a situation will typically use all the time the administrator has to give.

Setting limits on time also helps the complainant manage his or her thoughts. In the example above, you would be giving the complainant time to organize thoughts, set priorities for what is the most important information to share, and be ready to draw the conversation to a close when time is up. It also helps limit the expectations of the role of the administrator; the administrator is not functioning as a friend, an advisor, a family member, or a therapist whose job it is to help sort out the problem. The administrator's job is to hear the complaint.

Do not hesitate to stand up and walk the person to the door of your office or suite if he or she is having difficulty closing the interaction.

But what if you begin a meeting and it becomes clear that the complainant expects to take a great deal of time hashing through the issues? In this case, it is within your rights as an administrator to set boundaries on the current meeting. You might say,

"I can see that you need time to think this over. How about if we break now? Get your thoughts organized overnight, and I have 45 minutes at 11:00 tomorrow morning."

"Perhaps tomorrow you will know what you're seeking from me and be able to tell me the things you particularly want me to pay attention to."

Often, complainants are so consumed by their problem that they miss even these subtle verbal cues. Do not hesitate to stand up and walk the person to the door of your office or suite if he or she is having difficulty closing the interaction.

Topical boundary

The second boundary is topical. This is a particularly difficult boundary to set and observe. It has two different aspects that are important to consider:

First, it is important to manage the topics that you permit people to raise. Be aware of the temptation to confuse personal and professional roles; you can be concerned and warm without crossing the line into confidences better shared with friends, family, or therapists.

For example, consider the story of an administrator who, early in her career, was visited by a woman who was crying and wanting to talk. One of the things the woman brought up was the peculiar sexual habits of her ex-husband. This was unrelated to the complaint at hand, and it was certainly nothing the administrator could do something about. Even worse, some years later the ex-husband came to work in the administrator's building, and she had to deal with the memories of that conversation every time she saw him.

Instead of listening to this highly personal information, the administrator should have set boundaries as soon as it became clear the woman wanted to talk about things that were outside the administrator's authority or ability to help. She might have said,

"That's really not something that is appropriate to tell me. It's clear you need someone to talk to. Let me help you find the right resource."

Do not hesitate to make a referral to the appropriate resources on campus or off. Do not take the counseling role onto yourself when acting in the role of the administrator.

Do not take the counseling role onto yourself when acting in the role of the administrator.

Second, not only should you manage what you allow the complainant to talk about, you must also manage what you share with the complainant. It is tempting to share how difficult the situation is to deal with or how painful it is to hear someone who is hurting. However, that is outside the bounds of the situation. As the one in the power position, the administrator must refrain from sharing these thoughts.

However, administrators are also human. When you hear such impassioned information as that in a complaint, you may need to work through it and process it. You may need to work out a good way to approach the situation, or you may need to vent. Regardless, find the most discrete person you can, preferably outside your immediate context. Remember that even the most circumspect comment can make its way around the department grapevine quickly in ways that could damage your reputation and that of the person you are talking about. Develop a reputation for trustworthiness; if you promise a confidence, keep it, and if you cannot, tell the person why.

The personal boundary

Another boundary that is important for administrators to observe is the personal boundary. This is related to the topical boundary. Sometimes, the complaints an administrator hears are difficult and painful, and the administrator learns things he or she would rather not know. Regardless of how much sleep you are losing, this is not the time and the place to share this information. Rather, as the authority figure and the one setting the tone, you must edit the things you share. You may be over-sharing if you hear yourself making statements

like the following:

- Against my better judgment…
- I know I shouldn't be telling you this, but…

In general, you need to refrain from doing several things:

- Sharing what you think about the situation
- Giving running commentary
- Sharing your burden with the person who is bringing the problem

Sample Language to Use

Setting boundaries requires practice, and it helps to have some sample sentences constructed that you have practiced. For some, if the first sentence is already prepared, the rest of the conversation will evolve from that solid start.

"What action do you seek from me?"

The first sentence to practice helps you maintain the topical boundaries and stay within your chronological boundaries. You may find yourself repeating it multiple times within a single conversation, particularly with a person who has not been able to organize his or her thoughts. Be ready to use this sentence as many times as needed.

"What action do you seek from me?"

The sentence may require modification as you talk to the complainant. If you ask your first question and the complaint responds, "I want him shot at dawn on the quad with maximal shame and humiliation," you may have to reframe the conversation by replying,

"What action do you seek from me that is within my power to grant?"

This sentence helps people organize their thoughts. It helps them to clarify what the purpose of the conversation is, and therefore it helps you as the administrator set topical boundaries.

The other purpose of this sentence is to gather information. It is easy as an administrator in a complaint situation to assume that you have to solve the problem at hand and to jump to planning steps that you can take.

You may be surprised to find out just how little the person is looking for or how easy it is to help. Many times, the person just wanted to vent his or her feelings, and the purpose of the conversation was to do just that. However, it is important to clarify this at the outset. Discussing the problem may also help the person determine his own course of action.

"I will do that and get back to you."

The second sentence is harder and requires serious practice. This sentence—"I will do that and get back to you"—helps to set chronological boundaries. It also helps you to apply one of the most important guidelines for handling complaints, which is to never react when hearing just one side of the story. Sometimes, no action is the best action, but you won't know if this is the case if you don't investigate all sides.

However, because this phrase is often used when you have heard the complainant's side of the story and now need to check in with other involved parties, the complainant may feel that he or she is not believed.

An administrator needs to be ready to respond to this feeling. If the complainant feels that you should not need to consult others or gather facts, it is time for you to do your job setting the tone. Become more quiet, slow your speech down, and reply to the complainant. You may say something like,

"Just as I've heard everything you have to say, I need to find out how others view this situation. I will do that and get back to you."

Expect to say that several times as you reinforce your role in the complaint.

Another way to convey the same message is,

"Just as if someone brought me a complaint about you, and I would never act on it without speaking to you, I mustn't act on a complaint about Kate without going and speaking with her and seeing how she views this situation. I will do that and get back to you."

Complainants typically have a hard time understanding this. You may have to invoke the Golden Rule:

"How would you feel if I acted on a complaint without talking to you?"

In your role as administrator, you need to be clear that this is the right thing to do and the right thing to say; these statements clarify that you are filling your role and doing your duty.

"That's a choice only you can make."

This last sentence is particularly useful in a situation in which a passionate complaint turns into the threat of a lawsuit. It can be very scary to hear "I'm going to sue you and everyone you've ever met," or similar words. However, you need to clearly acknowledge that you cannot make such a decision for the complainant, but that initiating a lawsuit may have its own consequences. Consider saying something like:

"One of the things I need to tell you is, should you make that choice, I will no longer be able to speak with you, because your lawyer will need to speak to the institution's lawyers. I'm here to solve the problem. I'd like to work with you. Please let me know what you decide."

Remember, you can't make the choice for the complainant. All you can do is explain the options, then let him or her decide.

Don't Reward Misconduct

Have you ever observed a child in the grocery store throwing a temper tantrum? The child screams and kicks, and the parent finally gives in and buys a candy bar. Nearly everyone has observed—or participated in—such a situation. And while it is relatively common, the end result is that the child is being trained to have temper tantrums in public because he or she has been rewarded for the behavior.

It is the administrator's responsibility to consider what behavior he or she is rewarding.

Something similar is in play in complaint situations. When an administrator is the authority figure receiving complaints, no matter how unpleasant or painful, he or she must set and hold the boundaries. It is the administrator's responsibility to consider what behavior he or she is rewarding. This is important because one thing is true of everyone, whether a toddler or a Ph.D. faculty member: human beings will repeat behavior for which they are rewarded.

This leads to a central lesson: You can train people to be bullies or to abuse the system. Your job as an administrator is to avoid this.

Administrators are not often in the habit of handing over candy bars to crying complainants, but there are many other instances in which administrators reward bad behavior in the quest to do their job. Take, for example, a student who is not making satisfactory progress toward her degree. She petitions the administrator for an exception to the policy on time to complete the degree, and, in a moment of pity or compassion or exhaustion, the administrator gives an extension.

So, when the student fails to complete her degree on time by the end of the extension

period, she petitions again. After all, the last time she did so, she received an extension. She was, in effect, rewarded for her behavior, so why would she not try again? And if this exception happens again, soon the administrator is not only guilty of rewarding bad behavior, but she in effect has nullified one of her university's policies, because a policy that is never enforced eventually can't be enforced. Soon there is a line of students at the administrator's door, seeking extensions on degree completion.

But what if the policy is inherently unfair, and making an exception truly seems to be the best option? Rather than undercutting the value of your own policies and procedures, work to change the policy, because there is nothing worse than an unevenly, intermittently applied policy or procedure. Work to have policies and procedures that you can support, and apply those policies and procedures uniformly and consistently.

Overcoming Reticence

Some of these conversations are very unpleasant, and they can have a variety of emotional consequences for the administrator. This is normal. They are difficult situations because they are inherently thorny, involved, and confrontational. There is nothing wrong with the administrator who does not relish handling complaints.

One of the most difficult parts of an administrative job is learning things about the people you work with you would rather not know.

You must develop the intellectual skill of overcoming your natural reticence. Most people do not like problems, but as an administrator you will need to find ways to overcome that dislike in order to be effective at your job.

As an administrator, you will learn things you'd rather not know. One of the most difficult parts of an administrative job is learning things about the people you work with you would rather not know, like allegations of alcoholism or notification by the police of a domestic violence restraining order. These are not things you want to know, but now handling them is part of your job.

Talking about these things is also part of your job. In spite of setting good boundaries, you will likely have to discuss thorny issues like substance abuse, safety issues, and personal relationships if presented to you as part of a complaint or a performance issue. You don't have to like it, but you do have to deal with it.

3 The 10 Guidelines for Handling Complaints

Guideline 1: Don't Take It Personally

Administrators deal with a lot of input, and some of it is very critical of the job the administrator is doing. "You are destroying the best department we have ever had with your stupid rules and strategic plan," someone might say. A normal human being will react.

Therefore, while it may be impossible not to take criticism personally, this rule really means that administrators must not let personal reactions show. Your job is to set the tone, not to share emotions. Your job is to think about boundaries and stay in your role. Later, when you go home, it is fine to react and blow off steam.

Consider the following tips:

- Don't get defensive.
- Don't jump to conclusions.
- Discover whether the person seeks action from you or whether he just needs to talk.
- Thank the person for reporting the problem.
- Understatement rather than overstate.

Guideline 2: Never Act on One Side of a Story

There is no worse mistake an administrator can make than to act on only one side of a story. This is sometimes hard to resist, because one person's perspective on a story often seamlessly weaves together all of the actions and motives in a way that makes sense. With a story that holds together so well, it is tempting to jump into problem-solving mode.

However, reality is never so seamless and straightforward. Reality is greyer. Once you have heard multiple sides of a story, it will be clear that there are different perspectives, miscommunications, and misunderstandings.

Remember that most problems involve different perceptions of the same facts. Never act on only one side of the story.

- Don't accuse when you talk to people in fact-gathering mode.
- Remind them that a problem has been brought to your attention and that you are collecting basic information on it.

Guideline 3: Nobody Knows What Everybody Knows

When someone comes to you and says, "Everybody knows...," that is a signal to you to investigate further and learn more details, because no one really knows what everyone knows.

If someone presents something to you as commonly known fact, be sure to look further. Get witnesses, dates, places, names, specific details, and documentation. Otherwise, the

fact-gathering process becomes a game of "telephone," in which one person tells something to the next who tells it to the next. By the time the final person reports, the statement is different from reality. So, be sure to investigate the facts, especially in cases of "everyone knows."

Guideline 4: When in Doubt, Leave It Out

This guideline is about you, the administrator, and how you conduct yourself: when in doubt, leave it out. In difficult and contentious situations, less is more. This is particularly true in written reports about the complaint: be short, succinct, crisp, and to the point.

This is particularly challenging in academia, where professionals are trained to explain their thinking. However, if you explain your thinking in a written complaint report, you are opening the door for everyone to nitpick and perhaps to doubt the facts based on your account of your thinking. Less is more.

- Avoid any sentence that begins "I know you won't like hearing this, but..." or similar.
- Short is better than long.
- Trust your instincts.

Guideline 5: Never Attribute to Malice What Incompetence Can Explain

There are evil people in the world, it is true. However, those who automatically assume that every difficult situation is attributable to malice will largely be incorrect.

There is a term for this in social psychology called the "sinister attribution bias." This assumes that the outside actor is acting so out of malice, and it arises because we judge ourselves by our intentions, thoughts, and motives, but we judge others by their actions.

Instead, begin with the assumption that a situation has been born of incompetence, such as miscommunication or misunderstanding. Say things like:

"Is this right? I must not understand fully; can you help me?"

The new information may well help you see that the problem is not a result of bad intent but of misunderstanding. You will avoid the sinister attribution bias.

This has two effects. First, you will be right virtually all of the time. Second, it is a nicer way to live; sooner or later, the truly evil people will show themselves, but between these instances of evil, there is less angst.

Guideline 6: Say What You'll Do; Do What You Say

This goes back to the temporal boundary. Set your time frames; say things like, "I'll get back to you Thursday at 2:00." However, be sure to let people know if you can no longer do that.

The reason is that other people also are guilty of the sinister attribution bias, and it causes them anxiety. Say, for example, the reasons that you failed to get back in touch with the complainant are benign. You couldn't reach a conclusion by Thursday because you taught all day Wednesday and the other person you needed to speak with wasn't available because she had to deal with an ailing family member. These reasons are benign.

However, the complainant is distraught and obsessed with the situation, and if she doesn't hear back, she will be anxious. If there is a delay, contact the complainant as soon as possible, and set a new time frame:

"I'm sorry for the delay. I know this is stressful. I'll do it as fast as I can to get the right answer; I should be back in touch Tuesday."

Guideline 7: In the Absence of Facts, People Make Them Up

Related to the previous two guidelines, this one helps people avoid imagining the worst, as they often do when worried. Should you fail to get back to the complainant when you said, and the person has to wait a long time—and long will vary proportionately with how upset the person is—the complainant will assume that you are keeping him waiting out of malice. Instead, take steps to keep the person informed, and provide a way that he or she can contact you if anything changes—including the level of anxiety.

Guideline 8: Keep Notes

Very few of your conversations will ever involve a stenographer transcribing the proceedings, and you as an administrator are equally unlikely to transcribe. However, it is important to record the happenings of the meetings as soon after its completion as possible.

Do not record your thoughts, because you do not want to defend your thoughts in court.

Keep notes, but remember that there are only three things that ever need to be in your notes:

- The date and who was present
- The facts brought to you
- Any actions you promise

You are creating a record that, in the worst-case scenario, could be used in legal action. Do not record your thoughts, because you do not want to defend your thoughts in court; it will be enough to defend your actions. Keep your notes factual.

Also, avoid combining personal notes with official notes of a conversation. A factual account of a contentious conversation decorated by margin doodles of a firing squad and notes about the unpleasantness of the complainant is just as damning.

Electronic communications can be your friend in these circumstances as well. If you are

concerned that your advice was not heard or the other party is not clear on what was discussed, send a note or email that reiterates what you have promised to do and by when.

Guideline 9: Trust Your Instincts

Trust your instincts, and don't be afraid. Remember that fear is a visceral response; if you are afraid, seek counsel. Talk to someone on your campus and don't take a chance. Although much fear results from a fear of otherness rather than an actual fear of violence, there is no need to take a chance. Don't put yourself or anyone else at risk. Trust your instincts, even if you think you will feel foolish.

Guideline 10: Some Problems Require a Formal Process

There are some problems that you are never going to resolve informally, such as when the personalities involved are particularly volatile; where there's a long history of problems between the people; or where the allegations, if true, are very serious or criminal.

Some problems require formal processes that involve other people, particularly if they are personnel actions, like reprimands, discipline, and terminations. Formal process is required if:

- The situation is very volatile, or the power differences are unusually large
- The problem has deep roots
- The problem involves allegations that are very serious or criminal
- Three or more of the people have sexual relationships with each other

If emotions are very high, if you are delivering bad news, if the person is very volatile, you will benefit from having a witness involved.

These situations are so complex that you will benefit from involving employee assistance, human resources, the counseling center, or the provost's office.

Additionally, there are some situations in which you should not meet one-on-one with someone. If emotions are very high, if you are delivering bad news, if the person is very volatile, or if you believe the person has "selective hearing," you will benefit from having a witness involved.

4 What Are They Saying to You?

Try working through some of these sample exercises. For each one, ask yourself if this is:

- A threat
- Emotional blackmail
- An attempt to put you on the defensive
- A deflection

"I see X doing this all the time. Are you having this conversation with him too?"

If someone says this to you, there is likely an element of deflection. Think about conversations you may have had with a small child who said, "Well, Martha doesn't have to wear boots when it rains." This kind of statement deflects the conversation into one about Martha, and you may have replied, "Martha doesn't live in our house; in our house we wear boots when it rains."

Adults do the same thing, and this is often an attempt to deflect the conversation into a discussion of everyone else's behavior. To handle this, try the following steps:

Bring the conversation back to the complainant

Redirect the person onto the issue at hand. Remind him that the conversation is about him, not about the person he referenced.

Set the boundaries

Part of bringing the conversation back to the issue at hand is setting a boundary. Remind the person that just as you would never discuss her private, personal matters with others, you also cannot discuss others' behavior with her.

Level the playing field

Remind the person that there is a level playing field; that you would have the conversation with anyone in the department who had displayed the conduct. Everyone is treated equally.

"There's no telling what I could do if I went off my medications!"

If you hear a statement like this, it is likely a threat. The threat may be of unpredictability at least, or of violence at worst, but there is an element of threat. It may also be an attempt to deflect attention or to put you, the administrator, on the defensive. The message you want to send back includes human concerns.

The first concern you want to express is one about adequate medical care. Consider saying:

"I hope you are comfortable with the medical advice you are receiving. Do you have access to good medical advice? Shall I call the Employee Assistance Program for you?"

However, remember that you should never ask what medications the employee is taking. You are not a medical professional; the person's medical care specifics are not your business. Your business is the conduct. Your first response is a human concern that you hope the person is receiving good care.

Your second response is boundary setting. Consider redirecting the conversation onto the behavior by saying:

"I'm so glad you recognize that I don't want to see that kind of behavior in the workplace. I hope you and your medical advisor will do whatever it takes for you to continue to behave appropriately in the workplace."

Then you refocus your conversation with the person on the issue at hand, which is behavior in the office. Keep the conversation focused on performance.

"If you're not up to performing 100 percent of your job, maybe we should talk to HR and see about putting you on disability so that you can work part time if you can only do part of your job. And we really need to talk about your performance within the context of your obligations and duties. If you need help, let's get it for you."

"I HAVE A COUSIN WHO IS AN ATTORNEY."

Often, a person confronted with a difficult and potentially accusatory situation will begin by reminding the administrator of a connection with an attorney. This is a pretty straightforward threat, and it is designed to inspire a retreat.

It is important to remember not to reward bad behavior in this situation. Instead, set the boundaries. Remind the person that a potential lawsuit is a decision only they can make.

"I'm here to work with you. No one is more interested than we are if there's a problem at our institution; we want to fix it. In regard to speaking with an attorney, that is a decision only you can make."

5 The "And" Stance

A classic book about negotiation is William Ury's Getting Past No. One exercise inspired by this book encourages reframing criticism or negative information so that it is easier to hear.

This reframing largely involves removing the word "but" from sentences, as this is a "stopper word" that is often used to precede criticism. As people tend to shut down in the face of criticism, they often fail to hear not just the negative part of the message, but also the positive part. Remember the goal of your conversation and avoid language that encourages people to step out of the conversation. Instead of "but," use the word "and."

Using the "and" stance aligns you with people instead of putting you in opposition to them. It is powerful, it changes the tone, and it is entirely under your control. This stance puts you in a problem-solving mode.

Using the "and" stance aligns you with people instead of putting you in opposition to them.

Ury's advice is to "collect yeses." Try to agree whenever possible, and the other person in the conversation will respond in kind. It is difficult to be unpleasant to someone who is respectful and polite. Learn to agree without conceding.

Higher education is filled with people who are insecure overachievers. If you acknowledge that people have worked hard and that they are competent, the results will be very positive.

Try statements like:

"Yes, I can see this is a hard problem."
"Yes, I see you care a lot about this issue."
"Yes, I think we have a way to go before we reach a resolution."
"Yes, I can see you have worked very hard on this."

Like many of the approaches discussed, this is a tool that you can master only with practice. Like any tool, it can be used for positive or for negative effect. A hammer can be used to tear down, and you don't want to use a hammer on every project. However, if you understand the purpose and application of a hammer, you will know when to use it to build and improve. This technique is the same.

Challenge yourself: Try to go 24 hours without saying "but." Or try to dedicate a week to removing "but" from your email. This exercise will help you gain a feel for how often you use "but" in your conversations and how you can reframe the sentences.

Sample exercises include:

"The first five pages of your paper are very good, but your organization and your argument deteriorate after that."

Suppose you have a student who has given you a suboptimum paper with quality that degrades as the paper goes on. You might reframe this statement by saying:

- "The first five pages of the paper are very good, and I will try to help you apply that organization to the rest of it."
- "The first five pages are very good, and I'd like to see the rest of the paper be the same strength."
- "The first five pages are very good, and maybe we should think about ending it there, because the organization and argument seem strongest in the beginning."
- "The first five pages are very good, and I'd love to see the rest of it match that quality."

"I'd love to be able to give you a day off, but we'll be short-staffed that day already."

Consider this personnel issue, in which an employee wants a day off but it appears the absence would leave the offices unnecessarily short-staffed:

- "I would like to be able to grant your request, and why don't you email your coworkers to see if someone can cover this shift."

Practicing Agreeing

Ury's tips for practicing agreeing include:

- Collect yeses.
- Agree whenever you can.
- Agree without conceding.
- Acknowledge the person.
- Acknowledge competence and authority.
- Don't say "but." Say, "Yes, and...."

6 The Four "Rs"

As you come to the end of the complaint process, sometimes you will have substantiated the violation. In institutions of higher education, there is a tradition of seeking teachable moments, and this is a time for one. However, you need to have the four "Rs" in order to give someone a second chance and treat the situation as a teachable moment. The four "Rs" are:

Responsibility

Responsibility is an acknowledgement of the person's role in a situation. It is not blaming the system or finding fault elsewhere. This requires that the person understand the nature of the problem—what the rule is, why it exists, why it applies to him or her, and why it matters that it was broken. The person must also accept responsibility by agreeing that he or she took the problematic action and that the fault does not lie with another person, environment, or situation.

"I did it."

Remorse

Remorse is a genuine feeling of guilt over his or her role in the situation. This is not to be confused with the commonly heard "I am sorry I got caught."

"I'm sorry."

Rehabilitation

Rehabilitation is a person's understanding of how he or she will change his or her habits to perform better or prevent such a situation next time.

"Here's what I'm going to do better."

Recompense

This is an understanding of how the person plans to make up for the damage caused.

"Here's what I'm going to do to make up, to the extent I can, for the damage I caused."

If you don't have all four "Rs," you may be rewarding bad behavior when giving a second chance. In that case, punitive action may be the best course of action.

7 Conclusion

Handling complaints is all about responsibility, and there are two kinds of responsibility in play.

One is personal. Who are you? What do you stand for? Do you give back to the world what you take up in resources? What do you see when you look in the mirror in the morning? Is your family proud of you? Those are personal responsibilities, and they have to do with why we work and what we do and how we feel about it.

The other kind of responsibility is institutional. When you are the authority figure and people are bringing you complaints, the responsibility you are carrying is institutional. You represent the institution. People will see you as the university. The board of trustees and the administrators are invisible to students and faculty; your demeanor and skill affect how they see the institution. By effectively handling complaints, you affect not just the situation at hand but also how others see the university.

Appendix A

Conflict Situation Self-Assessment

1. What do you do well in difficult situations involving conflict?

2. What pushes your buttons? When do you lose it?

3. What have you seen others do well that you would like to learn how to do?

4. Where do you still need to improve?

5. How (specifically) do you plan to do that?

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Appendix B

Testing Your Boundaries: Challenges to Your Neutrality and Authority

How would you respond to the following statements?

Faculty Member: *"I see Mark doing the same thing all the time. Are you having this conversation with him, too?"*
You:

Business Manager: *"There are stories I could tell about this unit."*
You:

Faculty Member: *"You know, if we can't work this out, I may be forced to go public."*
You:

Staff Member: *"I have a cousin who is an attorney."*
You:

Senior Technician: *"There's no telling what I could do if I go off my medications."*
You:

Senior Faculty Member: *"This is incredible; who would have guessed that the power would go to your head like this? Does the dean [president] know you're doing this to me?"*
You:

Faculty Member: *"Believe me, you don't want to see what I'm like when I'm angry."*
You:

Faculty Member: *"Don't I have the right to do as I please in my free time? Last I heard, this was a free country."*
You:

Faculty Member after a department meeting about equalizing teaching loads: *"You're all ganging up on me because you know how fragile I am right now. I just can't take much more of this kind of treatment."*
You:

Graduate Student complainant: *"What do you think I should do in this situation?"*
You:

Faculty Member after annual evaluation: *"I thought you were my friend. Just where do your loyalties lie, anyway?"*
You:

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Appendix C

Practicing the "And" Stance (inspired by William Ury)

Rephrase each of the following prompts to use "and," not "but," without changing the fundamental message.

1. The first five pages are very good, but your organization and argument deteriorate after that.

2. I'd like to be able to grant your request for a day off, but we will be short-staffed that day already.

3. That sounds like a fascinating story, but I just don't have time to listen.

4. This really shouldn't turn into a legal situation, but we don't have a good solution yet.

5. I really thought it was going to be a terrible night, but it was actually quite nice.

6. This section is fine, but the rest needs to be reworked.

7. I'm very supportive of your candidacy, but I don't think I will be able to write a letter for you.

8. I did agree you could start looking at conferences, but not that many.

9. I have had terrible experiences with him in the past, but it sounds like a great opportunity for you.

10. This isn't very good, but this part could be interesting.

11. I cannot agree with you, but you make a good point.

12. I appreciate your interest in the position, but you don't meet our minimum requirements.

13. Thank you for your interest in my work, but I'm unable to accept your invitation.

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Appendix D

One-on-One with the Complainant: A Q&A with Dr. Gunsalus

Q. Sometimes people end up in academic administration who find personal confrontations quite uncomfortable, especially situations that involve discipline or reprimand. Do you have any advice that will make these situations less difficult for them?

A. First, accept that it's hard. Remember: It's hard because it's hard, not because you're defective. This is an intellectual skill. Know in advance that you're going to be uncomfortable, accept that, and then focus on your role. What's the principle reason you are taking the action that you are? Where are you in the process? Focus on leaving others as much dignity as possible, given the circumstances. Don't take it personally if the person lashes out at you. Listen carefully for facts that might be important and might not be part of the record.

Q. Are there any rules of thumb for types of comments not to make when in a one-on-one meeting with a complainant?

A. The single most important thing is a corollary of not taking angry comments personally: Don't make any part of the meeting about you. Don't share your opinions, your discomfort, or your predictions about what might happen. Don't comment on any of the parties involved, and most of all, don't dish. Focus on your role, the mission, and the institution. Know what the rules are and be prepared to explain them, along with time frames. Don't make promises about the outcome. Don't make promises in general, other than that the complaint will be heard with care and with a focus on the procedure and the facts.

Q. How do you respond to someone who has a history of making unsubstantiated complaints? Is it legitimate to use that person's history in evaluating his or her current complaint?

A. Here's another important rule of thumb: even flakes can be right. Complaints must be evaluated on their facts, not on the personality of the person presenting them. If the complainant is presenting the same complaint that's been examined and dismissed before, that's one thing. But a new complaint, with new grounds, requires at least some level of review. If the person has a history of attributing motives or making statements that cannot be factually substantiated, it's fine to ask the person for evidence rather than just accusations. Work with your legal counsel to make these judgments.

Q. Is it ever proper or helpful to offer my own assessment of the situation to a person who is complaining to me?

A. Not if you're the authority figure who will need to rule on the complaint. Remember your role: if you are a decision maker, sharing your perspective or opinion before the facts have been examined distorts the process.

Resources

Gunsalus, C. K. (2006). *The college administrator's survival guide*. Harvard Univ Press.

Ury, W. (1993). *Getting past no: negotiating your way from confrontation to cooperation*. Bantam.

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