Difficult People, Difficult Things

Sheila Ager, ALP  
Katrina Di Gravio, OHD  
Matt Erickson, CMAHRO  

28 February 2019
If everyone were clothed with integrity, if every heart were just, frank, and kindly, the other virtues would be well-nigh useless, since their chief purpose is to make us bear with patience the injustice of our fellows.

Jean-Baptiste Poquelin (Molière)  
(1622 – 1673)
Top five tasks for which Chairs said they needed help and guidance*

1. Dealing with problem faculty.
2. Guiding Department change.
3. Evaluating faculty and staff.
4. Nourishing Department climate.
5. Managing conflicts.

Today’s Agenda

• A worst-case scenario (it will be uphill from there).
• People: difficult or different?
  – Break –
• The conflict instrument.
• Difficult interactions and broken relationships.
Reminder: UW’s Six Basic Principles

• Focus on the situation, issue, or behaviour, not on the person.
• Maintain the self-confidence and self-esteem of others.
• Maintain constructive relationships.
• Take initiative to make things better.
• Lead by example.
• Think beyond the moment.
Worst-Case Scenario:
Professor Valery Fabrikant
Concordia University
24 August 1992
Unchecked and extreme narcissism, made worse by the circumstances and traditions of the academy.
1979 – 1983

• Fabrikant hired as personal research assistant by Tom Sankar.

• F. publishes dozens of papers, citing Sankar as co-author on most of them.

• F.’s arrogant and abusive behaviour makes him unpopular.

• Nevertheless, Sankar presses Vice-Rector John Daniel to make F. a research associate professor.
Sankar’s response to Daniel: ‘I was always under the impression that we took decisions on promotions, reappointments and salary increases purely on the basis of scholarly achievements and academic excellence rather than on the individual’s behaviour ... I hope my understanding is still valid.’

Sankar turned a blind eye to Fabrikant’s behaviour. He was not alone among academics at Concordia—and elsewhere—who believed that academic freedom meant not just freedom of speech but tolerance of eccentricity.

Morris Wolfe, ‘Dr. Fabrikant’s Solution,’ *Saturday Night* 1994
1985 – 1988

• F. hired into special research project by Tom Sankar’s brother Sheshadri.
• F. ceases giving co-authorship to others.
• S. Sankar tells F. contract will only be extended one more year.
• F. threatens legal action and S. Sankar offers two-year contract.
1989 – 1990

• F. begins talking about guns, threatening to shoot Sankar brothers and Dean Swamy.
• Psychiatrists consulted re possible risk; no action taken.
• Dept. of Mechanical Engineering recommends F. be promoted to ‘research professor’.
• Vice-Rector Rose Shein in refuses, but F. is given tenure-track position through S. Sankar’s special project.
• Shein in consults Concordia’s legal counsel.
[Rose Sheinin] was told that Concordia could not exercise its normal right to discipline people if its criteria for imposing discipline weren’t clear, or hadn’t been communicated to its employees. The same thing was true if the university overlooked rule violations, or permitted a course of misconduct to continue. By not taking action in the case of Fabrikant, the legal counsel wrote, the university could be seen to have ‘tacitly tolerated [his] disruptive behaviour.’

Morris Wolfe
1990 – 1992

• Sheinin send letter to F., who apologizes.
• Friction increases between F. and new Chair of ME, Sam Osman.
• Dept. of ME does about-face and recommends F.’s contract not be renewed.
The departmental personnel committee’s recommendation that Fabrikant not be renewed included a declaration of its new-found belief that the competence of a professor included not only his or her ‘capacity to teach and carry out research activities, it also has bearing on his (her) ethical and moral conduct ... The lack of these qualities, especially if they interfere with the performance of other members of the university* ... cannot be tolerated ... . Many persons inside and outside the university,’ they wrote, but without giving specifics, ‘have been subjected to harassment, threats, blackmail and allegations by Dr. Fabrikant.’

Morris Wolfe

*Cf. UW Policies 33 & 77.*
1990 – 1992

• Sheinin send letter to F., who apologizes.
• Friction increases between F. and new Chair of ME, Sam Osman.
• Dept. of ME does about-face and recommends F.’s contract not be renewed.
• Dept. overruled by Faculty committee, F. given one-year contract.
1992

• F. steps up his campaign, accusing Sankars and Dean Swamy of malfeasance, launching lawsuit against Sankars.
• Sheinin send second letter to F. (who rejects it).
• 23 June: F. seeks gun license; Sheinin urges Rector Patrick Kenniff to suspend F. immediately (he refuses).
• 19 August: F. receives second formal letter of warning.
• 24 August: F. arrives at Engineering building with three handguns.
Fabrikant … was surrounded not only by people who had a dubious sense of right and wrong but also by human frailty. He was in the employ of a flawed, fractious university, with a celebrity chief officer, hostile senior managers, an impotent campus-support apparatus, and academic colleagues who were often too apathetic or greedy or scared or dainty to blow the whistle.

Morris Wolfe
For nearly five months he played like a blowtorch on the fabric of the justice system—crowding, hectoring, manipulating, jeering—seemingly aware that truly unsocialized behaviour has the rest of us and most of our institutions at a disadvantage.

Morris Wolfe
Key Observations from the Arthurs Report

The almost inescapable pathology of the surrounding research culture, of systems of scholarly assessment, research funding and industry-university-government cooperation which have developed in Canada over the past 25 years, and ultimately of developments in scholarship which, if not universal, are certainly widespread.
Key Observations from the Arthurs Report

• Production-driven research culture –
  • Competition for funding resulting in frenetic emphasis on quantity over quality.
  • Emphasis on externally contracted and remunerated research and entrepreneurship.
  • Temptations to fraud and falsification.
  • Unwarranted claims of authorship.

• Given that this culture is unlikely to change, greater efforts need to go towards accountability.
Key Observations from the Cowan Report

Viewed from a distance, the University handled Fabrikant in very much the same way most Canadian universities are inclined to handle faculty who exhibit disruptive behaviour patterns, which is to say that they treated him far too benignly on the behavioral issues and somewhat too harshly on the academic issues.
Key Observations from the Cowan Report

• Inadequate preparation for academics who take on leadership/management roles at all levels.

• Decentralized structure and poor communication among units, lack of ‘collective leadership’ at upper levels.

• Failure of courage in/support for leaders tasked with decision-making.

• Poor record keeping and turnover resulting in serious lack of institutional memory.
Key Observations from the Cowan Report

• Use of qualitative academic assessments (e.g., tenure, promotion) as surrogates for management decisions (e.g., on behavioral issues). Note MoA...
Disciplinary processes are not to be used to inhibit free inquiry, discussion, exercise of judgement, or honest criticism within or without the University. (8.1)

Disciplinary processes must be kept distinct from academic assessments associated with annual performance reviews and consideration for tenure, promotion, and probationary reappointment. (8.7)
Key Observations from the Cowan Report

• Use of qualitative academic assessments (e.g., tenure, promotion) as surrogates for management decisions (e.g., on behavioral issues).

• Extended interpretation of academic freedom leading to abuse.

• Lack of institutional policy and/or failure to understand and apply policy appropriately.
A few reminders from our orientation sessions on dealing with difficult people/situations...
Grow a thick skin (if you can).
Find a confidant(e).
Be aware of your own particular vulnerabilities.
Pick your battles.
The academy has a high tolerance for eccentricity – and it can reward behaviours you may not like…
...At the same time, you have to be prepared to call people on their behaviour on occasion.
Don’t answer anything right away, even if you like to be efficient.
There are some people you just cannot argue with.

Wilko Johnson as Ser Ilyn Payne, Game of Thrones
Don’t try to go it alone – reach out for help

David and Goliath
Shane Robinson
In impossible situations, err on the side of generosity.

The Judgement of Solomon
Nicolas Poussin
1649
Difficult or Different or Both?
Katrina Di Gravio
Difficult vs Different

- **Difficult**
  - Hard to deal with or get on with
  - Hard to please or satisfy
  - Hard to persuade or induce; stubborn
  - Habits, confidence, ability, control…

- **Different**
  - Not alike in character (i.e., different from me)
  - ‘Unusual’ manner or style (i.e., different norms than in my culture)
  - Culture, beliefs, value systems, customs…
Direct Culture Example

• After research presentation at a conference, a Greek colleague raised his hand to say:
  • ‘The assumptions behind your research question are all wrong.’
  • ‘Your sample is not balanced so your results are meaningless.’
  • ‘This kind of research is exactly the wrong kind of culture research.’

• My interpretation: Disrespectful, rude, inappropriate, doesn’t care about/little attention to the feelings of others.

• Culturally mindful interpretation: Direct communication, enjoy argument, process is more important than result, wants to engage in debate.
Expressive Culture Example

• Large, angry Middle Eastern student comes into the office to complain about being requested to withdraw from program
  • Agitated & loud
  • Hands on my desk, in-my-face
  • Grunting, heavy breathing
• My interpretation: Disrespectful, rude, inappropriate, scary, wouldn’t treat a man this way.

• Culturally mindful interpretation: Female support staff considered lower status, wants to speak to male decision maker, emotional expression is normal part of communication and social interaction.
Approaches and Awareness

• Opportunity for a ‘teachable moment’ ...
  • Educate from a societal norms and expectations perspective
  • Educate from the gender perspective
  • Reference to UW policy in regard to both of these
Note: Gender is a form of culture

Women *tend* to be more likely to:
- Ask questions
- Apologize
- Offer praise before criticism
- Compliment
- Be indirect
- Seek consensus

Men *tend* to be more likely to:
- Be direct
- Take credit
- Be critical
- Argue and debate
- Talk to superiors
- Want to ‘win’
On both sides, communication style tendencies may result in misperceptions

Female action and male response:
Female staff member offers diffident suggestion about new budget model (‘I wonder if we should maybe think about...’).
Possible male response: she is unsure of herself and lacks confidence in her idea.

Male action and female response:
Male staff member is forthright in asserting his views on new budget model (‘Look, what we need to do is this...’).
Possible female response: he is aggressive and does not care about the views of others.
Deborah Tannen on ‘Genderlects’
Self-Reflection

• Always take a moment to consider whether you are contributing to a difficult situation.
• How do others perceive you?
• E.g., do you do any of the things Bar-David identifies as uncivil (see handout)?
Tips to Remember

• Don’t assume sameness.
• Don’t assume that what you meant is what was understood.
• Don’t assume that what you understood is what was meant.
• You don’t have to like ‘different’ behaviour, but you should try to seek a greater understanding.
• Be sensitive and aware of cultural differences.
• Try for a culturally mindful response.
• Always show respect and empathy.

‘In dealing with people unlike us we can’t afford to be too sure of ourselves.’
Craig Storti – Cross-Cultural Dialogues, 1994
Let’s All Go To The Lobby

to Get Ourselves A Treat!
It's a six

It's a nine
Understanding Your Preferred Conflict Handling Style

How can learning more about conflict styles help you deal with conflict?
Conflict Style Instrument
Five Conflict Handling Styles

- **Collaborate**: I Win, You Win
- **Accommodate**: I Lose, You Win
- **Compromise**: We Both Win, We Both Lose
- **Avoid**: I Lose, You Lose
- **Compete**: I Win, You Lose

Importance of outcome

Importance of relationship

Assertiveness
Keeping Conflict In Balance

- Attitudes
- Behaviours
- Communications
- Personal Goals

- Perceptions
- Resources
- Values
- Conflict Style
Difficult Interactions and Damaged Relationships

Matt Erickson,
Director, CMAHRO
Continuum of Conflict Management Processes

No assistance, direct communication

- Negotiation
- Meetings
- Conversations

Informal 3rd party assistance with...

- Conciliation
- Coaching
- Team Building

- Coaching
- Training
- Facilitation
- Mediation

- Advisory mediation
- Fact finding
- Settlement conferences

Informal: despite the intervention, the party retains control over, and input into, the final outcome.

Formal 3rd party assistance: no direct communication

- Grievances
- Arbitration
- Investigation
- Adjudication

Formal: the party gives up control over, and has limited input into, the final outcome.

TWO THINGS:

1. There will always be a need to share or hear information that we believe to be negative or critical and where there is a real possibility for a negative impact.

2. If this is to be the case, then we need to consider that there is more that contributes to a difficult conversation than negative content of the message.
## Positive Substance Good Process
- Good Relationship

## Positive Substance Poor Process
- Poor Relationship

## Negative Substance Good Process
- Good Relationship

## Negative Substance Poor Process
- Poor Relationship
Characteristics of a Damaged Relationship

- Presence of high negative emotions
- Distrust is high
- Desire to understand another’s perspective is low
- Effective communication is low
  - Questions that promote understanding diminish and are replaced by statements
  - The quality of listening diminishes
- Presence of active negative filters contributing to misperception, pre-judgements
CONFLICT MANAGEMENT AND HUMAN RIGHTS OFFICE

SUCCESSFUL OUTCOME UNSUCCESSFUL

Good Process

Positive Substance
Good Relationship

Positive Substance
Poor Process
Poor Relationship

Negative Substance
Good Process
Good Relationship

Negative Substance
Poor Process
Poor Relationship

Good Relationship

Good Process

Poor Process

Poor Relationship

GOOD PROCESS POOR

GOOD SUBSTANCE POOR

GOOD SUBSTANCE GOOD

POOR SUBSTANCE GOOD

CONCERNS EMERGING

GOOD CONFLICT RELATIONSHIP POOR

©Matt Erickson, 2011
Barriers That Can Impede Effective Early Resolution Attempts

- Low confidence
- Lack knowledge ‘how to ...’
- Lack requisite skills
- Lack support ... ‘I’m all alone’
- Uncertainty
- Carelessly framed problems and solutions
- Perceived lack of caring/sensitivity
- Fear
- Lack of understanding
Case Study: Professor Ivey and Bea Ware

• Professor Ivey is new to the Department and new to the job.
• Admin Assistant Bea is extremely helpful to him, as she was to previous Chair.
• Concerns begin to arise in Professor Ivey’s first year on the job:
  • Bea’s appropriation of Chair’s responsibilities.
  • Bea’s treatment of other staff.
  • Bea’s disregard of needs of faculty and instructional staff.
• The previous Chair, Professor Indeye, had done nothing.
Questions

1. What is the problem?
2. Where does the responsibility for this situation lie?
3. How could things have been done differently? By whom?
4. What damage has been done?
5. What can be done now to reverse the damage?
6. What are the risks entailed in allowing the situation to continue?
Case Study: Professor Larsen and Professor Heinen

- Professor Heinen has been hired with tenure and is eager to apply for promotion to Full immediately.
- In light of his teaching evaluation, Professor Larsen, the Chair, suggests he delay his application.
- Professor Heinen is turned down by both the DTPC and the FTPC, and blames Professor Larsen.
- Professor Larsen finds this an emotionally difficult situation.
• Re the Larsen-Heinen scenario – should we perhaps substitute a case study that moves a little farther towards the Fabrikant end of the spectrum? I.e., that might bring us into the “duty to act” territory?
• That way the Bea scenario could be about difficult conversations/people management skills (as in Summary 1; see below), while the Larsen-Heinen scenario brings up issues of policy, etc. (as in Summary 2)
Questions

1. What is the problem?
2. Where does the responsibility for this situation lie?
3. How could things have been done differently? By whom?
4. What damage has been done?
5. What can be done now to reverse the damage?
6. What are the risks entailed in allowing the situation to continue?
Summary 1

• Be sensitive and aware of cultural differences.
• Try for a culturally mindful response.
• Always show respect and empathy.
• Don’t take it personally.
• Stay calm.
• Focus on the issue or behaviour not on the person.
• Maintain good relationships.
• Lead by example.
Summary 2

• Avoidance may not be the best strategy.
• Consider whether there is a duty to act.
• Be mindful of potential or real harm to others (prevention and restoration).
• Consider the institution’s policies.
• Be aware of legislation (e.g., human rights, workplace harassment).
• The importance of communicating and recording (a paper trail).
Support and Assistance

• Human Resources, incl. Organizational and Human Development
• Conflict Management and Human Rights Office
• Occupational Health
• Employee and Family Assistance Program
• Police Services
• Dean
• FAUW
• ALP