

DATE: November 22, 2005

TO: David Flynn
Chair, UHM Library Senate
Hamilton 109

FROM: Karen Cross 
UH Program on Conflict Resolution
Saunders #523

SUBJECT: Guidelines for Choosing Facilitators

I know you are having an important meeting Wednesday Nov. 23 and I hope these materials will be relevant to your deliberations I provided a similar set to Diane Perushek.

GROUP FACILITATION IN HAWAII

Peter Adler, John Barkai, Donna Ching, Dolores Foley, Holly Henderson, Kem Lowry, Tom Mitrano, and Jane Yamashiro

September, 1998

Note: This statement grew out of a series of discussions between colleagues about the use and occasional abuse of "facilitation" in the public, private, and civic sectors. The authors encourage readers to copy and disseminate this statement to other groups and individuals who have an interest in facilitation, collaboration, and consensus-building.

WHO WE ARE

We are professionals who provide technical assistance to groups. Some of us work with communities. Others of us work in business and government settings. Generally, we are retained to assist groups as they try to exchange information, gather feedback, consult with others, build consensus, make plans, solve problems, or resolve conflicts and disputes.

Although we each come to our work with a different style or approach, we often share the term "facilitator" to describe our efforts. In turn, the word "facilitation" can mean many things and sometimes obscures more than it reveals. Depending on the orientation of the facilitator and the needs and desires of the group, we variously find ourselves doing any or all of the following:

Situation or Conflict Analysis, in which we are retained to examine specific substantive, relational, and procedural circumstances and the readiness of a group to participate in some kind of strategic meeting process.

Process Design in which we help a group set goals and fashion specific procedures to meet those goals.

Training in which we prepare groups with the skills they will need to participate in specific types of interactions.

Team-building in which we help groups cohere for purposes of achieving their own articulated goals.

Partnering in which we help groups form specific alliances, confederations, or associations, usually to accomplish mutually advantageous and tangible near-term goals.

Coaching in which we advise groups on both process and the substance of the outcomes they are working towards.

Chairing, Moderating, and Meeting Management in which we help organize and run meetings.

These are some of the different roles we play when we are employed by groups.

The convictions we hold in common and the reasons to articulate them are important to us. At core, we believe in the inherent wisdom of groups and the high value of collaboration and consensus-seeking, with or without facilitators. Conventional decision making often favors some interest groups and excludes others, usually those who challenge the status quo.

In turn, those who challenge the status quo sometimes behave in ways that often appear strident, intolerant, and self-righteous. True collaboration and consensus-seeking encourages a full diversity of view points and the joint search for creative and innovative group solutions to complex substantive, procedural, and relational conflicts. Our experience repeatedly shows us that genuinely collaborative decision making increases the chance of successful implementation. For facilitators, then, it is the group that commands ultimate allegiance, regardless of who bears or underwrites the costs of the process and the facilitator's fees.

Increasingly, however, those who know the term but not the underlying values and rationales are requesting facilitation for situations in which it is inappropriate. Facilitation is too often used as a form of flak catching, as walk-on meeting management, or at its worst -- as a means of lending legitimacy to done deals. That is why we feel compelled to issue this statement of philosophy.

OUR BELIEFS

1. **A GOOD FAITH CONTRACT.** We believe the job of the "facilitator" involves a three-way good faith contract that must be honored by (a) those who are sponsoring or convening the process; (b) those who are serving as facilitators of the process; and (c) those who are participating in the facilitated process.

The contract requires the sponsor, the facilitator and the group to disclose their roles and what the facilitation process entails. The contract requires

those who are employing facilitators and acting as conveners to fully disclose what decision-making powers are and are not being delegated to the group. Last, the contract requires those who participate to clarify their relevant roles, responsibilities, and accountabilities to others within and outside the group, to the facilitator, and to the convener.

2. **TRUSTWORTHINESS AND IMPARTIALITY.** We believe that the first duty of a facilitator is to be a servant of the group and the process. This requires trustworthiness and impartiality and a guarantee that all parties will be treated equally and fairly in the discussion or decision-seeking process. Facilitators cannot advocate for one party's point of view and must never participate in any process that is misrepresented as to its purpose or that is intended to circumvent legal processes. Sponsors and participants have the responsibility to help the facilitator maintain his/her impartiality by making them aware of instances in which they appear to be treating people unfairly.
3. **INCLUSION AND PARTICIPATION.** We believe the job of the facilitator is to help groups have difficult and sometimes risky and far-reaching conversations that will affect other people, including those who may not be at the table. Collaboration begins with inclusion and participation. While the ultimate responsibility for deciding who is and is not invited to participate in a particular process rests with the convener and sponsor, facilitators have a duty to advocate for the widest representation and fullest participation.
4. **RESPECT FOR CULTURE.** We recognize that important meetings sometimes bring together people of different cultures, backgrounds and experience in public forums. We strive to design and conduct meetings that are sensitive to the cultural norms and expectations of the participants and their experiences in participating in public meetings. Understanding who will participate in meetings is therefore a critical component of process design.
5. **CLARITY ABOUT OWNERSHIP AND DECISION MAKING.** We believe that sponsors and facilitators have a duty to group members to explain fully and completely (a) how decisions in the group will be made; (b) how any generated information will be used and who owns that information when the process is complete; and (c) where the groups activities and decisions will ultimately fit in the life of the issue under consideration. Hierarchy or other circumstances sometimes may mean that the final decision will not be made by the group; if so, this must be made clear from the beginning of the process.
6. **BETTER POLITICS.** We recognize that process facilitation is ultimately a political act. By "political" we mean that group discussions are usually an attempt to improve the collective good, that they bring together people with

different kinds of power, and that they ultimately involve the making of difficult decisions about who gets what, for what purposes, and under what conditions. As facilitators, we assume a role of trusted third party. Throughout all of our work, we strive to increase the group's productivity, to help create decisions that are fair, efficient, stable, wise, and transparent, to create good "road maps" for the future, and where possible, to heal old hurts and restore good relations. To do these things, we may play different roles. Sometimes we organize. Sometimes we coach. Sometimes we plan.

7. **THE FACILITATORS ROLE.** We believe that the role of the group facilitator can be significant and can help a group achieve great things. It is not a panacea, a way of life, a universal cure, or a therapy. Facilitation has limits, is often not appropriate, and can, when done badly, do tremendous damage. Facilitation therefore should not be done casually or assumed to be trivial. It carries serious responsibilities.

Because we believe that communities, businesses, legislators, and government agencies may find this document useful as they contract with facilitators, we encourage its circulation to anyone who serves as convener, sponsor, or user, of facilitation processes.

Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement-Seeking Processes

This recommendations in this report were developed through a joint effort of the SPIDR Environmental/Public Disputes Sector and the Consortium on Negotiation and Conflict Resolution in Atlanta, Georgia, supported by the William and Flora Hewlett Foundation. This report focuses on best practices for government agencies and other users in the United States and Canada, reflecting the membership of the SPIDR Environmental/Public Disputes Sector. While potentially applicable to other countries, the recommendations will likely need to be tailored to the political frameworks, institutions and cultural norms in those societies.

Executive Summary

The guidelines for best practice are proposed by the Society of Professionals in Dispute Resolution for government-sponsored collaborative approaches that seek agreement on issues of public policy. The processes these guidelines address have the following attributes:

- ❑ participants represent stakeholder groups or interests, and not simply themselves,
- ❑ all necessary interests are represented or at least supportive of the discussions,
- ❑ participants share responsibility for both process and outcome,
- ❑ an impartial facilitator, accountable to all participants, manages the process, and
- ❑ the intent is to make decisions through consensus rather than by voting.

Recommendation 6:

The Sponsoring Agency Should Ensure the Facilitator's Neutrality and Accountability to all Participants

It is preferable for all parties to share in selection of the facilitator. When that is not possible, the agency or department has a responsibility to ensure that any facilitator it proposes to the participants is impartial and acceptable to all parties. The facilitator should not be asked by the sponsoring agency, or any other participant, to serve as their agent, or to act in any manner inconsistent with being accountable to all participants.

The impartiality and process management skills of a facilitator are particularly important in agreement-seeking processes. It is here that the

facilitator serves as an advocate for and guardian of the underlying principles of collaborative agreement-seeking processes. (Appendix 4 provides a list of best practices that govern facilitator or mediator conduct in agreement-seeking processes.)

When the issue at hand is highly contentious or when participants have limited trust in other participants, a facilitator plays a particularly important role in establishing and maintaining the credibility of the process. A credible process is often either established or undermined in the early stages by such factors as how and by whom the facilitator is selected, how and by whom the participants are identified and invited, and how and by whom the process is planned and structured. Under these conditions, a facilitator for an agreement-seeking process should be independent of the sponsoring agency.

If an agency or department considers using a facilitator from within government (whether inside or outside the sponsoring agency), several questions should be asked: Is it likely participants will regard the facilitator as unbiased and capable of being equally accountable to all participants? Will the facilitator be able to act independently, or will he or she be under the direction of the agency? Will participants feel comfortable consulting or confiding in the facilitator when the going gets tough?

If an outside facilitator is to be engaged, that decision should be made early enough to enable them to conduct the pre-negotiation assessment and planning. Ideally, participants in the process should be involved in selecting and paying the facilitator. For many policy-making processes, however, it is common for the agency to pay the facilitator. Other participants need to be aware of this arrangement and comfortable that it does not jeopardize the impartiality of the facilitator.

When an agency engages a facilitator for a public policy dispute, the participants may not be involved in the selection process because of procurement requirements or because participants have not yet been identified. Under these circumstances, ground rules can include procedures to enable participants to review the facilitator's qualifications, to evaluate performance, and/or to replace the facilitator at any time during the process if participants feel that she or he is biased or ineffective.

The selection criteria for facilitators or mediators should be based on experience, skill, ability, and acceptability to participants, and not solely on costs. Lump sum or fixed price contracts may not be the best mechanisms for hiring this kind of professional. Until the assessment is complete and a process designed, it is very difficult to predict the exact number of hours needed to work with participants toward reaching agreement. Procurement mechanisms ought to be flexible enough to allocate additional time and funds as warranted, so as to not slow down or halt the negotiation process.

Contracts should be negotiated and executed before the facilitator begins any

work. Facilitators and sponsoring agencies should assume that all contracts could be read by all participants without destroying trust on any side. Contracts should assure that the facilitator has latitude to act independently of the sponsoring agency and should not constrain his or her ability to communicate with all participants.

**Selecting
a
Mediator/Facilitator
for
Public Policy
Issues**

A Guide for the Public
Prepared by the Hawai'i State Judiciary
Center for Alternative Dispute Resolution

September 1996 (rev. 7/00)

Acknowledgments

The Center for Alternative Dispute Resolution would like to express its appreciation to the Alaska Judicial Council for its generosity in sharing much of the material in this guide. Thanks also to the Ohio Commission on Dispute Resolution and Conflict Management and the Oregon Dispute Resolution Commission.

Note to the Reader

To make an informed choice of a mediator/facilitator, you must have information and the ability to evaluate that information. This guide begins the educational process by presenting a framework for understanding mediator/facilitator competence. The information is based on research presented at the 1993 National Symposium on Court-Connected Dispute Resolution Research sponsored by the State Justice Institute and the National Center for State Courts, the ongoing work of the Test Design Project, the work of alternate dispute resolution policy makers, and the experience of mediators and mediation program directors nationwide.

How to Use This Guide

Mark the guide up. Use the checklists as you go. Don't feel that you must use all the information or go through all the suggested steps; use only what seems most helpful.

Center for Alternative Dispute Resolution
The Judiciary
State of Hawai'i
Ali'iQani Hale
417 South King Street, Room 207
Honolulu, HI 96813
Phone: (808) 539-4237 Fax: (808) 539-4985

I. Purpose of This Brochure

Public agencies in Hawai‘i grapple with controversies ranging from services for the disabled to land use to funding education. These debates are occurring just as financial problems are forcing a consideration of cutbacks in services. Many public agencies hope that by postponing crucial decisions they may be able to avoid conflict, only to have difficult problems turn into seemingly impossible ones.

This guide is for anyone looking for a mediator/facilitator for public policy concerns or conflicts. It will be especially useful to state agencies in need of third-party mediators/facilitators. Public policy conflict resolution is a special subset of mediation/facilitation. Unlike most mediations/facilitations, public policy mediation/facilitation may occur at the assessment or design stage, before an actual dispute has taken place. It often involves many parties, crossing the border between government and private spheres. The issues at hand may be complex and technical. Mediators/facilitators can help people communicate more effectively, and encourage the design of creative solutions to hard problems. Choosing an effective mediator/facilitator is an important step in the smooth and amicable resolution of public policy concerns.

II. What Qualifications Does a Mediator/Facilitator Need?

Qualifications refer to the amount and type of training, education and experience possessed by a mediator/facilitator. In Hawai‘i, a person can offer private mediation/facilitation services without taking a class, passing a test or having a special license or certification. In reality, however, many private mediators/facilitators, and most of those who work for or are associated with mediation organizations and programs, have some training or experience. No one set of qualifications is right for every mediation/facilitation. It is important to evaluate what kind of a case you have, and what type of person you think could help resolve it most effectively.

For public policy disputes, any of the following qualifications may be a consideration:

- Experience mediating large, multi-party disputes
- Technical or scientific knowledge
- Knowledge of governmental procedure or rule-making processes
- Statutory and other legal knowledge

III. What Makes a Competent Mediator/Facilitator?

There is no universal answer to this question. No particular type or amount of education or job experience has been shown to predict success as a mediator/facilitator. Successful mediators/facilitators come from many different backgrounds.

Competence depends partly on the context of the dispute and the parties' expectations. It also depends on whether the mediator/facilitator has the right mix of acquired skills, training, education, experience and natural abilities to help resolve the specific dispute. Important skills and abilities include neutrality, ability to communicate, ability to listen and understand, and ability to define and clarify issues.

IV. Five Steps to Choosing a Qualified Mediator/Facilitator

Because no easy formula can predict mediator/facilitator competence, the consumer must do some groundwork before selecting a mediator/facilitator. These steps are described on the next pages. Remember during your search that a mediator/facilitator should remain neutral and treat both parties with equal fairness and respect.

UUUUU Checklist: Four Steps to Choosing a Mediator/Facilitator

- | | |
|--|---|
| 1. Decide what you want from mediation/facilitation | 9 |
| 2. Look over mediators'/facilitators' written qualifications | 9 |
| 3. Interview mediators/facilitators | 9 |
| 4. Evaluate information and make decision | 9 |

1. Decide What You Want from Mediation/Facilitation

Think about your goals for the session. Do you want a mediator/facilitator who suggests options in order to help move the parties towards agreement? Or do you want a mediator/facilitator who resists offering opinions so the parties feel responsible for their agreement? Think about past attempts at negotiation and problems with those attempts. What are your choices if mediation/facilitation does not work?

Mediators/facilitators may fill many roles in public policy conflicts. Their role can go far beyond the traditional one of mediator/facilitator of disputes. They may be useful in gathering and analyzing information about the problem to help sort out the issues, evaluate the effectiveness of current procedures where needed, and identify possible alternatives for resolving the problem. Mediators/facilitators may also be helpful at the design stage, when parties need a process for working together. A third party can design a conflict resolution system for ongoing conflicts. Mediators/facilitators may also play important parts as coaches, trainers, and team builders. You must assess which one or all of these roles a mediator/facilitator must play in your public policy concern.

Think about the dispute and the context in which you must resolve it. What is the time frame? Who are the parties involved, and what sort of individual are they likely to trust and work with? Will you be working with community members, public interest groups, private organizations, or other state agencies? Do you want a mediator/facilitator who has great technical knowledge or who is sympathetic and creative? You must identify your needs before beginning the search for a mediator/facilitator.

2. Evaluate Written Materials

Call or write several mediators/facilitators on your list and ask them to send you their promotional materials, resumes, references and a sample of their written work. These materials should cover most of the following topics:

Mediation/Facilitation Training. How was the mediator/facilitator trained? Some mediators/facilitators receive formal classroom-style training. Some participate in apprenticeships or in mentoring programs. While training alone does not guarantee a competent mediator/facilitator, most professional mediators/facilitators have had some type of formal training. How many hours of training has this mediator/facilitator had? How recent was the training?

Experience. Evaluate the mediator's/facilitator's type and amount of experience (number of years of mediation/facilitation, number of mediations/facilitations conducted, types of mediations/facilitations conducted). How many cases similar to yours has the mediator/facilitator handled? A mediator's/facilitator's experience is particularly important if he or she has had limited formal training.

Written work. Some mediators/facilitators will write up notes about agreements or even draft agreements for the parties. Other mediators/facilitators do not prepare written agreements or contracts. If your mediator/facilitator will prepare written work for your case, you may want to review a sample. Samples could include letters, articles or promotional materials. Any sample of the mediator's/facilitator's written work should be clear, well organized, and use neutral language.

Cost. Understand the provider's fee structure. Does the mediator/facilitator charge by the hour or the day? How much per hour or day?

UUUUU Checklist: Evaluate Written Materials

- | | |
|---|---|
| 1. Training: How much? What? How recent? | 9 |
| 2. Experience: What kinds of disputes? How many? Specialties? | 9 |
| 3. Writing (if necessary): Understandable? Complete? Concise? | 9 |
| 4. Fees: Hourly? Daily? How much? | 9 |

3. Interview the Mediator/Facilitator

Talk to the mediators/facilitators in person or by phone. Explain your situation briefly. During the interview, observe the mediator's/facilitator's interpersonal and professional skills. Qualities often found in effective mediators/facilitators include neutrality, emotional stability and maturity, integrity, and sensitivity. Look also for good interviewing skills, verbal and nonverbal communication skills, ability to listen, ability to define and clarify issues, problem-solving ability and organization.

During the conversation, you also may want to ask questions about matters covered in the written materials and other topics. Some topics to discuss in the interview include:

Training, Knowledge and Experience. Ask the mediator/facilitator, "How have your education and experience prepared you to help us resolve this specific dispute?" "Have you resolved public policy issues before?" "What is your experience with large, multi-party disputes?"

Ask, "Do you participate in continuing education, ongoing supervision, or consultation?" Many professional mediation/facilitation organizations encourage or require their members to participate in ongoing education or other professional development.

People often ask whether a mediator/facilitator should be an expert in the subject matter of the dispute. For example, should a mediator/facilitator in a public policy dispute concerning the regulation of watershed areas be an expert in hydrology? The answer depends on the type of dispute and the parties' expectations and needs. When the subject of the dispute is highly technical or complex, a mediator/facilitator who comes to the table with some substantive knowledge could help the parties focus on key issues in the dispute. Ask the mediator/facilitator if he or she thinks subject-matter expertise is necessary for this dispute, and why or why not. If the mediator/facilitator believes such knowledge is important, how will the mediator/facilitator obtain that knowledge?

In some cases, the parties may prefer a mediator/facilitator with no special knowledge of the subject. The benefit of this approach comes from avoiding a mediator's/facilitator's preconceived notions of what form a settlement should take and letting the parties come up with unique or creative solutions of their own.

Style. Ask, "What values and goals do you emphasize in your practice?" For example, does the mediator/facilitator encourage the parties to communicate directly with each other, or does he or she control the interchanges? The mediator/facilitator should be able to describe his or her style of mediation/facilitation and his or her role in the mediation/facilitation process. Remember that different mediators/facilitators may practice their craft in different ways, although some mediators/facilitators can change their style to suit the parties' specific needs.

Another stylistic difference is the use of caucus. A caucus is a meeting between one group or set of the parties and the mediator/facilitator without the other interest groups present. Some mediators/facilitators caucus frequently during the mediation/facilitation, while others seldom or never use this procedure. Ask the mediator/facilitator whether he or she uses caucuses, and if so, when.

Keeping track of what has been said during mediation/facilitation may be important for public policy discussions. Ask if the mediator/facilitator keeps a visible written record of agreements, points of

interest, and information needs during the session. Usually this is done on chart paper with a marker, and is called a “group memory.”

Conflict of Interest. Ask, “Do you have a prior relationship with any of the parties or their attorneys?” The mediator/facilitator should reveal any prior relationship or personal bias which would affect his or her performance, and any financial interest that may affect the case.

Confidentiality. The mediator/facilitator should discuss the degree of confidentiality of the process with all parties. Public policy mediation/facilitation often involves agencies and organizations which are subject to disclosure laws.

Logistics. Who will arrange meeting times and locations and prepare agendas? Will the mediator/facilitator always be available? Will the mediator/facilitator prepare a written agreement or a memorandum if the parties reach a resolution? What role do lawyers play in the mediation/facilitation, if any? Does the mediator/facilitator work in teams or alone?

Cost. Ask, “How would you estimate costs for this case? How can we keep costs down?” Are there any other charges associated with the mediation/facilitation? Does the mediator/facilitator perform any pro bono (free) services or work on a sliding-fee scale? If more than one mediator/facilitator attends the session, must the parties pay for both? Does the mediator/facilitator charge separately for mediation/facilitation preparation time and the actual mediation/facilitation?

UUUUU Checklist: Talk to the Mediator/Facilitator

- | | |
|---|---|
| 1. More about training and experience? | 9 |
| 2. What approach to mediation/facilitation style? | 9 |
| 3. Conflict of interest? | 9 |
| 4. Confidentiality? | 9 |
| 5. Logistics: Meetings? Written agreements? | 9 |
| 6. How much will this cost? | 9 |

4. Evaluate Information and Make a Decision

During the interviews, you probably observed the mediators'/facilitators' skills and abilities at several important tasks. These tasks, which mediators/facilitators perform in almost all mediations, include:

- gathering background information and managing cases
- listening actively
- communicating with the parties and helping the parties communicate
- referring the parties to other people or programs where appropriate
- earning trust and maintaining a sense of humor
- analyzing complex information
- helping the parties agree
- documenting information

Ask yourself which of the mediators/facilitators best demonstrated these skills. Consider the evaluations of others who have used this mediator/facilitator. Review the other questions on this checklist. Make sure that the mediator's/facilitator's cost and availability coincide with your resources and time frame. Then ask yourself the following questions:

- Did the mediator/facilitator understand your problem? Answer your questions clearly?
- If the other party was present, did the mediator/facilitator constructively manage any expressions of anger or tension?
- Is the mediator/facilitator likely to work well with the various constituencies involved in your case?
- Did the mediator/facilitator convey respect and neutrality?
- Did the mediator/facilitator understand what was important to you?
- Did the mediator/facilitator understand the scope and intensity of the case?
- Did the mediator/facilitator appear comfortable with the subject matter of the case?
- Did you trust the mediator/facilitator?

UUUUU Checklist: Evaluate

- | | |
|---|---|
| 1. Check the mediator's/facilitator's experience and skills against the tasks listed above. | 9 |
| 2. Does the mediator/facilitator have the qualifications you want? | 9 |
| 3. Can you afford the services? | 9 |
| 4. Can the mediator/facilitator work within your time frame? | |

9

V. Conclusion

Choosing the right mediator/facilitator can help determine the likelihood of the successful resolution of policy disputes. The increasing use of mediation/facilitation has outpaced knowledge about how to measure mediator/facilitator competence. You can choose a qualified mediator/facilitator by thinking about what you expect, gathering information about mediators/facilitators, and evaluating and using the

information in this guide.

STAY IN TOUCH!!

The Higher Education Column is edited each issue by Gillian Krajewski at UMass/Boston. FAX IT! * E-MAIL IT! * PHONE IT! * SEND IT! She wants your submissions for this column! FAX: (617) 287-7379, Attn. Gillian Krajewski; E-MAIL: KRAJEWSKI@UMB.SKY.CC.UMB.EDU; PHONE: (617) 287-7421; MAIL: Higher Education Page, c/o Graduate Program in Dispute Resolution, University of Massachusetts/Boston, 100 Morrissey Blvd., Boston, MA 02125-3393

For more information on the history of campus mediation and the origins of NAME's Committee on Higher Education, contact: Bill Warters, Ph.D. Nova Southeastern University, 3301 College Ave., Ft. Lauderdale, FL 33314, (305) 424-5703.

In the following article, scholar-practitioner Sandor Schuman sets forth criteria for deciding when to choose an 'outsider,' someone without an interest in the conflict, to serve as the conflict management facilitator. Ideas contained in this article are drawn from Dr. Schuman's experiences with public policy disputes. Following the article, Higher Education Column Editor Gillian Krajewski discusses what questions the article raises in terms of campus disputes.

When to Use an Outside Facilitator

by Sandor P. Schuman

1. Distrust or bias

In situations where distrust or bias is apparent or suspect, groups should make use of an outside, neutral party to facilitate (and perhaps convene) the group. Those whose job it is to manage the process (the meta-decision makers) bear an enormous influence on the process, and consequently the outcome. Their choice of participants (if they have been delegated the role of convener as well), analytical methods, social interaction methods, and intervention into the political process have fundamental influence on the collaborative effort and the collaborative itself. To give this power to any of the participants is to give to them a great deal more power than to the others. Consequently the group members might view the meta-decision maker (typically the chairperson) as biased — steering the process in some way to favor their own ends. It might be true, but even if not, it might be perceived as such.

2. Intimidation

The presence of an outside facilitator can foster participation of individuals who might otherwise feel intimidated. In situations where participants are of disparate educational, social or economic status, are at different levels in organizational hierarchies, or are in other types of control relationships (such as clients and service providers or small businesses and government regulators) some participants might feel intimidated and not participate. Often the presence of an outside facilitator provides participants with a neutral status person to whom they can direct their comments without feeling intimidated. The facilitator is also in a legitimate position to elicit information from the group, as well as particular individuals. Intimidation and distrust or bias might also suggest when anonymous information collection is appropriate. This is particularly relevant in the use of electronic brainstorming tools that have the capability for anonymous input.

3. Rivalry

Rivalries between individuals and organizations can be mitigated by the presence of an outside facilitator.

Participants are typically reluctant to exhibit personal rivalries or attacks in the presence of an outsider. They might want to sway the facilitator's judgment, but then realize that their claims might not seem valid when viewed externally, and so do not even raise them. Participants are often surprised at how polite they are to each other. When rivalries surface, a facilitator might determine if they are relevant to the task at hand, and if not, refocus the group on their stated purpose. When rivalries are germane, the outside facilitator will ask the group to understand them as part of the overall relationships and issues to be addressed by the group.

4. Problem definition

If the problem situation is poorly defined, or defined differently by different parties, a neutral listener and analyst can help to construct a complete, shared understanding of the problem. When people come together with disparate views they are often more concerned with having their own point of view understood by others, than in gaining an understanding of the views of others. A neutral party whose sole role it is to listen to, analyze, and integrate everyone's views is a valuable asset to such a group.

5. Human limits

The breadth of substantive issues is so large that to think about them and process issues is too much for any person to think about all at once. That is, the demand of attending to the volume of information — the content as well as the social, cognitive, and political processes that come into play at each moment in a collaborative meeting — is too much to expect to be met from a single human being. Our cognitive capabilities are not great enough. Running a meeting, and participating in a meeting, are each sufficiently demanding tasks that we ought to focus on one or the other. Indeed some argue that to expect a single process expert to attend to all of the social, cognitive and political process issues in real time is too much to expect, so that we should use teams of facilitators, with each facilitator having a well defined and complementary role.

6. Complexity or novelty

In complex or novel situations the group should employ process experts so that they might do a better job of working together intellectually to solve problems. Meta-decision making, that is, making decisions about the problem solving and decision making process, is a legitimate specialty in which experts can accumulate a wealth of knowledge, expertise, judgmental capability, and practical skill. According to David Korten, "The capacity to manage social learning is itself a form of social knowledge." Some groups have developed their own expertise for addressing recur-

— continued on next page

ring decisions, and so this might not be necessary. However, when approaching novel situations or tasks which they encounter infrequently, like strategic planning, it might still be valuable to call in experts who work with that type of problem frequently.

7. Timeliness

If a timely decision is required, as in a crisis situation, the use of an *outside facilitator can speed the work of the group*. If the group were to make the meta-decisions as a group, it would take valuable time away from treating the substantive issues they want to address. Unlike parliamentary procedure, for which there are prescribed rules which address nearly every procedural issue that a decision making group can encounter, there is no rule book for collaborative decision-making. Groups are faced with either making up the rules as they go along, or using the rules of the process expert as a "collaborative parliamentarian" who will choose which rules to apply, make up new ones as appropriate, steer the group through their application and explain them as needed.

8. Cost

An outside facilitator can help the group reduce the cost of meeting as a barrier to collaborative deci-

sion-making. When the participants find it difficult to get together, either because of the cost of travel or other obligations, use of an outside facilitator can reduce the cost of collaborative decision-making. By vesting responsibility for process in the facilitator, the group reduces or eliminates the time it has to spend on meta-decisions, makes use of more effective processes known to the process expert, and takes advantage of the listening, analytical, and integrative skills of a neutral party.

While the above conditions are stated discretely, in practice they all must be addressed by the outside facilitator. The degree to which each is addressed at any point in time is a critical judgment which the facilitator makes, and one facilitator will likely make a judgment different than another. These conditions compete for attention, and can be understood from four "competing values" perspectives on decision making effectiveness. In brief, the conditions of distrust or bias and intimidation pertain to the consensual perspective which values participation, morale and the supportability of the decision; the conditions regarding rivalry and problem definition pertain to the political perspective

When to Use an Outside Facilitator

1. 2. 3. 4. 5. 6. 7. 8. 9. 10	DISTRUST OR BIAS	10 9. 8. 7. 6. 5. 4. 3. 2. 1.
interpersonal trust		suspicion
1. 2. 3. 4. 5. 6. 7. 8. 9. 10	INTIMIDATION	10 9. 8. 7. 6. 5. 4. 3. 2. 1.
low status differential		high status differential
1. 2. 3. 4. 5. 6. 7. 8. 9. 10	RIVALRY	10 9. 8. 7. 6. 5. 4. 3. 2. 1.
low competition		high competition
1. 2. 3. 4. 5. 6. 7. 8. 9. 10	PROBLEM DEFINITION	10 9. 8. 7. 6. 5. 4. 3. 2. 1.
well defined, held in common		poorly or differently defined
1. 2. 3. 4. 5. 6. 7. 8. 9. 10	HUMAN LIMITS	10 9. 8. 7. 6. 5. 4. 3. 2. 1.
low demands		high demands
1. 2. 3. 4. 5. 6. 7. 8. 9. 10	COMPLEXITY OR NOVELTY	10 9. 8. 7. 6. 5. 4. 3. 2. 1.
simple or familiar situation		complex or unfamiliar situation
1. 2. 3. 4. 5. 6. 7. 8. 9. 10	TIMELINESS	10 9. 8. 7. 6. 5. 4. 3. 2. 1.
no rush		pressure to solve quickly
1. 2. 3. 4. 5. 6. 7. 8. 9. 10	COST	10 9. 8. 7. 6. 5. 4. 3. 2. 1.
easy to get together		difficult to get together

A higher score suggests that the role of facilitator should be clearly differentiated from that of participant, and that an outside, neutral facilitator should be used.

Figure 1: A tool for assessing when a group should differentiate process and content roles.

which values adaptability, brokering and legitimacy; the conditions of human limits and complexity or novelty relate to the empirical perspective which values data, integration, consistency and accountability; and the conditions of timeliness and cost relate to the rational perspective which values goal orientation, directiveness and efficiency.

To the extent that these conditions persist, the facilitator, or process expert, will continue to be necessary. The notion that collaboratives should or can become self-facilitating is not necessarily true or even a useful goal. So long as there are power differentials in the political process, distrust, and novelty, the group may not be able to perform this role for itself, even if it developed substantial process expertise. It would

The foregoing article was extracted from a longer article that will appear in "The role of facilitation in collaborative groups," in *The Search for Collaborative Advantage*, Chris Muxham, ed., London: Sage. It was written with a view to furthering the informed use of outside facilitators in public policy disputes. The piece implicitly raises important questions about the facilitation of campus disputes. First, what's the difference between mediation and facilitation in the campus setting? Who ranks as an "outside" facilitator for campus disputes? What differences are there, if any, between using a facilitator who is "outside" the conflict, but "inside" the institution, for example, a campus mediation program director? What can be learned from college and university ombudspersons about playing this "inside-outsider" role? Should there be a network of experienced campus conflict facilitators who can fulfill the truly "outside" facilitator role when necessary?

Questions concerning training are also raised by this article. Typically, campus mediation training sessions provide participants with intervention skills and know-how, but leave case assessment decisions largely in the hands of case coordinators and campus mediation program directors. Should those trained by a campus mediation program be provided with tools to assess the appropriateness of their fulfilling third party functions within their own university departments? Should trainers also impart knowledge and information to assist trained mediators in determining whether mediation or facilitation is the most appropriate type of intervention? If so, at what point in training should these intervention methods be distinguished from each other, and how should the distinctions be made?

Other questions concerning differences between the public policy and campus arenas are also raised. How do the different constituencies,

spend a lot of time arguing over process questions or rely on a "collaborative parliamentarian" to implement those rules in an unbiased way. Institutionalizing the role of the independent, neutral process expert as facilitator could go a long way to overcoming gridlock and achieving collaborative advantage. ■

Sandor P. Schuman is a facilitator of collaborative problem-solving groups addressing public issues. He is the Vice-Chair of the New York State Forum on Conflict and Consensus; Executive Director of the Decision Techtronics Group at the Rockefeller Institute of Government, SUNY; and President of Executive Decision Services. Contact him at University of Albany, Draper Hall, Albany, NY 12222, 518-465-8872, or by e-mail: SS6250@CNSVAX.albany.edu.

politics, and decision-making structures affect intervention choices? How, if at all, do the goals of intervention differ in each setting? How useful is the Schuman scale for determining when to use an outside facilitator in campus conflicts? Should there be a modified scale for determining outside facilitator use in campus settings?

These and other questions are suggested by the foregoing article. Readers are invited to respond with letters and articles to ideas raised by this piece. Submissions may be published in future Higher Education pages in *The Fourth R*. ■

Resources

In his article addressing how to select an outside facilitator, Sandor Schuman lists the following texts as being useful in choosing a mediator. Dr. Schuman is currently working with others on the development of procedures for the training, evaluation and selection of facilitators. Meanwhile, here's the list of texts used currently for mediators.

Finding Quality Service; Deciding Who Shall Mediate; and Interviewing Mediators. Three articles published in the April 1994, #22 issue of *Consensus*, The Public Disputes Program, Harvard Law School, Program on Negotiation, 513 Pound Hall, Cambridge, MA 02138; 617-495-1684.

Competencies for Mediators of Complex Public Disputes (1992). Published by the Society of Professionals in Dispute Resolution, 815 15th St., NW, Suite 530, Washington, DC 20005, 202-783-7277. Cost: \$5.00

A Consumer's Guide to Selecting Third Parties to Help Resolve Public Conflicts (1991). Published by the Ohio Commission on Dispute Resolution and Conflict Management, 77 South High Street, 24th Floor, Columbus, OH 43266-0124, 614-752-9595.

Interim Guidelines for Selecting Mediators (1993). Published by the National Institute for Dispute Resolution, 1901 L Street, NW, Suite 600, Washington, DC 20036, 202-466-4764. Cost: \$5.00.

— Gillian Krajewski