

**US Army Corps  
of Engineers**

## **READINGS**

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# **PUBLIC INVOLVEMENT & TEAMING IN PLANNING TRAINING COURSE**

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**A Core Training Program for  
US Army Corps of Engineers Planners**

**Developed by the US Army Corps  
Institute for Water Resources  
Fort Belvoir, VA**

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# UNITED STATES ARMY CORPS OF ENGINEERS WHITE PAPER 2001

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**Lieutenant General Robert B. Flowers**  
**Commanding General**  
**United States Army Corps of Engineers**

As the new leader of the United States Army Corps of Engineers, I have written this white paper to report on the state of the Corps and my direction. It is addressed to everyone with an interest in the Corps.

The state of the Army Corps of Engineers is sound. For 225 years the Army Corps of Engineers has honorably served the Army and the Nation. During the 20th Century the Army Corps of Engineers experienced both resounding success and bitter controversy. Today, at the dawn of the 21st Century, we are again under the microscope of public examination.

As I survey our horizon I see the Army Corps of Engineers performing vital functions. We are deployed around the globe as part of the Army's contribution to our national security strategy. Across America I see both our Military Program and Civil Works Program addressing local, regional, and national challenges. I see that our Army is transforming itself to prepare for an uncertain future. I see the Corps as critical to the success of this transformation. Additionally, I see the value that the public places on our Nation's environment remains a powerful and growing force for change in public policy and fiscal priorities. Imperatives and directions are shifting. As a result, the Army Corps of Engineers often finds itself dealing with issues involving significant and divergent interests.

The Army Corps of Engineers Civil Works Program is responsible for the development, management, protection, and enhancement of our nation's water and related land resources for commercial navigation, flood damage reduction, recreation, and environmental restoration. The program provides stewardship of America's water resources infrastructure and associated natural resources, and also provides emergency services for disaster relief. The Civil Works Program supports the Army in peacetime pursuits, during national emergencies, and in times of war. It is my job, in concert with the Assistant Secretary of the Army for Civil Works, to act as a strong voice to the administration and the Congress for the management of our water resources. We must create environmentally sustainable systems that protect people, property and economic growth across the United States. The goal of our study process is to produce the best economic and scientific analysis available. When studies are complete, I will report results to the public, the administration, and the Congress, in order to facilitate their decision.

We will strive to improve the quality of our studies, projects, and operations, while reducing time and cost. We will seek to develop technologies to protect or restore the environment; and to create environmental benefits. We will continue to rely upon the private sector to execute the majority of our work. We know we are not and will never be perfect - we must become more agile as a learning organization filled with people willing to evolve and enable change. We rededicate ourselves to continuous improvement. I reaffirm our strong commitment to produce unbiased recommendations consistent with law, regulations, and science. The Army Corps of Engineers will continue to provide excellent service to the Army and the Nation with integrity and credibility. We are a team of dedicated military and civilian professionals with a strong ethos for service to the Nation. We do not, can not, and will not favor any special interest, nor allow any special privilege, in the execution of our studies and projects. The public must have trust and confidence in our process as well as in those entrusted with implementing that process. Our integrity must remain beyond reproach. We will be open and responsive in working with all interested parties in the execution of our studies, projects, and in our regulatory responsibility. We will reach out to stakeholders early and actively listen to the concerns on all sides of issues. We will promote dialogue. We will seek to build consensus and always strive to do what is right. The Army Corps of Engineers is vitally important to the Nation and vital to the livelihood of most Americans - this has not changed in 225 years. I believe the Corps is a national resource that plays an indispensable role in serving the public.

The Army Corps of Engineers is also an essential part of the greatest Army in the world. We will work hard to be a vital link between the American public and its Army.

We are dedicated to operating in the interest of the American public and always in accordance with laws and regulations. Our team works with many different entities, but only for one purpose, to do what is right to enhance and protect the well being of the Army and the public. We seek to partner with stakeholders and to build relationships that serve the public interest. We work with the administration and the Congress. We work with the civilian and military authorities appointed over us. Most importantly, we work for the American public's trust and confidence.

## WHAT MAKES A DECISION "COUNT"?

by

**James L. Creighton, Ph.D.**

It's not unusual when there's a low voter turnout, for the newspapers to carry editorials saying "It's a shame people don't take a greater interest in government. But nobody says; "The vote doesn't count. We have to make that decision again." In effect, we have a social consensus - - embedded in laws and administrative requirements -- that when a defined process is carried out, the decision counts. The process creates legitimacy for the decision.

Since the 1960s we've been undergoing a continuing change in the climate of opinion about what it takes for natural resources or environmental decisions made by governmental agencies, quasi governmental entities such as utilities, and even private corporations, to "count." By "count," I mean that the organization is actually able to implement the decision, overcoming potential barriers such as protests, lawsuits, even civil disobedience. Since the 1960s, there isn't agreement on when a process is sufficiently legitimate so that once a decision is announced, it actually happens, it counts.

In the 1950s, what it took for a decision to count was to keep the public informed. The public generally trusted government -- and other large governmental entities --to act on its behalf. So, as long as the public knew what organizations were doing, and something about why, these organizations could make decisions that counted.

Somewhere in the 1960s, the expectations began to change. In the U.S. protests showed up first over freeway location, and with the advent of noisier jet airplanes, airport expansion. The response to these protests was to establish requirements for public hearings. Typically the agency would come to the public knowing exactly what it wanted to do, but just before it went ahead with implementation, it would hold a hearing at which the public could comment on the proposed action. But because it was so late in the decision making process, comments were essentially "thumbs up," thumbs down." There was little potential for compromise, for identifying creative alternatives, or for redefining the problem.

I remember when I was young there was a radio show called "Queen for a Day." Each contestant would come on and present a sob story. Then there would be audience applause, measured by an applause meter, with the contestant who got the highest reading crowned as queen for the day (meaning she won a lot of prizes). Sometimes when I watched the public hearings of the 1960s I had a fantasy that the agencies had a protest-meter in the back of the room, and essentially said; "This is what we're going to do unless you can make enough noise to stop us." Then they would watch the protest-meter, and when it went over into the red, then, and only then, would they reconsider the proposed actions. Of course the public soon caught on and got better and better at making the meter go over into the red.

The public got good enough at this game that by the 1970s, simply being heard before the decision was made wasn't good enough. People wanted to have some genuine influence on

the decision. They wanted to be included in defining the problem. They wanted to suggest alternative approaches. They wanted to participate in evaluating alternative, and via numerous environmental laws, required that the environmental consequences of decisions be exposed to the public before choosing between alternatives.

Despite the publics' desire to move beyond the decibels game, most of the formal requirements for public participation in laws and regulations still reflect the "be heard before the decision" era. Public hearings, for example, may be useful for building a legal record, but serve little value in changing decisions, except possibly about mitigation measures. Most "formal" participation is too late in the process, and does not permit key groups to participate in defining the problem, generating alternatives, and so on. Bear in mind, though, that when you involve "the public" early in the process, you probably don't get John Q. Citizen off the street, you get leaders of organized groups. What's more crucial is that your early public involvement includes the full range of values, and the groups that represent those values.

If public information or public relations was the appropriate tool when the public simply wanted to be informed, and rather formalistic involvement techniques such as public hearings were appropriate when the public demanded to be heard prior to the decision; the expectation of the public that it had the right to influence decisions led to the full-blown development of the field of public involvement.

**Figure 1**



The decision itself remained in the hands of the agency. But through a process of involving affected people throughout the process, it was sometimes possible to develop a high level of consensus. Agencies became clear winners by adopting the decisions that were already supported by virtually all interests.

This transition from "formalized involvement" to a "consensus building" orientation became very clear in my work with the Bonneville Power Administration (BPA). To set the stage, it's necessary to know a little historical information about BPA. BPA's job -- at least when our story opened -- was to transport and sell the electric power generated by the federal dams on the Columbia River System. BPA was a once proud organizations that by the early 1980s had fallen on hard times. BPA has been the instigator of the WPPSS nuclear power plants,

which were teetering on the verge of bankruptcy. In fact, Peter Johnson, who became Administrator of BPA in the early 1980s, reports that within a few weeks of arriving on the job he discovered that BPA employees in Montana, who were involved in siting the Colstrip transmission line, were afraid to identify the agency when they checked into hotel rooms, since one employee had already come under gunfire. Also, within his first weeks, the head of WPPSS called to say that he needed to meet because he was completely out of money, unable to meet the payroll at the end of the week, but couldn't meet publicly because he was being tracked by reporters everywhere he went. Finally, Congress passes a new law which actually expanded BPA's mission, but also established a new decision making body, appointed by the Governors of the four Northwest states, that appeared to be a direct challenge to the Administrator's authority.

It was against this backdrop that BPA started to get serious about public involvement. When I first began working with BPA, in 1982, I found parts of the organization were working hard to include the affected publics in every aspect of decision making. Others were carrying on formalized involvement, at best. But somewhere around 1984-1985, a major change occurred in BPA. Through using public involvement on some major and highly controversial decision making processes -- whether to restart construction of the WPPSS I & III nuclear power plants, and whether to grant a special electric rate to aluminum companies that were having to shut down their plants in the Northwest -- BPA discovered that when it had a consensus, it was able to act and it would "count."

This was no small thing. During this era, virtually every major decision the Administrator would make ended up in front of the Ninth Circuit Court of Appeals. While protests didn't stop right away, BPA found that if they had worked closely with all affected parties throughout the decision making, the lawsuits either stopped, or if they continued, BPA won decisively. Suddenly the light went. The word "empowerment" is used all too much these days, but it applies exactly to what BPA was experiencing. In a chaotic situation, with the public bitterly divided, and its very authority questioned, BPA found it could act -- without waiting for ten years of political infighting or legal challenges -- in a way the genuinely resolved issues and moved the situation forward. They had tried it the old way, and that didn't work, but suddenly managers found that could make decisions that got things moving again.

In my mind, this insight is the basis for the positive image BPA came to enjoy. Managers clearly understand that it is their job to try to create agreement on a policy or direction, and while they can't always succeed at that, they understand that the failure better not be for lack of trying. This kind of public involvement goes far beyond "formal" public involvement, such as hearings. There are periodic meetings with interest groups, including environmental and "public interest" groups, to identify concerns. The top management of the agencies goes out to the region once a year, on a two-year cycle, with the first-year discussing strategic issues and the second year discussing alternative program levels to implement the strategic choices. Each major decision has its own public involvement plan, including technical work groups, so that all technical studies are accepted as adequate by all the parties. There are multiple rounds of public workshops and meetings. There is consultation at a policy level.

And finally, and only as a conclusion to the process, there are the necessary "formal" public involvement procedures. But the purpose of this process is not just a neutral "listen to the public," but an effort to engage the public in developing mutually acceptable solutions.

But let's continue our story about changing expectations. What BPA and other agencies have sometimes found, by listening carefully to the public, is that the public was bitterly divided on a particular issue. Sometimes, given these circumstances, agencies tried to simply make a choice and proceed anyway. Sometimes it worked, but not infrequently the agencies found that they announced a decision but their ability to actually carry out that decision was very limited.

By the 1980s it was clear that while public participation worked well in a number of instances, there remained circumstances in which the public was so divided, or some interests saw the decision as being of such consequence to their interests, that no decision would "count" unless all parties agreed to the decision. In some cases, in fact, there had to be a formal agreement, signed by all the parties, or nothing could happen. There have been several responses to this challenge, all leading to a field which I've called "dispute resolution," although that term simply serves here as an umbrella under which several converging trends meet.

One response has been to do a better job of getting the parties to deal directly with each other. If the agency is constantly the go between, then everybody blames the agency for their problems. One of the strategies for consensus building is to get the agency out of the central focus, and get the groups talking to each other. In some cases, agencies actually transferred partial decision making authority to the public, although with many stipulations and pre-conditions.

Let me illustrate with an example: In the U.S., the Army Corps of Engineers has been given the authority to regulate wetlands, and anyone who wants to fill in any wetlands must be granted a permit by the Corps. In the Southeast U.S., in states such as Florida, many if not most developments require wetlands permits. In fact, so many permits were required in one well-known resort island, Sanibel Island, that the Corps wanted to issue what was known as a "general permit." Instead of having to go through the development of environmental documents, and holding public meetings for each of several hundred annual permits, the Corps would go through the process once, issue a general permit which establishes the requirements governing all permits. Staff could then take each permit application, compare it with the requirements in the general permit, and if it complies, issue an immediate permit. The Corps wanted a general permit because it would substantially reduce the amount of permit processing. Developers like the idea because it would create predictability -- they would know the conditions of the general permit, and then could confidently expect their permit as long as they complied. There was even a chance that Sanibel Island's very active environmental community would like a general permit, but that would depend on the conditions contained in the permit.

Knowing the history of political controversy on the islands, and the potential for lawsuits and continued controversy, the Colonel (District Engineer) who was responsible in that area decided to adopt a process that could lead to a consensus. First the Colonel retained a consultant who was well known to local environmental groups who worked with all the groups, including developers, to agree on a reasonable number of people to represent all viewpoints. These representatives were assembled and the Colonel made a little speech in which he essentially said (although a tad more politely): "I'm going to issue a General Permit. We can do it either of two ways. Either I'll write the conditions of the permit, or, if you can all agree on them, you can write the conditions. If you can reach agreement on conditions, I'll accept them as mine and sign the permit with your conditions. I'll provide you with technical assistance, I'll provide facilitators, I'll help out anyway I can. But I'll only sign a permit with your conditions if you all agree to it."

In this case, it worked. Over a period of several weeks the representatives hammered out the conditions. The Colonel accepted these conditions as his own, and there were no lawsuits. Over the three-year life of the General Permit, more than 500 individual permits were granted without protests from any of the groups.

In fact, it worked so well he thought he'd try it again. But this time, rather than trying it in the small, confined community of Sanibel Island, he tried it in the large metropolitan area of Miami, Florida.

At first it seemed to be working fine. In fact at one meeting the participants even seemed to reach consensus. But at the next meeting a number of new environmental groups showed up and demanded significant changes. Also, the federal agency that is responsible for fish and wildlife refused to play the game. Instead, they sat on the sidelines throughout the process, and then found fault with the outcome. Another regional office of a federal agency participated in the discussions, joined in the apparent consensus, only to have its national office reject the proposed General Permit. The General Permit was never issued.

A process which had worked in the confines of Sanibel Island, where everybody knew each other and had to maintain relationships long after the process was over, broke down in the more impersonal world of metropolitan Miami.

Another variation of this approach is now used by a number of agencies, particularly the U.S. Environmental Protection Agency. EPA calls it "Negotiated Rulemaking" or, sometimes, "Negotiated Regulations" or "Neg-Reg." In Negotiated Rulemaking, EPA retains a neutral mediator who works with EPA to set up a panel representing all the key interests. What EPA tells this panel is: "Sitting in this room are representatives of the key interests related to this regulation. Since EPA doesn't claim to be all-wise, we're willing to accept the possibility that you folks, talking directly with each other, may be able to strike a better balance that we could. What we're willing to do is this: If you can agree on what you believe the regulation should say, we'll issue your language as our 'draft language.' You need to understand that we have to go through an extensive public review process when we issue any draft regulation, and based on that review process the Administrator may decide to change portions of your

recommendation. But at least -- if you can agree on language -- we'll start with your language."

This process has worked very effectively in most cases. The reason, of course, is that those people who would stir up controversy about the regulation are already in the room. Also, they understand that EPA is not the problem. The problem is the competing interests that need to be considered in writing the language.

Another approach to dealing with issues where the parties have to "agree to" the decision is the use of environmental mediation. Environmental mediation was an outgrowth of the 1970s. A number of people in the 70s felt that environmental conflicts were leading to antagonism without anything productive for anyone. The idea behind environmental mediation was to take the techniques that had worked in labor/management negotiations, and apply them to resource decisions. In the United States, these efforts were initially funded heavily with foundation money from the Ford, ARCO and Kettering Foundations.

Environmental mediation had some notable successes. But it also turned out that there were many differences in the circumstances in which labor/management negotiations took place, and those affecting disputes in the natural resources arena. Some of these differences were

- In labor/management disputes there are normally only two parties. In natural resources disputes there are numerous parties, sometimes 20-30. As anybody who has worked in multi-party disputes knows, whether it's true or not, it feels like the complexity of resolving a dispute increases geometrically, not arithmetically, with the number of parties involved.
- In labor/management disputes, the parties were well defined. Everybody knows who management is and who can speak for it. Everybody knows who is authorized to speak for the union. With natural resources issues, the parties may be a whole neighborhood, with no formal organization and designated representatives, or a party may be a huge mass of individuals who, for example, recreate in a certain area, have no one who represents them, and may have little in common except the fact they recreate in that area. Even with environmental groups, there might be five or six, or even more, groups, often taking radically different positions. Who speaks for these people? Occasionally, in fact, mediators found that their first step had to be to help some groups get organized, simply so they could develop a unified position, and there was someone who could speak for them.
- In labor/management disputes, everybody acknowledges the right of the other parties to be at the table. They didn't originally, and the battles to get labor accepted at the table as a legitimate party were long and bloody. But that fight is over. Nobody's fighting about that any more. But in resources disputes there is still considerable dispute over the right of environmentalists and other "public interest" groups to be at the table. During the 1970s, many of the groups and

organizations in the "development" camp spent much of their time arguing that environmental and other citizen groups could be listened to politely, but had no right to be included in the "real" decision making.

I was always intrigued to notice that many of the leading environmental mediators came out of the environmental movement. But after awhile it made more sense. Whether it was a conscious strategy or not, by the time you've got people into mediation you've already accomplished part of the environmental agenda -- they're at the table, they're a legitimate partner in decision making.

Questioning the legitimacy of environmental and citizen groups at the table has lessened over the years. Just as it took time for things to mature in labor/management relations, it has taken time for things to mature in resource decisions. This workshop is a recognition of that maturity. It's a kind of acknowledgment that its time to stop fighting over whether people will be allowed at the table, and time to start talking about the new shape of the table, and how we're going to get on with discussing the issues.

- The other important difference between labor/management and resources decisions is the ability of the parties to commit. The "developers" and resource agencies are formal organizations with the ability to make legally binding decisions. Typically, the ability of environmental and citizen groups to commit their presumed constituency is very limited. Some of the dramatic failures of environmental mediation were apparent successes, that is an agreement was reached, but either other environmental groups would simply disown the agreement, or in some cases, the membership would change sufficiently in a year or two, that the original parties to the agreement would simply disavow the agreement.

From the perspective of the developers and agencies, they had given all they could, and then the other side reneged on their reciprocal obligations. This contributed further to the belief that environmental and other citizen groups could not be legitimate parties at the table, because they either couldn't or wouldn't keep agreements.

Some of these problems were inherent in the nature of volunteer organizations. First of all, such organizations tend to have about an eighteen-month institutional memory. That's about the time it takes for someone to become really active, become a leader, and burn out. Also, it's in the nature of such organizations to have internal squabbles over ideological purity. Leaders of volunteer organizations who become more moderate, either to gain influence over leaders of the established entities, or because of the simple social phenomenon of leaders identifying with other leaders, are often challenged by people within their own organization who see them as having sold out or having been co-opted by the system.

Some of the notable successes of environmental mediation came in situations where the agreements reached were then incorporated in consent decrees accepted by the courts, or were incorporated in authorizing legislation, or were enforced politically by governors or premiers or other key political figures who put their own political clout on the line to implement the agreements. In other words, there was some external mechanism to "bind" the agreement.

There's one more developing trend from the 1980s that fits under the umbrella of dispute resolution. This is a field known best under the heading of "alternative dispute resolution." It gets this name because the main impetus behind it is to develop alternatives to litigation as a way of solving disputes. Some of us have problems with this name because it defines the field in terms of what it isn't -- it's not litigation -- instead of what it is.

But the essential approach is an amalgam of consensus building, mediation, arbitration, or anything else that allows people to resolve issues by mutual consent. It's greatest application has been in the area of contractual disputes. For example, a federal agency may design a major dam, and then contract with a large construction company to actually build the dam. If the actual geological conditions are not exactly as described in the original bidding document, it may cost the contractors hundreds of millions of dollars. The contractor, of course, will then file a claim against the government. While there are formal procedures for resolving such claims, they may take years, and involve millions in legal costs.

Yet both sides have an incentive to resolve the issues. In the contractor's case, there is certainly an incentive to get the settlement money released quickly, not years from now, as well as to avoid major legal fees. From the government's side, unresolved claims often lead to a souring of the relationship. This contributes substantially to cost overruns and delays in project completion. Also, major contractors often have major political connections, and these disputes can be a political embarrassment. Finally, both sides have an interest in maintaining the business relationship for the future.

Most Alternative Dispute Resolution (ADR) cases involve only two, or at most three, parties. The parties are well defined and able to make legally binding decisions. So, many of the problems experienced with environmental mediation are removed. The relevancy of ADR to natural resources decisions is simply that we are inventing numerous new models for how disputes can be settled, and it's likely that some of these new models will ultimately have transferability.

Going back to Figure 2, you can probably find that within your own work experience there are decisions that fit in each of the categories in the continuum. There are a number of decisions that others in the organization make about which you simply like to be kept informed. There are others on which you'd like the courtesy of being consulted before they proceed, but it is more a change to tell them if you see any fatal flaws. But there are some decisions that affect your operations sufficiently that you feel it necessary to be actively involved in all stages of the decision. If people want your support, they'd darned well better

consult with you throughout the decision. Finally, there are decisions that so affect your operation or even you personally, that you will adamantly oppose any decision to which you are not a willing party.

I would use the same logic in looking at where to be in the continuum in relationship to the public. I'm not trying to set up anything morally superior about being at one end of the continuum versus the other. In fact, you never do get away from public information. The most interactive of public involvement programs, for example, must have an effective public information component. [Although I would point out that public information which is part of effective public involvement is a bit different. Instead of being written with a "public relations" slant; that is, written so that the agency's position is presented favorably, with all warts hidden; when public information is part of a public involvement program, it must be written as for a decision maker. It must provide sufficient information without being biased in such a way that the decision maker begins to suspect the information.]

The point is to select those techniques and processes that are sufficient to make the decision "count." I would say, based on my experience, that for most controversial decisions, neither public information nor formalized public involvement, such as public hearings, will be sufficient for the decision to "count." Public involvement doesn't really take off until each manager sees public involvement as the means by which he/she can get the consensus needed to act. The test of a manager's skill becomes one of forging an agreement where previously the public was divided. Once this is done, the protests drop off, the lawsuits stop, some modicum of trust begins to be built. Issues get resolved that may have been laying around unresolved for years.

Is this a proper role for agency managers to play? I think Thomas Jefferson would reply, as he did once to his friend Charles Jarvis:

"I know of no safe repository of the ultimate powers of society but the people themselves. And if we think them not enlightened enough to exercise their choice with wholesome discretion, the remedy is not to remove their choice, but inform their discretion through education."

**PUBLIC INVOLVEMENT; CONFLICT MANAGEMENT; AND DISPUTE  
RESOLUTION IN WATER RESOURCES AND  
ENVIRONMENTAL DECISION MAKING<sup>1</sup>**

by  
Jerome Delli Priscoli, Ph.D.

**INTRODUCTION**

Many professionals see public awareness primarily as educating the public. This is understandable, after all, most of the public and many decision makers understand little about water resources. However, experiences of the last 15 years in the United States indicate that public awareness, in its broadest sense, is more than educating publics and officials or providing information to such officials and publics. Public awareness also includes receiving information from and being educated by various publics and officials.

The process of providing information to, and receiving information from, publics has come to be called public participation or public involvement. To some, public involvement is a stronger term than participation, because it ultimately means sharing power, or, at least, influencing decisions traditionally in the purview of technical experts.

Since the National Environmental Policy Act (NEPA) 1969, we in the U.S. have moved from public involvement that meant informing and educating the public to involvement that means receiving information from, and being educated by, the public. Today, the major concern is how can interested parties agree? In short, we have removed from educating the public to being educated by the public to now mutually deciding with the public.

This paper outlines six important concepts of public involvement and conflict management. I will begin by asking, "Why do public involvement and conflict management?" A discussion of the six key concepts will follow. Finally, I will briefly outline ways these concepts have been applied.

**Why Do Public Involvement and Conflict Management in Water Resources and Environmental Decision Making?**

One can answer simply, "Because the law mandates public involvement." But what is behind the laws? To begin with, NEPA introduced an era of environmental concern. Values throughout industrial society have been shifting. There is increasing concern for environmental quality and public health (Milbraith, 1984).

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<sup>1</sup>Speech Delivered at "*The International Workshop on Water Awareness in Society Policy and Decision Making*" Skokloster, Stockholm Region, Sweden, June 27-July 1, 1988

These concerns have manifested as new demands on the technical decision makings in the water resource field. Environmental values must now be integrated into actual engineering design and not simply as afterthoughts for predetermined solutions. This has meant broadening the alternatives considered from traditional structural measures to non-structural and behavioral measures.

Initially, public involvement was greeted with skepticism within technical agencies and a naive euphoria among environmental interest groups. With more experience, the subtleties of public involvement have become apparent. What happens after everybody has articulated their interests? What happens after we have listened to the different and competing views? These questions have been prominent for the last four or five years. Can public involvement by raising and articulating interests lead to consensus or agreement sufficient for action?

Many in the environmental community have been surprised that public involvement does not always lead to ideal environmental solutions. Many professionals in technical agencies have seen public involvement as producing more legal stalemate by providing access for new interest groups. Many have seen public involvement as a means to stop or stalemate decision processes. As such, public involvement has become another straw on the camel's back burdening the legal court system. Indeed, the courts have become the major instrument for resolving environmental disputes.

However, the court system in the U.S. has become overloaded. Litigation takes a long time and rarely produces solutions that are satisfying to any of the parties involved. Also, solutions are reached in a way that separates rather than brings together those with substantive technical environmental expertise. Even though the court system or adversarial process predominates the U. S. System, more than 80% of those cases that start in the adversarial process are solved outside of court. So public involvement and conflict management have taken on new meaning, that is, to "off-load" the legal system.

Throughout the western democracies, administrative processes, which some once thought to be purely technical, are more clearly recognized as having political dimensions. Many decisions thought to be purely technical are actually political, that is, they affect the distribution of values throughout society. Most managers in administrative agencies are actually managing the gray area between technical and political. While asked to be technically competent, they must be politically realistic. Public involvement has become a means for managing this gray area between the technical and the political.

Within the U.S. Corps of Engineers organization, one of the largest public engineering organizations in the world, contract claims have doubled in the last 8 years. At any given month, there can be hundreds of millions of dollars in construction claims against the organization. The same organization issues close to 20,000 permits for construction in the navigable waters and wetlands throughout the United States. These permits can generate enormous amounts of conflict which carry high administrative overhead for both government and the private sector. So, in a utilitarian sense, the agency is seeking alternatives to the strong adversarial system for resolving disputes. Such alternatives are essentially negotiations, involvement or other ways of coming to agreement.

Generally, the following six goals for public involvement and conflict management are the most common. While all are rarely achieved, mixes of these goals may be achieved.

- To build credibility with those who will be affected, those who will pay and those who will use the project. While the point doesn't need to be elaborated, many recognize that a credibility gap has existed among the policymakers and significant segments of the public.
- To identify public concerns and values. There are many techniques that do this in a form that is relatively open and straightforward.
- To develop consensus among the impacted parties, users and those who pay. In difficult controversies, consensus is rarely achieved, but it is satisfying when it is.
- To create the greatest number of "unsurprised apathetics." In many cases, not everybody needs to be involved or wants to be involved in every issue, all of the time. Most people are partially involved, but these people should not be surprised. They should be kept informed, in other words, "unsurprised."
- To produce better decisions. Public involvement can often produce better "technical decisions" than a strictly technically oriented decision process.
- To enhance democratic practice.

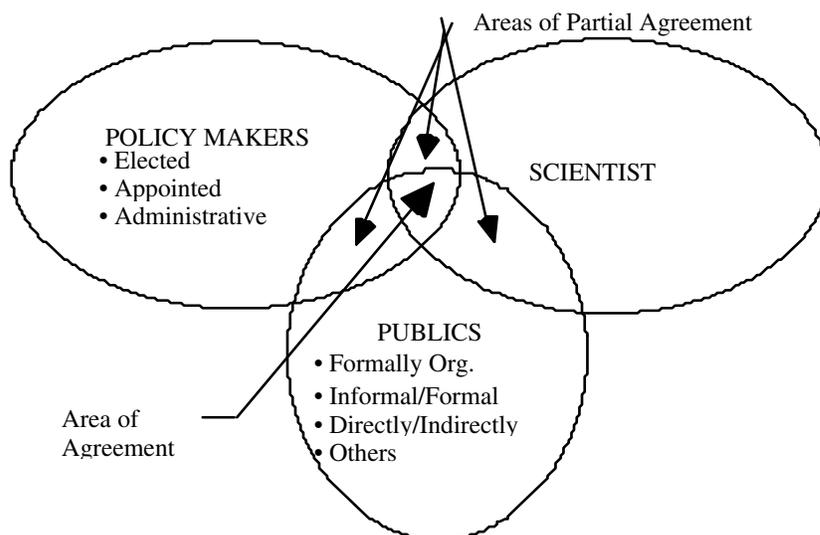
## **SIX CONCEPTS OF PUBLIC INVOLVEMENT AND DISPUTE RESOLUTION**

### **Levels of Conflict**

In this conference we have divided the policy world into policy makers, scientists and publics. Through public awareness, public involvement and conflict management, we seek to find agreement among these three divisions of the world. Figure 1 outlines this world. As we can see, the policymakers are not one entity. They include elected officials and

administrative officials of various types. We all know that elected officials can have tremendous disagreements among themselves. This is also true of administrative officials and professional civil servants who frequently represent agencies with different missions. Indeed, scientists themselves often disagree. It doesn't take experience with too many controversies until one can recognize a variant of Newton's Second Law, "For every Ph.D., you can find an opposite and equal Ph.D."

Figure 1  
Policy World



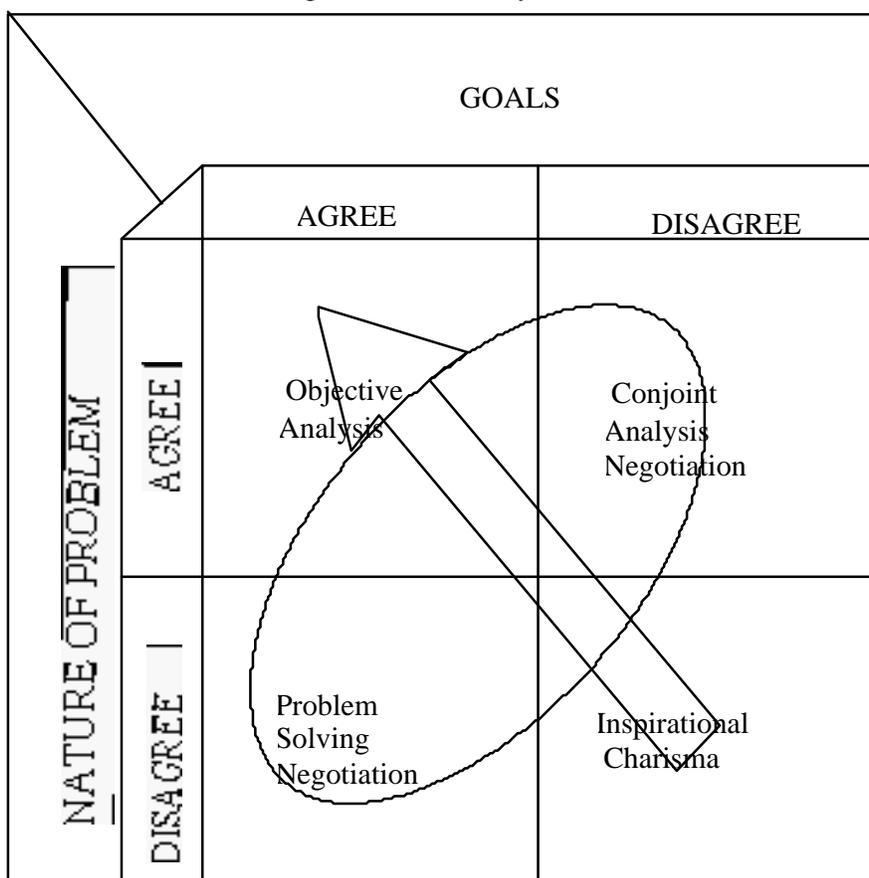
There are many ways of looking at the public. Indeed, there is no one public but rather, many publics. For a controversy, we might find formally organized publics or informally organized publics. We may find publics who are directly affected and those who are indirectly affected. I am sure we can draw clearer distinctions; however, the point for this conference is that we are seeking to understand how public awareness helps us reach some agreement among these three elements, no matter how we subdivide them. This agreement is represented by the overlapping area in the middle of these circles. However, agreement itself should be explored further.

Figure 2 explores the nature of agreement in a simple two-by-two table presented by Dr. Vlachos (Vlachos, 1988). This table outlines agreement or disagreement among these three distinct groups over either the goals or the nature of a problem. Depending on the nature of agreement, different analytical activities on policy processes are called for. As the table demonstrates, Cell 1 is called Objective Analysis. Such analysis is appropriate here because agreement on the goals and the nature of the problem exists. Cell 4 indicates disagreement on the goals and disagreement on the nature of the problem. Such a situation requires some type of inspiration or other charisma. While we frequently act, as if we are in Cell 1, the normal condition for water resource situations is Cell 4. While frequently not conscious of

our behavior, we usually seek to move immediately from Cell 4 into Cell 1; however, this doesn't work and usually we are frustrated.

Cell 2 represents a disagreement over goals but a general agreement on the nature of the problem. In this cell, we use analysis or other forms of negotiations. In Cell 3, we find disagreement on the nature of the problem and some general agreement over the goals. In this case we look at joint problem solving, negotiations or other collaborative approaches.

Figure 2  
Nature of Agreement in Policy World



The point is that to get to Cell 1 -- that place where most technical people are most comfortable -- we must usually move through either Cell 3 or Cell 2. This is true because much of the environmental conflict we encounter is not based primarily on "facts" but values. Resolution depends on dealing with the interest and values or other causes at stake in a controversy. These causes usually are beyond facts.

Actually we usually spend much time moving between Cell 2 and 3, that is, discussing goals, coming to agreement on the goals and then redefining the nature of the problem and then going back to goals. This iterative process is the crux of planning. It is not possible to state how much iteration is necessary between 2 and 3. It is only important to know that we must move through analytical activities implied by Cells 2 and 3 before we move to what is identified as Objective Analysis in Cell 1. In other words, we must understand the sources of conflict and design processes to deal with the sources. That is what is implied by moving between Cell 2 and Cell 3.

The conflict management literature distinguishes four main causes of conflict (Negotiating, 1986). The first is conflict over data.

Data conflicts result from a lack of information, misinformation, different interpretations of data and different views of other relevant data. For example, controversy often develops because of failure to exchange information, necessary to fully understand issues. Government agencies and technical groups are inclined to dispense material written so as to be unintelligible to the average people. Companies prepare reports according to government regulations, but often exclude information that is not required by law but may be necessary for citizens or the agency to understand the rationale for actions. Public interest groups frequently express their views of a situation in such apocalyptic terms that the information is lost in the actual way it is delivered. Disputing parties often have different standards for evaluating information and different views of the relevance of data. Conflicts generated by data disagreements are the easiest to solve.

The second cause of conflict is called interest conflict. Conflicts can develop over seemingly incompatible interests. Interests or needs are tangible results that are satisfied through the outcome of a dispute so that the settlement will be satisfactory and durable. Interests can be substantive in nature. They may refer to the process by which a settlement is reached, or they may refer to the psychological needs of the people in the conflict.

Conflicts may also be generated by value differences. Value conflicts develop when disputants use different criteria for evaluating conflicting outcomes, espouse different lifestyles or goals or they profess diverse ideologies, different religious beliefs or views of the way the world ought to be. Values are the foundation for interests and needs.

Conflicts can also be generated over relationship issues. Relationship conflict often results from the build-up of poor expressions, strong emotions, stereotyping, poor communication skills and of repetitive negative behavior. The resulting disputes are often unnecessary because they are not based on substantive disagreements. Relationship conflicts require us to focus on building positive relationships or good feelings, anchor positive perceptions and productive communications. Because personal relationships are of primary importance, relationship conflicts must be dealt with "up-front" before dealing with substantive issues. Throughout the conflict resolution process, we must constantly attend to relationship conflicts.

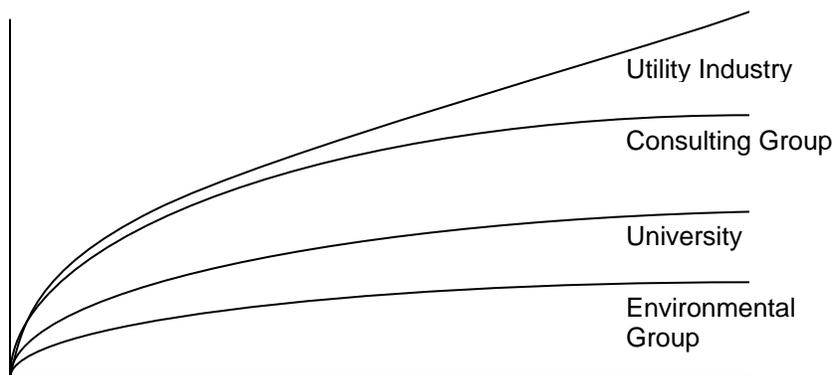
Technical professionals frequently want to treat conflicts in their technical area of expertise as primarily data conflicts. In other words, they prefer to be in Cell 1 of Figure 2. However, in most water resource disputes, we find ourselves in Cell 4 or perhaps 3 and 2. In any of these situations, the primary cause of the conflict is rarely data. It is more likely values, interests or possibly relationship issues.

Let me summarize the first concept. Conflicts are generated for at least four reasons. We must understand these reasons and design public involvement and conflict management processes appropriate to them. We cannot expect that conflicts will be resolved by processes adequate for one cause of conflict when, indeed, most conflicts are being driven primarily by totally different causes.

### Design to Values

Experience has shown that values are a primary source of environmental conflicts. Figure 3 outlines a recent case where water resources planners needed a projection for electrical energy demand in the Pacific Northwest of the United States to the year 2000. Four professional projections were available (Delli Priscoli, 1987b). Each projection was internally consistent and done by fine modeling methods.

Figure 3  
Electrical Needs in the Year 2000  
for the Pacific Northwest



Not surprising, utility interests projected an increased need, while environmental interests projected a decreased need for electric energy. Projections made by a major university and a consulting firm fell in between. Although one cannot predict the absolute number, by simply knowing who made the projection one can easily project their relative positions of the projections. Essentially, these professional and technical projections are elegant statements of how these organizations feel the world "ought to be." That is, they contain a political message.

Even if rarely acknowledged, it is no surprise that projections are value based and assumption driven. However, to engage in the crucial assumption game requires a working knowledge of modeling and technical proficiency. Consequently, those whom these projections serve, are frequently excluded from the game. Therefore, it is little wonder that the people whom the projections serve feel no ownership in the projections and subsequently either ignore or reject the projections.

In short, the projections are neither purely technical nor political. They are a hybrid. The water resources professional must now be able to both draw the lines that we see in Figure 3 and to encourage a broadly based value consensus around the assumptions underpinning these lines. It is the second point which we ought to emphasize. The professionals must understand values underlying the conflicts. Once understanding these values, alternatives must be designed which service the range of values. It is these alternatives which then can be used to negotiate consensus. That is, we must start our engineering design only after understanding the range of values. Designs and alternatives must be created for the different values. We must understand that traditional technical alternatives frequently carry with them sets of values which represent a far more narrow set of values than is necessary to satisfy this requirement. So, the second major concept is that we must design to values rather than unconsciously dictate values through advocacy of narrow technical and predetermined solutions.

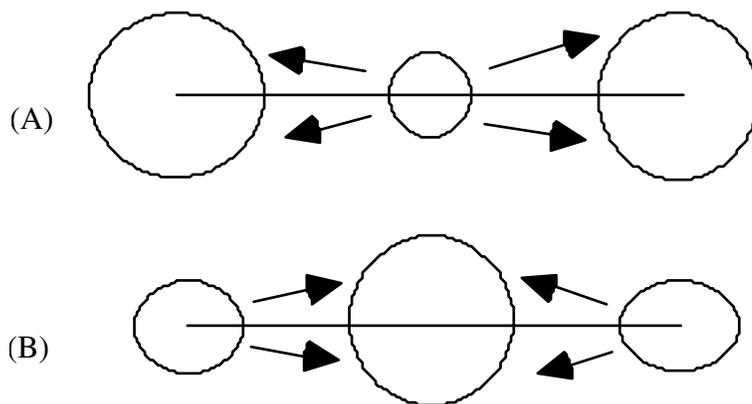
### **Visibly Isolate Extremes**

Practically, public involvement and conflict management programs should be visibly isolate extremes. This sounds manipulative and somehow distasteful. Let me explain. Programs should create incentives for participants to find and move to a middle ground. Public involvement programs should facilitate a shared ownership of solutions, alternatives and recommendations such that alternatives may be implemented. This means create an environment where compromise is acceptable. As we have learned, public awareness rapidly becomes more than public information. Public information and public relations are critical skills to be used by doing involvement but they are not sufficient in and of themselves.

While practical people understand that all conflict will not always be solved short of court, war or other adversarial methods, public involvement programs seek to solve as much conflict as possible without going the expensive route of litigation. Public involvement and conflict management programs attempt to create an environment where the clash of alternative viewpoints are synergized into creative solutions which have not been previously conceived, rather than canceling out one another.

Figure 4 graphically outlines this concept. In a traditional adversarial model, as shown in Figure 4(A), the only way to play is to be "for" or "against." The pressures are to move to the extremes and out of the middle ground. Those in the middle will either drop out or gravitate to the extremes. We hire our lawyers to characterize and to do battle for us. There is little reward to be in the center.

Figure 4  
Visibly Isolating Extremes



But the successful resolution begins with finding shared middle ground and creating alternatives, as represented in Figure 4(B). To a great degree, excessive reliance on the adversarial paradigm excludes building the shared ground. Although useful and necessary, the adversarial model is not always useful. In planning water resources development, once we assume that we will resort to the adversarial model or to the courts, all of our planning documentation subtly transforms our professional problem analysis into building a "case" under the legal "rules-of-evidence." In short, the means -- litigation -- has become the end. It has become the pervasive normative guide for data collection across disciplines. Polarization is thus assured. The system, whose conflict resolution ability we strongly believe in, begins to generate more intractable conflict than it solves.

So what do we do? First of all, extremes exist; we all know it and we should recognize them. Ignoring extremes does little good. Figure 4 seeks to show that we should visibly isolate such extremes. That is, we should recognize and publicize such extremes. In so doing, those who participate at the extremes do so publicly. That is, the cost for participation at the extremes is to be identified with extreme position. By providing "reasonable" alternatives to what appear to be "irrational" extremes, it is hard for extreme positions to maintain broadly based constituencies.

Many who are at the extremes are committed and have valid and important reasons for being at such extremes. One of the more important reasons is that by so locating themselves, they help move society's consciousness toward what they view are important and truthful values. However, for a public agency the objective is usually to find sufficient ground on which to build enough will to act. This means assuring that broadly based constituencies have alternatives. If there are broadly based constituencies supporting extreme positions, then, indeed, solutions will move in their direction. However, we have frequently found that the

reliance on adversarial models allows the claim for broadly based constituencies by extreme positions without clear and visible proof of such constituency support.

To many, this model appears counter-intuitive. After all, it requires a certain faith in the ultimate reasonableness of humans. However, such faith and reasonableness is, to a great degree, what our democratic systems are about. Indeed, much of our public involvement, conflict management activities and administrative processes are about helping our democratic systems adapt to changing conditions. This adaptation itself is built on such faith in reasonableness. Indeed, many of the decisions that we seek in the environmental area are, in fact, a search for the "reasonable" as opposed to some view of the "rational" decision.

So, my third point is to visibly isolate the extremes.

### **Negotiate on Interests Rather than Positions**

Traditionally, negotiations have been viewed as moving from one position to a counter position and to a compromise settlement. However, our experience in the environmental negotiations and other areas has shown that the joint problem solving approach which attempts to identify interests prior to examining specific solutions can be beneficial. This approach has come to be called interest-based-bargaining (Fisher, 1982; Negotiations, 1986). It involves the collaborative effort to jointly meet each other's needs, interests and to satisfy mutual interests. After interests are identified, the negotiators jointly search for a variety of alternatives that may satisfy all interests rather than argue for any single position. Parties select a solution from mutually generated options. This approach is also frequently called integrated-bargaining because of its emphasis on cooperation, meeting mutual needs and the efforts by parties to expand bargaining options so that a wiser decision with more benefits to all can be achieved. In this sense, it is more than a simple compromise.

The approach depends on distinguishing among interests issues and positions. Issues are the what of our discussions. Interests are the why. The positions are the how. Throughout this approach to negotiations, participants and mediators constantly appeal to what has been called the best alternative to a negotiated agreement or BATNA (Fisher and Ury, 1981).

In this approach, negotiators constantly seek to educate one another on their interests. In this sense, negotiations are seen as a social learning exercise. It is also a creative exercise, in that it seeks to generate a range of options and to create options that no one party may have conceived of before negotiations. In such an approach to negotiations, resources are not seen as limited (Negotiations, 1985). Negotiators' interests must be addressed for an agreement to be reached. Throughout the process, the main focus is on interests, before positions. Parties often look for objective, verifiable or fair standards that all can agree to. There is a belief that there are probably multiple satisfactory solutions. Negotiators become cooperative problem solvers rather than merely opponents.

So, my fourth point is that negotiations should be conducted around interests rather than positions.

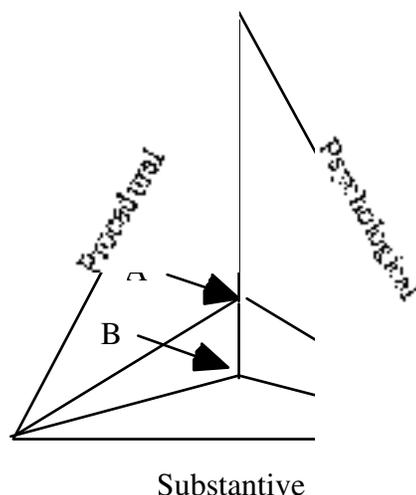
## Durable Settlements Depend on Achieving Procedural, Substantive and Psychological Satisfaction

To achieve a durable settlement, there are at least three types of interests which generally must be met (Lincoln, 1986). These are:

- Substantive interests: that is, content needs, money, time, goods or resources.
- Procedural interests: that is, the needs for specific types of behavior or the "way that something is done."
- Relationship or psychological interests: that is, the needs that refer to how one feels, how one is treated or conditions for ongoing relationships.

These interests can be seen in Figure 5. This is often called the satisfaction triangle. The above interests are represented on three sides of the triangle. Ideally, any public involvement and conflict management process would be designed to seek point A. This point, in some sense, represents an optimal satisfaction of the procedural, psychological and substantive

Figure 5  
Satisfaction Triangle



interests of each of the parties. Frequently, technical professionals, in designing conflict management and public involvement processes, implicitly or subconsciously behave as if they are reaching for point B.

This point represents a situation which is high on the substantive or content aspects of the situation but relatively low on the psychological and procedural aspects. The point of this triangle is that public involvement and public awareness require an explicit design that seeks

to maximize procedural, psychological, as well as substantive concerns. This is often uncomfortable and, in fact, often beyond the skill of many water resources professionals.

We know we have achieved procedural satisfaction when the parties to the process say they would use the process again. We will speak in a moment of different process techniques that have been developed over the last 10 or 12 years. Substantive satisfaction is familiar to us. It is the water resources content with which we spend our lives. We know when we have achieved it.

Figure 6  
Defining Psychological Satisfaction

How One Felt When They

(Won) (1)	(Lost) (2)
Great Victorious Wonderful Superior Strong	Taken Advantage of Demoralized Helpless Inferior Weak

Psychological satisfaction is a little more difficult to conceive. Figure 6 outlines one way to understand psychological satisfaction. The figure contains two columns; "Won" and "Lost." The words under each column indicate how one may feel when they perceive they have either won or lost in a dispute (Lincoln, 1986). As you read down each column, you probably can think of other words which express your own feelings when you have either won or lost in a dispute. Now, the following questions can be posed. What possibility exists for a durable settlement if one party feels the way that is described by the words in column (1) and the other party feels the way described by the words in column (2)? Can a durable settlement exist when both parties feel as described by the words expressed in column (2)? The answer in both cases, is little or no possibility! Parties must come close to feeling as described by the words in column (1) for durable settlements to exist. The point for us, as technical professionals in water resources, is that we must explicitly design processes which will resulting such feelings.

The fifth point is that durable settlements depend on at least three dimensions: procedural, psychological and substantive satisfaction. We must design processes to assure satisfaction on these dimensions.



decisions and outcomes tend to be handed over to outside parties. To the left of point 14 we identify facilitation, collaborative problem solving, mediation and conciliation. Each of these techniques are built on the principle that a third party can help the parties come to agreement by designing and nurturing a process of dialogue among the interested parties. The processes are fully voluntary and vary from informal to formal. The most informal is closest to the hot tub on the extreme left and the most formal is closest to point 14. However, in all cases they are built on the assumption that we separate the process by which we communicate and the content of the dispute. By bringing in a third party who is neutral and primarily concerned with process, we often liberate ourselves to more innovatively discuss the content of a dispute.

Facilitators are thought to be caretakers to the process. That is, they are pure process people. They engage in little or no discussion of the content. Their purpose is to suggest different ways of dialoguing so the parties may come to some agreement. Mediators, on the other hand, also take care of the process, however they are more likely to engage in the content. They engage in content by listening to parties, by individually caucusing and perhaps helping the parties to develop substantive alternatives. The mini-trial is an interesting variation of these techniques which has gained popularity in the U.S. The mini-trial looks like a trial, however it is really a structured discussion among the various parties of interest. It is voluntary. Discussion is structured in a way that looks similar to the court. After evidence is presented by both parties, the principles meet again to consider what they heard. Then a decision is hopefully reached among the principles. The whole process is managed by a neutral third party.

The sixth and final point is twofold. First, we should employ techniques which help parties to talk directly with one another. This is done to encourage parties to own both the problem and the eventual solutions. In the long run, shared ownership means that the solutions are more likely to be durable. It also means that the solutions are likely to be better technical solutions. Second, a range of alternative techniques exist to achieve this end.

## **CONCLUSIONS AND APPLICATIONS OF THE CONCEPTS**

Use of the concepts described above is rapidly growing throughout the U.S. However, three policy arenas can be used to illustrate how the concepts apply in a large water resources development agency. Over the last several years the Corps of Engineers has successfully used mini-trials several times in construction contract claims cases. Settlements in these cases have ranged from \$20,000 to over \$20M.

Typically, at the end of a large construction effort, a number of disputes are outstanding. These disputes have traditionally been handled through an adversarial legal process. In such a process, the case goes through construction claims court at which point the settlement can be accepted or appealed. During the last 8 years the number of claims against the Corps have been doubled. Also, the number of appeals of those claims settled by initial courts is also growing. Therefore, in the last 1-1/2 years the Corps has applied many of the ADR techniques identified above.

The mini-trial has been particularly successful in a number of contract claims cases. In the mini-trial, the parties prepare the cases and the best arguments for their positions. These arguments are presented much the same way they may be presented in a court. However, the case presentation and hearings are managed by a neutral third party. In reality, mini-trial discussions are structured negotiation sessions. After hearing the cases, the parties meet and discuss what may be suitable claims. Usually the successful mini-trial cases last 1 or 2 days, at which time parties agree to settlement terms. This time can be contrasted to the typical minimum of 3 years for settlement under routine procedure.

Mini-trials have been used in cases where the conflict has ripened and been fairly well developed. However, we also desire to prevent conflict and to reduce the potential of conflict. One way to do so is through collaborative problem solving. One good example of such preventative collaboration can be seen on a \$80M replacement lock and dam in the southern region of the United States. In this case, the Corps of Engineers' managers and executive sat down with the managers and executives of the contracting firms for 4 days before construction began. During

these days, private and public sector managers identified their mutual or shared interests. They also identified the areas and situations which, from experience, they knew could generate conflict. Then the managers developed and agreed to a seven step process with time limits on each step, to resolve eventual conflicts.

During the process, the construction firm divulged their profit margin. This margin could be achieved at the end of the contract if there were no outstanding disputes. Therefore, a "bottom-line" shared goal of completing construction without outstanding disputes has been adopted. Achieving this goal will also maximize profit for the private contractor. If this goal of no dispute at termination is achieved, it will be the first time on any project of this scope. As a result of the collaboration, the project is ahead of schedule and the morale within both the public and the private contractor teams is high.

The regulatory program of the Corps of Engineers offers another example of applying collaborative problem solving. The Corps issues permits for construction in navigable waterways and wetlands. It issues close to 20,000 such permits a year. A number of these permits can be quite controversial. In a number of cases the Corps is allowed to issue what is called a general permit. A general permit can be issued for a certain type of activity in a region or the nation. It can also be issued for a clearly defined region. A general permit consists of a list of technical specifications or conditions to be met for any work that is proposed. With a general permit, individual applicants may apply by simply signing a statement saying that they will conform to the specifications. In this way, the long permitting process can be reduced. Thus, the overhead to the permit applicant as well as to the Government, will be reduced.

Environmental interests usually see general permits as a threat. However, the Corps has used the general permit as an opportunity for a forum in which parties that are likely to conflict over individual permits can come together and agree on technical specifications for an overall activity arena. Essentially, the Corps has said, "If the parties who are likely to be in conflict can agree on technical specifications, those specifications will be the general permit." In the cases where this has been tried, the Corps has used a facilitator/mediator approach. The facilitator, as a neutral third party, convenes the parties who will be in conflict. These parties then negotiate and agree to technical specifications. The reason parties agree usually revolves around certainty of the future for private applicants. This certainty can actually mean increased profits. To environmental interests, this certainty means that energies can be devoted to other more important environmental conflicts without having to worry about a large number of individual cases. The success of this facilitate approach depends on the perceived fairness of the process. That fairness has been achieved by using a neutral third party as caretaker to the process.

These are general and brief descriptions of a few water policy arenas where the principles discussed above have been applied. My principle message is that alternative ways to resolving disputes exist; these alternatives have evolved from the experience of directly involving the public and interested parties in management and development decisions in water resources planning.

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## **THE MODERN CIVIL ENGINEER AND THE SOCIAL SCIENCES \***

by

**Jerome Delli Priscoli**

### **Introduction**

Intense environmental conflicts, and frustrations from managing them, have forced engineers to seek better understanding of why such conflicts are generated. Beneath the surface of seemingly irrational endangered species rescue operations, ecological doomsday jargon and developmentalist zeal, lurk major social value conflicts such as: public vs. private engineering; growth vs. no growth; economic vs. other social values, science vs. popularism; and technical vs. political values. Environmental conflicts of the 1970s have reaffirmed that civil engineering has major social effects and objectives beyond purely technical construction and narrow economic development. The engineer, trained and rewarded for technical excellence, is frequently frustrated with what are perceived as extra ‘social or environmental design constraints’. However, far from constraints, broadening the social objectives of engineering presents new opportunities for engineering service, if one makes the effort to look. So how does the engineering organization with its primarily technical training and experience look for such opportunities?

At one end of the spectrum the engineering organization may hire new people; at the other, it can retrain experienced personnel. Practically, the engineering organization follows some route between these extremes. Indeed, by mid-career, experienced engineers have usually accumulated a wealth of knowledge about the social effects of their engineering work. This article outlines a practical and tested approach to training experienced engineers in the use of selected social science techniques. Its philosophy is to add tools to the existing tool-kit of the engineer-manager, and to build on his or her experience.

Over the last six years, such training has been developed for the US Army Corps of Engineers. In the United States, the Corps has major civil works missions in flood control, navigation, waterway regulation and water resources development along with military base construction. To achieve these missions, the Corps is decentralized around 38 districts, 12 divisions, and Washington level offices. Most of these offices include a range of engineering functions such as planning, construction and operations. Roughly 5% of the Corps’ more than 20,000 employees are military officers and the rest are civilians. It is for this multi-functional and diverse organization that the following applied social analysis training was designed.

### **Why Modern Engineering Requires Social Science**

Much of Civil and Water Resource engineering has been viewed primarily as structural intervention into the natural system. Such interventions are justified for the best of reasons—to minimize stress on the social system and to create new growth opportunities. While very useful, this view can be dangerously limiting. Engineering can subtly become the application of one set of solutions to many problems. Problems then become defined more in terms of a

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\* Extracted from “Retraining the Modern Civil Engineer” in *The Environmentalist*, 3 (1983) 137-146.

narrow understanding of possible technical situations than broader social needs. Engineering then adopts the role of defining social limits rather than assisting social dreams. This is a position fraught with conflict that can place engineers at odds with those whom they serve.

In the industrial west, engineer-managers have recently been asked to develop alternatives that include direct management of the social as opposed to the natural system-water demand management and nonstructural design. For example, in non-industrial countries large water projects are often explicitly designed to manage natural systems so as to achieve major social objectives. Actually, we know little of whether managing the social system or natural system is more efficient in delivering benefits, like creating growth opportunities and reducing potential social stress. However, project stoppages and public debate within the industrial world demonstrate that finding a practical balance point is difficult.

Historically, civil engineers trusted with the keys of technology, have been leading instruments in the process of social adaptation and growth. They have been critical to what Jacob Bronowski, in *The Ascent of Man* calls man's essential nature: "...the explorer of nature ... the ubiquitous animal who did not find but has made his home in every continent." The civil engineer has recently been dubbed as a purveyor of old technology, a slave to technology fixes, or provider of solutions seeking applications. To the degree civil engineers act according to this image, they draw us to a future of deterministic entropy rather than one of evolutionary and visionary growth. As Samuel Florman notes, in the *Existential Pleasures of Engineering*, such a view denies the profession its creative and artistic historical roots. He says:

*"Analysis, rationality, materialism and practical creativity do not preclude emotional fulfillment. They are pathways to such fulfillment. They do not 'reduce' experience, as is so often claimed: they expand it. Engineering is superficial only to those who view it superficially. At the heart of engineering lies existential joy."*

In the case of water resources, engineers actively participate in using water resources development to massively affect social behavior and in projecting how that behavior will affect water resources. Yet we know little of this interaction. Social scientists and economists have long recognized that the political -social structure is somehow related to the way we organize to supply and distribute water. In fact, water resource development has helped to transform previously blighted sections within numerous countries. Yet we know little of how current water resources development is affecting population and wealth distribution such as that around coastal and arid areas.

Responsible decision-makers, make assumptions about how the private sector perceives itself, about the relationship between savings and expectations and the capacity of the individuals to assume large capital investment. Yet we do little to verify such assumptions. Major programs cannot be adapted to regional differences such as between urban and rural or arid and wet regions without some explicit notion of social structure, attitude and opinion differences. Nevertheless, a tendency to design similar structures across regions persists.

In the United States, such realities have reduced trends to broaden social considerations in engineering projects and to include new disciplines such as anthropology, history, sociology and political science in addition to economics in the engineering organizations. Since this expanded social science input originally flourished under the National Environmental Policy

Act (NEPA), it often inherited an image of negative assessment, project delay or bearer of bad news. Those days have passed. The new disciplines bring to the engineering organization rudimentary tools that help managers to understand their external environments; to cope with internal resource constraints; and to better manage uncertainty in aligning water with people. Through social impact assessment research and training, we have identified generic tools whose applications have had among others, the following payoffs for civil engineering management:

- Increased efficient expenditure of resources by estimating implementation outlay costs.
- Improved our ability to project acceptability of alternatives.
- Identified new engineering missions, service opportunities and constituencies early.
- Reduced the number, but made more representative, the alternatives considered in planning.
- Enhanced our ability to project conditions both with and without the project.
- Improved our ability to describe likely social effects.
- Improved ability to project construction phase impacts and suggest mitigation.
- Defined new human and non-property based flood damages.
- Enabled us to better project benefits to be derived from previously unemployed labor.
- Provided innovative and practical means for constructive public involvement in project planning, implementation, regulation and operations.
- Assisted the environmental evaluation process.

### **A NEW PARADIGM FOR PLANNING**

Applying social science tools to engineering planning, and realizing the payoffs just described, is leading to a changing paradigm for planning. In some way, the confluence of Public Involvement (PI), Social Impact Assessment (SIA), and Futures-Forecasting (FF) represent what is new and what is supplementing older views of planning. It is this confluence that our training addresses. The training questions old principles derived from a mechanistic and linear view of science in which man and nature are separate. It is based on new tenets that help to explain how Public Involvement, Social Impact Assessment and Futures Forecasting are converging to redefine planning.

The tenets of the emerging planning paradigm include the following:

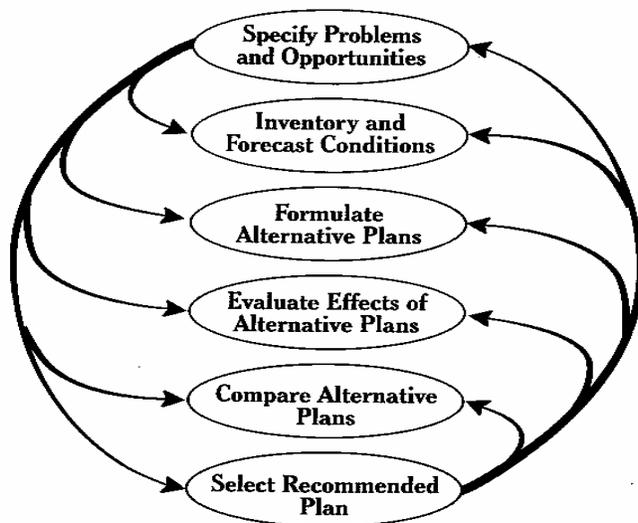
1. That planning creates as much as predicts the future. In theoretical physics investigators find that the instrument of measurement can determine that which we measure. So, too, in human systems.
2. That the validity basis of planning is found in an 'Inter-subjective-transfer of knowledge', not in an 'independent-observer' position. Reality is more a shared process of creation than an independent, observable fact.
3. That planning is as much political as it is technical. As Norton Long states.

*“The question is not whether planning will reflect politics but whose politics will it reflect ... ? Plans are in reality political programs... In the broad sense they represent political philosophies... ways of implementing different conceptions of the good life.*

4. That the planner’s role is to design ‘win-win’, rather than ‘zero-sum’ or ‘lose-lose’ alternatives.
5. That the way we forecast has major impact on the type of society in which we live. Put bluntly, do we forecast ‘with’ or ‘for’ the people?

Although neat, these tenets present a dilemma: to involve the public the planner has to know who is the public. To know whom the affected public is, the planner must assess impacts, and

## PLANNING PROCESS



must understand perceptions and needs. In short, open planning has resulted in public involvement programs which themselves *depend* on impact analyses, which in turn depend on the involvement programs.

This sounds like a vicious circle, you cannot solve the problem until you have solved it. Actually, it is a recognition that planning is not linear. The figure shown here is the current planning process followed by the Army Corps of Engineers. As it shows, planning is not an activity which starts at one point and then gradually reduces to a final answer. Planning is iterative. Certain planning tasks are repeated to varying degrees throughout a planning

process.

But while these basic steps of planning may be repeated several times in the course of a planning study, the emphasis among tasks varies in each phase. For example, during the early steps of planning, the emphasis is on problem identification – specifying problems and opportunities, and inventorying and forecasting conditions. This might be refined somewhat in a subsequent iteration, but not with the same intensity of focus. Similarly, in the later stages of planning, the emphasis is on impact assessment, but impact assessment programs are tailored to meet changing priorities within the evolution of a plan.

This means that the techniques used for public involvement will vary. For example, hearings, feedback balloting and other media techniques work better in ‘problem identification’ than ‘alternative formulation’. Workshops are better suited to alternative consideration and evaluation. Thus, the planning process itself encourages a mixed public involvement strategy. However, a mixed public involvement strategy will, in turn, force the planner to adjust the planning process to accommodate the varying forms of information resulting from the mixed

techniques. Preliminary impact assessment information gained from survey research at earlier stages might be reformatted for use in alternative formulation workshops at later stages.

Public involvement, social impact assessment and future forecasting clearly interact in such a planning process. Planning itself impacts those for whom we plan. Public involvement, based on initial assessments of that impact, further clarifies those impacts stemming from the process of planning as well as those of the proposed solutions. Each activity is incomplete without the other.

**PLANNING PRIMER**  
by  
**Kenneth D. Orth and Charles E. Yoe**

**What Is the Planning Process?**

A planning process is a **structured approach to problem solving**. A six-step planning process is commonly used in water resource development studies conducted by Federal agencies. The steps, illustrated in the figure on the next page, are:

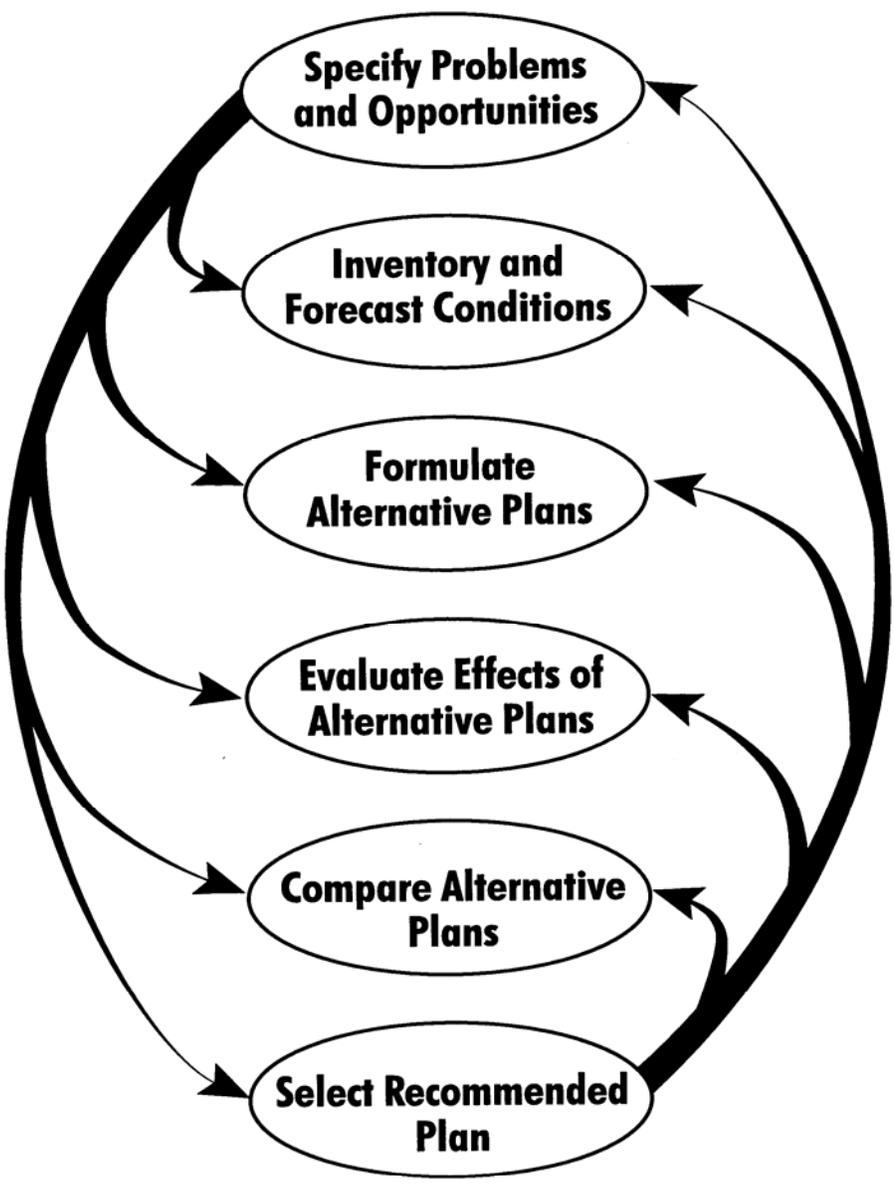
- Step 1 - Identifying problems and opportunities.
- Step 2 - Inventorying and forecasting conditions.
- Step 3 - Formulating alternative plans.
- Step 4 - Evaluating alternative plans.
- Step 5 - Comparing alternative plans.
- Step 6 - Selecting a plan.

Although developed for water resources planning, this process can be a much more universal problem solving approach. It is essentially the same as the National Environmental Policy Act (NEPA) process and similar approaches.

**How Do You Do Planning?**

The figure illustrates some important points about how planning is done. Ideally, you begin with Step 1 and conclude with Step 6. Reality is rarely ideal, and planning can begin with any step. Planning can begin at Step 6 when, for example, the Installation Commander points to a map and says, "I want the new mess hall here." Wherever planning begins, its structure is provided by a series of steps.

Because the process can begin anywhere, it is an iterative process. That means you will repeat the steps several times. This assures that each step is completed at least once. More importantly, you learn as you plan and repeating steps is an effective way to use what you learn. Problems become better understood. Additional information becomes available. New ideas can arise at any time, and decisions are better because of it.



Early iterations of the planning steps may only take minutes. A call from the Installation Commander about the need for a new mess hall may send you through a quick iteration of the steps. Almost instantaneously you may think: "The Fort needs a new mess hall. What are the options? The old one can be demolished and rebuilt; a new mess can be built in the meadow or on the parking lot that serves Building F. Rebuilding would be the least expensive construction but it will require temporary eating facilities. Filling the pond in the meadow will cause problems. The parking lot sounds like the best bet". There's an iteration.

In the weeks that follow, you'll do more careful thinking. You'll gather additional data. You'll discover how many people have to be fed and when. You'll see the meadow. You'll think about where displaced parkers will have to go. And you'll reconsider your initial thought process. The process may ultimately confirm your initial thoughts or it may evolve a solution you couldn't have begun to imagine that first day. It is the iterations of the planning steps that confirm early ideas and evolve new ones. Good solutions evolve over time. Iteration of the planning steps is the mechanism of this evolution.

An iteration of the planning steps can be completed in as much time and with as many resources as are available. It can take five minutes, one hour, one day, two months, or three years. One of the greatest strengths of the planning process is that it is flexible. It can be repeated as often as necessary or desirable. Planning can be done in a single quick iteration or through dozens of iterations over several years. There is no time frame too short, no budget too small to apply the planning process.

Planning is a creative process requiring unequal measures of experience, analysis, intuition and inspiration. It can tend to be unstructured and ad hoc, and at times it can border on chaos. The planning process provides a flexible, systematic, rational framework that you can turn to when chaos threatens. The more the process is used, the better one gets at solving complex problems.

### **Who Does Planning?**

Anyone who must solve complex problems does planning. But no one person, no one discipline, and no one group has all the answers. Planning is not a solitary pursuit. Planning is best done by interdisciplinary teams. Good planning involves the knowledge, skills and insights of professionals from many of the natural, social and engineering sciences. Planning problems are complex and an interdisciplinary team approach is often the best response to the wide range of technical issues involved in most studies. Besides, two heads are better than one, and planning results are better for having been developed from a variety of perspectives.

### **What's the Public's Role in Planning?**

Planning is also a public activity that involves homeowners, businesses, environmental advocates, Native American tribes, interest groups, and other members of the public as well as people from Federal, State, regional and local agencies. In a democratic society, citizens

have the fundamental right to participate meaningfully in public decision making processes and to be informed about the bases for those decisions. In addition, public participation can lead to better decisions. The wisdom needed to solve complex problems is not limited to the technical experts in public agencies.

Early and continuing participation by a diversity of interests, including project sponsors, customers, partners and other stakeholders, can provide essential information and insights. Public participation increases confidence in the planning process and acceptance of its resulting decisions. The public should be involved early and often in the planning process.

### **Doesn't Planning Require Guesswork?**

Planning is future oriented. You look into the future to describe what will happen if no action is taken. Then you try to describe what will happen if a particular course of action is taken. When describing these future conditions you're guessing. At best, these guesses are reasoned forecasts based on experience, good information, and the best appropriate methods. At worst, they are only hunches. To present these futures as precise and certain facts would be misleading to decision makers and the public. Thus, it is important to recognize from the outset that most planning information, particularly forecasts of future conditions, is fundamentally uncertain. The best plans address that uncertainty explicitly in appropriate ways.

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**Planning is an uncertain business.**

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### **PLANNING STEP-BY-STEP**

If you were planning, how would you do it? What questions would you ask? What tools would you use? Where would you even start?

Let's step through the planning process. We begin with a simple question - what's the problem?

#### **STEP I - IDENTIFYING PROBLEMS AND OPPORTUNITIES**

Identifying the problems and opportunities you face is the most important step in the planning process. Once the problems and opportunities are described, the next task is to define the objectives and constraints that will guide your efforts to solve those problems and achieve those opportunities.

The success of the entire planning process depends critically on the success of this first step. Every planning investigation, from a multi-million dollar multiple-purpose comprehensive investigation to a several thousand dollar preliminary study, and everything in between, should produce two sheets of paper early in the study. One of them lists problems and opportunities, the other the objectives and constraints. The first sheet says this is what is wrong here, the second says this is what you intend to do about it.

## What Are Problems and Opportunities?

Problems and opportunities exist in every community. Problems are existing, negative conditions. Something is broken, something is missing, and the like.

Problems and opportunities are expressed in simple brief sentences. If you can't finish the sentence, "The problem is..." clearly and concisely, then nothing else that follows in the study is likely to be very clear either. Problems and opportunities are the foundations for a study's objectives and constraints.

## What Are Objectives and Constraints?

Objectives are statements that describe the results you want to get by solving the problems and taking advantage of the opportunities you identified. Constraints are statements about things you want to avoid doing, or things you cannot change, while meeting your objectives. Together, objectives and constraints say what the planning effort is going to do to solve the problems and achieve the opportunities in any planning investigation.

The list of objectives and constraints becomes the planning partners' mission statement that tells people, "This is why we are undertaking this investigation." Plans will be formulated to meet the objectives subject to the planning constraints. There can be no other reason for a plan. As plans contribute to planning objectives, they solve problems and realize opportunities.

## Where Do Objectives and Constraints Come From?

Objectives and constraints evolve from your investigation's problems and opportunities. So, begin at the beginning. What initiated your investigation? A study authority from the Congress? A phone call from a local sponsor? A letter from a civic group? A meeting of environmental interests? What does the public believe are the area's problems and opportunities? What do knowledgeable experts think is happening - the engineers,

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### Examples of Problems and Opportunities:

- **The industrial sector of Central City is flooding.**
- **Habitat along Campus Creek is deteriorating.**
- **The waterfront would be a great place people to visit.**

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### Examples of Objectives:

- **Reduce flood damages in the Central City industrial area through year 2020.**
- **Restore Campus Creek riparian habitat between the 10th Street and 17th Street bridges through the year 2020.**

### An Example of a Constraint:

- **Minimize adverse effects to the Old City Dock historic site from any alternative plan**
-

environmental scientists, economists, and others? These sources should lead you to a list of problems and opportunities.

Rarely will you be able to fix all the problems or take advantage of all the opportunities included in your initial list. Some are the responsibility of others. Some may not be eligible for funding. One of the tasks in the first planning step is to screen problems and opportunities against these and other reasons, and focus your work on what you can truly hope to accomplish. The resulting list of problems and opportunities provides the foundation for the product of this step - objectives and constraints.

### **What Do You Do With Objectives and Constraints?**

Use them. Use them to identify the information you need to gather. Use them to identify different solutions solve problems and realize opportunities. Use them to identify the types of plan effects to be evaluated. Use them to compare different plans. Use them as reasons for selecting a plan. Use them throughout the remaining steps of the planning process.

## **STEP 2 - INVENTORYING AND FORECASTING CONDITIONS**

Step 2 is the information-gathering step. It is, perhaps, the most familiar planning task. Gathering information about historic and existing conditions produces an inventory. Gathering information about potential future conditions requires forecasts.

Inventories and forecasts are generally concerned with the conditions of resources that will be affected by solutions to the problems. These resources may be natural, economic, or social. Their precise identities vary from study to study. The one thing they all have in common is that they will help shape the plans to be considered, or they will be affected, intentionally or unintentionally, by one or more of the plans to be considered.

### **What Is the Historic Condition?**

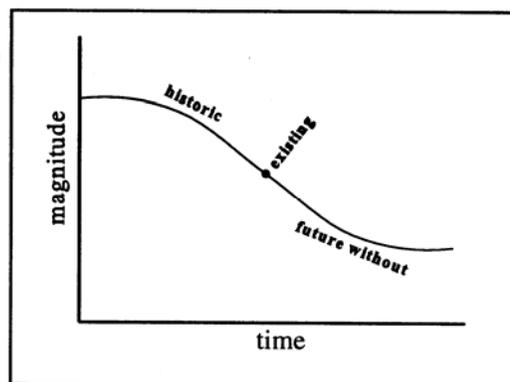
It is not easy to understand the present without some knowledge of the past. The historic condition describes the past. Past flow regimes, commercial port activity, land uses at a military installation, uses of a reservoir recreation area, or functions of an ecosystem are a few examples of historic data that may be very relevant to existing and future conditions in an study.

### **What Is the Existing Condition?**

Conditions that exist at the time of study are collectively called the existing condition, which may also be called the current condition. The significant natural, economic and social resources described for the historic condition will also be described in the existing condition inventory.

## What Are the Future Conditions?

Planning requires two types of forecasts. First, in this planning step, you'll forecast the most likely future with the problems or realize the opportunities. The without-project condition is the same as the "no action" alternative described in the National Environmental Policy Act (NEPA) regulations. Later, in planning Step 4, you'll forecast future with-project conditions that describe what is expected to happen if each alternative plan is implemented. The same important resources described in the historic and existing conditions are also described for the various future conditions in order to identify differences among the various futures.



expected to h

## What Kinds of Information Do You Need?

Two kinds of information are needed for any planning investigation. First, information is needed to adequately describe the problems and opportunities. A study of flooding problems will require hydrology and stage-damage relationships. A study of navigation problems requires information about ship channel uses. A study of restoration opportunities needs to describe how hydrology relates to ecological processes. The information gathered provides the scientific and technical evidence that a problem does or does not exist. Information about historic and existing conditions are most prominent in describing problems and opportunities.

Second, information is needed to describe significant effects of the alternative plans. You can count on needing information for some universally important effects. For example, you always need to know how much the alternatives will cost. Some types of resources identified in laws, like threatened and endangered species, will always need to be explicitly addressed. Information is also needed for other things of specific interest to planning stakeholders, such as jobs and tax bases. Information about future conditions are most prominent in describing plan effects.

## Why Do You Need Different Future Conditions?

If we are going to be able to identify the effects of plans, we have to make comparisons. We need to be able to say, "If we do nothing, *this is* going to happen, but if we take this course of action *that is* going to happen." In Step 4, we compare potential future conditions without a project in place to potential future conditions with a project in place in order to identify the potential different effects that a plan can cause. Effects of plans form the basis for evaluating and comparing different plans and selecting a plan for implementation.

## When Do You Have Enough Information?

Information gathering will most likely continue throughout the investigation. As information becomes available the picture of what needs to be done will be filled in with more detail.

Decisions are made throughout the planning process based on the information that is available. Better information makes for better decisions, but gathering information takes time and money. The key to a successful second step in the planning process is to collect only the information you need and to use all the information you collect. Do not collect information just because it is available. Collect the information you need.

## STEP 3 - FORMULATING ALTERNATIVE PLANS

Plan formulation is the process of identifying specific ways to achieve planning objectives while avoiding constraints so as to solve the problems and realize the opportunities that got this whole investigation started. This is the most creative part of the planning process.

This step of the planning process produces solutions that achieve all or part of one or more of your planning objectives. Solutions are alternative plans built from management measures.

Examples of Management Measures:	What Is a Management Measure?
<ul style="list-style-type: none"> <li>▪ levee</li> <li>▪ channel</li> <li>▪ flood proof homes</li> <li>▪ evacuation</li> <li>▪ fish passages</li> <li>▪ spawning channel</li> <li>▪ plant vegetation</li> <li>▪ fish passages</li> </ul>	<p>A management measure is a feature or an activity that can be implemented at a specific geographic site to address one or more planning objectives. It may be a "structural" feature that requires construction or assembly on-site, or it could be a "non-structural" action that requires no construction. Management measures are the building blocks of alternative plans.</p> <p>Management measures often come in different sizes or scales. They may be scaled in different dimensions or amounts (like a channel that is 30, 35 or 40 feet deep), different materials or methods, different locations, or over different implementation time frames.</p>

## What Is an Alternative Plan?

An alternative plan is a set of one or more management measures functioning together to address one or more objectives. Sometimes a plan is one measure. More often it's a set of measures. Different plans consist of different measures, or they combine the same measures in significantly different ways.

## What Is Plan Formulation?

Plan formulation is the process of building alternative plans that meet your objectives without violating your constraints. Your list of objectives and constraints describes what you intend to do to solve your problems and realize your opportunities. Plans are formulated to address your objectives. Some plans will do that better than others. Each objective should be addressed by at least one plan.

Plan formulation can be thought of in three very general phases. First, you identify all the management measures that could be helpful in a given situation. Next, you formulate plans by mixing and matching measures into different combinations. Then, as the planning process evolves and you reconsider the formulation step, you may need or want to reformulate plans. Typically, plans are reformulated to make them more efficient, effective, complete and acceptable as more information becomes available.

## Where Do Plans Come From?

Plans come from people. People often begin planning with a solution in mind. Other plans will emerge throughout the course of planning.

Some tried and true ways you can use to formulate alternative plans are:

*Consult a checklist* - Lists capture past experiences in problem solving.

*Consider plans of others outside your agency* - Other interests may provide ideas about solutions. Including their plans may later be an important part of getting agreement on a recommended solution.

*Ask an expert* - Use the informed judgment and personal intuition of experienced people.

*Use a formal problem solving method* - Some methods, like brainstorming, can be effective methods for identifying management measures and plans.

## When Is Formulation Complete?

Formulation is complete when you have an array of plans that address the planning objectives. You'll probably repeat the formulation step many times as you continue to discover and analyze solutions.

As you'll soon see during the next planning steps, good solutions are more complete, more effective, more efficient and more acceptable than poorer solutions. Good solutions are not necessarily limited by your current authorities. Good solutions make significant contributions to the overall set of planning objectives and do not violate constraints. Good solutions are often hard to formulate.

## STEP 4 - EVALUATING ALTERNATIVE PLANS

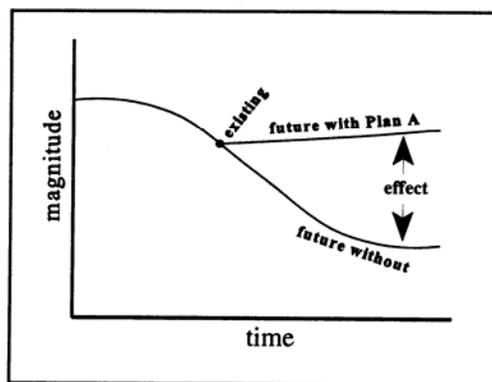
What difference does your plan make? The first three planning steps give you a list of different solutions for the problems and opportunities. The remaining three steps lead you to the best of those solutions. The evaluation step tells you what difference each plan can make. That difference is quantified by comparing without project and with project conditions to identify the effects of alternative plans.

The essential purpose of the evaluation step is to determine whether or not a plan you have formulated is worthy of further consideration. It is a qualifying step. Each plan is held up to a situation- specific set of criteria and you decide whether it deserves further consideration or not.

### How Do You Evaluate?

Evaluation consists of four general tasks. First, forecast the most likely with-project condition expected under each alternative plan. Each with-project condition will describe the same critical variables included in the without-project condition developed in Step 2.

Next, compare each with-project condition to the without-project condition. Do the comparisons reveal any differences between the two futures? Differences between with- and without-project conditions are a plan's effects. Effects are often called impacts.



Next, characterize effects. Common effect characteristics are:

*Magnitude* - How much or how many are affected?

*Location* - Where, at what site and over what area, is the effect?

*Timing and Duration* - When will the effect start? How long will it last? Will it occur again?

*Appraisal* - Is the effect beneficial or adverse, good or bad, desirable or not? Because such appraisals are subjective judgments, you should also explain any legal, scientific or public interest basis for them.

Finally, qualify plans for further consideration. This is a pass/fail test which asks, "Are any effects so significant that they would violate some minimum standards?" If not, the plan should be considered further. If so, the plan should be dropped from further consideration, or reformulated to lessen the effect. Some common qualifying criteria are:

*Completeness* - Does the plan include all the necessary parts and actions to produce the desired results?

*Effectiveness* - Does the plan meet the objectives to some degree? How does it stack up against constraints?

*Efficiency* - Does the plan minimize costs? Is it cost effective?

*Acceptability* - Is the plan acceptable and compatible with laws and policies?

### **What Types of Effects are Evaluated?**

Evaluation covers the full range of effects that are important to consider in making planning decisions. Because that is usually a very broad range of resources and issues, evaluation tends to be conducted in a number of technically specialized analyses. Some of the more common types of evaluation include:

*Cost estimating*, in which the dollar costs of first implementing and then operating, maintaining, monitoring, and otherwise managing a project are estimated;

*Real estate appraisals*, which estimate the dollar costs of any necessary real property interests;

*Economic benefit evaluations*, where dollars are assigned to the values of reduced flood damages, transportation cost savings, and other benefits;

*Environmental evaluations and impact assessments*, which include analyses of effects on fish and wildlife habitat, endangered species, ecosystems, historic sites and other cultural resources, water and air quality, and scenic beauty. Many of these analyses are required by law; and

*Social impact assessments*, which evaluate effects on population, health, safety, and other considerations important to affected communities.

These and other types of evaluation provide the information you need to screen and qualify plans. Information about different types of effects will help you to judge whether a plan is complete; how well it meets the objectives and addresses the constraints; how its costs stack up against its benefits; and its acceptability among interests. Plans that pass these tests move on to the next planning step of comparison.

### **STEP 5 - COMPARING ALTERNATIVE PLANS**

We need a way to tell which of the plans that qualified for further consideration is the best plan. Because no one plan is likely to be best in all categories of importance, we have to compare the effects of the various plans and make trades among the differences observed. In the previous evaluation step you looked at the effects of each plan individually. In this comparison step you look at important effects across all plans.

The best plan cannot be selected from among a set of good plans unless you have some way to compare them. It is only by comparison that a plan is no longer good enough, or that a good plan becomes the best plan. The purpose of plan comparison is to identify the most important effects, and to compare the plans against one another across those effects. Ideally, the comparison will conclude with a ranking of plans or some identification of advantages and disadvantages of each plan for use by decision makers.

### ***What Do You Compare?***

Compare the effects that influence the decision you're making. Not all effects are equally important, but some effects are important most of the time. These include: some measure of how well plans do against the planning objectives and constraints; any dollar costs and benefits of plans; effects required to be considered by law or policy; and effects that are important to stakeholders and the public. Comparisons are easier to make and easier to explain when fewer things are compared. The trick is to compare all the important plan effects, but only the important effects.

### **Is Comparison Always the Same?**

Plan comparisons during early iterations can be quite abbreviated, often without a formal analysis. Ranking plans as better or worse, or more or less of certain effects can be sufficient in early iterations. Later comparisons must be more formal and analytical to illuminate differences and make choices from among a better qualified array of plans. Some types of comparison approaches are described below.

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In most Corps Civil Works planning, comparison will reveal the plan expected to produce the most economic benefits - or the "NED plan" - from among the alternatives considered.

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### **What Is Benefit-Cost Analysis?**

If you can measure all important effects in dollar values, such as benefits and costs, then you can calculate the net effects of each plan and easily compare net benefits among plans. Benefit-cost analysis is the most common type of comparison used in planning Civil Works projects for flood damage reduction, navigation improvements, and other traditional purposes.

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**Displaying effects in a table helps you make and communicate comparisons.**

	<b>PLAN A</b>	<b>PLAN B</b>	<b>PLAN C</b>
<b>ECONOMIC EFFECTS</b>	<b>+\$ 30</b>	<b>-\$ 5</b>	<b>+\$ 10</b>
<b>ENVIRONMENTAL EFFECTS</b>	<b>- 100 acres</b>	<b>+70 acres</b>	<b>+200 acres</b>
<b>SOCIAL EFFECTS</b>	<b>moderate growth</b>	<b>low growth</b>	<b>moderate growth</b>
<b>OTHER EFFECTS</b>	<b>+</b>	<b>--</b>	<b>+++</b>

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### **What Is Cost Effectiveness Analysis?**

In environmental planning and other cases, you may be able to measure plan costs in dollars but plan benefits can't be easily quantified in monetary terms. When important project outputs can be quantified in non-monetary units it may be possible to use cost effectiveness analysis to identify least cost solutions for various levels of benefits.

### **What Is Trade-Off Analysis?**

Displaying effects in a table helps you make and communicate comparisons. Trade-off analysis helps you compare many different effects expressed in different measurements. In these cases, the investigators use their accumulated expertise, experience, and knowledge to decide, in effect, that a "plan with a little more of this" is better than a plan with "a little more of that." While there are many techniques to help identify trade-offs, final judgments boil down to people's subjective preferences for one effect over another.

### **Is Comparison Decision Making?**

No, it is not. Though you may do an exemplary job throughout the planning process, up to and including comparison, decision makers still select the best plan in the next and final step.

## **STEP 6 - SELECTING A PLAN**

This is the big decision making step. Countless decisions are made throughout the planning investigation. You decide which problems and opportunities to address, the planning objectives and constraints, the data to be collected and so on. You also decide which plans qualified on their own, and which plans deserve further consideration following their comparison. Plan selection in early iterations of the planning steps is a winnowing process. The final iteration of Step 6 completes the planning process. Decision makers must purposefully choose the single best alternative future path from among all those that have been considered.

### **What Are Your Choices?**

The first choice is always to do nothing. Planners have the burden of demonstrating that any plan that is recommended is better than doing nothing. The second choice is to select the plan that is required by law or policy. For example, the National Economic Development (NED) Plan is required in many Civil Works project planning investigations. The third choice is to do something else. Regardless of the choice, those who do the choosing must have good reasons for the final selection.

### **What Is the No Action Alternative?**

Taking no action is the default choice. The planning process is built on the default assumption that the Corps should do nothing to address the problems and opportunities. The agency should become involved in a project only if it is better for society than doing nothing. Hence, the planning process must convincingly demonstrate that involvement in some project is preferred over no action by the agency.

### **What Is the NED Plan?**

Different government programs are directed by different laws and policies, and these may require selection of a certain plan. In planning Corps' Civil Works projects, the Federal Principles and Guidelines require that the alternative plan with the greatest net economic benefit consistent with protecting the nation's environment - the NED plan - is to be selected unless an exception is granted. Decisions about regulatory permits, military construction, and other actions are based on other criteria. Regardless of the program, the second default action will be to select the plan that best meets the relevant legal and policy requirements.

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Corps ecosystem restoration studies use cost effectiveness, rather than an NED plan, in plan selection.

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### **Are There Other Choices?**

Frequently, a non-Federal sponsor of a Civil Works project will find it in their interest to pursue a plan that sacrifices some economic benefits for additional contributions to other objectives. A plan that is not the NED plan but is preferred by a sponsor is commonly called the locally preferred plan. Other stakeholders may favor other plans based on criteria in their interests. For example, an Installation Commander may have specific criteria for preferring one location for the mess hall over another, or a permit applicant may be pursuing an investment strategy that would favor one type of dock development over another.

### **Who Selects?**

The Corps decision making process is hierarchical, but the selection process can be bottom-up or top-down. In a bottom up process, the study team makes the first judgment about what plan is best based on the results of their analyses. The team then advises decision makers, including project partners, of the study findings and recommendations.

Alternatively, a selection may be a top down decision, made by senior officials in the Federal and non-Federal partnership agencies. A locally preferred plan, for example, may be preferred by the non-Federal sponsor over the team's recommendation of the NED plan.

Don't take it personally if your favorite plan is not selected. A planner's job is to do good planning and give good advice. Decision makers select the plans.

### **Are You Done Planning?**

Yes... but. Things can change at any time in a project's life cycle, and it may be necessary to account for new stakeholders, different environmental conditions, new solutions to the problems, and other unforeseeable circumstances. When that happens, the iterative planning process is still a helpful tool in solving problems and reaching decisions.

Planning - even the best planning - is not intended to be an end in itself. It is intended to help make informed decisions that lead to on-the-ground solutions for problems and opportunities. Good planning, using the iterative planning process, is always a right first step toward a solution.

## THE USE OF VALUES: PUBLIC PARTICIPATION IN THE PLANNING PROCESS

by  
**James L. Creighton**

too many months ago a planner in a large governmental agency discarded about letters from the public on a controversial issue because they were no help to --they contained no facts, no specific proposals--all they contained were feelings.

Like many other planners, this planner has been faced with a dilemma: While law and agency policies have required him to seek out greater public participation in the planning process, he is ill-equipped to know what to do with the information once he has gotten it. Typically the materials he receives from the broader public appear to be "over-emotional, ill-informed," and "not dealing with realities." But at the same time, any public participation program that puts all the emphasis on well-documented, carefully prepared, scientific presentations from the public will build in bias as for only the well-funded interest groups. The planner is trapped between his professional training--which typically equips him to deal with scientific fact, demonstrable propositions, and economic feasibilities, but not with feelings--and the democratic philosophy which stresses that all the people should be involved in the decision making, not just the special interests.

Over some years as a consultant and trainer in public participation, I have arrived at the conclusion that in the early stages of planning the previously avoided and unexpressed feelings and emotional expressions are a critical and valuable resource and straight to the reason citizen participation is necessary. Feelings and emotions are indicators of values; and differences in values are what citizen participation is all about.

This paper details the thinking which led to these conclusions', as well as a practical method by which planners can use values in the development of planning alternatives.

### Defining "Political" Decisions

Most planners argue that they do not make political decisions. They mean they do not make the decisions that would, or should, be made by the political process (through elected officials or a legislative body). But a careful examination of the difference between decisions planners make and decisions made through the political process indicates that the only difference is the "stake" involved--the importance of this decision in terms of the benefits and costs distributed to different segments of the public. Every planner has had the experience of making a decision he considered to be "professional" only to find it made "political" by someone's intense reaction to the decision. A decision is political by its nature if it distributes benefits and costs to

different segments of the public--regardless of whether or not it is made through the political process

By this definition purely professional decisions tend to be limited to assessments of resource capability or determinations of technical feasibility. It is a professional decision as to what level of pollutants is now in a river, or what percentage of the pollutants a particular method will remove; it is a political question (backed by the professional information) to determine how much pollution will be tolerated.

### A Broader Definition of Benefits and Costs

The term "benefits and costs" immediately conjures up images of economic standards of measurement. Certainly many decisions made by planners bestow economic benefits and costs, e.g. the allowable density of a proposed development.

Most planners have expanded their definition of benefits and costs to include conflicting uses. A planner can make a decision that benefits hikers and cross-country skiers while assessing a cost in loss of land that can be used by snowmobilers.

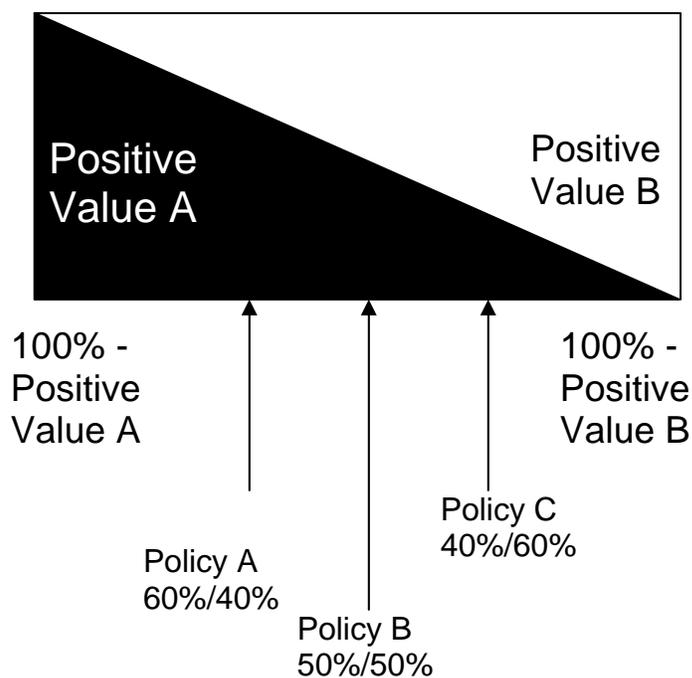
I wish to add still a third dimension to the definition of benefits and costs -- the dimension of values. By values I mean those internal standards by which we judge events or behavior to be good/bad, right/wrong, fair/unfair, just/unjust. They are the normative standards by which we judge the way things "ought" to be. When a planner makes a decision to allow a timber cut in an isolated backcountry part of Alaska he may hear outraged cries from apartment dwellers in New York City, based not on any direct economic gain or even any realistic expectation that they will ever visit the land in question -- but based on the fact that the planner's decision is distributing a benefit or cost on the way they believe the land ought to be managed. The benefit or cost is solely in the values dimension.

Values choices are essentially choices between two **positive goods**. For example, if the issue is the use of seat belts one must find a position that balances "comfort" with "safety." If the issue is the mandatory use of seat belts, one must find the balance point between "individual freedom" and "public safety," All of these values indicated are good, desirable, positive; no one is against any of these values, the issue is which values should prevail in this instance. The act of "valuing" is one of finding the proper balance point between the two values in a given situation at a particular point in time.



A policy is a balance point selected between competing values. Competing policies are competing judgments as to the relative importance of particular values in a particular situation.

This is illustrated below:



Each policy is a balance point between two "goods." An individual may oppose a policy of an agency because he considers that the policy does not adequately recognize the importance of a "good" he supports. To the planner this individual may appear to be an "aginner" -- an individual who will consistently oppose anything proposed by the agency, This opposition is based on this individual's positive support of some value which he believes the agency consistently does not properly value.

It is one of the characteristics of values arguments that the opponent will usually appear "over emotional and irrational, " committed to premises that he cannot rationally justify. The difficulty is that both sides -both the planner and the various publics -- see the other as locked into preconceptions that no number of facts will

shake. Values are a perception of reality based on our own set of personal rules governing our feelings. By virtue of unique life experiences, upbringing, training, and personal introspection each individual develops his own set of "meanings" for his experiences. These "meanings" -- and values are major standards by which we evaluate events to provide meaning to them -- cause each of us to have an individualized reality, a perception of reality which is always to some extent unique to that individual. When we confront someone with an individualized reality based on values that are substantially different, then the rules by which we judge reality are contradictory. We usually cope with this threat to our definition of reality by judging the others to be ill-informed or badly-motivated. When one individual views an act as an "outstanding program to stimulate economic well-being" while another individual views the same act as a "vicious desecration of nature's natural order," they are operating with individualized realities with premises so fundamentally different that these individuals appear to be emotionally committed to unjustifiable positions.

One reason that much information from the public is viewed as overemotional and irrational is that it conflicts in much the same way with unconscious values held by the planner, or the agency for which the planner works. For underlying each agency's mandate and basic operating policies are very definite values. For example, many natural resources agencies have "multiple use" policies that attempt to balance the conflicting interests by providing a number of uses from the same land. Typically this orientation is described as "the Greatest Good for the Greatest Number. However, this orientation predisposes agency planners to naturally seek out ways of accommodating several uses, and avoid solutions that maximize single uses to the exclusion of other uses. When individuals or groups advocate that land be used solely for the one use they consider to be the "highest good", planners will tend to consider these individuals as selfish and self-serving, inconsiderate of others' needs and interests, and will instinctively resist such proposals. The policies of the agency, and the values inherent in them, form a barrier of resistance to the proposals of individuals whose values differ from those of the agency.

It is my conviction that the environmental battles of the present are primarily on the values dimension. While the battles of the past may have been among those most immediately affected and concerned about economics and use, the battles of the present are a struggle among competing fundamental values about how the land should be used and the lifestyles associated with that use. The demands for citizen participation in the planning process are demands that agencies be accountable to a broader range of alternative values.

#### Accountability for Political Decisions

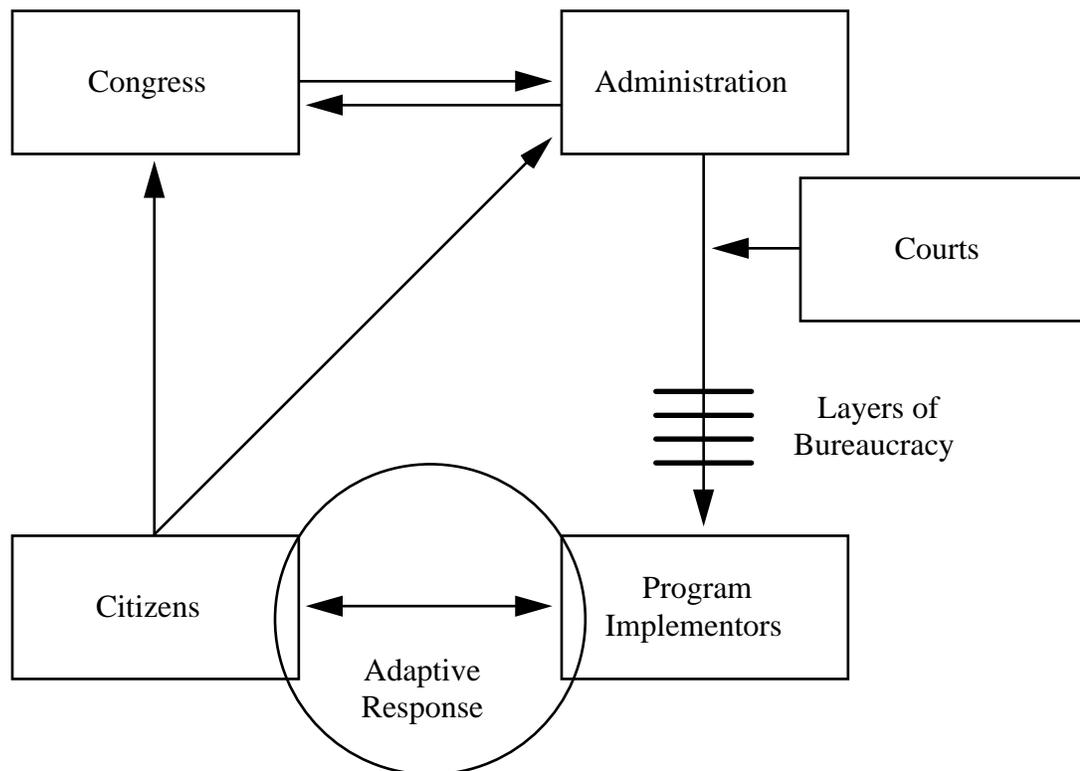
It is the essence of a democracy that there be accountability back to the public for decisions made by the government. If a school superintendent makes a decision about busing of school children there are immediate demands that the school board make

the final decision; the logic being that the school board can be held accountable to public sentiment at the next election. A central theme in our philosophy is that governments can rule only with the consent of the governed.

Yet the national malaise is the fear that no one is able to make the system responsive; that increasingly there is no way to hold the government accountable. The reasons are multiple: the vastly increased size of the bureaucracy, the increased technical complexity of the decisions, the specialization of disciplines and agencies involved in decisions. There are many other explanations given as well, but whatever the reason the citizen still feels uncertain of his ability to exercise any control over "his" government.

To illustrate this problem, let's explore the chain of accountability for a Federal policy or project (Fig. 2):

Fig. 2



First the public selects representatives. Already some degree of accountability is lost because they cannot select these representatives on one issue alone. They must buy them "as a package" with the possibility of stands on one issue canceling out stands on another. Issue-by-issue accountability is already diminished.

The public also selects the President, the Executive. But it is a different public -- a national public -- than the local or state publics, which elect the representatives. The result is that each may be accountable to a different version of public need.

Out of the interaction between these conflicting definitions of public need comes the legislation that defines "policy" for the agency. If these policies are in turn modified as they are interpreted by the various layers of bureaucracy who are in turn impacted by the courts, other agencies, state and local governments.

The result is that by the time we reach our planner the chain of accountability is very long and tenuous indeed. Typically there is a time lag of several years or more before a shift in public-sentiment is reflected in policies, which are recognized and followed down at the level of the individual planner. Even when these changes occur there is little possibility of issue-by-issue accountability: the giant bureaucratic wheels turn too slowly for decisions already "in the pipeline" to be adapted to the change in policy.

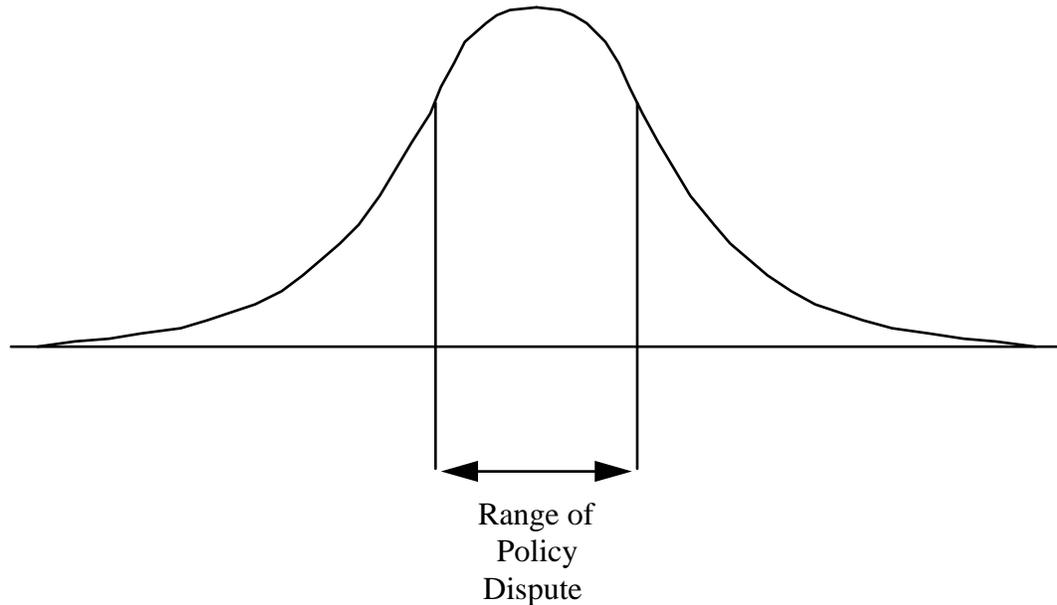
Yet somehow the system usually works. Many of the natural resource and development agencies went on for years being the "good guys" among the governmental agencies. It is only recently they have been portrayed as the "bad guy." What made the difference?

#### The Melting Consensus and the New Battleground

It is my belief that the long chain of accountability still worked as long as there was a framework created by a consensus of values within our society about the proper use of natural resources. So long as decisions did not stray too far from the great middle of this consensus there was little demand for accountability -- only those groups most directly affected by economics or use needed to contest the issues.

One way to conceptualize this consensus is as a normal bell-shaped curve with the great consensus in the middle and an overwhelming majority occupying a relatively homogenous values position.

Fig. 3



Since the issue is "the proper use of natural resources" -- and bearing in mind' that valuing is an act of selecting balance point between two positive goods -the polar extremes can be shown as follows:

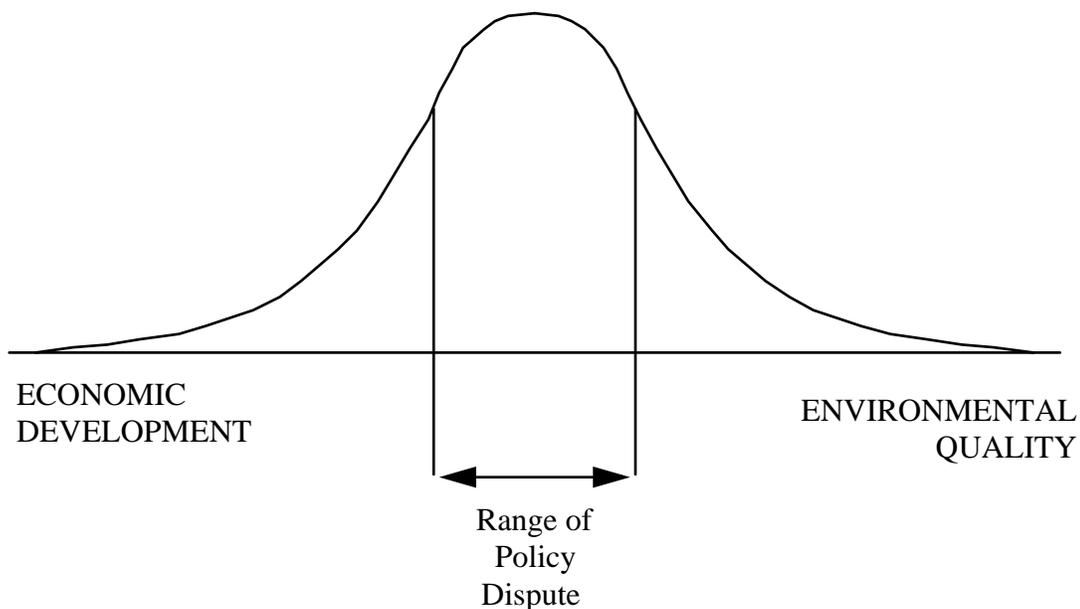
**ECONOMIC DEVELOPMENT**  
Maximum development of  
natural resources to meet human  
material needs.

**ENVIRONMENTAL QUALITY**  
Optimal maintenance of the total  
ecosystem – needs of other species co-  
equal with human needs



Continuing our image of the consensus as a bell-shaped curve, we can place the bell-shaped curve on this scale of values with Economic Development at one end and Environmental Quality at the other. (Fig. 4.)

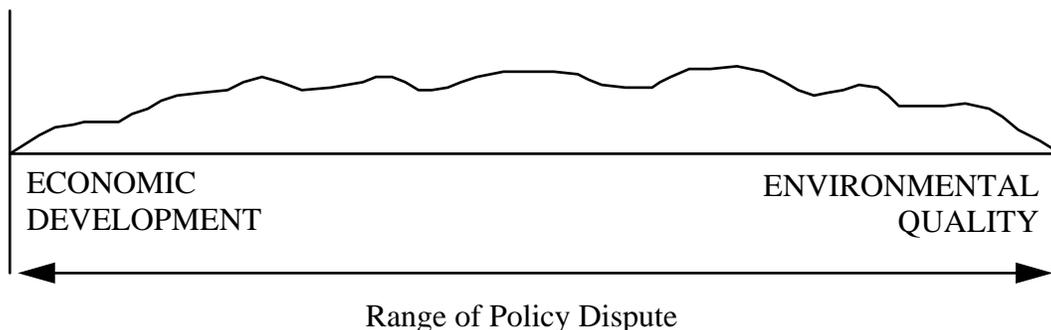
Fig. 4



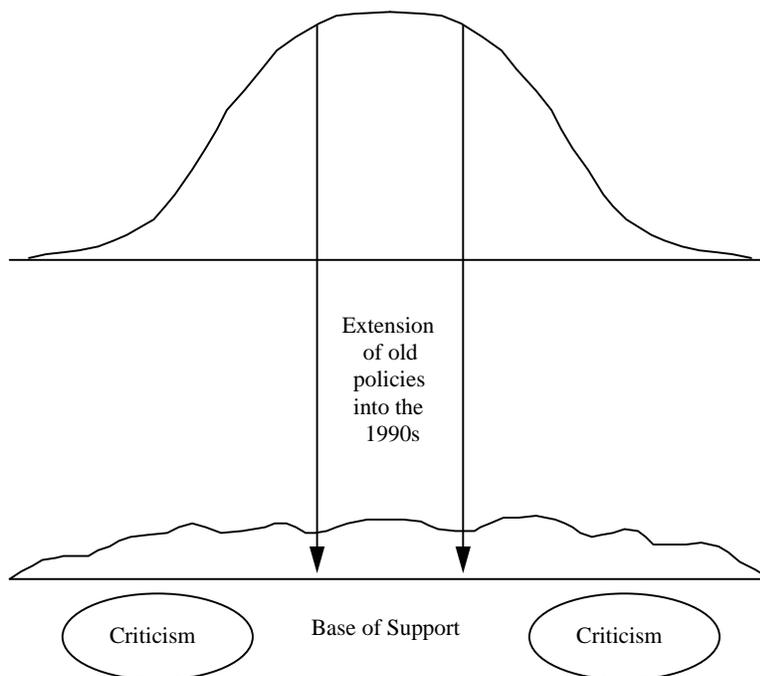
Since the agencies whose policies affect land use (with the exception of the Environmental Protection Agency) were established during the period when this consensus existed, they operate within organizational mandates and philosophies, which reflect this consensus.

The Environmentalist Movement that began in the mid-sixties was, in my opinion a function of the - breakdown of this consensus. Instead of an homogenous cluster toward the center, the consensus broke down and began to spread over a broader range of values. Graphically, the result would look more like a melted Eskimo Pie than a normal bell shaped-curve (Fig. 5).

Fig. 5



The effect of this was to leave agency mandates and policies stranded without a consensus. Political strength was distributed across a broader range of values. New groups emerged who saw the agencies as adversaries and from their values position, rightly so, because the agencies now spoke on behalf of one segment of the public (occupying the values position on which formerly there was a consensus) rather than a consensus of the public at large. The agencies were "adversaries" because they could wield vast administrative and economic powers on behalf of those values embedded in agency mandates and policies. Finally, because power was distributed, strong new political forces emerged to challenge the groups and agencies that represented the old consensus. Each issue became a desperate battle for political superiority. Groups began to demand issue-by-issue accountability because each issue became a testing ground of political strength.



### Providing Issue-by-Issue Accountability: Public Participation

The line of accountability was far too drawn out and tenuous to provide issue-by-issue accountability. To survive, the system had to find an adaptive mechanism to provide this accountability in the short term while buying time until either a new consensus would form (one of the groups would establish clear political dominance), or the land use agencies would learn ways of responding to the greater divergence of values. The adaptive mechanism was public participation.

Returning to our earlier diagram of the line of accountability: By constructing a link directly across the chasm between the public and the planner through public participation, the system could provide issue-by-issue accountability while still maintaining a representative form of government. The planner himself would be the direct-recipient of the thoughts and feelings of groups that normally did not have access to decision making within the agencies.

### The Use of Values

Now back to our tragedy of the discarded letters (referred to at the beginning of this article). These letters were discarded because they contained no specific proposals, only feelings and general philosophical statements about the way the land should be managed. In effect they were discarded because they only contained values data. But if the purpose of public participation is to ensure consideration of the total range of values held by the public, then information about values held by the public was the most important information this planner could receive. His failure was to consider unimportant the information that would be most helpful in ensuring that public participation would do the job it was designed to do.

But the fact remains that even if he had appreciated the importance of the letters, he probably would not have known what to do with the information in them anyway. Few, if any, tools have been provided to the planner to assist him in utilizing the emotional, subjective and "irrational" world of values.

Having confronted this problem with numerous clients, I have been developing a technique for analyzing contributions from the public for underlying values and using these values specifically as the basis for developing the alternatives to be displayed for the public as part of the public participation process.

## Identifying Values

Typically, values are implied in speech or behavior rather than explicitly stated. While they play a strong role in shaping our lives, when they are stated explicitly they sound vaguely like "motherhood" or "apple pie" and are difficult to defend except as an act of faith. (For example, the writer of the Declaration of Independence fell back on the phrase "we hold these truths to be self-evident" to justify values as fundamental as Life, Liberty and the Pursuit of Happiness.)

Because values are rarely stated explicitly, we have found it necessary to train planners to identify implied values. The first part of this training involves teaching specific communications skills designed to acknowledge both content and feelings. We have found that a greater comfort with feelings is generally necessary for effective public participation and is especially important in learning to identify values. Until there is a value placed on the emotional component of communication there is little sensitivity to the fund of information from the public that communicates values.

To get planners started in identifying values, we first suggest they pay attention to three stratagems used to communicate values:

- 1) Use of Values-Laden Language - This includes terms such as "raping the land," "locking up-the land," "bureaucratic Juqqernaut," etc.

Some of my favorite examples-of values-laden language comes from within the agencies. The Forest Service refers to certain stands of timber as "over mature, decadent timber" because the trees have ceased to grow as rapidly as they did when they were young. The same trees, if located near a highway right-of-way, would be viewed by the Federal Highway Administration as "fixed hazardous objects." The point is that the terminology reflects an orientation: the Forest Service is viewing the trees for potential timber harvest, while the Federal Highway Administration is viewing them as a potential safety hazard to drivers. This orientation communicates the values framework within which the agency is operating.

Naturally the different publics have their own collections of choice values-laden terms, which can serve as a guide to their values for the planner.

- 2) Predicting a Dire Consequence - People will predict that an action will-eliminate a71 the jobs in a locale, or will predict that the air won't be fit to breathe if an action is carried out. The kind of consequence they fear will reflect their values. The man from the Chamber of Commerce will predict a loss of jobs, while the preservationist will predict a total disruption of the ecosystem. By implication, the consequences they select also indicate their values.

- 3) Referring to a Venerable Source - People may quote the Bible, the Constitution, the Declaration of Independence, famous Presidents or writers as proof that their position is the only right one. The strategy is to quote a source so venerable that people won't dare question the individual's position for fear of appearing to attack the venerated source. The difficulty is that sources, which are venerated by one group, may appear downright disreputable to another. The individual citing the latest Department of Commerce report on the Gross National Product is unimpressive to the individual who would more likely quote Henry David Thoreau. However, their selection of venerable sources is a source of information to the planner about their values.

While these three guides merely serve to make planners aware of values, we have found that these guides combined with the communication skills training provide a sufficient introduction that soon planners are able to reliably identify the values of one individual or groups as compared with another.

#### The Methodology for Developing Alternatives Based on Values

The basic methodology for developing alternatives based on values is as follows:

##### 1. Analyze Public Contributions for-Underlying Values Issues

Using all of the guidelines indicated above, the planner analyzes all the contributions -- whether letters, reports, comments at meetings -- to determine which values issues appear to separate the various publics. Once the planner has isolated the major values issues he can set up values continuums with the opposing values at opposite ends as illustrated earlier. He may also be able to identify other positions, which constitute mid-points along the continuum.

We have found that it is often possible to capture the differences between publics with as few as two continuums. This allows the planner to set up a simple matrix as a way of displaying the continuums. For example, the matrix, which most frequently defines the issues in Federal public works projects, is as follows:

## A MULTI-DIMENSIONAL VALUES MATRIX

<b>ENVIRONMENTAL PROTECTION</b>	Environmental protection is most important - achieved by individual/private action	Environmental protection is most important – best achieved by a mix of individual action and government action	Environmental protection is most important – best achieved by government action	
	<b>WHAT IS THE PUBLIC WELFARE?</b>	Environment and economics equally important – best achieved through individual initiative	Environment and economics equally important – but it requires both individual initiative and government action	Environment and economics equally important – but best achieved by government action
	<b>ECONOMIC DEVELOPMENT</b>	Economic development is most important – best achieved by individual/private action	Economic development is most important – best achieved by a mix of individual action and government action	Economic development is most important – best achieved by government
	<b>INDIVIDUAL FREEDOM</b>		<b>GOVERNMENT ACTION</b>	

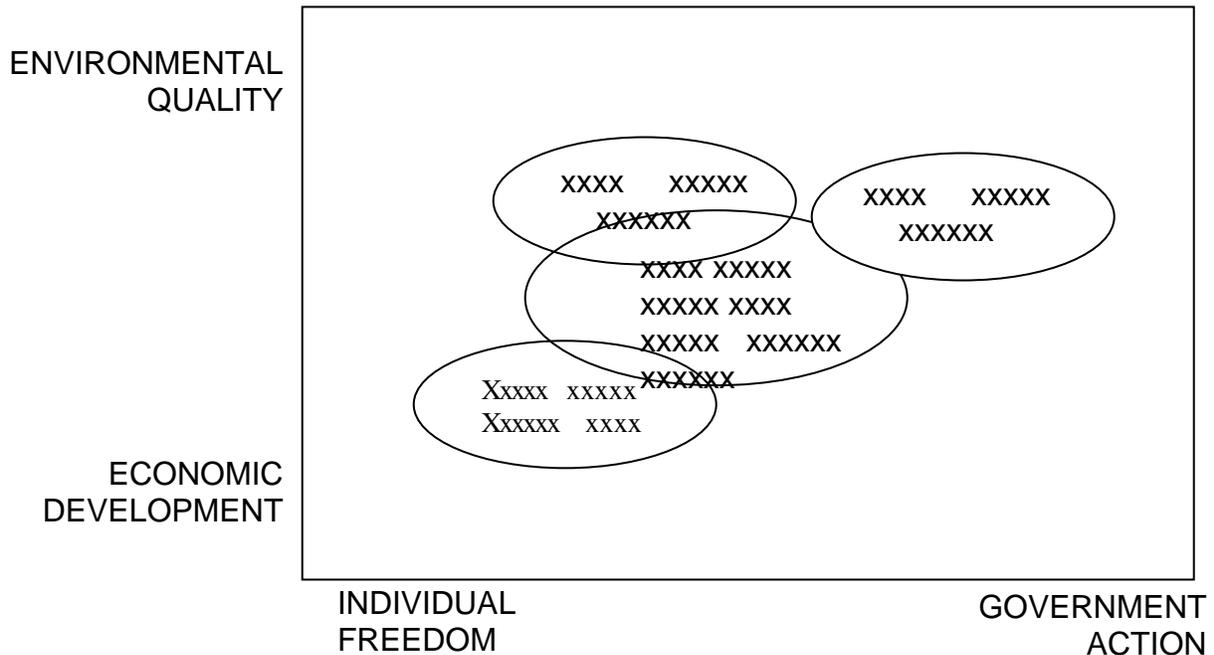
**HOW IS IT BEST ACHIEVED?**

The planner may then want to conduct a "trial run" on the values continuums he has selected by tentatively 'placing significant groups in the position he believes they occupy on the display. If the display does not succeed in differentiating the different groups the planner will have to re-examine the continuums selected, as they apparently are not the distinguishing values issues.

2. Identify Clusters of Publics

Using the actual information received from groups and individuals (so as to avoid preconceptions as to what their positions may be), the planner indicates the location on his display of the publics he has identified. It will probably, prove desirable to use acetate overlays so that groups and individuals are displayed on separate sheets other than having to decide how many individuals a group leader represents. The resultant display will resemble a frequency distribution based on the publics' contributions. For example (Fig. 9):

Fig. 9



For the purposes of this analysis it is not necessary to have a precise numerical tally; we are attempting only to identify significant clusters of individuals or groups around values positions.

In the graph above, for example, there are four significant clusters, even though there are numerical differences in size between the clusters.

### 3. Write Descriptions of the Values for, Each Cluster

Using the numerical tally as a guide, the planner now writes a brief description of the values that appear to be associated with each cluster. It is these descriptive paragraphs that will be shared with the public. It is our experience that the displays can be misunderstood (an individual doesn't like seeing himself as nothing more than a mark on a chart), while the philosophical summaries are quite acceptable. To be certain that the values of the different groups are accurately portrayed the planner may want to share the statements he has developed with selected groups important to each cluster to ensure that the statements capture their positions. This also ensures a clearer understanding of the values for which the group stands.

### 4. Develop an Alternative for Each Values Cluster

Using the value summaries as a guide, and where available the actual recommendations of the group as a "reality check", the planner now does the best professional job he can of developing an alternative which best incorporates the values held by each values cluster. In effect, it is a form of advocacy planning, except advocacy planning on behalf of all the different values positions.

One problem that frequently emerges is that the alternative that best portrays a particular values position runs afoul of laws, financing procedures, or agency mandates. Our experience suggests that it is extremely important that these alternatives not be excluded, but that the limitations be identified as part of the Implications (Step 5).

The reasons for this are:

- a) There is a natural tendency for agencies to limit alternatives to those, which have been acceptable within the agency in the past. Yet the whole point of public participation is to seriously consider a broader range of values.
- b) Some of the constraints that the agency believes to be real can be surmounted when the public feels strongly enough about an issue. For example, contracts that have already been let can be bought back if enough importance is attached to doing so. Alternative sources of financing can be found if people feel strongly enough about a project.
- c) People feel excluded from the process if after sharing their thoughts and feelings no alternatives are developed which indicate that the agency heard and understood those thoughts and feelings.

- d) If the public is never confronted with the implications of its values -if the agency always rules out options that it considers "way out" - then the public is never smarter about the consequences of what it is proposing. Public participation does also serve the function of public education.

#### 5. Identify Implications of Each Alternative

The planner has "taken on" different values premises to develop the alternatives, but now he must describe the implications of the alternatives in as "values-free" a manner as possible. These implications include all the economic, social, and environmental consequences of each alternative, but ideally these implications can be stated with sufficient objectivity that almost everyone - regardless of values position - can agree that the implications are accurately stated.

To do this the planner must learn to describe implications with a minimum of values-laden language. For example, we have learned from experience - some of it a trifle bitter - that implications should not be stated as "pro" or "con." An anticipated increase in population in an area, for example, is positive to one person and negative to another. The implication should be stated as factually as possible, e.g. "anticipated increase in population of 5-10%."

#### 6. Evaluation of the Alternatives Through Public Participation

Once the alternatives and implications are developed (and they may have been developed with the assistance of a task force or steering committee made up of the various public interests) they are then shared with the public through the whole gamut of public participation techniques including public meetings, workshops, newspaper articles, show-me-trips, etc.

While the great bulk of the public will rule out certain of the extremes when faced with the implications, this narrowing-down process is not being done for them by a paternalistic agency. As a result they feel - and are - a genuine part of the decision making. In addition they may devise ways of improving the alternatives, or combining features of several alternatives to avoid undesirable implications. By listening to public comment carefully, the planner also acquires a great deal of information as to which trade-offs would be acceptable, and which not.

Nothing about this technique removes the agency from its final decision making role; the technique simply serves to clarify the fundamental values differences, expose them to the public along with the implications of each alternative, and provide the decision maker with substantial information on how the public would negotiate the differences. Our experience is that when this technique is used as part of a thorough and open public participation program that the various interests will arrive at substantial areas of common agreement.

The Validity of Values Analysis:

Since this process has been taught as a part of training programs with a number of agencies we have had a chance to get at least a subjective response of on-the-ground planners to this approach. Uniformly they have been enthusiastic about the method, feeling that it opened up entirely new material that they had not considered, and that it provided them with an approach that more nearly fit the emotional realities of their planning situation.

## TYPES OF DISPUTES

by  
Christopher Moore

There are several sources of conflict and it is important to recognize the differences, because different conflict management strategies need to be used depending on the situation. Many conflicts involve more than one of these sources of conflict, so it may be necessary to employ several different strategies, or approach the different kinds of conflict sequentially.

The five basic sources of conflict are:

### RELATIONSHIP CONFLICT

This is conflict rooted in poor communication, misperceptions, dueling egos, personality differences, and stereotypes. This kind of conflict produces strong emotions, and often must be addressed before people are able to resolve other forms of conflict. Sometimes this kind of conflict is resolved by increased communication, or by people getting to know each other better. But in polarized situations, increased communication may actually reinforce misperceptions and stereotypes. In such situations, the intervention of a third party is often needed to create an appropriate climate for better communication.

### DATA CONFLICT

This conflict results from people lacking important information, or giving different information or misinformation. It may also involve different views as to which information is important or relevant, different interpretations of the data, or different assessment procedures. In a conflict situation, conflicts over data are sometimes hidden because people may break off communication. They don't even know that they are arguing from a different set of facts. These conflicts are often resolved quickly once communication is reestablished and there is an open exchange of perceptions and information. In other situations the information needed may not exist, or the procedures used by the parties to collect or assess information is not compatible. In this situation, resolution may require that the parties agree on a strategy to get the information they need to resolve the issue.

### VALUES CONFLICT

Values conflicts occur when people disagree about what is good or bad, right or wrong, just or unjust. While people can live with quite different values systems, values disputes occur when people attempt to force one set of values on others or lay claims to exclusive values systems which do not allow for divergent beliefs. Resolution of values disputes sometimes occur, at least over time, as people educate each other about the basis for their beliefs. Beliefs about environmental values, for example, have changed considerably over the past two decades, at least in part due to this education process. Values conflicts can also be resolved when people build upon their many shared values, rather than concentrate on their differences. Or, values conflicts may be resolving when the situation is structured so it is not necessary to resolve the differences.

## STRUCTURAL CONFLICTS

Structural conflict means that the situation is set up in such a way that conflict is built in. The "structure" that causes the conflict may be the way that roles and relationships have been defined, unreasonable time constraints, unequal power or authority, unequal control of resources, or geographical or physical constraints. For example, disputes over contracts often occur when organizations define the relationship as a competitive situation in which each side tries to get the best of the deal. If everybody does the best possible job of trying to "protect" their organization they may create a situation where all the organizations suffer, yet individuals continue to be rewarded for their efforts to protect. Structural conflicts can be resolved by redefining roles or responsibilities, realigning rewards and punishments, or adjusting the distribution of power or control over resources.

## INTEREST CONFLICTS

Interest-based conflicts occur over substantive issues (money, physical resources, time), procedural issues (the way the dispute is to be resolved, or psychological issues (perceptions of trust, fairness, desire for participation, respect). For an interest-based dispute to be resolved, all parties must have a significant number of their interests addressed and/or met by the proposed resolution in each of these three areas. Often it's necessary to address data conflict or relationship conflicts before addressing interest conflicts. But if there are conflicts over interests, the dispute will not be addressed to people's satisfaction, until their interests have been addressed. Many ADR techniques are designed specifically to address disputes over competing interests.

## LISTENING TO THE PUBLIC

by  
James L. Creighton

### Resistance Breeds Resistance

Imagine for a moment that you wrote your opinion on a blackboard, and the next person grabbed an eraser and wrote his or her opinion instead. Not only do you have the impulse to erase that message, you'll write your message again, bigger, bolder, more strongly stated. If that's erased, you might be tempted to get out your pocket knife and carve your message in the board.

This is essentially what happens when opposing sides speak during a meeting. Every time somebody contradicts another person, that person feels like his message has been erased, so he feels he needs to say it again, louder and more colorfully. This can quickly escalate into name-calling, shouting, and even into fights.

What you perceive as simply "clarifying the facts," citizens may perceive as telling them they are "wrong." Nobody likes to feel "made wrong," particularly in front an audience, so they will restate their position, with increasing resentment towards agency staff. Not only that, others in the audience are likely to shift into opposition to the agency, feeling sympathy for those who've been "put down" by agency staff.

One of the first rules of working with the public, whether in meetings, task

forces, or just one-on-one, is: Don't set up a situation where you are

resisting or appearing to contradict everything the public says. Skills to help avoid this situation are provided below.

### The Need for Acknowledgment

If you've worked up your courage to speak in public, maybe even labored for hours to prepare your presentation, and all that happens is that you're told "thank you" and things move on to the next speaker, it's very anticlimactic and unfulfilling. The transaction doesn't feel completed. It's like walking down a staircase and the last step isn't there.

So another rule of working with the public is to be sure that you acknowledge people's concerns, so that they know they've been listened to. There is, of course, quite a difference between *acknowledging* a comment and *agreeing* with a comment.

This difference is illustrated below.

**STATEMENT**

Citizen: "I'm just fed up with the traffic. We didn't used to have this traffic before redevelopment. We've just got to put some limits on growth. It's getting completely out of hand."

**RESPONSE****Acceptance**

"You're really fed up with traffic, and believe the best solution is to put some limits on development."

**Agreement**

"You're absolutely right. Traffic has gotten absolutely outrageous, and we do need to put limits on development."

Acknowledgment simply means you demonstrate an understanding of the other person's position. Agreeing means you commit yourself -- and your organization -- to a position. Particularly when you are leading a public meeting, if you agree with one person, you'll antagonize another. But you can acknowledge both people's comments.

**Guidelines For Becoming An Effective Listener**

One of the most effective ways of acknowledging feelings without agreeing or disagreeing is to summarize your understanding of what the other person is feeling. This isn't put in the form of a question, but is just a summary with a little voice inflection at the end that says, "Did I get you right?" This skill of summarizing is known as Active Listening. Here are some guidelines for being an effective Active Listener:

**Summarize, Don't Judge**

Remember that the main message you want to communicate is acceptance. Focus your attention on summarizing rather than judging what the speaker says. When you respond, choose your words carefully to ensure that what you say is non-judgmental.

For example, if a citizen is complaining about "undesirables" hanging out at a neighborhood park, you might respond with: "You're worried that some of the people at the park might be a threat," rather than: "Well, we've got all kinds of people living in this town, we just have to learn how to get along." The first summary acknowledges the underlying concern, but the second begins to judge the speaker, and he or she will get the message that you're unsympathetic.

**Summarize Both Feelings and Ideas**

Don't just acknowledge people's ideas, also acknowledge their feelings. For example, a citizen might say: "This new fire code is way too strict. It's totally unreasonable. Why it's adding hundreds of dollars to this project!"

If you summarized just the content you might say: "You think the fire code is too strict." If you did, the citizen might well respond: "That's what I just said!"

But if you summarize feelings, you might say: "You're really upset about the fire code, because it's adding to your cost." If you said that, the citizen is likely to say: "I really am upset. I didn't plan for all these things, and this project is beginning to go way over budget." In other words, when people's feelings are accepted, they begin to open up and talk about the real problems.

But either way, don't you just end up having to enforce the fire code? Yes, the facts of the case remain the same, but the relationship you've developed with the person to whom you're listening is not the same. If you disagree or argue, people feel the need to escalate the volume and intensity. If you just acknowledge the content, people feel they're talking to an automaton, another functionary in a faceless bureaucracy. If you acknowledge feelings, they feel understood, and this can significantly change how people relate to you, even if the facts don't change. Often it's as important to the public to feel understood as it is to have the immediate problem solved. People know you can't just waive the fire codes for them, but it sure helps if they know that at least you understand how they feel.

Active Listening is particularly effective when people's feelings are strong. But it isn't limited to these circumstances. Active Listening can be used to summarize and emphasize agreements, or to clarify a particularly lengthy or confusing statement, or to get closure to a lengthy discussion so that people feel free to move on to another topic.

### **Avoid Lead-In Phrases**

Some training courses in Active Listening teach people to start each feedback response with lead-in phrases such as, "What I hear you saying (or feeling) is..." or, "If I understand you correctly, you're feeling...". The point is to remind the trainees that even their Active Listening responses can be colored by their own interpretations rather than being objective summaries of the other person's feelings. However, these lead-in phrases often have the effect of distancing the listener from the speaker. From the listener's point of view, it starts to feel very mechanical. In fact, it often has the effect of focusing the conversation more on the listener ("Watch me do my listening thing") than on the person who has the feelings.

Sometimes, people use lead-in phrases to buy time while they think up an appropriate response. But buying time can be accomplished with silence. Many people rush to respond as if the world would come to an end if they don't have an instant answer. A pause of a second can seem like an eternity. But the truth is that such a pause can also communicate that you are being attentive and thoughtful.

### **Choose Words that Match the Intensity of the Feeling**

"Feeling" words contain careful gradations of intensity. Words such as "irritated" or "annoyed" are used when the feeling is moderate; "upset" or "angry" as feelings become stronger; and, finally, "furious" or "outraged" when feelings are intense.

In Active Listening, choose emotional words that match the intensity being expressed. If someone is absolutely furious and you come back with an Active Listening response such as, "You're annoyed that...", their response is likely to be, "You dumb so-and-so, I'm not annoyed; I'm ready to strangle someone." In other words, "You didn't get my message."

If you choose cautious words to summarize powerful feelings, people may feel that you are being patronizing or that you are trying to calm them down rather than accept their feelings. All too often there's more than a little truth in this. On the other hand, if the words are too intense, people may think you're trying to make a mountain out of a molehill.

Many people err on the side of understating the intensity of feelings as opposed to exaggerating them, in the hope that this will make the person feel better or different. But people often perceive this as an effort to minimize their feelings. So they are likely to escalate their expression, so that you know how strongly they feel.

A crucial element in the success of Active Listening is to have a genuine interest in what the other person feels. Some people seem very facile at Active Listening but are ineffective as listeners because it always seems as if they are performing a stage trick rather than taking a genuine interest in the other person.

People who are bumbling and halting may still be effective listeners, if people experience a genuine effort to understand them. The skill works only if it reflects a true spirit of listening and a desire to be helpful.

### **The Need For Practice**

Above all, Active Listening is a skill that increases in value the more you practice and use it. "Knowing" about it has very little value; it is something that has to be done, just as knowing about how to play tennis is not the same as playing it. Like any new skill it is awkward at first. You may feel strained and ill at ease using the skill. You may not be sure you are using it at the right time, or appropriately. These are all issues that are resolved with practice. As you use the skill it becomes a natural part of your own personal repertoire, along with the other communication skills you've used over the years. It is at this point, when it is a natural skill, that it reaches its greatest effectiveness. So "hang in" during the awkward period, until you have practiced the skill enough that it becomes natural.

### **Other Techniques for Communicating Acceptance**

Although Active Listening is one of the most useful skills for acknowledging public comment, there are other ways to communicate acceptance:

- During meetings, keep a running summary of public comment on a flip chart. Post the flip chart sheets on the wall during the meeting. Invite participants to check the flip-chart sheets to confirm that their comments were actively summarized. Let them know that if they want the summary changed, they're the "experts" on what they said and it will be changed to their satisfaction.
- Whether or not a summary is kept on flip charts, prepare a summary of what was said at public meetings, and send a copy to everyone who attended the meeting, asking for any corrections. This is a way of closing the feedback loop, letting the public know what you heard. By permitting corrections, you make it clear that meeting summaries are on behalf of all participants, not slanted towards a particular position.
- If you are publishing a newsletter, include either a summary of comment received since the last newsletter, or actual copies of letters received. Be sure that any reporting of public comment is balanced and objective.
- When you discuss decisions made during the course of a decision-making process, always discuss how public comment influenced the decision, and where the decision did not respond to strongly stated views. Provide a simple straight-forward statement of why the decision was as it was. Even if people don't like the decision, you need to demonstrate that you've been listening.

## COMMUNICATING FEELINGS WHILE LEADING MEETING

by  
James L. Creighton

### **The Need for Congruent Sending**

Imagine yourself leading a meeting. It is a small informal meeting, with opportunities for give and take. But one participant is so anxious to defend his point of view that he keeps breaking in before others have had a chance to complete their comments. It's clear that people are beginning to get very annoyed and antagonistic, and are looking to you--as the meeting leader -- to deal with the situation. Part of your dilemma is that you don't think the individual means to be discourteous, but simply feels so strongly about his point of view that he has trouble listening to anyone else. What can you do?

This is a situation where the skill of Congruent Sending would be helpful in reducing the risks associated with other ways of handling the situation.

But first, let's review the normal ways the situation might be handled.

### **High Risk Methods**

The most typical method might be to send a "solution": "John, please don't speak until I've recognized you." The risk associated with this is that John may react to you as an authoritarian figure who has just given him an order. Whatever ways he has learned to deal with power figures -- confrontation, subversion, withdrawal -- may whip into action.

Another method is to judge or evaluate his behavior: "John, it's very inconsiderate to be constantly interrupting people." If he reacted to the order, he'll really react to the evaluation. He may go into an extended defense of his behavior, challenge the meeting format, or refuse to participate further. You've made an enemy.

The other typical method is to be indirect: "It would sure be nice of people would be more courteous." The first problem is that he may not get the message. He may not see his behavior as discourteous, and not even know what you're talking about. Secondly, it is so indirect that others in the audience may even think it was aimed at them. You may have antagonized more people than John.

### **The Impact of the Power Role**

All of these high-risk forms of communication take place in everyday communication. But the risks become even higher when you are a meeting leader. As the meeting leader you are a "power figure." by virtue of your role you are endowed with a stature and psychological size or power which far exceeds the impact you normally have just as an individual. You not

only have the prestige of being the "leader", you also carry the aura of power and authority of the "electric company."

People react to power figures with a variety of "equalizing" behaviors such as challenging the leader, trying to cut the leader down to size, organizing the opposition, withdrawing, etc. As a general rule, in fact, it is best to minimize the symbols of power, as they tend to antagonize rather than give you more control. The U.S. Forest Service has conducted research which shows that meetings go better when the meeting leaders show up in civilian clothes, rather than a uniform.

Any risk that a participant may feel put down, belittled, or embarrassed is greatly exaggerated by virtue of your leadership role. The impact of whatever you do is often far greater than you anticipated.

One of the additional problems is that many people have a rebellious streak which can be triggered by seeing an authority figure do anything that they think belittles someone not in authority. Not only may John be reactive to your authority, but he may win the support of a sizable percentage of the audience who see him as "done in" or treated unfairly by you.

### **Congruent Sending**

There really isn't any "no-risk" way of handling the problem of John. But experience indicates that Congruent Sending can reduce the risks.

The term "congruent" simply means that the words you use coincide or fit with what is really going on inside. In this case what is probably going on is that you are feeling in a bind, worried that people are becoming frustrated or annoyed when they are interrupted.

There are four basic rules to follow in Congruent Sending:

1. Send the problem, not the solution. "The problem" is both a feeling problem and a content problem. At a feeling level the problem is that you are experiencing the feeling of being in a bind, on the spot, frustrated or concerned. At a content level the problem is that people are being interrupted. But often people send a "solution," such as, "I'd appreciate it if everybody would please raise their hand and be recognized before speaking," rather than sending the problem. It is a "solution" in the sense that if John raises his hand and waits to be recognized, the problem goes away. but you may just have created a new problem. Now you're going to spend your time reminding everyone to raise their hands. They may also not understand why you imposed this new rule, and react to it as unnecessary or arbitrary. And John, being the impulsive individual he is, probably still won't raise his hand before he speaks, and you're back to ground zero.
2. Share the feeling. Whenever you have a feeling about a situation, part of solving the problem is to communicate that feeling. If you are feeling frustrated and uptight in front of a group, the group gets the message, but they may not know its cause. Sharing the feeling is one way of discharging the emotional load, and it also makes clear to the

audience what is going on inside you. Over time this actually helps build rapport and trust with the audience.

3. "Own" your feelings. As discussed in the section on Active Listening, each of us has a separate emotional reality. You bring your own interpretation to each situation, so your feelings are always a product of both the situation and the meanings you add to the situation. So you can't really say that someone else "caused" your feelings, as in "you made me feel..." But you certainly can say "I felt....when you...." Acknowledging that you create your own feeling reactions is what is referred to as "ownership." When you tell someone they made you feel a certain way, you are, in effect, blaming them or making them responsible for your feeling. When you say "I felt this way when you did what you did," there is less blame or accusation attached.
4. Describe the behavior instead of evaluating it. In the example above, considerable care went into describing the behavior which was causing the problem, without evaluating or judging it. Instead you describe how the problem impacts on you. There was no indication that it was bad, inconsiderate, etc., only that it was causing you a problem. Judgments that an action is bad, inconsiderate, etc. are avoided. If you send the problem, but include an evaluation in that definition of the problem, the person receiving the message is likely to hear only the evaluation.

### **A Model for Congruent Sending'**

One simple way to remember all the rules of Congruent Sending is to remember the model:

*I feel + feeling word + behavioral description*

This model is constructed so that you accept ownership for your own feelings ("I feel"), are reminded to send the feeling problem not a solution, and are reminded to describe the behavior of the other person, rather than a judgment or an evaluation.

Using this formula an effective way to handle John would be to say:

*"John, I'm frustrated because I would like to have a lot of interaction and give and take, but I'm also concerned that everyone have a chance to complete their comments without interruption."*

This is an example of a congruent message.

As facilitator, it is often appropriate to add suggestions after your congruent message. For example, if a number of people are speaking at once you might say:

*"I'm really getting confused with so many people speaking at once. I'd like to get back to Pete's concerns."*

or:

*“I’m really getting confused with so many people speaking at once. Perhaps it would help if people raise their hands and I’ll recognize the next speaker.”*

The congruent message identifies the problem, then when the facilitator adds on a suggestion, the audience can assess the appropriateness of that suggestion with a full understanding of why that suggestion is being made.

**FACILITATION**  
by  
James L. Creighton

Whenever people work together, they communicate at two levels:

**CONTENT:** People communicate about the subject matter, the facts of the case, the information.

**RELATIONSHIP:** People also communicate how much they accept each other, care about each others' needs and problems, and how concerned they are about preserving the relationship.

In meetings, "relationship" is often not communicated directly, but is communicated indirectly by who gets to speak and for how long, whose needs take precedence, who gets to establish the agenda, who gets cut off or put down, and so on. In other words, how a meeting is run -- the "process" -- tells the participants how important they are, whether their opinions matter, and what their relative relationship is to each other.

**THE NEED FOR PROCEDURAL ASSISTANCE**

When there's a dispute, people often fight over the meeting format or procedures as a way of defining their relationship or gaining an advantage. The most famous such example was the fight over the shape of the table at the Vietnam Peace Talks. In that case, the debate dragged on for months, while people

continued to be killed and maimed. Of course the shape of the table wasn't really what the dispute was about. The first issue was whether the sides really wanted to resolve things through negotiation. The second issue -- which found expression in discussions about the shape of the table -- was what the relationships would be between the parties.

Even when the dispute is less dramatic, people often fight for leadership of the meeting, disagree over how the meeting is to be run, fight over what should be included on the agenda, and strive for dominance during the meeting. All of which usually just makes things worse. The sides become more polarized. All their worse fears are confirmed.

The idea of "procedural assistance" is to remove process issues -- such as how meetings are run -- as a source of dispute by delegating them to a third party who is impartial about the substantive outcome and who will act on behalf of all the participants. This person is frequently called a "facilitator."

## **WHAT IS A FACILITATOR**

A facilitator is a trained specialist who helps people design effective meetings and problem solving sessions, and then acts as the meeting leader on behalf of the group. A facilitator does not have the authority to make substantive decisions for the group. A facilitator will, however, make some decisions about how the meeting is run, and will consult with the group about major process decisions, such as a significant change in agenda or meeting procedures. In those cases where the facilitator consults with the group, his or her job is to identify why a decision is needed, identify options for participants to consider, and, if appropriate, make a recommendation. But the ultimate decision making authority, even for process issues, lies with the participants. It's just more efficient to leave all but the big process decisions in the hands of the facilitator.

## **WHEN WOULD A FACILITATOR BE USEFUL**

Here are a few circumstances where a facilitator might be useful:

- Conducting public meetings, workshops, or hearings.
- Conducting an information-exchange meeting between parties to a dispute.
- Conducting a collaborative problem-solving session to resolve an issue or dispute.
- Conducting a team building or partnering session.
- Conducting inter-agency or multiple-party meetings where there is sensitivity about any one participant have more power than the others.

## **WHAT DOES A FACILITATOR DO?**

Typically a facilitator uses a style of meeting leadership that is less directive than the kind of meeting leadership associated with "chairing" a meeting. Some people, when chairing a meeting, make rulings, determine procedures, rule people out of order, etc. A facilitator proposes, suggests, invites and then consults with the participants to generate a consensus.

This is not because a facilitator is a "weak" leader. Facilitation often takes far more skill than being a traditional chair of a meeting, and a facilitator may exercise considerable influence over the meeting. The key point is that the facilitator is concerned that everybody feel included and accepted. If the meeting leadership is too heavy-handed or authoritarian, participants may become upset or resentful, or may conclude that the facilitator is biased against them. This will make it that much more difficult to achieve mutual agreement. The facilitator has the job of helping to create the climate of mutual respect and psychological safety that makes it possible for people to consider creative new solutions and move from preconceived positions.

Here are some of the things a facilitator does to help bring about an atmosphere conducive to collaborative problem solving:

**Assist with designing the meeting:** Facilitators are often able to suggest meeting formats that avoid pitfalls or that have proven effective in addressing issues. For example, a facilitator may recognize when a meeting format is likely to push everybody into taking adversarial positions or start proposing solutions before there is agreement on the definition of the problem. The facilitator may then suggest an alternative format that addresses the same issues, but does so in a way that is less likely to be adversarial. Or a facilitator may suggest a meeting activity that is particularly efficient at identifying or evaluating options. The facilitator can also assist with deciding whom to involve in the meeting, what technical or backup information is needed to make the meeting effective, and defining the purpose of the meeting.

**Help keep the meeting on track, focused on the topic:** Facilitators are skilled at pointing out when the discussion has drifted, or at restating the purpose of an activity. Facilitators also play the "traffic cop" role of regulating how long people speak, or putting limits on behavior such as accusations or emotional tirades. Often this is done by working with the participants to establish groundrules that everybody feels are fair. That way, when a facilitator intervenes, everybody understands that the intervention is on behalf of an effective meeting, not because of prejudice or bias.

**Clarify and accept communication:** It's one of the fundamentals of human nature that until we feel our concerns have been understood and accepted, even if people don't agree with them, we'll keep saying them over and over again in new and different ways, often with an accelerating intensity that produces a counter-reaction. For this reason, one of a facilitator's primary tasks is to be sure that everybody feels listened to and understood. The facilitator may do this by providing a verbal summary of what was said, by relating one participant's ideas to another, by inviting expansion of a comment, or by asking clarifying questions. Sometimes a facilitator will write a summary of comments on a flip chart, or will be assisted by another staff person called a recorder, who will keep a summary of comments on the flip chart. A facilitator might also point out when a participant's contribution was cut off and invite him or her to complete the idea.

**Accept and acknowledge feelings:** During disputes, people are often upset or angry. Telling them not to feel that way simply makes those feelings stronger. In some disputes it's necessary to let everybody ventilate their feelings before it's possible to begin talking about solutions. The facilitator will structure a situation in which it is safe to express feelings, without those feelings causing a permanent breach in communication between the parties. Even in normal problem solving, strong feelings may emerge. The facilitator will make sure these feelings are acknowledged so that they don't continue to build in intensity.

**State a problem in a constructive way:** Often problems are stated in such a way that they seem like efforts to fix blame or accuse the other parties of unacceptable, dishonest or even illegal actions. This simply causes the other parties to counter with blame and

accusation of their own, making the conflict escalate. A facilitator can help by restating comments so they do not blame any party, or so they define the problem without implying there is only one possible solution.

**Suggest a procedure or problem solving approach:** During a meeting a facilitator may suggest a procedure, such as brainstorming or a structured sequence of problem solving steps, to help the group work more effectively. Or a facilitator may help break an impasse by suggesting alternative ways of addressing the issue, or even suggesting a break.

**Summarize and clarify direction:** One of the functions of a facilitator is to help a group keep track of where it is in a sequence of steps, on the agenda, etc. Often participants are so involved with the subject being discussed that they lose track of the overall picture. So a facilitator may restate the purpose of the meeting, or clarify its direction, (e.g. "we've completed the first two issues, now we're ready to start talking about alternatives for ....").

**Consensus-Testing:** One of the important responsibilities of a facilitator is to sense when participants are coming to agreement and verify that agreement has been reached by stating the potential basis for agreement and checking to see whether it has support from the participants. Since the facilitator doesn't make decisions for the group this takes the form of: "It sounds like you are in agreement that .... Is that acceptable?" Such agreements are usually written on the flip chart by either the facilitator or recorder.

Because the facilitator needs to remain neutral on the outcome of the meeting, and wants to create a climate for collaborative problem solving, there are also certain behaviors a facilitator should avoid.

Facilitators should avoid:

- Judging or criticizing the ideas of participants.
- Using the role of facilitator to push his or her own ideas.
- Making significant procedural decisions without consulting the participants.
- Taking up the group's time with lengthy comments.

## ADVANTAGES OF FACILITATION

What facilitation can provide in a dispute situation is:

- Decision makers can participate in the substance without having to worry about the process.

- There is increased confidence that meetings are being run for everybody's benefit.
- Process issues are removed as a likely source of disagreement.
- The facilitator will help create the climate for a collaborative problem solving process, and will help frame the problem so it is solvable.
- The facilitator will suggest format or procedural options to help the group work more effectively.

There's also one unexpected side-benefit to facilitation: as participants watch a facilitator work they often become more observant about process issues, even to the point of letting the facilitator know when he or she has missed something or stepped out of role. Some work groups have improved their effectiveness by providing facilitation training for all group members, then rotating meeting leadership so that everybody keeps their skills honed. Because so much work in a large organization takes place in teams involving many parts of the organization, facilitation is a very useful skill internally, even when no external facilitator is retained.

## **CONCERNS/PROBLEMS WITH FACILITATION**

Some manager have concerns about using facilitation. Many of these concerns have proven to be more a matter of anxiety and unfamiliarity with the process, rather than based in fact. Here are some of the concerns managers have expressed, and some of the actual experiences managers have had that address those concerns:

### **Will Using a Facilitator Mean a Loss of Control?**

It's true that you will not be directly controlling the meeting. But in a dispute, where there are two or more parties, efforts by one party to control the meeting will usually be met by reciprocal efforts of the other party to control the meetings, and the situation will deteriorate. The situation itself demands joint control, so instead of fighting over it, you jointly delegate it to someone who is skilled at acting on behalf of the interests of all the parties.

In the final analysis, you do retain control. The facilitator does not make significant decision, even procedural decisions, for the group, but consults with you on these decisions. You -- and the other parties -- retain ultimate control over decision making. The facilitator is a servant -- a highly skilled and knowledgeable servant -- of the participants.

Many managers who have used facilitation have found that being free of the obligation to lead the meeting actually frees them up to discuss the substance of the meeting. Where before they had to be careful not to take sides too soon, or express their own feelings too strongly, as participants they can be strong actors in bringing about a solution to the

problem or dispute. In return for giving up some direct control over meeting leadership, you may actually gain control over the substantive outcome.

Remember also that you -- and the leaders from the other parties -- have both the right and the obligation to instruct the facilitator on your needs, and work with the facilitator to be satisfied that the meeting design will meet those needs. A good facilitator will let you know if he or she believes those instructions are not conducive to a collaborative problem solving atmosphere, and you may then need to do some joint problem solving with the facilitator. But you cannot be forced to concur with anything that is unacceptable to you.

### **Will Using a Facilitator Undermine My Authority?**

Typically a facilitator is used in a situation where you need or want a mutually acceptable decision. If there is a dispute, the dispute won't be resolved by one person making a unilateral decision. If there is a problem involving several parts of the organization, you may get more commitment to implementation by jointly agreeing on a plan than by issuing an order, particularly if you don't have line command over all those different parts of the organization. If there are other agencies involved who get rankled if one organization plays a leadership role, you may have more productive meetings if you aren't fighting over how the meeting is run. Even if you will be making the final choice between alternatives, you may decide that you want participation from others in evaluating the situation, and identifying or evaluating the alternatives.

In these situations you are not abandoning your leadership functions by using a collaborative process, or using a facilitator. You are simply utilizing the leadership approach most appropriate to achieve your goals and fulfill your responsibilities. You (and other parties to the issue or dispute) make the decision to use a collaborative approach. You make the decision to use a facilitator. You work with the facilitator to define his or her role and the expectations for the meeting or process. You must concur with any decision made during the meeting or process.

In addition to these "perceptual" concerns, there are some concrete issues that need to be addressed if you are going to use a facilitator:

#### **Knowledge about the Subject Matter**

It's helpful -- but not mandatory -- that the facilitator know about the organizations involved, and about the subjects of discussion. As a minimum, the facilitator needs to know enough to be able to follow the discussion. Since agencies often use numerous acronyms and technical jargon, this can be an important issue. On the other hand, if the facilitator is too directly involved in the subject matter, he or she may have opinions about the issue that make it hard to remain neutral, or he or she may be seen by one of the parties as biased or partial towards a particular point of view or organization.

On some issues, it may be possible to use an internal facilitator. The two issues that have to be considered are the acceptability of the facilitator to all parties, and the skill level

required for this particular meeting. An outside facilitator may be more acceptable in a dispute. Outside facilitators, because they spend their entire professional life doing facilitation, may -- but do not always -- have a higher skill level or base of experience.

### **RECORDER ROLE**

In a small group the facilitator often keeps a summary or record of the group's discussions on a flip chart. Included in this summary would be major points that were made, alternatives considered, and any agreements reached by the group.

In large groups or meetings this role is usually played by a separate person -- a "recorder" -- who keeps a running summary on the flip chart. Typically the flip-chart sheets are posted on the wall where everybody can see them. In small meetings the record can be referred to as a kind of "group memory." In larger meetings people may be too far away from the wall to read all the material. In this case people are encouraged to check the flip-chart sheets at an appropriate break, and may make corrections of summaries of their comments which may not be correct.

As a servant of the group it is the responsibility of the recorder to keep as accurate and unbiased a summary as possible. The recorder should not use "the power of the pen" to screen out ideas or comments with which he or she disagrees.

## **DESIGNING AND CONDUCTING PUBLIC MEETINGS**

by  
James L. Creighton

Whenever people work together there will be meetings. Knowing how to design effective meetings that are appropriate to the situation is an essential skill in conducting public participation programs. During the course of a public participation program you may design several very different kinds of meetings. You might have a planning meeting with internal staff. You might have a meeting with a task force. You might meet with a homeowner's association or neighborhood group, or you might conduct a highly interactive workshop. You might even lead a large community meeting in which several thousand people participate. There may also be a formal public hearing. Each of these kinds of meetings has its own strengths and challenges.

Despite the fact that public meetings are the most frequently used public participation technique, they also have their downside. Some of the problems include:

- Many people are afraid to speak in front of large groups. They may have important and positive things to say but will not say them at a meeting.
- A mistake or false impression created during a meeting may not be changed easily, and can be made worse by a few angry people.
- Public meetings can be taken over by interest groups or individuals who want to air a favorite theme at length.
- Regardless of why the meeting was called, people may use it to talk about other things which are beyond your scope. It is hard to put aside issues if people are concerned about them.
- It is hard to know how many people will come, and therefore hard to plan for the facilities and services required.

All these problems can be lessened with careful preparation beforehand.

### **Selecting a Meeting Format**

There are numerous alternative formats for public meetings. Appropriate format depends on: (1) the purpose of the meeting, (2) the size of the audience expected, (3) the level of interaction needed between participants, (4) familiarity with meeting formats, and (5) credibility of your organization on this issue.

### ***The Purpose of the Meeting***

Selection of a format will depend upon what is to be accomplished during the meeting. Some of the reasons for public meetings are:

- to provide information to the public;
- to seek views, preferences, or ideas from the public;
- to encourage interaction between groups; and
- to obtain agreements on ways of dealing with issues.

If the purpose of a meeting is to inform the public, then a large general meeting may be entirely appropriate. But if the purpose is to try to get agreement, a large public meeting is probably ineffective. A workshop, or some other form of meeting providing for substantial interaction, is much more likely to result in an agreement. The point is, the format of the meeting should reflect the purpose of the meeting.

### ***The Size of the Audience***

Another major factor in selecting a meeting format is the size of the audience. If an audience is very large, it becomes cumbersome to use small group processes. If the audience is broken up into small groups, for example, the logistics of providing flip charts, meeting rooms, etc. for all the small groups becomes very complex.

### ***Level of Interaction Needed***

The level of interaction required depends both on the purpose of the meeting and the level of interest of the participants. Some tasks require discussion between people and groups, e.g. to get agreements. Meetings designed for these purposes always require a high level of interaction. People who are very interested in a topic will probably be willing to use a structured process or other meeting format that encourages participation. If people are only moderately interested in the topic, a more passive format may be appropriate.

### ***Familiarity with Meeting Formats***

If people have participated previously in meetings where small group processes were used successfully, they will be more comfortable in using this kind of format again. Otherwise there may be discomfort with unorthodox meeting formats.

### ***Credibility***

Whenever a meeting format is used that is new or different, the willingness to accept that format may depend on the motives the public attributes to the staff for

selecting that format. If people are suspicious that a new format is being proposed to "control" them or "divide and conquer," they will resist that format.

### **Alternative Public Meeting Formats**

Among the most common meeting formats are:

#### ***Public Hearing***

A public hearing is a large group meeting during which people make prepared statements. Normally there is little interaction among speakers, or between speakers and the people conducting the meeting. Often there is a court reporter or some other formal system of recording comments. Extensive experience with hearings shows they are not a particularly effective form of public participation, so they should be used primarily when required for legalities, or for summing up following other forms of participation.

#### ***Public Meeting***

The term "public meeting" is often used for large meetings in which the procedures are more informal than in a public hearing, permitting somewhat more interaction. The term is also used as an umbrella for all types of meetings.

A variant of the public meeting is the "town meeting." Originally the term was used for an annual decision-making meeting, with issues resolved by majority vote. In current practice, the term is used for a large meeting for discussion of any topic of concern -- not just a single pre-announced topic -- but without the voting.

General guidelines for designing and conducting large public meetings are provided later in this chapter.

#### ***Briefing/Question and Answer***

A briefing/question and answer meeting is primarily designed to get information out to the public, rather than listen to public comment. The meeting usually starts with a quick "briefing," a presentation by staff or experts, followed by questions from the audience. This could be followed by public comment, if desired.

#### ***Panel/Roundtable***

One way of promoting interaction, while basically using a large group format, is to select a panel of individuals representing differing points of view to discuss an issue. This could be followed by questions or comments from the audience, or small group discussions.

### ***Large Group/Small Group***

Even if the number of participants is large, it is still possible to break the meeting down into small discussion or work groups to increase interaction. Often each group is given an assignment or task to complete, then reports are given to the large group by spokespersons selected in the small groups.

### ***Samoan Circle***

The Samoan Circle is one form of large group/small group meeting. It is designed to permit the kind of interaction that only occurs in small groups, but witnessed by a larger group. The meeting room is set up with an inner circle of 5-6 chairs. The rest of the chairs are set up in surrounding outer circles. Initially everybody is seated in the outer circle. Anybody who wants to speak must move to the inner circle. Once people have had their say, they return to their original seat. If all the seats in the inner circle are full, people who want to speak stand behind the chairs in the inner circle and wait for a chair to empty.

### ***Workshops***

Workshops are highly interactive meetings, usually designed for a group of 25 people or less. Frequently workshops involve a specific task, such as developing or ranking alternatives. More information on workshop design is provided later in the chapter, as it is a particularly effective participation technique.

### ***Open Houses***

Open houses are held in a facility that can accommodate displays or models, as well as a large crowd of people. Participants are invited to come at any time during a set period of time. Participants can examine the displays or models, chat with staff, form discussion groups, or just interact informally. People come and go at will. The open house could also be followed by a more formal public meeting. Additional guidelines for conducting open houses are provided later in this chapter.

### ***Coffee Klatsch***

A coffee klatsch is a small meeting in a private home, usually with coffee and cookies served. Because these meetings are informal and in a private home, participants are likely to discuss issues in a personal manner, rather than as official representatives of interests.

## **Seating Arrangements**

Seating arrangements are a direct reflection of the type of meeting to be held and the relationship among participants. Seating agency staff at the front of the room, with

the audience in rows, establishes a relationship in which all participants talk to the meeting facilitators at the front of the room, rather than to each other. This is appropriate for information giving, but not for interaction among participants. The potential for interaction is increased somewhat if the seating is semicircular, rather than in rows. The semicircular arrangement allows some eye contact with others in the audience, which encourages interaction.

The ideal arrangement for interaction or consensus forming/negotiation is a circle. Not only does a circular arrangement establish eye contact among all participants, but it also removes any “head of the table,” so everyone is equal in status. One large-group approximation of a circular arrangement is the “hollow square of tables”: 3 rows of chairs around a 15-foot square will accommodate 100 people; sit four team members one to a side with citizens beside them to create an immediate conversational environment.

A typical banquet seating arrangement is a natural arrangement for a large group/small group meeting. People can turn to hear the opening presentation, then turn back to the people at their tables as the group with whom they will communicate. This means that the assignment to tables must create a random mix of people at each table, so that groups have a mix of opinions.

If the meeting is held in a cafeteria, gymnasium or other large multipurpose room, it is possible to have two meeting set-ups: half the room is devoted to chairs in rows for the large group portion of the meeting, and the other half of the room is set around small tables for the small group discussion.

### **Time and Place of Meetings**

Meetings should be held at a time and place convenient to the public, with the convenience of staff a secondary consideration. Usually this means that meetings will be held in the evenings, although meetings to be attended primarily by representatives of governmental entities or organized groups may be more convenient during the day.

One of the first considerations in selecting a meeting place is whether the facility can accommodate the desired meeting format and seating arrangement.

Depending on the circumstance there may be times when it is more appropriate to meet away from agency facilities, on “neutral” ground.

Other factors to consider in selecting a meeting place include:

- Location of the facility (central or outlying).
- Public transportation access.
- Space for parking.

- Safety of the area.
- Access for handicapped.

### **Preparation Checklist**

Here are some key tasks to accomplish in setting up a meeting:

- Define the purpose of the meeting -- what needs to be communicated to the public, what information is needed from the public.
- Talk with leaders of the key interests and other potential participants to get a good understanding of the level of interest in the issue, and the attitude towards the meeting.
- Prepare meeting format and agenda, and if controversial, review it with leaders of the different interests.
- Select location, time, and date.
- Publicize the meeting (invitations; press releases; newspaper notices; advertising; feature stories in the press).
- Prepare a background statement for the media so they have accurate information prior to the meeting.
- Advertise the meeting at least two to three weeks before, on the day before, and on the day of the meeting.
- Ensure proper arrangements for seating, public address system, refreshments, access to the hall, projection screens, table for slide projector, displays, wall maps and charts, and the printing of agendas and other handouts.

If using visual aids, be sure they are big enough and clear enough for the room size. Remember, simplicity is the key in any graphics. You can always talk around anything related to the graphics; however, it is easy to turn off an audience totally if they can't see or understand your graphic presentation.

### **Guidelines for Designing and Conducting Large Meetings**

Normally – except where legally required – the formalistic procedures of a public hearing should be avoided. The more formalistic the procedures are, the more people either feel intimidated by the procedures and will not speak, or feel resentful at having to “play the game by the government's rules.”

Just because a meeting begins with a large audience does not mean that it has to stay that way. Depending on the purpose of the meeting, it may be possible to break a

large audience down into small work groups which either present brief verbal summaries at the end of the meeting, or hand in written reports. This approach can be effective if the purpose of the meeting is to collect information from the public, such as problem identification. If the topic of the meeting is very controversial, though, people may resist being broken up into small groups, claiming this is an effort to “divide and conquer.” Under these circumstances, people may want to hear how everybody feels, and efforts to use sophisticated meeting designs may be seen as an effort to manipulate the public.

If working groups are used, these general rules apply:

- The sub-group should have a prepared agenda or assigned task;
- The sub-group should have a facilitator and recorder who know the task of the group, even if the facilitator and recorder are people chosen from within the group; and
- The sub-groups should report their results to the main meeting, so the underlying principle of openness is not violated.

If a meeting is extremely controversial, it may be appropriate to meet with leaders of the various interests several weeks in advance to discuss the meeting format. If the key actors have been consulted, it is harder for groups to claim later that they have been abused.

When going into a large meeting where strong antagonism is anticipated, there will be a need to set ground rules for participation. Examples are: time limits on speakers, the order in which speakers will be taken, limits on the topics to be discussed, etc. In a large meeting, a ground rule such as a five-minute time limit may be necessary to guarantee everybody a chance to speak; but it may be challenged by an organized group in an effort to win advantage for their position. The chair of the meeting should explain the ground rules to the meeting participants and then give the reasons for using them.

One of the disadvantages of large public meetings is that only a limited number of the people actually speak. The result is that the feelings of a number of attendees are never known. This problem can be minimized by providing a response form or hand-in workbook to everybody who attends a meeting, inviting their written comments. While not everybody will hand in a written comment, a significant percentage will, increasing your sense of confidence that the feelings and concerns of the total audience have been identified.

If the audience size is not too large, consider keeping a summary of comments on flip chart paper, posted on the wall. Even if the audience is too big to see the comments as they are written, they can review them on the wall afterwards. The value of

recording on flip charts is that people can see that their comment was received. Also, it's easy to have the flip chart sheets typed up as a record of the meeting.

### **Guidelines for Conducting Workshops**

Workshops are usually small meetings which are designed so that participants actually perform assigned tasks, generating a group "product."

Some uses of the workshop format could include:

- Selecting a public participation program from among various options.
- Reviewing a plan, or developing a single mutually acceptable plan.
- Defining issues or problems, possibly in rank order.
- Developing alternative solutions to a specific problem.
- Reviewing the operational results of a plan that has been implemented.
- Presenting a technical study and reviewing its implications.
- Identifying the scope of a study.
- Developing a list of the critical impacts that must be considered in evaluating alternatives.

Workshops are particularly useful when dealing with complex topics because they provide time for detailed consideration and a high level of interaction.

Here are some general guidelines for designing and conducting workshops:

### **Number of Participants**

The number of participants in a workshop depends on your situation. As a general rule -- and this doesn't apply only to workshops -- the optimum number of participants for an effective meeting is 5 to 7 people. However, the need to have all interests represented usually means that most workshops will have as many as 20 to 25 participants. Even with larger numbers, however, some people may feel excluded. Some of the methods which can be used to prevent this problem include:

Repeat Meetings: A workshop format can be developed which can be repeated as often as necessary, allowing opportunities for everyone who wishes to participate to go through the same experience.

Daytime Meeting/Evening Meeting: One approach to the problem of people feeling excluded is to conduct the workshop during the day, followed by an

evening meeting at which everybody gets a chance to review the product generated during the day.

## **Designing a Workshop**

The following steps are useful in designing a workshop or other interactive meeting:

- 1) Identify the desired product: Identify precisely what the product is that should result from the meeting, such as a set of alternatives, a list of impacts to be evaluated, and so forth.
- 2) Identify the resource information the public will need: Identify information the participants will need in order to complete the desired product. This information should be written in simple, understandable language and presented in a format which makes it easy to find and grasp, so that the least amount of meeting time is spent locating needed information. This material might be incorporated in a small workbook which contains group or team assignments, exercise instructions, resource materials, and any hand-in response forms.
- 3) Select or design a series of activities which will result in the desired product: In some cases, there may be previously used meeting formats which will result in the desired product. If not, design a set of activities which will produce the needed materials. The usual technique is to write simple, clear instructions for group activities and give the groups substantial responsibility both in how the activity is completed and the product which is produced. The series of activities could incorporate small group processes such as Brainstorming, or Nominal Group Process (discussed below).
- 4) Design a simple mechanism for evaluating the product: Once participants have worked together, they still need to evaluate what they have accomplished or to place some priority on what they think is most significant. Without an opportunity to evaluate, participants may feel restricted by the meeting format or feel that all points covered during the meeting are receiving equal weight. This evaluation mechanism could be a hand-in response form or a straw vote or weighted vote to establish priorities.

## **Using Structured Small Group Processes**

There are a number of small group processes which can improve group effectiveness in one way or another. Two of the most frequently used small group techniques are:

### ***Brainstorming***

Brainstorming is a technique for increasing the number and creativity of ideas expressed in a group. In brainstorming, everyone in the group is encouraged to come up with as many ideas as possible, including “way-out” ones. Usually these ideas are

recorded on a flip-chart or blackboard. No evaluation is permitted until everybody is completely out of ideas. Brainstorming provides a “psychologically safe” climate in which people feel free to participate without fear of being judged, and this helps groups “break out” of the obvious solutions and push for more creative ones. It also greatly increases the number of solutions generated. While brainstorming may effectively generate a large number of ideas or alternatives in a hurry, other techniques must be used for evaluation.

There are also more “advanced” versions of brainstorming in which additional techniques are employed, using different types of analogies to increase group creativity.

### ***Nominal Group Process***

Nominal Group Process is a technique to help groups generate and prioritize a large number of ideas. It has also been successfully used for consensus formation. The nominal group process is based on research suggesting that people generate more ideas working by themselves, but in the presence of others.

The procedure for nominal group process is as follows:

- 1) **Opening Presentation**: After an initial presentation describing the nominal group process, the audience is broken into small groups of 6 to 9 participants.
- 2) **Discussion Leader and Recorder**: Each group is assigned a discussion leader and a recorder. Prior to the meeting, these staff people will have put up a minimum of four sheets of newsprint, and also have ready a supply of felt-tip pens, scratch pads, pencils, and index cards.
- 3) **Introductions**: The discussion leader will introduce himself/ herself, and invite everyone in the group to do the same.
- 4) **Posing the Question**: The discussion leader will then present the question to be answered. It will be carefully worded in order to draw out the specific information desired. The question will be written at the top of one of the flip chart sheets.
- 5) **Generating Ideas**: Participants are provided with paper and asked to write down all the answers they can think of to the questions posed. These notes are for their own use only and will not be collected.
- 6) **Recording Ideas**: Each person is then asked in turn for one idea. The idea will be summarized by the recorder on the newsprint, as accurately as possible. No discussion is permitted, except that people may suggest alternative wording to the recorder. The discussion leader will keep going

around the room, one idea per person, until the group is out of ideas. Anyone can say “pass” without giving up their turn on the next round. The process continues until everyone is “passing.” Participants are not limited to the ideas they have written down but can share new ideas that have been triggered by others’ ideas. Alphabetize the items on the list: A-Z, AA-ZZ, etc.

- 7) Discussion: Time is then allowed for discussion of each item, beginning at the top of the list. The discussion should be aimed towards understanding each idea, its importance, and its weaknesses. While people may criticize an idea, it is important that they simply make their points and not get into an extended argument. Move rapidly through the list, as there is always a tendency to take too long on the first half of the list, not leaving enough time to do justice to the second half. This activity usually takes a minimum of about forty minutes, and can be permitted to take considerably more time if desired.
- 8) Selecting Favored Ideas: Each person then picks the ideas that he or she thinks are best. Instructions should be given to select a specific number, such as the best five, or the best eight. These ideas should be written on index cards, one idea per card. Participants may prefer just to write the letter of the item on the list (A, F, BB, etc.) or a brief summary, so that they do not have to write out the entire idea.
- 9) Ranking Favored Ideas: Participants then arrange their cards in preferential order, with the ones they like the most at the top. If they have been asked to select eight ideas, then they put an “8” on the most favored idea, and number on down to a “1” for their least favored idea among the eight selected.
- 10) Scoring: A score sheet should then be posted which contains a list of all the alphabet letters used on the lists of ideas. Then the participants call off the items they selected, and the points assigned to each, e.g., “G -- eight points, L -- seven points, A -- six points,” etc. When all the scores have been shared, tally the score for each letter of the alphabet. The highest scoring item receives the number one ranking, and so forth. Post the rankings for the top 5 to 10 ideas, depending on where a natural break occurs between high scores and low scores.
- 11) Discussion of Results: The participants may then want to discuss the results. Depending on the time remaining in the meeting, this discussion may be brief or lengthy.
- 12) Reminder of Subsequent Analysis: Participants should be reminded that staff will conduct a detailed analysis of all items, not just the ones receiving high ranking. Depending on the decision-making process, they should also

be reminded that this analysis could result in a considerable change in the ranking of items.

### **Designing and Conducting Open Houses**

One alternative to a formal public meeting is an open house. An open house is particularly useful when you would like to talk with the public one-on-one, or when the public primarily wants to get information about a project, rather than comment upon it. An open house may also be held in conjunction with a public meeting. You might, for example, hold a public meeting during the afternoon, followed by a public meeting or workshop in the evening. Some people will come to the open house to learn what they need to participate effectively in the evening meeting; others will come to get the information they want and then have no need to attend the public meeting.

The basic format for an open house is as follows: Obtain the use of a multi-purpose room, or other room with a large open space. Set up a series of displays or "stations" organized around specific topics. Each display should be staffed by a person who is knowledgeable about that topic. At one station, for example, participants might look at aerial photos to see where their property is in relationship to the proposed project. At another station they might learn about environmental resources. At still another they might learn more about the engineering design of the project, and so on.

As people come into the room they are greeted by a staff person who welcomes them and explains where they need to go in the room to get the information they want. In some open houses, the "host" actually shows the participants around the room; in others the participants simply rove at will, to get the information they want.

Depending on the size of the audience, there may be extensive one-on-one discussions between the "experts" and the public, or people may gather in small groups for informal discussions.

Depending on the circumstances, you may want to have a flip-chart at each station, so staff can write down the questions or comments from the public. Or you may want to provide a hand-in response form that people complete after they've attended the open house.

If possible, it's also nice to have coffee and cookies available, as this increased the informality of the session.

If there are active groups who want to get their position out to the public, and suspect the agency of stacking the needs, they can be invited to set up their own "stations." You can even have recreational and social activities as part of the program, so that the open house is more like a "fair."

After the open house, gather the staff for a debriefing session to discuss their reactions and the ideas they received during the open house.

There is a debate within the public involvement field about using open houses as an alternative to public meetings. Some public involvement specialists believe that open house are far more productive. Others argue that a public meeting is still needed because at a public meeting everybody can hear and see what everybody else said. They fear that agencies will use open houses as a way of keeping the public from hearing the opinion of those who oppose a proposed action. This may backfire, causing resentment that may lead to highly adversarial behavior.

Many of these concerns can be addressed by combining open houses and public meetings; by reserving open houses for those times when the primary purpose of the meeting is to inform the public, while using the public meeting format for those times when the purpose of the meetings is to receive comment from the public; and by allowing stakeholder groups to set up stations at the open house. An open house might be used instead of a public meeting as a consultative technique. Some public participation practitioners feel that it can be more constructive than public meetings. A great number and diversity of interested people can obtain information and register their views in an informal and relaxed manner.

## **WORKING EFFECTIVELY IN TEAMS**

by  
**James L. Creighton**

Increasingly, Corps planners are participating in partnering workshops as the first step in developing teams, whether these teams include contractors, sponsors, or other agencies. Experience shows that many people, when they are just beginning partnering, think that once the partnering workshop has been concluded successfully, partnering just takes care of itself. During the preparation of the DoD Partnering Guide, a number of interviews were conducted with teams who were using partnering. One major conclusion from these interviews is that sustaining the team is just as important as the partnering workshop, and requires considerable effort and regular maintenance. There are significant differences in performance between those teams who work hard at sustaining the team, and those who think team spirit will just take care of itself.

This is entirely consistent with the books and guides written by people experienced at working with teams. Virtually all guides stress the need for “team hygiene,” that is, the regular maintenance of team agreements, norms, and relationships. One team of management consultants<sup>2</sup> says there are “creating” and “sustaining” stages of team performance, as shown below:

### **Creating Stages**

- Stage 1: Orientation - Why a team
- Stage 2: Trust-building - Who are you
- Stage 3: Goal/Role Clarification - What we must do
- Stage 4: Commitment - How to proceed

### **Sustaining Stages**

- Stage 5: Implementation - Who does what, when
- Stage 6: High Performance - WOWS!
- Stage 7: Renewal - Why continue

If all goes very well, the work leading up to the partnering workshop, and the workshop itself, will carry a team through the four “creating” stages. But all the “sustaining” stages occur after the partnering workshop. These stages include developing a detailed team implementation plan, carrying out that plan in such a way that the team impresses even itself with what it can accomplish, and then from time to time, recommitting to the team and the goals of the team.

### **WHEN IS A TEAM NOT A TEAM?**

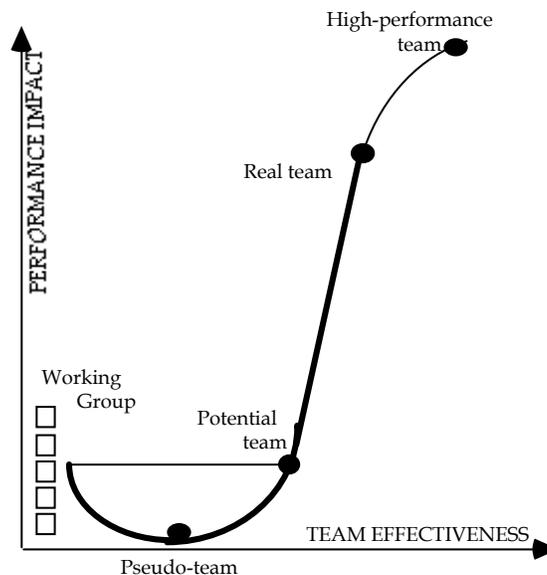
As partnering becomes an established practice, one of the considerable dangers is that people will talk a great deal about partnering and teamwork, but not really do the homework necessary to create a “real” team. In particular, the term “teamwork” is

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<sup>2</sup> Taken from the Drexler/Sibbet/Forrester Team Performance Inventory,

often used for any cooperative behavior in working together, whether or not it describes the behavior of real teams. This can create cynicism if people hear all the rhetoric but don't see any real differences in behavior.

Figure 1: DIFFERENT TYPES OF TEAMS



A team is not just any group working together. Management consultants Jon R. Katzenbach and Douglas K. Smith have described different types of teams, as shown in Figure 1.<sup>3</sup>

Katzenbach and Smith argue that many groups that are called “teams” are, in fact, working groups. Using their terminology, in a working group the participants share information and perspectives and make decisions necessary for individuals to do their jobs better, but the emphasis remains on individual performance and accountability. The distinguishing characteristic of a real team is that the members of a real team are equally committed to a common purpose, goals, and working approach for which they hold themselves mutually accountable.

This doesn't mean a team is inherently better. It takes a lot of work and a significant commitment of time to build a real team. If a working group can meet the performance challenge, then it may be quite satisfactory. Working groups are preferable when the work to be performed does not require collective work products or real-time integration of multiple-person skills, and when the sum of the individual results is all you need.

<sup>3</sup> Katzenbach, Jon R. and Douglas K. Smith, *The Wisdom of Teams: Creating the High-Performance Organization*, New York: Harper Business, 1993.

One of the downsides of claiming to be a team, without putting in the effort necessary to be a real team, is that you may create a “pseudo-team.” A pseudo-team is a group that recognizes the value of being a team, may even use the rhetoric of acting as a team, but takes no collective responsibility for performance and doesn’t share an equal commitment to accomplishing the purposes of the team.

The problem with a pseudo-team is that all the talk of acting as a team may disrupt the effectiveness of the individuals in the team. Prior to talking about being a team, individuals were getting things done although perhaps not as effectively as a team could do them. The claim that people are a team may remove the freedom that individuals have to act, without substituting effective collective performance. So a working group may be a more effective way of getting the job done, unless the group’s members make the commitment needed to move all the way to being a real team.

Katzenbach and Smith believe that the distinguishing characteristic of teams that perform exceptionally -- High Performance Teams -- is that in addition to all the attributes of a real team, all team members are deeply committed to each other’s personal growth and success.

Under some circumstances, partnering could be accomplished using a working group. But in most cases, partnering is substantially enhanced by a real team, that is, a team that produces joint work products and accepts collective responsibility for performance. For example: If the goal is to sharply reduce the permit process time, getting to actual cleanup sooner, this will almost surely require that people act collectively rather than individually. This requires a real team. A good team is better than just good teamwork.

## **THE PERFORMANCE ETHIC**

The need for a partnering team is driven by what it takes to get the job done. The goal is not to be a team. The goal is to face the performance challenge facing the partnering organizations as effectively as possible. Building a team is very often the best way to do that. A team is just the means to get there.

It’s the chance to perform important, meaningful tasks -- to do something outside the ordinary -- that energizes teams, not just the opportunity to be a team. Groups organized for the purpose of being a team, rather than to perform a challenging task, rarely become a real team. Over time, teams need to feel they really produce. It’s not just a matter of feeling good about each other. It’s a matter of feeling good about what the team has accomplished. The members of teams that don’t produce ultimately don’t end up feeling good about each other. The failure to produce typically leads to bad feelings between team members, and ultimately, to charges of bad faith between the partnering organizations.

## BACK TO BASICS

The coach of a losing football team is often quoted as saying “we didn’t execute” or “we’ve got to get back to basics.” Many problems with partnering occur the same way: people forget or don’t take the time to take care of basics. Here’s a review of some of the basics of building an effective team:

### Team Size

Research indicates that teams are more effective when the number of team members is under 10. Recent research at DuPont shows that group performance begins to drop off significantly when team size exceeds 12-14 members.

The size of a work group can be somewhat larger, since the purpose of group meetings is more to inform each other than to actually perform work. The key limiting factors on the size of a team are the ability to actually perform joint work, plus the need to communicate with all members freely and easily.

On occasion, it takes more than 10 members to accomplish your goals. When this is the case, it may be possible to gain the advantages of team performance by going to subteams.

### Skills

Many management theorists stress the importance of having the full mix of skills within the team from the beginning. Others say they’ve never seen a team that had all the skills it needed from the beginning, and point out that highly motivated teams are very good at acquiring the skills they need to succeed.

It is clear that one of the strengths of an effective team is that team members have complementary skills. Teams are less effective when all team members have about the same mix of skills. Teams need at least three kinds of skills:

**Technical or Functional Expertise:** Teams may need engineering or environmental expertise. They may also need knowledge and background about laws and the permit process. They may need expertise on procurement and contracting. The mix of expertise required depends on the nature of the project.

**Problem Solving and Decision-Making Skills:** Teams need skills on how approach problems and generate solutions, how to organize for implementation, how to seek out and use needed information, and how to

generate creative solutions within the team. Typically, teams need strong project management skills, since partnering requires a style of leadership where normal functional controls are not particularly useful in guiding performance.

**Interpersonal Skills:** Team members need basic skills of listening, communicating feelings, performing as team members, and group facilitation.

### **Common Purpose**

Ultimately, the real adhesive that binds a partnering team together is a sense of common purpose. Team members need to believe the task they are working on really matters to their organizations, or to society at large.

This common purpose is particularly powerful if team members see their goal as more than just a short-term organization need. The common purpose needs to be a goal about which team members feel excited. Team members may be motivated by the environmental cleanup they'll accomplish, by the chance to prove they can do things cheaper or better, by the chance to work on something that's cutting-edge or innovative. The incentive could also be political, such as a policy or program question where the political visibility is so high that if it doesn't work, very powerful people will be very unhappy, with consequences for the entire organization, or where success can mean a significant boost to the organization.

When team members are excited you'll hear phrases like:

- “We’re going to be the first team to ever solve this problem.”
- “No one else has ever used this particular technology to solve this kind of problem.”
- “If we can figure this out, it will be a model for ...”
- “This is a real make-or-break issue for the organization...”
- “It’s nice to feel that we’re making a contribution beyond just doing our immediate jobs.”

One indicator that team members are really committed to the common purpose is whether they describe the team and its purpose enthusiastically to friends and family or other co-workers outside the team, and defend them vigorously to anyone who questions them. Teams work best when there is “a little fire in the belly.”

### **Clear Management Direction AND Flexibility on Approach**

When terms like “empowerment” are used, there’s a tendency to view this as the removal of constraints or controls. That may be helpful, but it’s rarely enough. When you are working for a highly directive boss, it’s often easy to see the problem as getting free from all the rigid controls. But if you’ve ever worked for a truly laissez-faire boss, you’ve found that it usually meant you were free from controls, but powerless to act.

Psychologist Erich Fromm talked about two kinds of freedom: “freedom from” and “freedom to.” When Fromm talked about the “freedom from” he was talking about whether individuals, once constraints are removed, feel strong and secure enough to use that freedom to take action. This is a very real issue in teams. If everybody in the team has worked for years in a management culture that emphasizes control, even when management removes those controls, the team still may not feel free to act. The limitation may be fear, a lack of confidence, and little practice at taking risks.

But in organizations, it’s not enough that teams feel they have “permission” to act, they also need support and the authority to deal with very tangible problems. Teams may need budgets to pursue their program. They may need others in the organization to know they have the right to ask for services, information and support. They need, what in diplomatic terms, is referred to as “a portfolio” that gives them the right to challenge, raise questions, and cast doubts on the way things are done. They may need assistance in getting other parts of the organization to change rules or procedures that block the team’s ability to get the job done.

High performance teams often look more like trouble-makers to people in procurement, finance, the general counsel’s office, etc. -- all people who have been given roles that require them to maintain the “systems” of the organization. People who want to disrupt those systems are rarely appreciated, and are sometimes seen as a threat to the organization, rather than its salvation. This is particularly true with partnering teams, because many of the team’s members come from “alien” organizations. As a result, there may be push-back from system-maintaining organizations. Effective partnering teams learn how to draw others from their own organizations into the spirit of partnering. But occasionally, the team needs help before it can both remove impediments to performance, and have the resources and role which allows it to act. Often this must come from management.

This means that it’s not an “either/or” proposition with the team either given the freedom to act, or not. A more useful concept is to talk about “the solution space”<sup>4</sup> that management provides. Management must define the

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<sup>4</sup> ” Peters, Thomas J., and Robert H. Waterman, Jr. *In Search of Excellence*, New York: Harper & Row, 1982.

boundaries and scope of authority clearly enough to indicate direction. Teams need to know where their organizations are going, and why, and what performance is required of the team.

But there needs to be plenty of room for the team to generate specific goals, timing and approach. The reason is that real team commitment to performance is developed by participation in creating the approach. If management is too involved in “how” the program is implemented, not “what” the program is about, management will have a highly level of commitment to the approach, but the team will not. More than that, the team will not have the freedom it needs to find an implementation approach that makes sense given the different organizational cultures that must be satisfied. The challenge is that if the “solution space” is too large, the team just wanders around feeling lost. If the solution space is too small, the team feels no commitment and no enthusiasm.

Management consultants Katzenbach and Smith suggest that the categories in Figure 1 (next page) are the primary areas in which management needs to set limits. Within these limits, the team should be expected to generate the plan for how the task is to be accomplished.

Management will normally benefit from consulting with the team on many of these issues. But however it happens, management must ensure that definition occurs on these issues.

### **Shared sense of responsibility for the success of the project, program or policy**

Winston Churchill once said: "The one sure way to failure is for everyone in a bureaucracy to do their job perfectly." While the comment was made with tongue in cheek, it captured an awful truth, which is that bureaucracy permits people to avoid feeling responsible for their ultimate product or accomplishment.

The same problem holds true between organizations: it's all too easy to protect the interests of your own organization, even if it means that the problem goes unsolved. When this occurs, a regulator can feel all right because it looked tough, even though the project cost the taxpayer twice as much as it needed to. A DoD agency can feel satisfied it met the letter of the law, even though the overall situation may be getting worse.

Figure 1: AREAS IN WHICH MANAGEMENT GUIDANCE MAY BE NEEDED

<b>LIMITS SET BY MANAGEMENT</b>	<b>EXAMPLES</b>
Mission	Clean-up storage tanks and polluted soil in Area XYZ
Why is this mission a priority?	<ul style="list-style-type: none"> <li>• Cleanup must occur before leaking liquids reach groundwater</li> <li>• Delays and cost overruns on prior projects have undermined Congressional confidence</li> </ul>
What's driving the schedule?	<ul style="list-style-type: none"> <li>• Cleanup before material reaches groundwater</li> <li>• EPA regulations require cleanup by xx/xx/xxx</li> </ul>
Standards:	<ul style="list-style-type: none"> <li>• EPA or state regulations</li> <li>• Budget constraints</li> </ul>
Key challenges:	<ul style="list-style-type: none"> <li>• Uncertainty regarding contents of tanks</li> <li>• Incineration currently unacceptable to local community</li> </ul>
Members of team/Skills Mix	Names of team members or skills required within the team

In a real team, that sense of shared responsibility comes out not only in fulfilling your commitments to the team, but in trying to ensure the success of all members of the team. If someone needs help, other team member dig in and help. If someone consistently fails to perform or doesn't keep the norms that have been established by the team, you confront this openly and directly, without waiting for management to intervene. It's this shared responsibility that is one of the defining characteristics of a real team.

Of course shared responsibility works only if all team members are clear what their individual responsibilities and joint responsibilities are. In a functional organization, assignments are often automatic, because everybody knows what their function is. In partnering, it's not always obvious who should be doing the work, so there's greater danger that "things can fall through the cracks." This means that partnering teams must exert extra effort to clarify work responsibilities.

This includes clarifying performance standards. Functional organizations have numerous mechanisms for ensuring quality control. But these standards may be different from organization to organization. A team member may perform work to a standard that's acceptable in his/her own organization, only to find that others in the team feel the product is not acceptable. So when giving assignments, the team now only needs to discuss who will do the work, but the standards to which it will be done.

### **Clearly Defined Performance Goals**

When performance goals are set by management, they are sometime "demotivating," that is, the team may feel resentful or cynical rather than inspired. But in a team, setting performance goals is actually a primary way to enhance team commitment. People in the team make a commitment to each other that often significantly exceeds the commitment made to organizational goals. It's very human not to want to let down other people you care about, and to whom you've made a personal commitment.

Everybody knows horror stories about workers setting unofficial quotas and attacking any other worker who exceeds those quotas. This is most likely to occur when there is an adversarial relationship between workers and management. The secret of success of any team is that this same potent peer pressure can be used to drive the team to excel. Nobody wants to let the others down. Performance goals, set by the team itself, are a way of mobilizing the team to exceed even its own expectations. Trust is built by working together and achieving real results.

There are several criteria for success in setting performance goals:

#### ***Does the team "own" the goals?***

"Ownership" requires emotional commitment, not just acquiescence. If members of the team have just gone along with performance goals suggested by others in the team, there will be uneven commitment to the goals, and a high likelihood that performance itself will be equally uneven. This could be caused by dominant personalities, failure to listen to doubts or questions raised by team members, or a team environment in which it is risky to disagree with prevailing opinion. If you support a goal, you do it no service by simply overriding objections. You may get assent to the goal, but never reach the goal because other team members are not really committed. Similarly, you owe it to the team to speak up if you are not committed.

#### ***Does the team agree on the importance or priority of the goals?***

As discussed earlier, teams need to feel that the task they are performing really means something to their organizations, to society, to some larger purpose. The goals that really matter are the goals that

energize this sense of purpose and challenge. If a team is facing a significant challenge, setting a goal that the team does not believe will make a difference in meeting that challenge is not going to inspire the team. The team has to believe the goal matters, and will make a difference.

***Can the achievement of the goals be determined?***

If the goal is vague and amorphous, a “do better” goal, the team will not develop the same sense of commitment, nor get the sense of satisfaction that comes from meeting a goal. “Improve customer satisfaction,” for example, is a worthy goal. But how can you tell when you’ve done that? This is why it is important for the team to agree on ways to assess whether the goal has been met.

More intangible qualities like customer satisfaction might be assessed by sending out a regular customer questionnaire, by conducting interviews with customers, by counting complaints (although that’s at best only a partial measure), or a number of other techniques. The results don’t have to be numerical, but they do have to be sufficiently objective that the team can agree on whether they did, or did not, meet the goal.

***Are the goals realistic yet ambitious?***

Teams can defeat themselves by setting goals that are grossly unrealistic. On the other hand, meeting goals that required little effort is not going to energize the team. Goals should be a “stretch,” meaning that they require performance beyond that which the team has achieved in the past, yet be sufficiently attainable that the team does not give up hope. This is why it matters that the team believes the goals are very important and a real priority. People won’t commit to a “stretch” unless the goal itself justifies the risk and extra effort required.

***Have you provided for small steps along the way?***

If performance goals are significant enough that they require a stretch, they can also be overwhelming. One way to reduce this anxiety is to define smaller steps along the way that give the team a sense of satisfaction when those intermediate goals are met, and encourage the belief that the larger goal can be reached.

**Clear and Well-Understood Approach**

Once performance goals are defined, the team needs to lay out an approach for how to reach those goals. This approach needs to be concrete, clear, and understood by everybody in the team. It should also focus on joint products, rather than jobs. If people define their work in terms of completing a job, they may complete that job even at the expense of the mission. Jobs provide a focus on the individual, while mission or product-orientation focuses on the team performance.

Research also suggests that the approach should require that all members contribute a roughly equivalent amount of work. It doesn't work for some people in a team to work hard, while others who do not work as hard enjoy all the same rights of team membership. This quickly breeds resentment. It is not important that everybody's work match hour for hour. It is important that everybody make a significant contribution, as viewed by the team, and that status or rank not give permission to avoid work.

Finally, no approach ever anticipates all contingencies. The best way to ensure that the approach adapts to actual conditions is to create a team culture that allows for open interaction, fact-based problem solving, and results-based evaluation.

### **GETTING BACK TO BASICS**

Here's a quick summary of some of the things teams need to do to get back to basics:

- Check to be sure the team isn't too large (above 10-12). If a larger team is needed, consider the use of sub-teams.
- Periodically assess the skills within the team -- technical/functional, problem solving/decision making, and interpersonal -- and develop a team plan for how to improve the mix of skills in the team.
- Create a sense of urgency and larger purpose that reinforces the common purpose of the team.
- Work with management to define a "solution space" which provides the team a sense of direction, but leaves the team free to decide how to get there.
- Set performance goals that are both realistic and "stretch" the team's expectations about what it can accomplish.
- Set up ways to measure success, so the team can tell when it achieves it. The emphasis should be on team, not individual, performance.

- Check to be sure that the approach is concrete, clear, and understood by everyone in the team.

## **Building Team Performance**

Here are some suggestions for how to build and sustain a team:

### **Substitute Agreed-Upon Norms for Unconscious Expectations**

Marshall McLuhan once said; "Culture is like a glass dome; as long as you are inside you don't know you are enclosed." Organizational culture is much the same. The norms and behaviors of an organization are usually learned by a kind of osmosis. People just assume that's the way "normal" people act. Because these expectations are unconscious, they're not even aware they exist. These expectations are like the "default settings" on your computer; they kick in automatically unless you make a conscious choice to change them.

Everybody in the partnering team brings unconscious expectations to the partnering, based on his/her organization's assumptions about what constitutes normal behavior, and interprets other team member's behavior in light of those expectations. This can lead to substantial misunderstandings and misinterpretations.

The only way to minimize these risks is to substitute conscious expectations for unconscious ones. This is why it is important for the partnering team to talk about group norms, critique how it communicates, and agree on how it will handle disputes. Each of the new agreements replaces unconscious attitudes that can harm the effectiveness of the team.

The partnering workshop begins the process of establishing team agreements, but it is normally not possible to cover all the areas that require agreements. Furthermore, these agreements need regular maintenance. Some agreements may have to be modified or amplified. Agreements may need to be hammered out in entirely new areas.

Many of the key areas for group agreements are identified in the main text of this guide. They include:

Group norms, such as:

- openness
- disclosure
- listening

- mutual respect
- communicate problems

Decision making process, such as:

- decisions made by mutual agreement
- which decisions must be made by the team
- which decisions can be made by individuals or single organizations
- emergency decisions

Dispute resolution process, such as

- how disagreements are flagged as “disputes”
- time limits on resolution of disputes
- process for consultation within agencies
- which dispute resolution mechanisms will be used

Other areas where team agreements are needed include meeting procedures, meeting facilitation, and problem solving process. They are discussed further in the following pages.

### **Spend lots of time together**

While a partnering workshop can “jump-start” the process of building trust, in the long run nothing completely substitutes for spending a lot of time together. Research shows that most of the best teams “work hard, play hard,” but do both together. Obviously this isn’t always possible. But make choices to increase the amount of interaction whenever possible.

### **Schedule periodic refresher sessions**

Teams that will be working together over a number of months should schedule periodic refresher sessions. Very few teams succeed at partnering unless they do something periodically to reaffirm the partnering relationship. The key characteristic of these refresher sessions is that they include a discussion -- without the usual time pressures -- of how the partnering relationship itself is doing, as distinct from whether tasks are being performed.

Often these sessions are one-day in length, preferably off-site. They may include joint training for the group, a presentation on a stimulating topic, and social activities.

### **Challenge the group regularly with fresh facts and information**

One way to keep the team energized is to keep the group stimulated with new ideas and information. This might be information about new technologies,

new approaches to permitting, techniques for working together effectively. Even if the team does not use the information on a particular project, its important to create an atmosphere where new ideas are valued and sought out.

### **Agree on meeting procedures and critique how well you are doing**

Working as a team means that you are likely to spend a lot of time in meetings. If the team is going to be effective, it needs to know how to use meetings effectively.

Team members should not just “assume” that partnering team meetings will look exactly like normal meetings back in their own organization. First of all, each organization has a different interpretation of what constitutes “normal.” More important, many organizations use meeting styles that are appropriate for centralized decision-making, but not appropriate for developing mutual agreements. So teams need to identify and adopt procedures that will do the best job for a genuine team, as distinct from a functional organization.

Just as important as agreeing on meeting procedures is to develop a process for critiquing how well you are doing at working together. This should be an item for periodic follow-up workshops. In addition, some teams find it very helpful to spend 5-10 minutes at the end of each meeting to talk about what they did well, and what they need to improve. One suggestion: when you’re giving feedback to other team members it’s often more effective to comment on how much you like the behavior of team members engaging in useful team member behaviors than it is to focus critique on team members who need to sharpen their skills.

Some teams find it very helpful to have a facilitator for team meetings, but most teams use an outside consultant only occasionally. Team members can serve as facilitator, so long as the issue being discussed doesn’t involve him or her so closely that its impossible to stay neutral.

Some teams rotate facilitation responsibility, with every team member serving as facilitator periodically. There are many advantages to this. It shows that meeting leadership is not a matter of rank or status, but an important function required by the team. It sharpens the facilitation skills of team members (which can be very useful both in project management and in dealing with the public on controversial issues). Finally, serving as facilitator often sharpens awareness of the behaviors that individual team members need to engage in for the team to be effective.

The most important behaviors of a facilitator are:

**ASSIST WITH DESIGNING THE MEETING:** Helping to define the purpose of the meeting, setting up a proposed agenda, suggesting

appropriate meeting formats or group process techniques to use to accomplish tasks,

**HELP KEEP THE MEETING ON TRACK, FOCUSED ON THE TOPIC:** Pointing out when the discussion has drifted, restating the purpose of an activity, putting limits on behavior such as accusations or emotional tirades.

**CLARIFY AND ACCEPT COMMUNICATION:** Providing a verbal summary of what was said, relating one participant's ideas to another, inviting expansion of a comment, asking clarifying questions, writing a summary of comments on a flip chart.

**ACCEPT AND ACKNOWLEDGE FEELINGS:** Structure a situation in which it is safe to express feelings, acknowledge feelings so that they don't continue to build in intensity.

**STATE A PROBLEM IN A CONSTRUCTIVE WAY:** Restating comments so they do not blame any party, defining the problem without implying there is only one possible solution.

**SUGGEST A PROCEDURE OR PROBLEM SOLVING APPROACH:** Suggesting a procedure such as brainstorming or a structured sequence of problem-solving steps to help the group work more effectively, suggesting alternative ways of addressing the issue, suggesting a break.

**SUMMARIZE AND CLARIFY DIRECTION:** Restating the purpose of the meeting, clarifying its direction, (e.g. "we've completed the first two issues, now we're ready to start talking about alternatives for ....").

**CONSENSUS-TESTING:** Sensing when participants are coming to agreement and verifying that agreement has been reached by stating the potential basis for agreement and checking to see whether it has support from the participants.

Because the facilitator needs to remain neutral on the outcome of the meeting, and wants to create a climate for collaborative problem solving, there are also certain behaviors a facilitator should avoid. Facilitators should avoid:

- Judging or criticizing the ideas of participants.
- Using the role of facilitator to push his or her own ideas.
- Making significant procedural decisions without consulting the participants.
- Taking up the group's time with lengthy comments.

There are a number of manuals or guides available on facilitation.

In a normal bureaucratic organization, the meeting leader feels responsible for the success of the meeting, but the participants often do not. In team meetings, everybody is responsible for successful meetings, not just the facilitator. There are “team member behaviors” that need to be learned and practiced. These include:<sup>5</sup>

### **Task Oriented (Content) Functions**

- **INITIATING-INNOVATING:** Suggesting a new idea, a new way of looking at a problem, or a new activity.
- **SEEKING INFORMATION OR FACTS;** Requesting facts, asking about feelings, asking for ideas or values.
- **GIVING USEFUL INFORMATION OR FACTS:** Offering facts, stating a belief, making suggestions.
- **CLARIFYING AND SUMMARIZING:** Probing for meaning, defining terms, enlarging or restating issues, bringing related ideas together, restating suggestions of others.
- **CONSENSUS TESTING:** Checking to see if the group is ready to decide, sending up trial balloons, verifying group consensus.

### **Process Oriented Functions**

- **HARMONIZING:** Attempting to reconcile disagreements, mediating differences, initiating a compromise.
- **GATE KEEPING OR EXPEDITING:** Inviting others to talk, suggesting time limits or other procedures to permit wide participation, keeping talk flowing.
- **ENCOURAGING:** Indicating acceptance and understanding of other points of view, being friendly and responsive to others.
- **FOLLOWING:** When appropriate, accepting the direction of the group, indicating understanding without intruding.
- **STANDARD SETTING:** Expressing standards for the group to achieve, testing group attitudes towards procedures, reminding the team of underlying values.

As can be seen, many useful team member behaviors overlap with the behaviors of a facilitator. This is why serving as a facilitator is also a way to sharpen skills as a team member.

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<sup>5</sup> Adapted from Benne, Frank and P. Sheats, “Functional Roles of Group Members,” *Journal of Social Issues*, 1948 4 (2).

### **Use visual recording**

Research on effective teams show that they work together more effectively when important comments or conclusions are recorded -- on flip chart pads, butcher paper, or the newer “post-it” or electrostatic cling sheets -- and posted on the wall where everyone can see them. Sometimes this recording role is played by the facilitator. This is often effective in small teams. In large teams it is often helpful to have a second person, the “recorder,” who keeps a visible summary and posts it up on the walls, while the facilitator stays focused on the team. The recorder can be a team member. Again, it’s more difficult to be a recorder if the subject being discussed is one in which the recorder is very involved.

There are professional recorders, trained in the arts or graphic design, who will record meetings in such a way that similar ideas are grouped together, or visual connections are made between ideas. Some even combine graphic elements or simple cartoon figures.

### **Agree on problem-solving process**

When team members participate in problem solving, they often use very different styles and approaches. Each organization has different expectations for how problems are addressed. As a result, it’s very useful to agree on a series of steps -- a template -- for how the team will approach problem solving.

There are a number of problem-solving approaches described in the management literature. Most are some variation on the steps show below:

*Define the Problem*

*Agree on the Criteria for a Satisfactory Solution*

*Generate Alternative Solutions*

*Evaluate Alternative Solutions*

*Choose Among the Alternatives*

*Agree on an Implementation Plan*

There’s considerable rationale for each step in this process, and the sequence of the steps. Teams may want to read materials describing the rationale for various problem-solving processes, or go through joint training. If there’s a room in which the team meets regularly, the problem-solving steps should be posted on the wall, so that they can be used as a reference point during team meetings.

### **Use exercises to stimulate creativity**

There are numerous books or guides that describes exercises or other techniques that can be used to stimulate creativity during problem solving. Some of the most useful of these techniques include:

### **Brainstorming**

In brainstorming, everyone in the group is encouraged to come up with as many ideas as possible, including “way-out” ones. Usually these ideas are recorded on a flip-chart or blackboard. No evaluation is permitted until everybody is completely out of ideas. Brainstorming provides a “psychologically safe” climate in which people feel free to participate without fear of being judged, and this helps groups “break out” of the obvious solutions and push for more creative ones.

### **Snowball**

Another variation of brainstorming is to have everybody write their ideas on post-its or 3x5 cards that can be put on the wall. The same “no evaluation” rule applies. Then similar ideas can be grouped together on the wall, for further group discussion.

### **Creative Analogies**

Additional options can be generated by using analogies to force different ways of thinking about a problem. For example, if a problem is being thought about in hierarchical terms, try thinking about it using organic or physiological analogies. Or, ask people to create visions of how they would solve the problem “if there were no limits” or “if I were President.” Once again, “way out” ideas may lead back to more creative solutions that are implementable.

### **Nominal Group Process**

Nominal Group Process is a technique based on research suggesting that people generate more ideas working by themselves, but in the presence of others. Participants generate ideas during a silent period, then share their ideas going around the room, one idea per person each time. These “rounds” continue until everybody is out of ideas. Then the group discusses the ideas to be sure they are clear, but does not debate them. The participants select their top five ideas (or three, or seven), giving five points to their first choice, four to their second, etc. Then the group develops a composite score sheet, showing the points from everyone in the team.

Techniques such as these can be very helpful in getting teams to think about problems in new ways, encouraging innovation.

### **Celebrate successes**

Teams need a sense of accomplishment. Teams need to believe they are doing something that matters, and when they succeed, that success needs to be celebrated. Hold victory parties. Make announcements over loud-speakers. Put up celebratory banners. Buy each other little trophies or mementos (keeping in mind appropriate ethics requirements). Do almost anything to reinforce the performance success of the team.

### **Develop a team training plan (including joint training)**

In most organizations, training is focused on individuals. When building a team, the crucial consideration is whether there are skills needed in the team. Some of these skills might be acquired by individual members. Other skills may be needed by all team members.

Developing a team training plan accomplishes several things: (1) It says that the team thinks skills training is important; (2) It establishes a priority for team members to get the training they need; (3) It provides the support of the team in getting funding for training from the various partnering organizations.

For those skills needed by all team members, some form of joint training is particularly effective. Everybody gets the training at the same time, and the team as a whole builds commitment to using the skills. If you do schedule joint training, be sure to allow time in the schedule for open discussion of how the skills will be used in the team.

### **Consider having a team room**

Depending on the project, it may be appropriate for a partnering team to have a room dedicated to its activities. Having a team room strongly reinforces the team identity.

This room may simply be a meeting room where the team is able to leave up all its charts and flip chart sheets. A more ideal arrangement is a large enough space so there can be workstations clustered around an open meeting space that can be reconfigured, as needed, for different kinds of meetings. A dedicated work space would probably be appropriate only if team members are going to work together frequently, or are housed at a project site.

### **Hook up electronically**

Teams find it very helpful to be connected electronically. As a minimum, being connected by e-mail is a very useful way of exchanging information in a timely manner. One of the advantages of e-mail is that people can pick up and respond to the information when it is convenient for them. Many people find

they get much faster responses to by e-mail than to phone messages. Also, most e-mail software let's you "copy" the message to a whole group of people, so you only have to sent the message once and the whole team gets the same message.

If the team has access to a computer network, it can also use groupware that allows the team to work together on tasks, sharing computer files. For example, a team can work together on a report, even though physically distant. Desktop teleconferencing (teleconferencing using small cameras mounted on PCs, rather than a centralized teleconferencing facility) is now possible, and soon will be able to accommodate full teams.

Teams that are hooked together electronically have discovered that while electronic communication is very useful for exchanging information, it doesn't, by itself, build trust. Trust-building is something that needs to take place in person. It is still necessary to hold a partnering workshop, and have periodic refresher sessions, on a face-to-face basis. Once the relationship is built, then electronic communication is a distinct benefit.

In evaluating groupware, be cautious about software that is designed so that you have to use a decision making approach dictated by the software. That approach may not be suitable; some software, for example, is far more suitable for centralized decision making than working in teams. Also, don't oversell yourself on the benefits of electronic communication. It's a valuable tool, but it doesn't solve all the problems.

### **Plan for how to incorporate new members in the team**

Even though it is strongly advantageous to have continuity of membership in the team, in partnering it is virtually inevitable that there will be turnover. Based on team research, adding new members to a fully-functioning team is a very significant issue. If the team has previously "bonded," the new team member may feel somewhat excluded, a bit like a second-class citizen. The team will have developed a number of agreements. Even if the individual is fully informed of them, he/she is unlikely to have the same commitment to the agreements, not having been a participant in the discussions.

The team as a whole should plan for how to incorporate the new team member. The addition of one or more new members might be a good time for a refresher workshop. The team training plan might be altered to include training for the new member. Some teams have even developed a brief ceremony to acknowledge the change, a bit of ritual to acknowledge the significance of the change being made.

<p style="text-align: center;"><b>When Teams Get Stale</b></p>
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Every now and then every team needs to be reinvigorated.

Here are a few suggestions for how to accomplish this:

- Revisit the basics
- Go for small wins - something that create a sense of success
- Inject new information and approaches
- Use third-party facilitators or go through joint training
- Change the team's membership

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## HOW DISPUTES ESCALATE

by  
**James L. Creighton**

### THE VALUE OF CONFLICT

As painful as disputes may be, there are at least five positive contributions from conflict:

**1) Conflict identifies problems that need to be solved.**

The first and most obvious value of conflict is that it identifies the source of dissatisfaction, irritation or anger for one or both parties.

**2) Conflict is a way of creating evolutionary change, thereby reducing the need for violent upheaval.**

Change is an integral part of everyone's life: ideas change, and what we want from our relationships changes. The demands placed upon us by society, our jobs, our families, our friends and our spouses change around us, and the relationships must somehow accommodate change. When the necessary adjustments can be made in small steps, then a relationship can sustain considerable modification without threatening its stability. But if one or both parties deny or resist conflict, then the relationship becomes static, or like the dry limbs of a dying tree that are unable to bend in the wind. Without the ability to respond, recognize the conflict, and find solutions, the only alternative is either ending the relationship or confrontational demands to alter the relationship or institution, which can end in pain, even violence. Recognizing conflict and responding to it in a positive way can prevent stagnation, allowing one or both parties involved to adjust the balance of power, and revitalize the basic values upon which the relationship is built.

**3) Conflict helps us define who we are.**

The successful transition from adolescence to adulthood is a process of discovering the boundaries between parents and children. Adolescent rebellion is really a process of determining where "I" stop and "you" begin. Most adolescents solve this problem by testing their parents. Their parents' reactions, even their negative reactions, actually help adolescents establish their own sense of individuality, answering the question "How are we different (or the same)?"

Similar issues exist in most close relationships. We seek out closeness because on a deep emotional level we experience completeness, a sense of being more fully ourselves when communication is open and intimate.

But this very sense of connectedness can be a threat to our sense of individual identity. We may feel unbearably dependent on the people we care about and come to resent that dependency. When this occurs, we may find our separate identity by rebelling against the other person, which helps us get a sense of our distinct individuality. This process of "finding our outer edges," our boundaries, is particularly important in extremely intimate relationships such those between parent and child or husband and wife. One or both parties may initiate conflict because they feel threatened by the closeness, and thus fear losing their individual identity.

Much the same thing occurs between groups. Research has shown that groups need to "differentiate," to make their differences clear, before they are willing to focus on their common interests. Establishing ego boundaries, or group boundaries, appears to be essential to the health of both individuals and groups. However, the process should not stop with just establishing a boundary. A "mature" relationship acknowledges both differences and shared interests.

**4) Conflict is a way of discharging some of the animosity or resentment which is generated by the limiting aspects of a relationship, or of sharing resources.**

Even the best and healthiest relationships place some restrictions on the individuals involved. When we're in a relationship, we can't ignore the other person or group's needs and ways of doing things. We put limits on our behavior in order not to hurt other people, and hope they do the same. Although accommodation to another person's needs can become excessive and unhealthy, some amount of accommodation is inherent in every healthy relationship. And even though we don't always want to admit it, this creates frustration and resentment.

The frustration or resentment may become even stronger if we have to share resources or limit our behavior because of individuals or groups we see as different from us. When others are of different ethnic background, religion, or beliefs, it's far easier to express the resentment, without the constraints of a caring relationship.

Conflict provides a safety valve for expressing some of the inherent tension that results from these restrictions. When we have no way to express these feelings, we become increasingly aware of our frustration and resentment, and less aware of how much we care for the other person. By discharging the inherent tension, we become aware once again of shared interests and the desire for continuing relationships.

**5) Conflict can be stimulating and challenging.**

When conflicts are expressed at levels that don't pose a threat, they can be exciting, stimulating and even fun. In fact, there are certain people who become "conflict-junkies," never feeling quite as alive, quite as fully-functioning or involved as when they are in a good fight and the adrenaline is flowing.

## WHAT MAKES CONFLICT DESTRUCTIVE?

Conflicts can be expressed in many ways, from calm, rational problem-solving discussions to major, go-for-the-juggler wars, a contest to see who could inflict and endure the greatest pain. There are definite clues that tell us when a conflict is escalating.

The sequence of escalation behaviors is as follows:

**Triggering Comment Or Action :** One or both people (or groups) makes a comment or takes an action that provokes the other person's defensiveness or fear.

**Proliferation of Issues :** After a short period of discussion, one or both people start bringing up new issues, or expanding the basis for the argument.

**Formation of Adversarial Alliances :** One or both people begin pulling in other people for support, thus forming alliances. Often this involves lining up alliances within a family or group, or with other groups. Individual or groups take "sides."

**Distortion of Communication:** Both sides begin to communicate through exaggeration, making broad, sweeping generalizations, through character attacks, and through prolonged and hostile periods of silence.

**Rigid and Extreme Positions:** The harder people fight, the more entrenched they become. One or both sides become rigid and extreme in their positions, through depersonalizing others, taking the position that "I'll never give an inch," etc.

**Focus On Hurting Each Other :** Although the conflict may have begun with the goal of solving a problem, as both sides become increasingly defensive the goal shifts to hurting or attacking the other side's position as having no validity.

Researcher Helen Weingarten and conflict resolution consultant Speed Leas have identified five levels of conflict, a ladder of escalation. Each rung takes you to a higher level, where the hurt inflicted becomes increasingly destructive. Each step has its own clues to clearly detect when escalation is occurring:

### FIVE LEVELS OF CONFLICT

LEVEL	MAJOR OBJECTIVE	KEY ASSUMPTION	EMOTIONAL CLIMATE	COMMUNICATION STYLE
1: Problem solving	Solve the problem	We can work it out	Hope	Open, direct, clear and non-distorted; common interests recognized
2: Disagreement	Self-protection	Compromise is necessary	Uncertainty	Cautious sharing; vague and general language; "calculated" thinking begins
3: Contest	Winning	Not enough resources to go around	Frustration and resentment	Strategic manipulation; distorted communication; personal attacks begin; no one wants to be first to change
4: Fight	Hurting the other blame;	Partner cannot or will not change; No change necessary in self	Antagonism and alienation	Verbal/nonverbal incongruity; perceptual distortions; refusal to take responsibility
5: War	Eliminating the other	Costs of withdrawal greater than costs of staying	Hopelessness and revenge	Emotional volatility; no clear understanding of issues; self-righteousness; compulsiveness; inability to disengage

Trying to determine the exact point at which a disagreement turns into a contest, or an argument turns into a fight, or a fight turns into a war is usually an exercise in futility. Identifying where the escalation started is important only to someone trying to attach blame.

Although it may not be important to determine who "struck the first blow," it can be helpful to identify changes in our own feelings or behaviors that indicate that we are escalating. There are signals that alert us to these changes:

### **Seeing the other person or group as an opponent or adversary.**

As long as we are engaged in problem-solving, we perceive the other person or group as an ally, jointly contributing to our search for a solution. But as we move away from this co-operative effort, we begin to feel competitive. At first the competitive feelings just make us edgy, uncomfortable and perhaps even confused. Then our behavior becomes adversarial and the prevailing experience is that the other people are not "on our side." Quite the opposite! We feel that they are clearly standing in our way or taking a position against us. As the fight turns into a war, we may feel not only that our ideas are being attacked but that "our survival is under attack." We may even begin perceiving our "opponent" as having nothing but ill-will for us, and we for them. We are usually completely immersed in our own emotions at this point. In the heat of battle, we depersonalize the other person and in our minds we see them as simply "the enemy."

### **Lost Awareness of Caring for the Other Person**

As the other person or group becomes an opponent, adversary or enemy in our mind, we momentarily lose touch with our relationship with them. For the moment, the part of ourselves that cares about them, and how they feel about us, is hidden. It burrows deep, out of harm's way. Without thinking, we concentrate solely on aspects of that person or group's character that disturb us. Eventually we end up totally out of touch with how we generally feel about them and we may engage in behavior that is totally inappropriate. Having buried our tender and caring feelings we completely lose sight of the fact that this is a person or group we respect and need.

### **Denial of responsibility**

The further up the ladder of escalation we go, the more we tend to justify our own behavior as a reaction to what the other person or group is doing. We have the feeling that since they hurt us we have the right to hurt them. We find ourselves engaging in a kind of "tit-for-tat," "eye-for-an-eye, tooth-for-a-tooth" behavior, with each successive round becoming more accusatory and more adversarial.

### **Reduced Self-Disclosure**

At the bottom of the escalation ladder, when we're feeling good about each other, we are willing to share our deepest feelings, such as fears, weaknesses, and vulnerabilities associated with the conflict. Self-disclosure or expressing our deepest vulnerabilities seems increasingly dangerous as we move to the higher rungs of the escalation ladder. We fear that we are in other people's hands and must not give them information that could be used against us. Information is tightly controlled, for fear it will give others some competitive advantage.

### **Reduced Willingness to Change**

As we see other people or groups more and more as adversaries, we become less and less willing to change. It is as though a little voice is warning us, "Whatever you do, don't co-operate with the enemy." We may even get to the point that we won't consider doing anything to respond to other people's problems or needs.

### **Communication is Restricted**

All communication, even about factual information, becomes increasingly restricted as we move up the ladder. We begin using all information as a way of shoring up our own position, of proving that "I'm right and you're wrong." On the highest rungs of the escalation ladder, one or both people may cut off all direct communication. At its worse, anyone who does communicate with the other side is seen as untrustworthy or even as a traitor.

### **Perceptual Distortion**

When we're feeling co-operative, during problem-solving, we see other people fairly clearly and stay in touch with our concern for their well-being. As we move up the escalation ladder, our perceptions of the other person or group actually changes; in our minds, this person takes on the proportions of an ogre. At the very least they become adversaries, and finally enemies. Although their behavior may have become less than exemplary, the other person or group hasn't really changed that much. What has changed is our own perception of them. At the highest levels of escalation it becomes very difficult, if not impossible, to find anything even remotely good about them. Their every action seems only further proof of their evil intent.

Given a little emotional distance from the battle, it may be easy to identify one or more of these seven signals of escalation. But when we're fully engaged in an escalating conflict, and every action seems necessary and justified by the other person's behavior, the perspective shifts. Our reaction triggers their reaction, and soon we're engaged in mortal combat, pitted against someone we may care about.

## CHOOSING NOT TO ESCALATE

The key principle for breaking the spiral of escalation is: *TAKE RESPONSIBILITY FOR YOUR OWN THOUGHTS AND FEELINGS*. You do not have to let the other person or group's behavior dictate yours. You do have a choice and can make a commitment to behave within your own ethical or moral limits, regardless of what others do.

Obviously it works best if both parties make the same commitment. You may even agree to signal each other when you sense that escalation is occurring: "Oops, I think we just expanded the issue," or simply, "We're escalating." You can also talk together, after a dispute, about what happened and how to prevent future escalation. If the dispute occurs in a business setting, you may need to discuss how communications between departments or organizations can be structured to avoid similar disputes in the future.

A word of caution: When discussing escalation, don't slip into blaming and accusing ("You escalated this conflict when you...") To break the escalation cycle you've got to concentrate on your own behavior: "I know I made things worse by dragging in that problem you had last year." It's usually easier to talk about how things escalated after you're both calm, so that this discussion is not just another way of getting at each other. Then you can talk about how you're going to cope with escalation in the future.

If only one person is making the choice to be responsible, it's more difficult to curb the escalation cycle. But it can still be done. The first step is to be aware of what's happening so that you can make a conscious choice. The next step is to break out of "tit-for-tat" patterns of thinking. Just because the other person attempts to hurt you does not mean you have to respond in kind. The other person may test your resolve to keep the issues focused, but if you hold firm, the fight is much less likely to escalate.

There are seven other important behaviors for breaking the spiral of escalation.

- Share Your Feelings Without Blaming or Accusing
- Don't Expand The Issue
- Don't Use Other People Or Authorities As Ammunition
- Avoid "You Always" or "You Never."
- Stay With Behaviors, Not Labels
- Break The Pattern of Resistance
- Don't Insist On Solutions While You're Still Upset

### **Share Your Feelings Without Blaming Or Accusing**

Avoid blaming and accusing communication by sharing feelings rather than judgments -- "I felt hurt..." rather than "you were inconsiderate." If you've slipped into being blaming and accusing, it's still possible to say: "I'm sorry, I've started blaming and accusing." Follow up with a statement about how you are feeling: "What's really going on is that I'm feeling deeply threatened (or hurt, or whatever) ...". This kind of communication invites -- but does not always "guarantee" -- the same kind of non-accusatory communication from the other person. You have to make this move entirely for yourself, however. The other person may not automatically reciprocate. If you believe they "owe" you because you made yourself vulnerable, their failure to respond in kind will fuel the bad feelings you're harboring, and you're likely to use their failure to reciprocate as new ammunition.

### **Don't Expand The Issue**

Conflicts usually start with a discussion about a single issue. However, as escalation occurs the discussion moves into more generalized statements about the other person. For example, a question over who should stay a few minutes late to clean up some paperwork expands into a fight about who does the most work.

To break the pattern, everyone involved must make a commitment to catch themselves whenever they feel an urge to respond to one issue by bringing up a larger one. Sometimes this can be accomplished by simply telling yourself, "No, I won't do it! I am going to stay focused on the specific issue that triggered this discussion." Be very clear in your own mind: this doesn't mean you are to stop the discussion. Instead, you will limit the dispute to the problem that was first presented.

### **Don't Use Other People Or Authorities As Ammunition**

In the heat of the moment we often say, in effect, "I'm not the only one who thinks this about you," and then proceed to drag in one or more people who agree with you. With so many allies, we momentarily create a sense of greater power. However, the other person literally feels that we're ganging-up on them. It's a threatening position to be in, indeed, even though the "allies" are mostly imaginary.

This is the bottom line: If you're going to drag others into the dispute, recognize that doing so is highly provocative. Nine times out of ten it's won't help you get your point across and it will escalate the conflict enormously in virtually all cases. In addition, pulling others into your fight, by quoting them or just attributing an opinion to them, can destroy the relationship between the person you're fighting with and the person you're quoting.

### **Avoid "Always" Or "You Never"**

Nobody always does anything. Blanket statements such as "you're always irresponsible" or "you never carry your share of the load" are patently untrue. The other person may occasionally act irresponsibly. They may even do it frequently. But what's even more important in our discussion here is that such statements are provocative, and they almost guarantee escalation. In addition to being exaggerations, they are blaming, and accusing, and judgmental. The only value such blanket statements have is to signal yourself that you are feeling threatened or fearful and you need to take responsibility for your feelings as well as your behavior.

### **Stay With Behaviors, Not Labels**

Another signal that you're feeling threatened and are escalating the fight is when you start labeling. When you find yourself saying-- "you're irresponsible," "you're a sexist," "you are power hungry," " you are a woman-hater," " you are castrating," " you are off the wall" -- it's time to pull back. Stop labeling and start focusing on specific behaviors. Say, "I'm really upset that you didn't tell me you'd be late," rather than "You're just a completely thoughtless person."

### **Break The Pattern of Resistance**

When we feel resistance to our feelings, we express ourselves more intensely. It is a little like knocking on a door. If you know someone is home but refusing to answer, you knock a little harder.

In most disputes, both people are feeling the other person's resistance. Both feel blocked and thwarted, and the frustration just continues to build. The larger the frustration the greater the temptation to haul out the big guns and blast away at the door of resistance.

To avoid resistance, try Active Listening, in which you summarize your understanding of what the other person is saying, or use the Five Minute Rule -- each person gets five minutes to say whatever he or she wants without any interruption, in return for listening during the other person's five minutes -- for times when you are too emotionally involved to listen with an attitude of acceptance. These two techniques let you express your feelings without the frustration that comes from constant resistance through interruption and contradiction.

If there is so much resistance that the best thing to do is to break off discussions, do so until both people have settled down. Instead of the Five Minute Rule, you might take a five minute break. If you do break off the discussion, agree to it at a particular date or time. Without setting up a specific time to resume, withdrawing can feel like just another form of resistance. You run the danger of leaving unresolved issues festering just beneath the surface. There is often value in breaking off intense discussions, but this shouldn't be used as a way of avoiding the issues.

**Don't Insist On A Solution While People Are Still Upset**

When we're upset, we want resolution. We want the whole thing settled right now. In an emotionally tense situation this urgency can contribute to escalation, and since urgency is often interpreted as an effort to control, it can make other people feel even more defensive. Unless it's a crisis situation, where something dire is about to happen, it's may be advisable to make a later date to work on solutions. Just because disputes bring issues to the surface, doesn't mean the problem-solving session needs to be immediate.

**FROM HOT-TUB TO WAR:  
ALTERNATIVE DISPUTE RESOLUTION (ADR)  
IN THE U.S. CORPS OF ENGINEERS**

**by Jerome Delli Priscoli, Ph.D.**

**INTRODUCTION**

A new age of resolving disputes has come upon us. Unless we find better ways to resolve disputes, we will be buried by them. Chief Justice Burger (1984) has stated, "Our system is too costly, too painful, too destructive, too inefficient for truly civilized people. To rely on the adversarial process as the principle means of resolving conflicting claims is a mistake that must be corrected." The Corps of Engineers has responded to this challenge by instituting a major alternative dispute resolution (ADR) program. This program is sponsored by the Chief Counsel and Senior Corps executives. It stresses internal development of ADR skills along with the use of external advisors and consultants.

**FROM HOT-TUB TO WAR: A CONTINUUM OF ADR TECHNIQUES**

There are many ways of resolving disputes, some with assistance, some without. Figures 2 and 3 describe a continuum of ADR techniques. This continuum is the central metaphor throughout the Corps ADR program. Figure 2 outlines a general continuum of ADR procedures while Figure 3 describes ADR procedures found in the middle third of the continuum, roughly from point 2 to point 17 on Figure 2.

Turning to Figure 2, Point A represents what is colloquially called the "Hot-tub Approach." That is, we all jump into the Hot Tub and somehow come to agreement. Point B represents the opposite extreme. That is, we go to war or use a highly adversarial approach such as litigation. ADR addresses the numerous possibilities between these points. Some are well known, others are emerging and most make common sense.

Four points should be made about the continuum in Figure 2. First, as we move from point A to point B, we gradually give over the power and authority to settle to outside parties. A dividing line, roughly two-thirds of the way from A to B symbolizes that point at which the power to resolve disputes moves out of the hands of the disputants and into the hands of an outside party. The thrust of the Corps' ADR program is to encourage managers and executives to explore techniques to the left of this dividing line which will enable them to retain decisionmaking authority and resolve disputes efficiently and effectively.

Second, the basic principles of interest-based negotiations and bargaining as explained in Fisher (1981), can be applied with any technique along this continuum. Interest-based bargaining, in contrast to positional bargaining, can be appropriate for

facilitation, problem solving meetings, mediations, mini-trial deliberations, and fact finding.

Third, the unnamed points in the continuum are meant to indicate that there is much to learn. Possibilities exist to create new procedures across the continuum. The last word on ADR is not in. In fact, the Corps, program invites managers to innovate and to create new ADR procedures.

Fourth, since communications contain, at least, content and process, the way we talk, or our process of dialogue, often can determine how and if people listen to the content of that dialogue. A premise of ADR techniques is that by separating the process and the content roles in a dispute we can better manage the discussions and promote agreement. The separation of process and content roles often leads to using neutral parties, sometimes called "interveners." Such neutral parties, in a variety of ways, become caretakers to the process of dialogue in the dispute. Figure 3 describes techniques from cooperative to third party decisionmaking. It groups these techniques into the following categories: unassisted procedures; relationship building assistance; procedural assistance; substantive assistance; advisory and non-binding assistance; and binding assistance (Delli Priscoli, Moore, 1989).

To some, this continuum and categorization may seem either too discrete or overly defined. However, the point of the continuum is to show managers that numerous techniques are available. It also attempts to show managers that many possibilities for innovation also exist. In other words, the continuum tries to place techniques in a context which helps us to catalog and share our growing ADR experiences.

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## **PUBLIC PARTICIPATION TECHNIQUES**

by  
**James L. Creighton**

Public participation involves getting information out to the public and getting back the public's ideas, issues, and concerns. It is two-way communication. This section presents information techniques (getting information TO the public) and participation techniques (getting information FROM the public). A discussion of the advantages and disadvantages of each technique is shown on pages \_\_\_\_\_.

### **INFORMATION TECHNIQUES**

Every effective public participation program includes a good public information program. The public needs to know what an issue is about to be able to decide whether they want to participate. People need information about the alternatives before they can make choices. The public needs to know the facts about a proposed decision before they can decide whether they support it. Here — in alphabetical order — are some of the major techniques that can be used for communicating *to* the public:

#### **Briefings**

Briefings are a way of keeping key elected officials, agencies, or key interest groups informed of your progress. Briefings simply consist of a personal visit or even a phone call to inform these persons before an action is taken. Briefings often lead to two-way communication, as you may receive valuable information in response to your announcement. It is particularly important to provide briefings if your actions could result in political controversy that could affect elected officials or agency officials. If you are taking an action that could affect an elected or other senior official, never let that person find out about it by reading the paper, or worse yet, by having a constituent phone and ask her what she is going to do about it.

#### **Exhibits/Displays**

One way to inform the public and to stimulate people to participate in your public participation program is to set up exhibits or displays in public places that attract lots of foot traffic. Possibilities include a large shopping mall or major community events such as county fairs, street fairs, or even sporting events. Although preparing an exhibit or display can be costly, it can often be designed so that it can be used again at other events or locations. An exhibit is always more effective if it is also staffed by a knowledgeable person who can answer questions.

#### **Feature Stories**

A feature story is a full-blown news story, written by a reporter, rather than just an announcement based on your news release. Sending a press release to a newspaper or

station is one way to interest the media in doing a story. But often you're more likely to attract a response if you make a personal contact with an editor or reporter who has an interest in the topic. Of course, if your project becomes controversial, the problem isn't getting the news media interested, but being sure that you provide the all-too-interested media with information that is timely, factual, and objective.

### **Mailing Out Key Technical Reports or Environmental Documents**

Simply making technical reports or environmental documents available at libraries or other repositories is not enough to gain credibility. Instead, key documents need to be mailed directly to leaders of organized groups and interests, including business, environmental, or neighborhood groups. When you construct your mailing list, code the names so that you can pull up a list of those to whom complete copies of key reports will be sent. You might want to send a two- or three-page summary of reports to your larger mailing list, advising that you will supply full copies upon request. If you send out a regular newsletter, you could describe the study results in a news item and provide a clip-

out request form for those who would like copies of the study.

### **Media Kits**

It is always an advantage if reporters understand the background of an issue and the process you are following. One way to help them is to prepare a media kit that provides a summary of the key information he or she might need throughout the decision-making process. Often a reporter, under pressure to meet a deadline, will find it difficult to contact you by phone but will turn to the media kit as an authoritative source of information.

Typically a media kit consists of a folder with pockets that contain short summaries of the project need, the decision-making process, summaries of key technical studies or environmental documents, etc. Keep in mind that reporters work under extreme time pressures, so information must be in summary form if it is to be used. If you publish a regular newsletter, include past copies in the media kit, as they often present the important background information at about the level of information a reporter needs to prepare a story. Once you have prepared a media kit, identify those reporters or editors you believe will be interested in the story. Arrange to drop by, deliver the press kit, and answer any questions on the spot.

### **News Conferences**

A news conference is another way to stimulate the media's interest in doing news stories. The particular value of a news conference is that your spokesperson often has the opportunity to speak directly to the public, particularly on radio or television, either of which may carry short sections of the press conference as part of normal

news coverage. However, the topic of the news conference, or the person conducting a press conference, must be newsworthy, or no one will show up. As a result, news conferences are usually reserved for major announcements or for a time when a well-known spokesperson is available.

### **Newsletters**

Newsletters are a means of sustaining interest throughout a decision-making process that may last for months. Typically, newsletters are targeted at those individuals who are most interested in the issue. Sometimes, on very controversial issues, mailing lists can grow to as many as 5,000 people. Newsletters provide those people with far more information than can be communicated through the news media.

The value of a newsletter depends in part on how well it's done. A newsletter that is visually attractive, with plenty of graphics, and written in simple, everyday language, will usually be widely read. There are definite costs associated with writing and illustrating an attractive newsletter, as well as printing and mailing costs. However, newsletters are an effective way of keeping interested people informed of what is going on, at a level of detail you could never expect to achieve through the media. Newsletters employed as part of public participation programs must be written in a very objective manner. They should not be a "promotion piece" for a pre-determined position. If they are, they will lose all credibility. To ensure objectivity, and to protect credibility, you might consult with a citizen advisory group to review the wording of the newsletter, since such groups are usually sensitive to political nuances.

### **Newspaper Inserts**

One way to reach an entire community is to communicate information in the form of a newspaper insert. So long as the insert is prepared to the newspaper's specifications, the paper can deliver an insert for a moderate cost. This is one way to reach beyond the most actively involved citizens and be sure that the public at large is informed. An insert can also generate a great deal of interest in a hurry. Be sure that it presents information in an objective and balanced manner. The more attractive the insert and the easier it is to read, the more impact it will have on the community.

### **News Releases**

News releases are designed to interest the media in doing a news story. Occasionally a press release is printed exactly the way you wrote it. But more often a news release is used to convince an editor to do a feature, and the reporter assigned to the story will contact you for additional information. Follow your initial mailing with a phone call to the editor. If you are in a smaller community, your story is likely to receive attention in the local paper. If you're in a larger community, you're competing with many other news stories for the attention of the media. In order to stand out from the crowd, news releases are often written with a "hook," some kind of slant or human

interest angle that immediately convinces editors that their readers or viewers will be interested. Always be sure to include the name and number of somebody in your organization that the media should contact if they need more information.

### **Paid Advertisements**

Paid advertisements are a sure way to make an announcement or present information to the public through the media. One major consideration in paying for advertising is how the public will react to the expenditure of funds for this purpose. Citizens are normally quite appreciative of paid advertisements announcing public meetings, particularly if they are visually attractive. Occasionally, though, there is criticism of large ads, even if they are providing information. Criticism of any “advocacy” advertisement paid for with ratepayer funds is especially likely.

### **Presentations to Civic and Technical Groups**

One effective way to communicate with influential people in the community is to arrange presentations to meetings of civic groups, business associations, environmental groups, neighborhood groups, or homeowner associations. If you’ll be making a number of presentations, it is often advisable to prepare a slide show or other visual aides. A visual presentation is not only more interesting to the audience, you can communicate more information in a shorter period of time. You may be able to prepare your slide show in modules, so that you can customize it to match the interest level of your audience.

One way to build credibility for technical studies is to make presentations to professional societies of engineers, planners, or other professional groups. You need to tailor the presentation to the technical level of your audience, but such presentations do help to create a general perception in the technical community that you are doing a professionally competent study.

## **PARTICIPATION TECHNIQUES**

Once the public has been informed, the next step is to provide forums or mechanisms by which citizens can express feelings, thoughts, or concerns. Again, a number of techniques are available:

### **Advisory Groups/Task Forces**

Next to public meetings, the participation technique most often used by utilities is the citizen’s advisory group. Advisory groups can serve a number of purposes. They can:

- Help you anticipate public reaction to proposed decisions;

- Provide communication to key constituencies;
- Educate you to the continuing concerns of interest groups and inform them about the issues and the consequences of alternative actions;
- Provide continuity so that you receive the advice of interested parties who understand the technical aspects of the decision; and
- Provide a forum for building a consensus.

The key advantage of an advisory group is that its members become well educated, so their recommendations often are more informed than are general comments from the public. An advisory group may not be able to come to consensus agreements on every issue, but often a number of issues can be resolved by an advisory group, reducing the controversies that must be addressed by company policy makers.

There are, however, many organizational issues to face in setting up advisory groups. First of all, they must be perceived as truly representative. This may require that you consult with all key interests before establishing the group to ensure credibility. Second, it is essential to define the limits of the group's authority. The scale ranges from "purely advisory" at one end, to "decision making" at the other. The advisory group's authority has to be understood in advance, preferably as part of a written mandate. Third, establishing and maintaining an advisory group requires a significant commitment of time and staff resources, and should not be undertaken if you are not able or willing to commit the resources to make it work right.

### **Computer Bulletin Boards**

Increasingly, computer bulletin boards are becoming a useful tool both for informing and involving the public. The present constraint is that participants must own a computer and modem, something that limits participation. But within the next decade, the number of people who will be connected to some kind of on-line system will grow dramatically. The next generation of on-line systems will also include voice, not just keyboard communication, and will work via television sets rather than (or in addition to) computers.

One governmental public participation program, involving a number of federal, state, and local agencies, as well as public parties, already uses a bulletin board system as its primary means of communication. Altogether, approximately 500 people are linked via computers. This program will even provide modems and communications software to active groups or individuals who otherwise could not afford to participate.

### **Focus Groups**

Focus groups were developed by the advertising industry as an alternative to expensive market research (which relies heavily on polling). Focus groups are small discussion groups selected either randomly or to approximate the demographics of the community. The focus group is conducted by a trained moderator who draws out the participants' emotional reactions to a product, idea, etc. Normally, several focus groups are held, until the researchers are confident they have valid information.

Focus groups have been used by several utilities to design a bill format that was easy to understand. Some companies have convened focus groups to review proposed publications to be sure the information is presented in a manner that is understandable or acceptable to the public. Focus groups are not helpful in assessing the number of people taking particular positions — they lack statistical validity. In the context of a public participation process, the possibility exists that conducting focus groups may be seen as an effort to manipulate rather than learn from the public. The public does not see focus groups as a substitute for other forms of direct participation.

### **Hotlines**

Have you ever tried to phone a large organization and reach the single individual in that organization who knows about a given issue? You are often transferred back and forth between five or six people before you find the right person. Many callers give up long before that. Rather than expect the public to go through this kind of process, you may want to set up a hotline. A "hotline" is a widely advertised phone number that directs callers right to the person who can answer their questions. The number is announced in newsletters, news releases, meeting announcements, or any place where people are encouraged to ask questions or comment on an issue. Hotlines can be a form of two-way communication as well, particularly now that callers can select from a menu using their touch-tone phone. Callers can access pre-recorded tapes, leave comments on selected topics, or talk directly to a human being, based on their interest and need.

The key to an effective hotline is to have the right person at the receiving end of the line. Callers must have the feeling that the person taking their calls is really interested in what they have to say, and is both knowledgeable and responsive. If the person answering a call doesn't have all the information, he or she must take responsibility to search it out and get back to the caller.

### **Interviews**

People will often provide much more information in a one-on-one interview or discussion than they will in a public forum. Although interviewing everyone in a community is not possible, two or three days may allow enough time to talk with those representing all the key groups and neighborhoods. Though interviewing doesn't provide a scientific sampling, it does offer important qualitative information at a level of detail that is impossible to obtain any other way. Also, by the time

you've interviewed 15 to 20 community leaders, you probably know enough about the situation to understand each person's role in the controversy.

In a decision-making process that lasts several years, you might want to conduct a round of interviews near the beginning of the process to get information about the issues to anticipate, and one or two other rounds at key junctures in the process to determine "how we are doing" and to identify ways that issues could be resolved.

### **Meetings, Hearings, and Workshops**

Meetings of some kind, whether town meetings, public hearings, workshops, or any of many other kinds of gatherings, are by far the most widely used public participation techniques. There are a number of different kinds of meetings:

#### **Public Hearings**

Probably the most widely used technique is the *public hearing* — rather formal meetings at which people present official statements of position and assertions of fact. Regrettably, public hearings are not a particularly effective device for public participation. They do a good job of meeting legal requirements in that a formal record is prepared. But they do a particularly poor job of bringing people together to resolve problems. In fact, public hearings tend to exaggerate differences, because leaders of constituencies have to be seen defending their constituencies' interests. As a result, positions taken by speakers during hearings are often more rigid and extreme than those expressed in less formal settings. It may be necessary, legally, to hold a public hearing at the end of the decision-making process, but the genuine public participation had better be completed prior to the hearing.

#### **Town Meetings**

In New England, the town meeting has an honored tradition. Originally it was a decision-making body. Instead of having decisions made by elected representatives, everybody in town showed up and spoke their piece, and a vote was taken that had the force of law. Town meetings, as used in public participation, capture some of the spirit of the New England gathering, with everyone coming together as equals trying to solve problems and make good decisions. But the decisions have no legal binding power. Instead, they are simply a large public meeting at which everyone has a chance to speak their mind. The town meeting is less formal than a hearing, but it still has some of the disadvantages: It serves as a marvelous forum for advocates of special interests.

#### **Large Group/Small Group Format**

One way to accommodate a large group but avoid some of the problems with hearings and town meetings is to use a large group/small group format. Following

an opening presentation, the audience is broken into small discussion groups, often assigned a specific task. Afterwards, spokespersons from each of the small groups make a short presentation to the full audience, summarizing the discussion that took place in their small groups. This summation may be followed by an open comment period.

### **Coffee Klatches**

A number of small coffee klatches — informal meetings with a small group of people in a private home — are sometimes better for achieving genuine involvement than a single large meeting. The fact that the coffee klatch is held in a home changes the dynamic considerably, with participants usually on their best behavior.

### **Workshops**

One form of meeting that has proven particularly effective in resolving issues is the workshop. It differs from other formats primarily in that it has a stated purpose of completing a specific assignment. For example, a workshop might be designed to achieve agreement on the criteria that will be used to evaluate alternative sites for a major facility. A workshop might also be used to eliminate sites that don't meet the siting criteria, or to obtain agreement on the actions that need to be taken to mitigate any negative effects of a facility. Because workshops are highly interactive, they don't work as well with large groups. When the number of participants exceeds 20 to 25 people, it is difficult to achieve the kind of interaction needed, although it is possible using some form of large group/small group format. As a result, workshops are often targeted at leaders of organized groups or vocal interests, not so much at "the person on the street." To reduce the danger that the group is not representative, the participants in workshops must — even if they are a leadership group — represent the full spectrum of opinion in the community.

The first step in trying to decide on a format is to clarify the purpose of your meeting. A format that might be effective for communicating information to the public may be ineffective at resolving issues or getting information back from the public. The format you select should reflect the purpose of the meeting and the audience expected to participate (size, level of information, hostile/apathetic, etc.).

### **Participatory Television/Cable Television**

An increasing number of communities broadcast important meetings, such as city council meetings, over local television channels. The possibility also exists for using television in a more participatory way. Citizens can call in with comments or questions, which can be broadcast directly to the audience. The advent of cable television holds promise of other forms of participatory television as well, since sending signals back over cable is possible. Viewers may soon be able to react to

questions by pushing a button on their remote channel control, sending a signal that could be tallied at the station. The advent of truly participatory television is still a few years off, but a number of companies are developing the technology and software that will make participatory television a very real option in a short time.

### **Plebiscite**

The ultimate test of whether a community supports a decision would be a direct vote on the issue. If people are arguing for undergrounding of power lines, for example, a utility could sponsor a non-binding plebiscite to determine whether the public would be willing to pay for undergrounding.

Some argue strongly on behalf of this form of direct democracy. Others support a plebiscite in situations that involve perception of risk, because such perceptions drop dramatically when the choice is voluntary. (See Section VI.) Others argue just as vehemently that such an approach undermines the fundamentals of our representative form of government. If a plebiscite is used, it should still be preceded by active public participation, so that the proposal put before the voters takes into account the concerns of the interests within the community and has the credibility of open, visible participation during its development.

### **Polls**

Most participatory techniques cannot determine the proportion of views in the community at large. Is the group you're hearing from a small, vocal minority, or do they speak on behalf of the majority? Polls permit a quantitative assessment of viewpoints in the community. Polls, particularly telephone polling, has become considerably less expensive in recent years, and some utilities are using it as an adjunct to their public participation program.

But, as experience with election polls show, polls don't always predict the outcome. First of all, they provide a snapshot of one moment in time. If people are still learning about an issue, a poll will tell you how they feel given their present level of knowledge but may not reflect how they'll react once they learn more. Second, if the decision is going to be made by an elected body rather than by an election, then a poll may not reflect reality. A poll treats each person as essentially equal, even though one person may not care much about the issue while another will lay his body down in front of a bulldozer. Ultimately, people who care deeply enough to devote time and energy will always have more political influence than those who don't care.

### **Retreats**

The idea behind a retreat is to get away from the normal work setting for a concentrated period of time in a setting that encourages social interaction as well as political discussion. There is a much higher chance of building consensus when people can really talk the issue through in a concentrated, yet informal setting. A

retreat might be very useful, for example, when an advisory committee is getting close to a key decision point. If you do schedule a retreat, you might want to retain a professional facilitator to assist with designing and conducting it. Also, be aware that if the retreat is held in a physically attractive setting, such as the beach or mountains, there is the potential for criticism about expenditure of ratepayer funds for such a purpose.

### **Task Forces**

A task force is a specific kind of advisory group. Task forces usually complete a specific task, then disband. A task force might, for example, recommend a preferred route. A technically oriented task force might assess the health risks of various cleanup strategies. Or a task force might recommend alternative rate structures. Once the task force makes its recommendations, it ceases to exist.

**ADVANTAGES AND DISADVANTAGES  
OF VARIOUS TECHNIQUES**

<b>INFORMATION TECHNIQUES</b>		
	<b>ADVANTAGES</b>	<b>LIMITATIONS</b>
<b>Briefings</b>	<ul style="list-style-type: none"> <li>• Allow you to take your message directly to key officials.</li> <li>• Build personal relationships with key officials.</li> </ul>	<ul style="list-style-type: none"> <li>• Can be time-consuming.</li> <li>• May require involvement of senior company officials.</li> </ul>
<b>Exhibits/Displays</b>	<ul style="list-style-type: none"> <li>• May stimulate public interest in the issue.</li> <li>• Provide direct communication to the public.</li> <li>• Can be made interactive.</li> <li>• After initial cost, little new cost in using.</li> </ul>	<ul style="list-style-type: none"> <li>• May not reach the actively involved public.</li> <li>• If inexpensive, may be static and boring. If interactive, may be expensive and will also require continued staff maintenance.</li> <li>• Involve little or no personal interaction.</li> </ul>
<b>Feature Stories</b>	<ul style="list-style-type: none"> <li>• Large quantities of information can be communicated directly to public at virtually no cost to company.</li> <li>• Public will accept information from media it won't accept from the company.</li> </ul>	<ul style="list-style-type: none"> <li>• Company has no control over how the story is written — media may print misinformation or put an unfavorable slant on the story.</li> </ul>

<b>Mailing Out Reports</b>	<ul style="list-style-type: none"> <li>• Interested parties receive full and complete information.</li> <li>• Company can communicate all the background information for decisions.</li> <li>• Creates visibility for the entire process.</li> </ul>	<ul style="list-style-type: none"> <li>• Lengthy reports are difficult for the public to read and understand.</li> <li>• Reports can be expensive to reproduce in large numbers.</li> </ul>
<b>Media Kits</b>	<ul style="list-style-type: none"> <li>• Ensure that reporters have access to the best information the company can provide.</li> <li>• May stimulate interest in the topic, resulting in feature stories.</li> <li>• Provide reporters a reference to consult when questions come up.</li> </ul>	<ul style="list-style-type: none"> <li>• Require careful preparation to ensure kits provide the information in a manner useful to the reporter.</li> </ul>
<b>News Conferences</b>	<ul style="list-style-type: none"> <li>• Permit the company to carry its message directly to the media, and through the media to the public.</li> <li>• Demonstrate the priority the company puts on the issue.</li> </ul>	<ul style="list-style-type: none"> <li>• Reporters will attend only if the topic is newsworthy or the person presenting the conference is very high status, e.g., CEO.</li> <li>• Require company executives to be skilled in dealing with the media.</li> </ul>

<p><b>Newsletters</b></p>	<ul style="list-style-type: none"> <li>• The company can communicate directly with those who are interested in the issue.</li> <li>• Help maintain visibility during periods when the company is conducting technical studies.</li> </ul>	<ul style="list-style-type: none"> <li>• Can be time-consuming and expensive to do them right.</li> <li>• The value of the newsletters is largely dependent on how attractive and readable they are.</li> <li>• Obtaining internal approvals of stories for the newsletter can be time-consuming and frustrating.</li> </ul>
<p><b>Newspaper Inserts</b></p>	<ul style="list-style-type: none"> <li>• Provide substantial information to a large number of people at a reasonable cost.</li> <li>• Helpful in identifying additional people interested in the topic.</li> <li>• Can include a clip-out response form for people to communicate with the company.</li> </ul>	<ul style="list-style-type: none"> <li>• Although the per person cost is low, the total cost could be high because of the number of copies distributed.</li> <li>• If too “slick,” or not objective, company may be criticized for the expenditure.</li> </ul>
<p><b>News Releases</b></p>	<ul style="list-style-type: none"> <li>• May stimulate interest on the part of reporters.</li> <li>• Provide useful information that reporters will often use in stories.</li> </ul>	<ul style="list-style-type: none"> <li>• Reporters may ignore the news release if they don’t believe the story is newsworthy.</li> <li>• Reporters may put their own slant on the story, changing the message.</li> </ul>

<p><b>Paid Advertisements</b></p>	<ul style="list-style-type: none"> <li>• Permit the company to take its message directly to the public.</li> <li>• Particularly useful for announcing public meetings or other opportunities to participate.</li> <li>• May reach people who would otherwise not be reached.</li> </ul>	<ul style="list-style-type: none"> <li>• If not seen as objective, may be dismissed as “propaganda.”</li> <li>• Company may be criticized for the expenditure (although this is unlikely if the ad announces a public meeting).</li> </ul>
<p><b>Presentations to Groups</b></p>	<ul style="list-style-type: none"> <li>• Opportunity to reach influential people with background on the issue.</li> <li>• May stimulate participation from groups and individuals.</li> </ul>	<ul style="list-style-type: none"> <li>• Can be time-consuming.</li> <li>• Speaker must be interesting and entertaining — or be equipped with slide or video show.</li> <li>• Topic must be of interest to groups.</li> </ul>

<b>PARTICIPATION TECHNIQUES</b>		
	<b>ADVANTAGES</b>	<b>LIMITATIONS</b>
<b>Advisory Groups</b>	<ul style="list-style-type: none"> <li>• Provide a mechanism for interaction between the company and representatives of the full spectrum of opinion in the community.</li> <li>• Create a forum for interaction between the groups themselves.</li> <li>• Good forum for creating consensus.</li> <li>• Advisory group members become well-informed, so their recommendations are more likely to be based on a full understanding of the technical information.</li> </ul>	<ul style="list-style-type: none"> <li>• Selection process must be credible to the public.</li> <li>• Must be linked to real decisions — can't just be “window-dressing.”</li> <li>• Take lots of staff time for support.</li> <li>• Public doesn't automatically accept the recommendations of an advisory group as representative of the public at large.</li> <li>• Disputes can develop over the group's mandate.</li> </ul>

<p><b>Computer Bulletin Boards</b></p>	<ul style="list-style-type: none"> <li>• People can access information whenever they want it.</li> <li>• People can participate without leaving their homes.</li> <li>• Opportunity for immediate feedback and interaction.</li> </ul>	<ul style="list-style-type: none"> <li>• In past, technology has been awkward — but this is changing rapidly.</li> <li>• Many people remain intimidated by computers.</li> <li>• Only those who can afford to be on-line can participate, or company has to pay for modems and monthly service bills.</li> </ul>
<p><b>Focus Groups</b></p>	<ul style="list-style-type: none"> <li>• Good for assessing qualitative and/or emotional factors.</li> <li>• Cheaper and greater depth than survey research.</li> </ul>	<ul style="list-style-type: none"> <li>• No claims can be made of statistical accuracy.</li> <li>• Focus groups are sometimes perceived as a way to get information that can be used to manipulate the public.</li> <li>• Can't be a substitute for other more visible forms of participation, such as public meetings.</li> </ul>

<p><b>Hotlines</b></p>	<ul style="list-style-type: none"> <li>• Effective way to ensure that callers reach the right person and get good information.</li> <li>• With menu-driven phone systems, hotlines can be used for coordination purposes, and callers can select the information they need from an extended list of topics.</li> </ul>	<ul style="list-style-type: none"> <li>• The hotline is only as good as the people answering the line — defensive or insensitive comments may produce a negative reaction.</li> <li>• Staff must be prepared to provide information promptly, which requires quick turn-around and adequate staffing.</li> </ul>
<p><b>Interviews</b></p>	<ul style="list-style-type: none"> <li>• Can provide more in-depth information than any other technique.</li> <li>• People will provide more information about their fundamental concerns and interests in private than they will in public forums.</li> </ul>	<ul style="list-style-type: none"> <li>• Time-consuming.</li> <li>• Because of the time involved, can only interview a limited number of people.</li> <li>• Interviewers need to be trained/skilled.</li> <li>• Doesn't create visibility — you know what people said but others don't know what they said.</li> </ul>

<p>— <b>Public Hearings</b></p>	<ul style="list-style-type: none"> <li>• Fulfill legal requirements.</li> <li>• Provide visibility — everybody knows what everybody else said.</li> </ul>	<ul style="list-style-type: none"> <li>• May encourage people to take exaggerated or fixed positions.</li> <li>• Do not provide opportunity for interaction.</li> <li>• Usually come too late in the process for problem-solving approach.</li> </ul>
<p>— <b>Town Meetings</b></p>	<ul style="list-style-type: none"> <li>• Somewhat greater informality and interaction than the public hearing.</li> <li>• Provide interaction.</li> </ul>	<ul style="list-style-type: none"> <li>• May still contribute to exaggerated or fixed positions.</li> <li>• People are still making speeches, not problem solving.</li> </ul>
<p>— <b>Large Group/Small Group Format</b></p>	<ul style="list-style-type: none"> <li>• Provides high levels of interaction despite a large audience.</li> <li>• Participants can engage in problem solving or work together to complete a task.</li> </ul>	<ul style="list-style-type: none"> <li>• If audience is opposed to the proposed action, it may resist breaking into small group.</li> <li>• With very large groups, the logistics of providing break-out space, recording comments, and getting reports from small groups can be cumbersome.</li> </ul>

<p>— <b>Coffee Klatches</b></p>	<ul style="list-style-type: none"> <li>• Provide an opportunity for interaction and extended discussions.</li> <li>• May be useful in reducing polarization.</li> <li>• Good for building relationships with/ among participants.</li> </ul>	<ul style="list-style-type: none"> <li>• Upper limit of about 25 participants per session — may require multiple sessions.</li> <li>• Multiple sessions can be time-consuming.</li> </ul>
<p>— <b>Workshops</b></p>	<ul style="list-style-type: none"> <li>• Effective for problem solving or working together to complete a task.</li> <li>• Give participants a sense of genuine involvement.</li> <li>• Reduce speech-making.</li> </ul>	<ul style="list-style-type: none"> <li>• Limits on number of participants, although the numbers can be expanded by using large group/small group format.</li> <li>• Workshop format may be resented by people who want to make speeches in front of the media — so make sure everybody knows it is a workshop when they are invited.</li> </ul>
<p><b>Participatory Television/ Cable Television</b></p>	<ul style="list-style-type: none"> <li>• Potential to reach a much broader audience than those who will attend public meetings.</li> <li>• People don't have to leave their home to participate.</li> <li>• People can participate at their own level of interest.</li> </ul>	<ul style="list-style-type: none"> <li>• The technology for genuine participatory television is still several years away — but stay tuned, this could be a biggie!</li> <li>• Many communities do not yet have the appropriate infrastructure for participatory television.</li> </ul>

<p><b>Plebiscite</b></p>	<ul style="list-style-type: none"> <li>• Everybody accepts voting as the most legitimate expression of public sentiment.</li> <li>• When people have a choice, their perception of risk goes down.</li> <li>• Provides a mechanism by which everybody who has to pay for the action can be included in the decision.</li> </ul>	<ul style="list-style-type: none"> <li>• Voting creates the impression of being binding, even though the law gives public utilities commissions the actual authority.</li> <li>• Voters may be swayed by emotional appeals.</li> </ul>
<p><b>Polls</b></p>	<ul style="list-style-type: none"> <li>• Provide a way to assess the opinions of all the public, not just the active participants.</li> <li>• Results can be stated in a quantitative manner.</li> </ul>	<ul style="list-style-type: none"> <li>• Must be conducted by people trained and experienced in polling.</li> <li>• If not done well, the apparent “factual” nature of the results can be very misleading.</li> <li>• Only provide a snapshot at one point in time — opinions can change significantly with new information.</li> <li>• Potentially high cost, although in recent years costs have come down.</li> </ul>

<p><b>Retreats</b></p>	<ul style="list-style-type: none"> <li>• Useful to build relationships between individuals.</li> <li>• Could help break impasse.</li> <li>• Effective for consensus-building.</li> </ul>	<ul style="list-style-type: none"> <li>• Expense of holding an off-site meeting.</li> <li>• Participants have to be willing to commit the time.</li> <li>• Need to avoid criticisms of staying at a “fancy” place.</li> </ul>
<p><b>Task Forces</b></p>	<ul style="list-style-type: none"> <li>• Effective for developing consensus recommendations on a specific task or decision.</li> <li>• Easier to keep up energy and enthusiasm because there is a target date for completion.</li> </ul>	<ul style="list-style-type: none"> <li>• Selection must be credible.</li> <li>• Company must address recommendations very seriously.</li> <li>• Significant commitment of staff resources.</li> </ul>

## A THOUGHT PROCESS FOR DESIGNING PARTICIPATORY PROCESSES

by

**James L. Creighton**

There is “no one-size-fits-all” approach to achieving the appropriate level of participation or building consensus. Instead, each process needs to be custom-designed to fit the individual decision-making circumstances. But there is a systematic way of analyzing each situation that will help you determine which process is most suitable for your circumstances.

### THE THREE PHASES OF PARTICIPATORY PROCESS DESIGN

There are three stages of design that need to occur for an effective participatory process:

- Process Appraisal
- Process Design
- Process Implementation Planning

The easiest way to distinguish the three levels of design is to look at what decisions are made at the end of each level:

LEVEL OF PROCESS DESIGN	DECISIONS RESULTING FROM THIS LEVEL OF DESIGN
PROCESS APPRAISAL	<ul style="list-style-type: none"> <li>• What is the decision being made, and what is the decision making process that will be followed?</li> <li>• Is a participatory process needed or appropriate?</li> <li>• Who needs to be included in the process?</li> <li>• What general type of participatory process is needed, e.g. public comment, substantial agreement but agency makes final decision, full agreement of all parties?</li> </ul>
PROCESS DESIGN	<ul style="list-style-type: none"> <li>• What are the participatory objectives for each stage in the decision-making process?</li> <li>• What participatory techniques will be used?</li> <li>• How are the techniques linked together in</li> </ul>

	a coordinated plan?
PROCESS IMPLEMENTATION	<ul style="list-style-type: none"> <li>• How will each step in the process be implemented?</li> <li>• What staff or 3<sup>rd</sup> party neutrals will be involved?</li> <li>• What's the budget for the process?</li> </ul>

In some ways, this three-level design process parallels the Corps planning process. There's a front-end appraisal that determines whether a participatory process is appropriate, and what kind of process may be most feasible. There's a feasibility level to develop a full-fledged plan, and then there's a stage where all the details are worked out, just as there is on an engineering project.

### PROCESS APPRAISAL

Here are the specific steps that need to be taken during process appraisal:

- Identify who else needs to be involved in making this appraisal
- Clarify the decision being made
- Determine who has to "sign off" for the decision to "count"
- Clarify decision constraints and special circumstances
- Identify issues and stakeholders
- Identify what level(s) of participation are needed to resolve the issues
- Assess willingness of stakeholders to work together
- Identify the appropriate type of process

A brief discussion of each step is provided below:

#### ***1) Identify who else needs to be involved in making this appraisal***

First, before you even think about how you analyze the situation, you need to think about *who* is going to be involved in making the analysis. In most circumstances, this kind of analysis is best done with a team of people representing the most critical stakeholders. Why is this?

Rarely does one person have all the information that is needed, and if there is a dispute, even if s/he has the information s/he will interpret it in light of her/his own interests and biases. There is also the danger that if one person or party develops the process, people will suspect that the process has been set up to benefit that party. The process might have been perfectly acceptable if it had been agreed upon mutually. But when it is proposed by "one side," it may be viewed as an effort to manipulate.

This is not just true with “external” stakeholders. Experience suggests that if any one part of the Corps acts as if the participatory process “belongs” to it, the process may not receive the support it needs from other Corps units to be effective. Delivering a participatory process is a team effort. Typically no single part of the Corps can implement the entire process by itself. For example, if you were developing a public participation program for a new operating regimen for a river that crosses several district boundaries, the people who may need to be involved include the immediate program people at division and district levels, the Division Engineer, the District Engineers Office, the Public Affairs Office, the Counsel’s Office, and so on.

When people participate in arriving at decisions, they are more committed to implementation. This principle holds true inside the organization as well as it does outside. If you want the support of others in carrying out the process, they need to be included in the planning. One part of the organization or one party may convene the planning effort, but the plan itself should be embraced by everybody as “our” plan. Just as delivering the program is a team effort, so is planning it.

Within the organization, who needs to be consulted or involved? You should consider including people:

- Whose programs might be significantly affected by the decisions made during this process (e.g. program or project manager).
- Who have veto power over the decision (e.g. a regulatory agency)
- Who understand how this decision links to other decisions (e.g. a senior manager or someone who oversees multiple related programs)
- Who already have strong relationships with the stakeholders (e.g. field staff, public affairs staff, Corps staff who live in the community)
- Who will be called upon to implement some portion of the process (e.g. public affairs, people who prepare environmental documents, legal counsel).
- Who have special expertise that may be needed to implement the process (e.g. facilitators, writers, graphic artists, media relations)
- Whose involvement is needed for the credibility or legitimacy of the process (other agencies, peer review panel chair, a representative of a key elected official)

## ***2) Clarify the decision being made***

Typically, different parties will define the decision being made differently. One party will see the decision in terms of flood protection. Another party will see the decision

as deciding how to ensure flows that meet the needs of fish and wildlife. Another will be concerned with the future of the waterfront area.

Even within the Corps, different parts of the Corps may have different interpretations of what the decision is, “What method is appropriate for isolating people from flooding?” Another part of the Corps may define the decision as, “What kind of structure should be built?” Still another may define the decisions as, “Where should the structure be located?” These differences need to be openly discussed and resolved before going to the public or trying to negotiate with other parties.

Even when there is agreement on the problem definition, the decision may still not be stated — or “framed” — in a way the public can understand or relate to. Here are examples of problems with “framing” the decision:

- Decisions are defined so narrowly that they ask a question that is not of interest to the public instead of a larger question of great interest, e.g. asking “What roads do we need?” instead of the much more interesting question “What’s the site going to be used for once cleanup is completed?”
- When decisions are framed by individual programs they are often too narrow, e.g. “How much riprap do we need”, not “What’s the best way to achieve stream bank protection consistent with maintaining fisheries.”
- Decisions are sometimes asked in such a way that the public is asked to react to technical options rather than values choices, e.g. stakeholder are asked to comment on alternative flood control options, each a separate decision, rather than larger questions such as: “What do you think the waterfront area should be like?” or “What kind of a downtown does your community need?”

The public thinks in terms of values and priorities -- the larger questions of political philosophy -- not technical options. If it looks like the decision is being framed solely in terms of options that differ only in technical details, they may choose not to participate or question why technical staff are not making the decision. The public finds it easier to participate if the choices are defined at a high-enough level that the different alternatives show the trade-offs between important values such as cost, safety, environmental or social impacts. If these trade-offs are not apparent to the public, then the Corps needs to educate the public about the values decisions that underlie the technical options, or reconsider whether this is a decision that requires a participatory process.

### **3) Determine who has to “sign off” for the decision to “count”**

The first step is to clarify whether the Corps will make the decision, or the decision will, in fact, be made jointly with other parties such as a local sponsor or regulatory agencies. If you have genuine “co-decision makers,” one of the worst things you can do is act as if it is your decision alone and expect them to ratify it. This will almost guarantee resentment and set up an adversarial relationship.

Also, if you are going to enter into a process where agreements are to be reached, the people in the process have to be people who have the authority to make agreements. This means that the Corps' representatives, and the representatives from the other parties, must be at a high enough level that commitments made in the group will be kept.

Even if the Corps has the legal authority to make the decision, it may not have the political legitimacy to make a decision that "counts" – one that is actually implementable. So even if you don't have an "official" co-decision maker, the reality could be that if the participatory process does not result in substantial agreement, the decision is effectively blocked. This is important to know. It's a key consideration in deciding what kind of participatory process is needed

But even if you are entering into a process where other parties will simply "comment upon" or "influence" the decisions, it is still important to know who the decision maker will be. Participatory programs are often implemented in the field even though the decision maker may be located at headquarters or somewhere else in the organization. It is essential that the team implementing the program be able to consult with the decision maker during the planning of the participation program.

If the decision maker is not actively involved in planning, s/he may be more inclined to ignore the results of the process and simply substitute her/his own judgment. This can leave those people who participated in the process feeling betrayed and used. The best strategy, if possible, is to involve the decision-maker in designing the process. This will reduce the risk that he or she will disavow the process later on.

It may not be possible to have this individual actually participate planning sessions. If not, the following questions should be discussed with the decision maker:

- What are the issues that the decision maker believes will be most controversial?
- Which stakeholder groups are most likely to exert influence at the HQ level?
- Whose participation in the process is essential for credibility?
- At what points does the decision maker want to be briefed on the interim results of the process?
- What "constraints" does the decision maker believe need to be placed on the process?

Decision makers often get their information about what the public feels on a second-hand basis, that is, they depend on staff to provide briefings or summaries. One of the problems with this is that decision makers do not always get the "intensity" — how strongly people feel — of the message. Have the decision maker participate in the process as much as possible, even if only as a listener, so that he/she experiences the intensity of public concerns first-hand.

#### 4) Clarify decision constraints

The next step is to identify any organizational or external constraints that could impact how the decision is made, and how you conduct public participation. Here are some examples of constraints:

CONSTRAINT	EXAMPLE
Corps already committed to a particular outcome	The Chief has already announced that provision of a particular service will be privatized
Schedule constraints	The authorizing legislation Federal law established a firm deadline, and the time remaining before that deadline is very limited -- you have a very short time for any participatory process
Context constraints	There is a close election going on in the community, and if you raise the issue right now, the issue will become part of the election controversy.
Resource constraints	Although the decision is potentially controversial, the staff time available to conduct a participatory process is very limited
The decision will have significant effects on other programs	A decision being made about Corps policy on federal financing formula requirements would have impacts on many other projects.
Constraints on release of the information needed to reach the decision	The project involves security considerations that mean you cannot release all the relevant information
Opposition to use of a participatory process	Key managers feel the decision is an "expert" decision and do

on this decision	not believe a participatory process is appropriate
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What can you do when you identify key constraints:

- Accept the constraint and design your participatory process accordingly, or
- Go back to the people or organization who imposed the constraint and see whether it can be changed, or
- Push to get the issue resolved before starting the participatory process

Most constraints can be worked around if they are identified upfront, and accepted by everyone involved. But be sure that the constraints are “real.” For example, it’s not unusual for people to set deadlines, hoping to ensure tasks are completed in a timely manner, without an awareness of the impact on the participatory process. Before accepting such a constraint, you may want to test it by going back to whomever imposed the deadline and discuss the implications. Sometimes there are compelling reasons for the deadline, and you’ll just need to work within them. Other times they can be changed.

If there is controversy within the organization about even consulting with the public or other stakeholders, attempt to force some resolution on this issue. Otherwise, the differences are likely to be all too visible to the public, and will undermine the agency’s credibility. You don’t want to get out on a limb with the public, only to find another part of the agency is cutting off the limb. If you suspect people are sharpening their saws, elevate the issue before you go to the public.

### ***5) Identify issues and stakeholders***

Actually, this step involves two tasks: (1) identifying the issues that are likely to emerge, and (2) Identifying the “stakeholders” – those people who need to be included in the participatory process. They have been combined here because you will find it is almost impossible to do one without doing the other. As you think about what the issues are that are likely emerge, you will inevitably say, “Oh, if that’s one of the issues, then so-and-so is going to want to be involved.” Similarly, if you concentrate on stakeholders, you’ll soon find yourself saying, “Oh, if they’re going to be involved, they will insist we talk about such-and-such.” So the easiest thing to do is to complete the tasks side-by-side.

#### ***Identifying Issues***

Why do you want to forecast what the issues are likely to be? First, the nature of the issues will tell you something about the potential level of controversy. If you can tell from looking at the issues that a decision is going to be very controversial, that can

influence not only what kind of participatory process you want but also the scale of the process (i.e. will it need to be a huge process, involving a cast of thousands, or will it be important to only a few key people).

Also, as we've already discussed, identifying the issues helps you identify the stakeholders. You may start out thinking only a few individuals or groups are going to be interested in the issue. But as you list the issues, you may suddenly realize there are issues involved that could draw in many more people than you originally expected.

Finally, once you know what the issues are, you can do some advance planning. Do you need to prepare some printed materials on that issue? Is there a policy decision you need the agency to make before you are ready to address an issue? Are there studies that should be set in motion because you'll need the results of those studies before any resolution can be reached?

On big controversial decisions it may be difficult to predict all the issues that arise – after all, one of the favorite strategies of stakeholder groups is continue to raise new issues and concerns. But experience shows that if you have assembled a knowledgeable team, you can probably identify about 90% of the issues. That's one of the reasons for doing the process design work as a team.

### *Identifying “Stakeholders”*

What is a “stakeholder?” Stakeholders are individuals or groups who perceive themselves as having a stake in the decision. This “stake” could be:

- Economics - the decision could affect their business, or their property values
- Use - they currently recreate in the area, or they'd like to use the area
- Mandate - the decision impacts another governmental entities' programs or decisions (e.g. local planning decisions)
- Proximity – they live near the project site and could be impacted by dust, noise, traffic, smoke
- Values/philosophy – the decision is consistent or inconsistent with their beliefs about how natural resources ought to be managed

The term “stakeholders” has come into vogue based on the observation that resolving issues often doesn't mean that the entire public, or even a majority of the public, buys into or even cares about the decision. Often, the critical factor is whether those people who see themselves as impacted by the decision – which is always a smaller number than the public at large – can reach a resolution. If they do, on most occasions the issue will be resolved for all practical purposes. [For a moment, let's duck the extended debate that could ensue if we raise the question of whether a consensus of the people who see themselves as affected is the same as “the public interest.”]

Sometimes it is obvious who the stakeholders are. For example, to resolve a dispute about a biological opinion, the stakeholders might be the Corps, the local sponsor, and the state and federal resource agencies. On the other hand, that issue might be so controversial that even though the agencies will make the decision, there's a large, interested public outside the agencies clamoring for some form of participation.

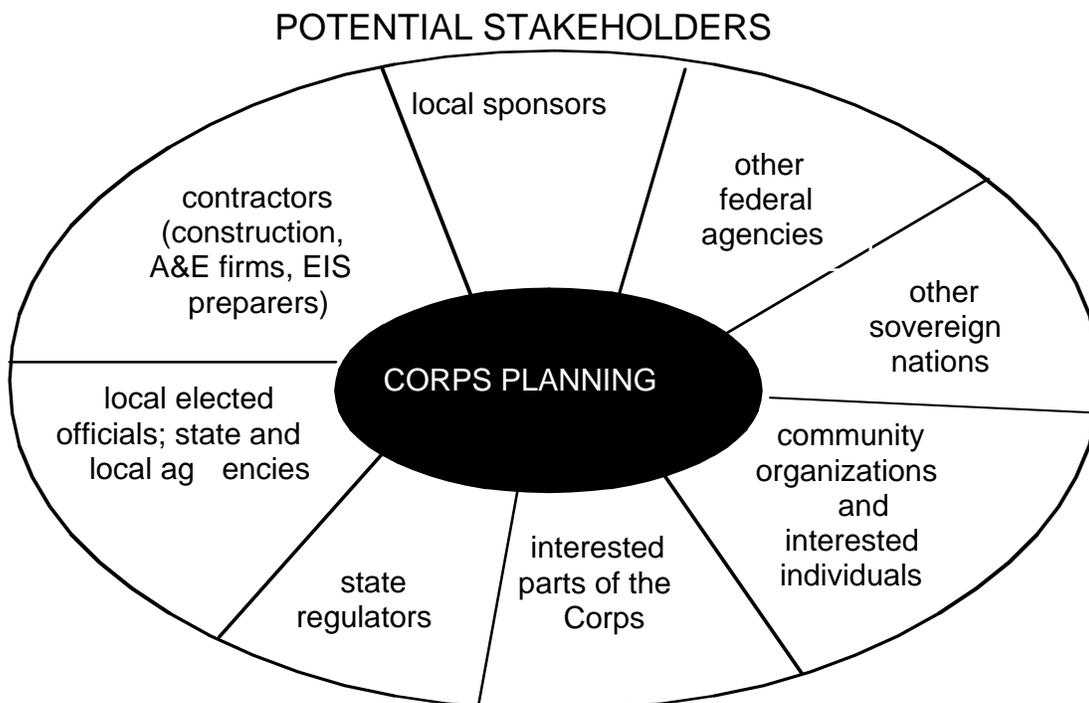
How do you anticipate who stakeholders will be? Often the first step is some sort of *staff identification*. This simply means that you gather together a knowledgeable group of people and ask them to identify the likely stakeholders.

There are a number of different strategies for staff identification:

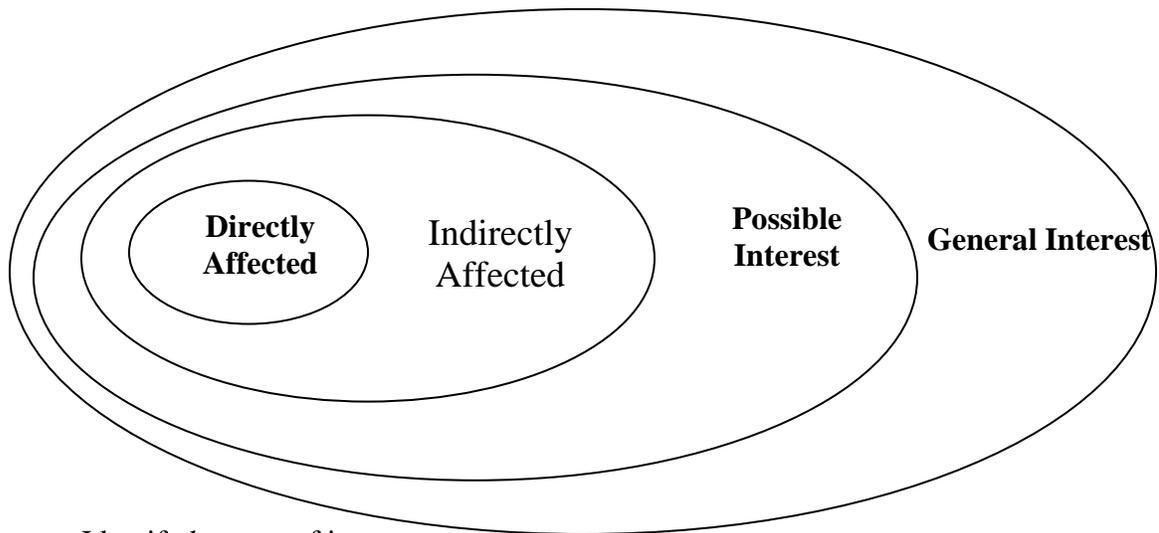
- As discussed earlier, identify probable issues then analyze which individuals or groups are likely to be concerned about those issues

Issues	Likely Stakeholders
Channelization through the downtown area	Downtown business groups, resource agencies, tourism, city government, etc. etc.
Streambank protection	Landowners, agriculture, resource agencies, etc. etc.
Water quality	Industry, homeowners, recreationists, local government, health agencies, etc., etc.

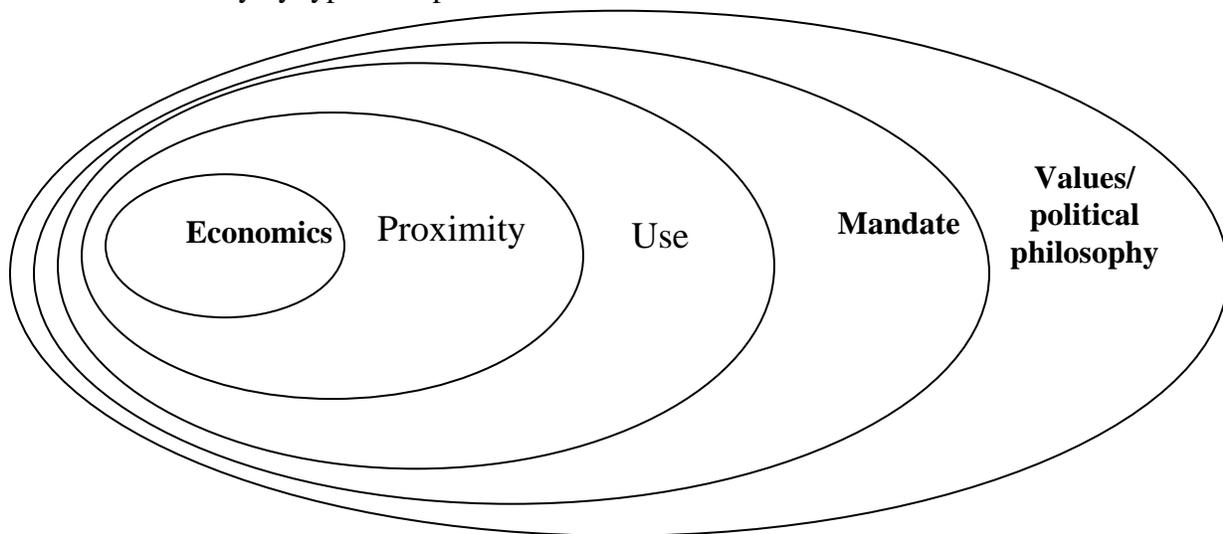
- Ask yourself questions such as:
  - **Who might be affected?**
  - **Who are the voiceless?**
  - **Who is responsible for what is intended?**
  - **Who are representatives of likely affected?**
  - **Who will be actively against?**
  - **Who can contribute resources?**
  - Whose behavior would have to change if this decision were made?
- Identify by type of entity



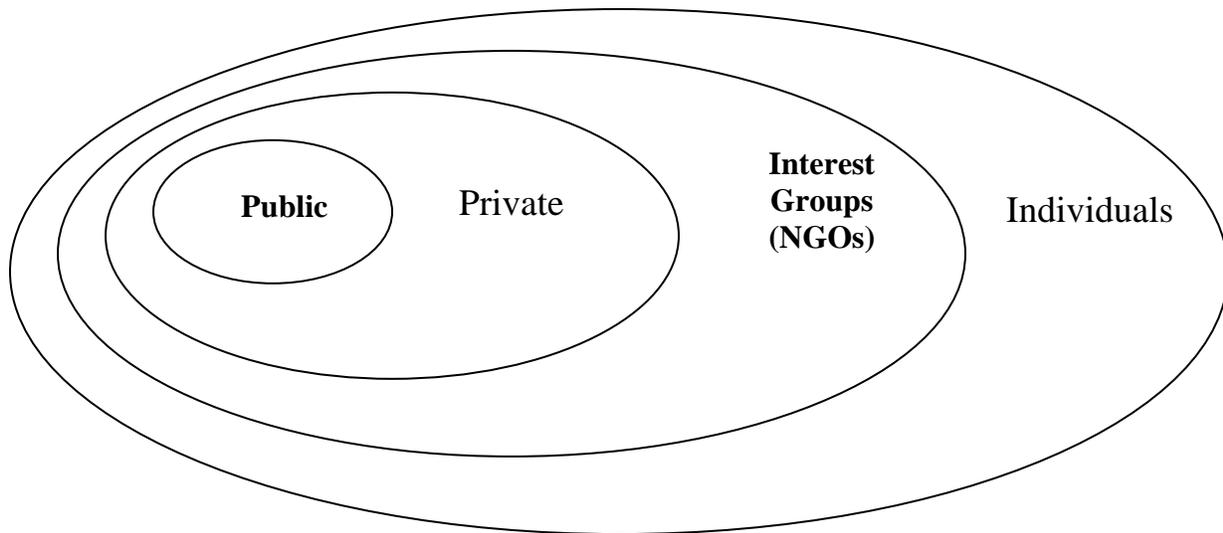
- Identify probable impact/interest



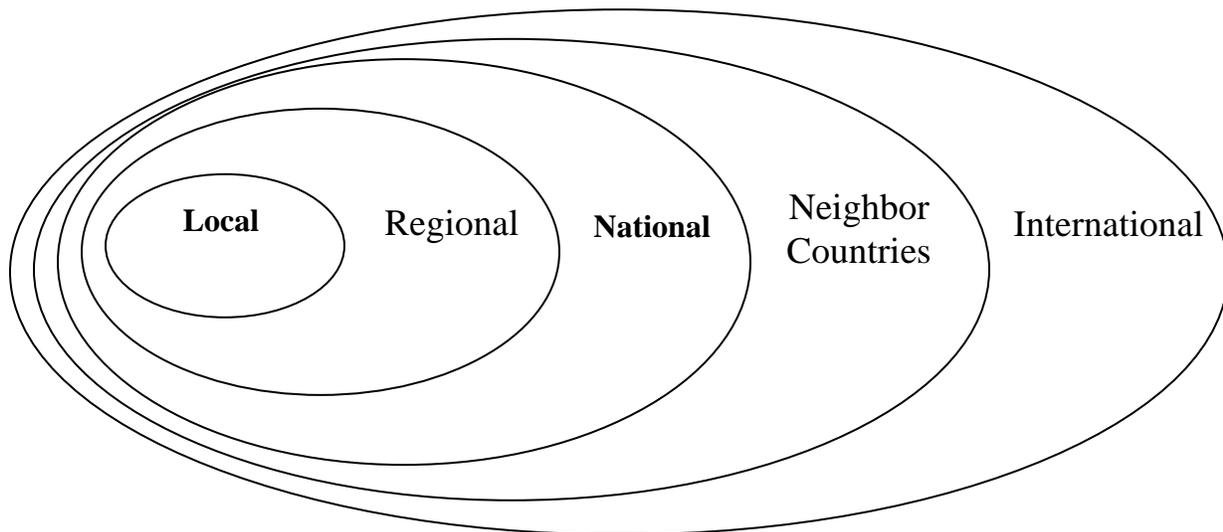
- Identify by type of impact



- Identify by sector



- Identify by location



Other strategies for identifying stakeholders include:

- Get people to self-identify: Send out information and let people who are interested identify themselves

- **Analyze prior decision-making documents: Review past decision making documents, e.g. EAs, EISs, and see who has participated in similar past decisions**
- Ask Other People/Seek Local Help: Ask other people who you know are knowledgeable/have an interest to tell you who else may need to be involved by virtue of: (a) position (role in an influential organization), (b) reputation (power behind the scenes), or (c) influence on past decisions of a similar nature

Finally, be aware that there are “internal stakeholders” as well, people or groups within the Corps – who may have a considerable impact upon the decision. It is probable that more projects have run aground due to opposition of internal stakeholders than external stakeholders.

Internal stakeholders might be interested because:

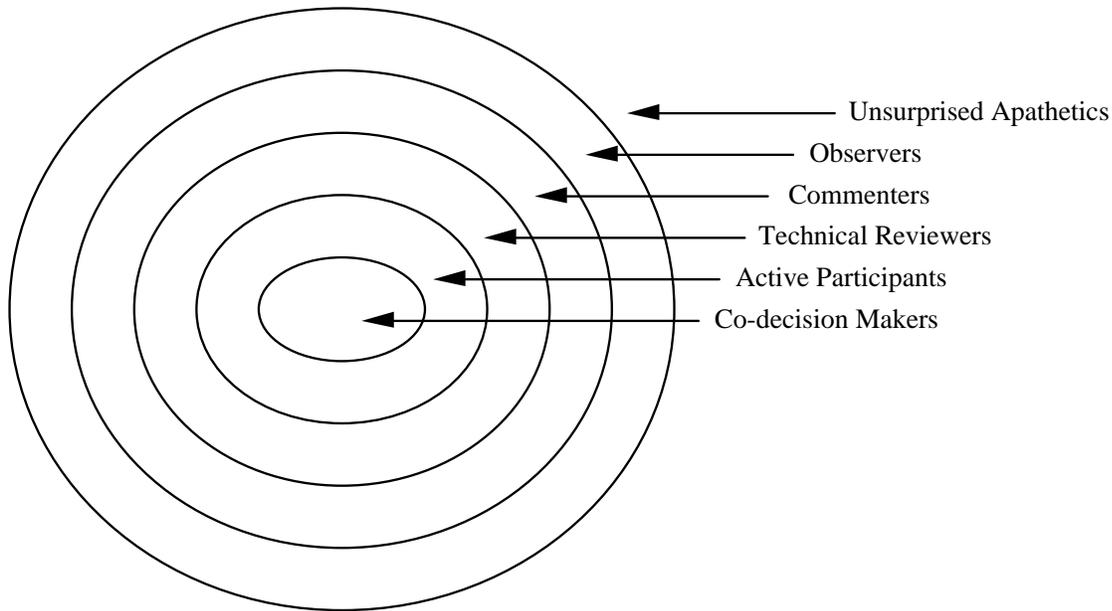
- The decision could affect their “turf.”
- The decision could set a precedent that might ultimately affect them.
- They will be required to provide support to the decision-making process, such as conducting studies.
- Their organizational unit will play an important role in implementing the participatory process.
- Their unit will play a key role in implementing the decision.

#### **6) *Identify what level(s) of participation are needed to resolve the issues***

Not every stakeholder has the same level of interest, the same ability to influence the decision, the same resources to participate, or the same level of knowledge about the issue. As a result, rather than thinking about stakeholders as just one giant laundry list of individuals and groups, it helps to think about “orbits of participation.”<sup>6</sup>

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<sup>6</sup> This typology is based upon the ideas discussed in Lorenz Aggens, “Identifying Different Levels of Public Interest in Participation,” in *Public Involvement and Dispute Resolution – Volume 1*, Fort Belvoir, VA: Institute for Water Resources, IWR Research Report 82-R1, pages 193-198.



This concept comes from Lorenz Aggens, who likens the public to particles in orbit around the nucleus of the atom. The idea is that the closer you are to the center, the more influence you have over a decision. But the closer you are to the center, the more time, energy and commitment of resources is required.

These orbits can be described as:

- Co-Decision Makers – Individuals or groups who have actual veto power; implementation can not occur without their support
- Active Participants - Organized groups or active individuals who care deeply about the decision and will participate – either in your process or through other processes (other agencies, other levels of government, courts, media, etc.) – so you’d better provide opportunities for them to participate *within* your process
- Technical Reviewers – Typically other agencies or people from the academic community who have an active role in determining the adequacy of your study methodology, but not the content of the decision itself
- Commenters – People who care about the issue, will attend meetings or write comments, but do not devote their entire life to the cause
- Observers – People who read the newspapers, and will read your newsletters if you send them, but remain silent unless they think something is seriously wrong. If they think something is wrong, they may become commenters or even active participants

- Unsurprised Apathetics – These people are called “unsurprised” because you’ve kept them informed but “apathetic” because they’ve made a choice not to be involved. But they may be very active on other issues, e.g. schools, housing, etc.

There are several important implications of this concept:

- Not everybody wants to or can participate at the same level of intensity
- To be effective, your participatory process might – depending on the nature of the stakeholders and decision being made -- provide multiple levels of participation.
- Participatory processes often consist of multiple levels of participation, appropriate to the level of interest of the stakeholders, all going on simultaneously.

To illustrate: If you establish an Interagency Working Group to resolve issues among federal and state agencies. There would typically be one representative from each of the agencies, perhaps 5-6 representatives total. But each representative, in turn, reports back to his/her own organization, and a working group may set up some system of approving, then distributing, minutes within the agencies. At key points, the working group as a whole might even decide that it wants to hold briefings for agency management. The working group might also decide that it wants to have a peer review of studies that are being conducted, and might set up a peer review process. Finally, if the issue is controversial, the working group may want to send out a newsletter to interested parties, or might even hold public meetings before it reaches a final decision. So what seems one of the most restricted processes, at least in terms of numbers of people involved, has turned into a complex process with multiple forms of participation.

During this step you need to group your lists of stakeholders into general categories, such as Aggen’s orbits, to determine what levels of participation may be required. You’ll probably find it most critical to identify co-decision makers, technical reviewers, and active participants. These are the groups that it is most critical to involve.

#### 7) ***Assess the willingness of stakeholders to work together***

There’s one last step before you decide upon the type of participatory process you will need. You need to assess the willingness of the stakeholders to work together in a collaborative manner. You cannot, for example, enter into *mediation* within agreement of all the key parties. A professional mediator will go through a careful appraisal process before beginning mediation to determine the willingness of the parties to participate, and the probability of reaching some kind of agreement. You can’t enter into *partnering* without willing partners. Even partnering with a “luke-

warm” partner is likely to fail. You can’t set up an *interagency working group* unless the agencies are willing to commit the time, resources, and good will necessary to make it viable.

There are many reasons people may not choose to work collaboratively. These include:

- There may be historic antagonisms that prevent people from believing that collaboration is possible
- Agencies or groups may be afraid of being co-opted into taking positions that they see as compromising important values
- Groups may fear being dominated by the Corps or other parties – they fear they will be unable to hold their own in discussions with agencies or parties with many more resources, expertise, or political power
- Opposition to a controversial project is a way of mobilizing membership or demonstrating your effectiveness to a constituency – if you work collaboratively you lose the adversarial attitude that mobilizes your constituency

On the other hand, if people don’t want to collaborate, they can still participate at some level. This is why you need to assess people’s willingness to be part of a participatory process. If you know agencies or group aren’t willing to enter into negotiations or joint decision making, then you know you’ll have to use a “participation” approach.

Here are a few guidelines for how willingness to collaborate affects technique selection:

- Among public participation techniques, task forces and advisory committees require careful upfront assessment to ensure a willingness or ability to participate
- Partnering and Interagency Working Groups require agreement among the agencies (parties) on who is included, how decisions will be made, or choice of a facilitator.
- Third-Party Fact Finding and Disputes Review Panels require agreement of the parties to the process, the role of the neutral(s), and the use of the neutral’s findings, etc.
- Mediation and Non-Binding Arbitration both require agreement to participate, agreement on the role of the neutral, and agreement on the steps in the process.

How do you assess willingness to participate? This is typically done in 1-1 meetings and interviews. If the agencies are being asked to enter into a genuine sharing of decision-making – such as in Partnering, or in an Interagency Working Group, there may need to be meetings of agency heads or other senior management to make the basic commitment to proceed. If the situation has become polarized, it may even be useful to hire a neutral party (such as a trained facilitator or mediator) to do the appraisal of the willingness of the parties to participate.

### 8) *Identify the appropriate type of process*

At this point you should be able to determine what general type of participatory process you need. For example:

- Do you need stakeholders to be informed ?
- Do you need to satisfy procedural requirements (e.g. hold a public hearing and formal comment period)?
- Do you need informed consent (sufficient consensus that you'll be able to overcome any remaining opposition or a general acceptance that the decision is as good as possible under the circumstances)
- Do you need agreement of all the parties to ensure implementation?

Don't automatically assume that greater participation in the decision is better. For example, before you consider any process that requires a formal agreement, you need to recognize that there are preconditions before that can work. These preconditions include:

- A manageable number of parties
- Well-defined parties
- The parties are able to make binding commitments or there is some external mechanism for binding the parties to maintaining the agreement

It is also important not to promise or imply that stakeholders will have a greater level of influence upon the decision than the agency is willing to grant in the final analysis. If the Corps is going to be the final decision maker, this needs to be clearly communicated even if it is your intent to achieve a substantial level of consensus before you make your decision.

The key decision at the end of Process Appraisal is to determine what type of process you need with your "most-involved" stakeholders. For example, if you have co-decision makers, what participatory mechanisms need to be established with them? Will you establish an interagency team? Will you engage in a partnering process? Will you need a third party neutral, such as a mediator or facilitator?

On the other hand, if you don't have co-decision makers, but you do have Active Participants and Technical Reviewers, what type of participatory process do you need to establish with them. Do they simply need to be "heard" before the decision? Do you want to interact with them in an effort to resolve as many issues as possible through collaboration, even if you make the final decision?

During the Process Design phase you can think about what kind of participations opportunities need to be provided to other "orbits." For example, if you establish a partnering team, that team – as a whole – may then take on responsibility for conducting a public participation program.

Remember, if you do have co-decision makers, decisions about what kind of participatory mechanisms you need should be made jointly with those co-decision makers. If you go too far in your planning without including them, this may create resentment that will get you off to a bumpy start for the rest of the process.

To summarize: The key decision that you make during the Process Appraisal stage is what type of participation you will need for you to have the authority and the legitimacy to make a decision that can be implemented. If you are simply going to be unable to proceed without full buy-in from the regulatory agencies, it is a waste of time to simply have them “comment” on your work. Get them involved. Make joint decisions. If the Corps will make the decision, but will be unable to implement the project without general public acceptance, then you need a participatory process that results in that acceptance, not one that just jumps through the procedural hoops. On the other hand, if the decision had already been made for all practical purposes – and that does happen occasionally – don’t promise a participatory process in which people have genuine influence on the decision. You’ll simply leave people feeling betrayed and sufficiently cynical that they may be unwilling to participate when you really want their participation.

## **PROCESS DESIGN**

Here are the basic steps to follow during process design:

1. Identify the process design team
2. Identify the steps in the decision process, and the schedule for completion of those steps
3. Identify process objectives for each step in the process
4. Analyze the exchange of information that must take place to achieve the objectives
5. Identify appropriate techniques to meet those objectives
6. Develop a plan integrating the techniques

### ***1) Identify the process design team***

This step is identical to the first step in Process Appraisal. You need to decide who has to be involved in designing the process. Since the level of planning is more detailed, the composition of the design team may need to be changed from the team that did the Process Appraisal. For example, you may not as much involvement from senior managers. But you may need additional people with expertise in implementing participatory processes, such as meeting facilitators, writers or media relations specialists. Also, as a result of the appraisal that you made, you may have identified other agencies or groups that need to be included during the design stage.

### ***2) Identify the steps in the decision process, and the schedule for completion of those steps***

Next, identify the basic steps that will be followed in reaching a decision and array them on a timeline that will permit completion by the target date and meet intermediate milestones. This could be something very simple such as shown in the figure on the next page.

Typically the steps in the decision making process mirror the Corps' basic six-step planning process (See Orth and Yoe, pg. ). But on large planning studies, those major steps may be broken down into a number of sub-steps. When decisions are not formal planning studies they still can follow the logic of the six-step planning process, but the steps may be called by different names, as they are in the figure on the next page.

Why do you need a well-defined decision-making process? One of the measures of an effective participatory process is that it is well-integrated into the actual decision making process. To do this, you will need to coordinate the participatory process with the other technical studies, e.g. engineering, cost or environmental studies. For example, if you are conducting a public participation process there may be technical studies that need to be concluded so that the public can be given the information it needs (the results of those studies) to participate effectively. If the public's ideas are going to influence the decision, the public must be given the technical information in a timely manner, then the public's views must be obtained in a timely manner, to ensure that the public's ideas and concerns are considered by a certain date.

### EXAMPLE OF DECISION MAKING STEPS AND SCHEDULE

STEP IN DECISION MAKING PROCESS	START DATE	COMPLETION DATE
Develop a problem/ opportunity statement and criteria for evaluating alternatives		May 200_
Identify the values to be portrayed in the alternatives		July 200_
Formulate preliminary alternatives.		Sept 200_
Evaluate preliminary alternatives.		Dec. 200_
Present a comparison of conceptual alternatives.		Jan. 200_
Select alternatives that should be considered in greater detail.		April 200_
Refine the criteria to be used in evaluating the detailed alternatives.		May 200_
Formulate detailed alternatives.		Aug. 200_
Evaluate the detailed alternatives.		Dec. 200_
Present a comparison of the detailed alternatives.		Jan. 200_
Select a preferred plan.		April 200_

Also, if you are going to explain to people how their participation is going to affect a decision, the decision making process itself needs to be well understood. If your decision making process is not well understood, you won't be able to explain to people how their participation matters. Also, a poorly thought-out decision-making

process can undermine the credibility of the participatory process before it even gets started.

Once the steps in the decision making process have been defined, the next task is to define the schedule.

One strategy that planners recommend is to start at the “end point,” the conclusion of the process, then work backwards step by step. Often it will take several tries before it is possible to get all the steps in and still reach the end point on schedule.

One reason for starting at the end point is because it helps identify the “drivers” for the schedule. Examples of schedule drivers include:

- Congress requires a report or action by a specified date
- The Assistant Secretary or chief has publicly announced that a product will be completed by a certain date
- If a decision is not made by a certain date, the budget cycle will be missed and the program will be halted
- There is a legal or regulatory requirement to complete an action in a certain time period

Some of these “drivers” may be within the power of the Corps to change, but some may not.

The schedule can have impacts beyond just the challenge of integrating the decision making process and the participatory process. For example, if the time frame is too short, it may create the impression that the Corps is not being realistic or is not serious about allowing enough time for genuine participation. This can undermine the credibility of the process. There may be techniques you would like to use that simply can not be completed in the time available. This can force a switch to techniques that may not be as effective but can be completed in the time available.

### ***3) Identify process objectives for each step in the process***

During this step, identify exactly what it is that needs to be accomplished with the stakeholders during each step in the decision-making process.

To develop objectives, simply ask: “What do we have to have accomplished with the stakeholders by the end of this step?” Then write an objective that describes the completion of that task. For example, if the decision-making process followed the six steps in the Corps planning process, the objectives might look like those on the next page.

Remember that objectives often specify what level of participation is required. For example:

- Inform stakeholders about possible options
- Obtain stakeholders' comments on a list of options
- Have a dialogue on the range of alternatives to be considered
- Get agreement on the range of alternatives to be considered

During the Process Appraisal you should have agreed, in general terms, on what overall level of participation is required for you to reach a decision you are going to be able to implement. But there may still be choices to be made at this stage. For example, even if you have decided that you need a public participation process, with the agency making the final decision, you might still decide that you want to get agreement on the range of alternatives being evaluated, even if you don't expect to be able to get agreement on the selection of the alternative.

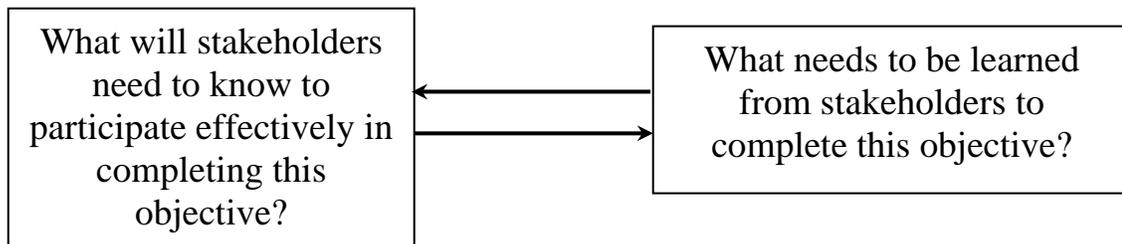
### **POSSIBLE PARTICIPATORY OBJECTIVES FOR SIX-STEP PLANNING PROCESS**

<b>Step in the Process</b>	<b>Possible Participatory Objectives</b>
<b>Identifying Problems and Opportunities</b>	<p>Obtain a complete identification and understanding of how the problem(s) is viewed by all significant interests</p> <p>Agree on evaluation criteria and measures</p>
<b>Inventorying and Forecasting Conditions</b>	<p>Identify key assumptions of stakeholders about future conditions</p> <p>Get agreement on a set of scenarios that portray the range of probable future conditions</p>
<b>Formulating Alternatives</b>	<p>Get agreement that the set of alternatives that has been formulated captures the values orientations of the major stakeholders</p>
<b>Evaluating Alternative Plans</b>	<p>Develop a complete understanding of the impacts of the various alternatives, as viewed by the public</p> <p>Assess the relative merit assigned to alternatives by various interests</p>
<b>Comparing Alternative Plans</b>	<p>Determine which alternative would be the most acceptable</p>

<b>Selecting a Plan</b>	Ensuring the stakeholders are informed on the basis for the decision
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**4) *Analyze the exchange of information that must take place to achieve the objectives***

For each objective there is an exchange of information with the stakeholders that will need to take place. For each objective analyze:



Here is an example of what this analysis might look like for one objective:

<p><b>Public Participation Objective:</b></p> <p><i>Obtain a complete understanding of how the problems and opportunities are view by all major stakeholders</i></p> <p>Information from Corps to Stakeholders:</p> <ul style="list-style-type: none"> <li>• The nature of the study and the decision making process</li> <li>• What the Corps knows about the problem or issue</li> <li>• Opportunities for participation</li> </ul> <p>Information from Stakeholder to the Corps:</p> <ul style="list-style-type: none"> <li>• How different stakeholders view the problem or opportunities</li> <li>• How the problem/opportunities affect different stakeholders</li> <li>• The intensity of the impacts</li> </ul>
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Unlike all the previous steps, this analysis may be more easily completed by one person than the whole design team. Experience shows that this step is tedious when done in a team. It is a good deal easier for one person to do this step individually, then have the team review it.

**5) *Identify appropriate techniques to meet those objectives***

The goal of all the preceding analysis has been to provide the information needed to decide what participatory techniques to use. The following information should now be available:

- Exactly what needs to be accomplished with stakeholders at each step in the decision-making process and by what point in the decision-making process (time and sequence) this must be accomplished
- How the Corps will use the information it receives, e.g. will it help determine the range of alternatives being considered, or help choose between alternatives
- Who the key stakeholders are likely to be, and what level of participation they will likely require
- What information needs to be provided TO stakeholders, and obtained FROM stakeholders to achieve your participatory objectives.

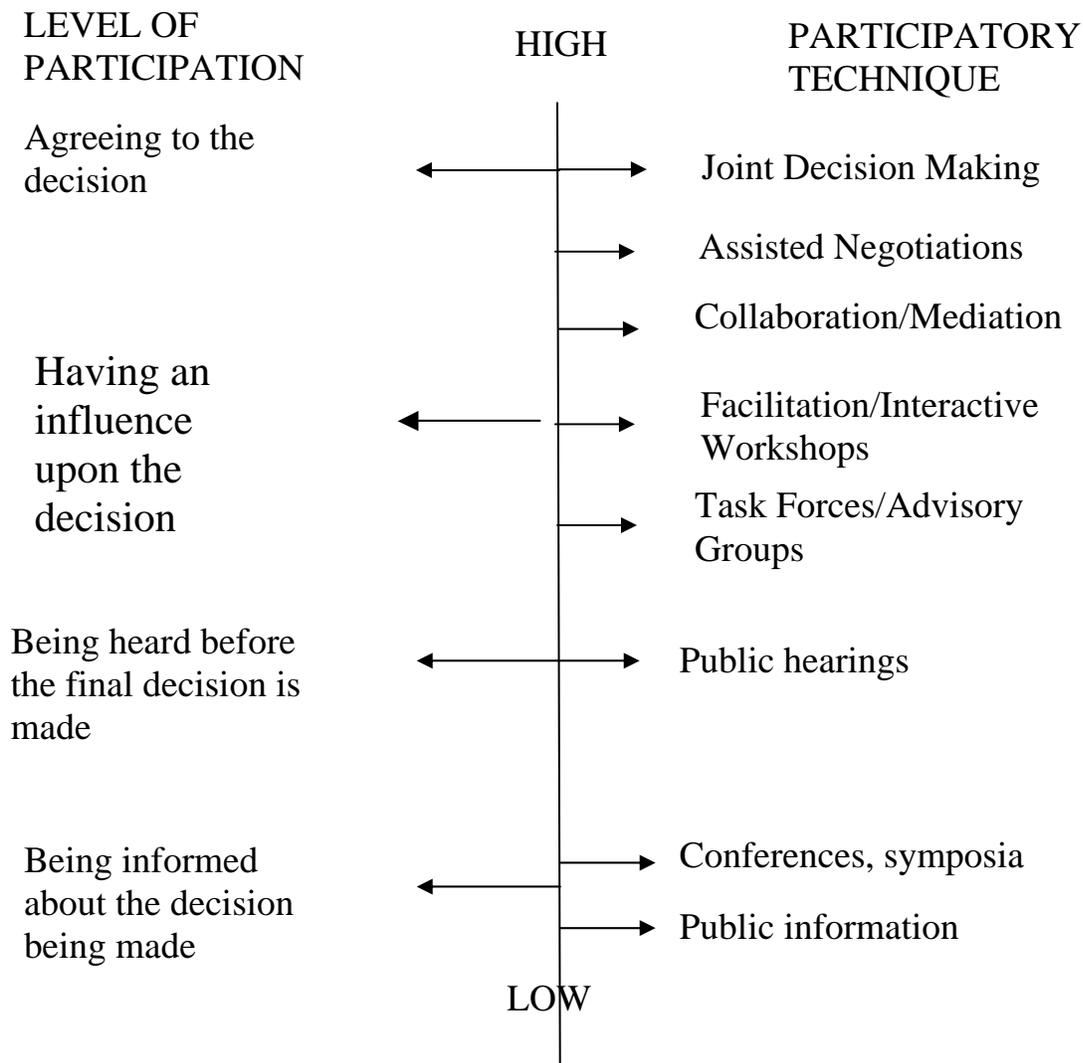
Now you are in a position to select specific techniques to achieve your participatory objectives.

Remember, though, that you may need to provide multiple participatory activities to meet the level of interest of different “orbits” of participation. For example, you might need:

ORBIT OF PARTICIPATION	POSSIBLE MECHANISMS
Co-decision makers	Interagency teams, mediation, partnering, negotiation
Active participants	Interactive workshops; advisory groups or task forces
Technical reviewers	Peer review processes, technical advisory committees
Commenters	Public meetings, comment periods
Observers	Newsletters, information bulletins, web pages
Unsurprised apathetics	Press releases; news stories

Other articles in this reader provide considerably more information about the techniques you can choose from. In general, however, there are certain techniques that are associated with different levels of participation, as shown on the next page.

### Matching Techniques to Level of Participation



#### 6) *Develop a plan integrating the techniques*

To develop a complete process plan, put together the techniques you selected in a coordinated sequence. Each activity should be accompanied by an assignment of responsibility (the person whose job it is to make that step occur) and a completion date.

Here is an example of a public participation plan for the first step in the planning process:

<b>Step in the Decision Making Process:</b>	<b>Public Participation Activities</b>	<b>Responsibility</b>	<b>Completion</b>
<b>Identifying Problems and Opportunities</b>	Prepare draft project brochure	XX/XX/XX	5/1/XX
	Obtain approvals for project brochure	XX/XX/XX	6/1/XX
	Conduct briefings for key agency and elected officials	XX/XX/XX	7/1/XX
	Conduct interviews with selected stakeholders	XX/XX/XX	8/15/XX
	Prepare draft Newsletter #1	XX/XX/XX	8/15/XX
	Obtain approvals for Newsletter #1	XX/XX/XX	9/15/XX
	Identify meeting sites for scoping meetings	XX/XX/XX	9/15/XX
	Publish Federal Register notice of scoping meetings	XX/XX/XX	10/1/XX
	Mail scoping meeting invitations to stakeholders	XX/XX/XX	10/15/XX

In many cases it is helpful to actually write out a detailed plan that includes such topics as:

- Plan purpose and contents - introductory overview
- Vision, goals, and objectives
- Assumptions made in designing the process - explicitly stated
- Stakeholder profile - identifying the major stakeholder
- Description of key issues and stakeholder concerns
- Public participation program description: framework and design, forums and processes, workshops, comment periods, how feedback will be provided, internal and external communication flows, and self evaluation mechanisms
- Organization and resources: specific roles and responsibilities, planning and coordination framework; resources and training needed to ensure effective implementation

Why is it useful to actually write out the plan?

- Writing the plan forces clarity of thought
- Writing the plan serves as a basis for getting the commitment of internal stakeholders
- People will relinquish authority to a plan that they won't relinquish to another part of the organization (e.g., people will carry out tasks in a plan that they might never get around to if asked by another part of the organization)
- The plan can be shared with external stakeholders

## PROCESS IMPLEMENTATION

It is hard to make generalizations on the kind of planning that is done during Process Implementation. At this stage you are down to the level of detail where you are talking about the names of specific participants, the number of meetings, how frequent meetings will be, which meeting room is best, and so on.

There are three issues that justify some discussion however:

### 1. *Selecting a neutral*

One of the key considerations in selecting a “neutral” – such as a facilitator, mediator, or arbitrator – is that all the key parties must find him/her acceptable. Otherwise there will be fear that the neutral is being unduly influenced by one of the parties, or is biased. This is particularly true when the Corps, or any one agency, is footing the bill. It is usually wise to discuss the process for selecting the neutral amongst all the key parties first, rather than proposing a specific person without consultation.

Be aware that the attributes of a facilitator or mediator are very different than those of an arbitrator, fact-finder, or disputes review panel member. Facilitators and mediators are skilled at designing and conducting a *process*. Typically arbitrators, fact finders or review panelist are *subject matter* experts, knowledgeable about the technical aspects of the decision. Obviously its helpful if a mediator or facilitator has some knowledge of water issues so he/she won't get lost during discussion of the issues, but that is not the primary qualification.

The Institute for Water Resources can suggest possible facilitators or mediators. In addition, the Institute for Environmental Conflict Resolution, a Congressionally-established institution, maintains a roster of qualified neutrals at [www.ECR.gov](http://www.ECR.gov).

### 2. *Developing an issue management plan*

When groups raise issues and the Corps is not prepared for those issues, the agency is put in a reactive mode. Stakeholder groups can make claims or predictions about the issue that the Corps cannot address or refute because it has not done the studies or developed the policy needed to respond in an informed manner. Sometimes these claims can become fixed in the public's mind and their opinions may not even change once the technical or scientific studies are completed.

One way to minimize these problems is to develop an Issue Management Plan. The idea behind developing an Issue Management plan is to become proactive. The Plan outlines the steps the Corps needs to take to ensure the agency is prepared to address the issue on an informed basis.

To develop an Issue Management Plan ask the following questions for each issue:

- Are there studies or research that need to be conducted to answer questions about this issue?
- Are there policy decisions that must be made to be able to answer questions about this issue?
- What publications or other information products are needed to answer questions about this issue?

It takes time to conduct studies, develop policies, or prepare publications. To be proactive, you may need to initiate this work now. An Issue Management Plan simply lists the tasks, completion schedule and responsibilities to ensure that this information is available when it is needed during the decision-making process.

### ***3. Developing a shared information base***

Increasingly as the Corps works closely with resource agencies to develop programs regarding environmental rehabilitation/restoration or fisheries protection and enhancement, there are often disagreements rooted in an absence of solid information and good science. When this occurs, the agencies – including the Corps – are likely to drop back into taking positions that are more about values or philosophies, or protecting missions, rather than positions based on a solid factual base. As a result, many joint decision-making processes, such as Interagency Working Groups, must start with developing a shared information base before participants can even begin to work on the decision making.

Because the agencies may have a history of difficulty working together, it is important to discuss and agree upon the ways to develop this shared information base. If the Corps simply does what it thinks best, then lets the resource agencies “review” it, the data will not be trusted.

Because of this need to develop a shared information base before the decision can be made, joint decision making processes, particularly in areas where the science is incomplete or uncertain, take time. The good news is that once the agencies have worked together this way, the trust level goes up. By the time the agencies get ready to make the decision, the trust may be strong enough that decision making is much easier -- trust always makes it easier to reach joint decisions. Also, when agencies and parties have a success working together this way, the trust that is built is often transferable to future issues that must be resolved between the same parties.

**WORKING WITH ADVISORY GROUPS AND TASK FORCES**  
by  
**James L. Creighton**

Setting up an advisory groups is one of the most frequently used public participation techniques. Agencies identify a relatively small group of people who represent various interests, points of view, or fields of expertise, to advise an entity on a variety of proposed actions or on a specific proposal.

Advisory groups can:

- Help set study priorities, or help “scope” the study.
- Review technical data and make recommendations regarding its adequacy.
- Help resolve conflicts between various interests.
- Help design and evaluate the public participation program.
- Serve as a communication link between the agency and other interests and agencies.
- Review and make recommendations concerning the decision-making process.
- Assist in developing and evaluating alternatives.
- Help select consultants acceptable to the public.
- Review and make recommendations regarding the study budget.
- Review written material prior to its release to the general public.
- Help host and participate in public meetings.
- Assist in educating the public about the proposed action and the decision-making process.

Advisory groups are effective because:

- They provide a cross sampling of public views and concerns.
- Members of the group have a chance to become informed about the issues before coming to conclusions, and have a better understanding of the consequences of decisions. The result is that their counsel to the entity combines a citizens’ perspective with a thorough understanding of the situation.

- Because personal relationships are developed in the group, members develop a deeper understanding of the concerns of the other interests and establish relationships which serve as a moderating influence on more extreme views.
- Advisory groups can serve as a communication link back to the constituencies they represent, and advisory groups may be able to reach a consensus among conflicting groups.

### **Types of Advisory Groups**

There are several types of advisory groups. The term *advisory group* is most appropriately applied to a standing committee with a defined membership that advises an agency on a series of issues. For example, the Army has established a number of Base Realignment Advisory Committees (BRAC). These committees are made up of local community members who advise the Army on a variety of issues related to closure and restoration of a former Army installation in that community.

Another type of advisory group is a *task force*. A task force is a group that is established to establish a single important task, e.g. develop a set of recommendations on an important issue. The membership of a task force is defined, but members are selected to ensure representation of stakeholders on the specific issue, not necessarily all issues. Unlike an advisory committee, which may be established for a period of years or an indefinite period of time, a task force is disbanded once the task on which it is working is completed.

Sometimes agencies set up groups that advise the agency, but these groups do not have a defined membership. All stakeholders are invited, and whoever attends gets to comment on the issues. If there is a series of meetings, a group like this is often called a *sounding board* or a *working group*. If there are just 1-2 meetings, such a meeting is sometimes called a *focus group* (although that term actually describes a somewhat different technique, but increasingly the term “focus group” is used for informal meetings with stakeholders).

## **The Federal Advisory Committee Act**

The Corps of Engineers has not established many formal advisory committees because of the constraints of the Federal Advisory Committee Act. FACA requires the approval of each advisory committee through a rather lengthy process that goes up through the Secretary of the Army, over to the general services Administration Committee Management Secretariat, which must approve a formal charter before the committee can meet. This can be a cumbersome process taking many months. The Department of the Army has established a BRAC in each community where there is a base closure, and the Department of Energy has established site-specific advisory groups for each of its sites where there is an environmental cleanup program. In both cases, a single advisory committee has been chartered at a headquarters level, complying with all the requirements of FACA, and each local committee is considered a subcommittee of the headquarters committee.

Once a FACA committee has been approved, there are a number of specific requirements that must be met related to keeping of records, public notice of meetings, etc. Most of these requirements are designed to ensure the openness and legitimacy of the committee's operations. So while the requirements must be met, they are consistent with doing a good job. The real challenge of FACA is getting the initial committee approval.

### ***When is a group of people that gives an agency advice an advisory committee?***

Under FACA law and implementation regulations, the term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, which is established by statute, or established or utilized by the President or by an agency official, for the purpose of obtaining advice or recommendations for the President or on issues or policies within the scope of an agency official's responsibilities.

### ***When is a group of people that gives an agency advice not an advisory committee?***

Some types of groups are excluded from FACA. These include:

- Any committee or group created by non-Federal entities (such as a contractor or private organization), provided that these committees or groups are not actually managed or controlled by the executive branch;
- Groups assembled to provide individual advice -- any group that meets with a Federal official(s), including a public meeting, where advice is sought from the attendees on an individual basis and not from the group as a whole;
- (Groups assembled to exchange facts or information - any group that meets with a Federal official(s) for the purpose of exchanging facts or information;
- Intergovernmental committees - any committee composed wholly of full-time or permanent part-time officers or employees of the Federal Government and elected officers of State, local and tribal governments (or their designated employees with authority to act on their behalf), acting in their official capacities. [However, the purpose of such a committee must be solely to exchange views, information, or

advice relating to the management or implementation of Federal programs established pursuant to statute, that explicitly or inherently share intergovernmental responsibilities or administration]

- Intragovernmental committees - any committee composed wholly of full-time or permanent part-time officers or employees of the Federal Government;
- Local civic groups - any local civic group whose primary function is that of rendering a public service with respect to a Federal program;
- Groups established to advise State or local officials - any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies;
- Operational committees - any committee established to perform primarily operational as opposed to advisory functions. Operational functions are those specifically authorized by statute or Presidential directive, such as making or implementing Government decisions or policy.

*What are the implications?*

As you can see, there are some occasions where the Corps can consult with other entities without coming under the provisions of FACA. Examples include:

- If you hold consultations with other federal, state, local or tribal governments, these consultations are not subject to FACA.
- An established interagency working group or task force that jointly makes decisions about a program would not require FACA approval so long as it consists solely of federal, state, local or tribal government agency representatives or staff. But if you make private citizens or leaders of non-governmental groups members of the group, FACA would apply.
- You are not subject to FACA requirements if you hold a public meeting, workshop, open house, or focus group where individuals express their individual opinions. But if you ask participants to develop a group recommendation you could come under FACA.
- If a state, local or tribal governmental entity establishes an advisory group, then transmits the advice of that committee to a federal agency, the advice is considered to come from the governmental entity, so FACA doesn't apply.

FACA means that on most occasions, the Corps will be unable to use a citizen advisory committee without going through the full FACA approval process. There may be a few circumstances that justify this expenditure of effort – but not too many.

## Guidelines for Establishing an Advisory Group

There are several general principles that should be observed in establishing advisory groups:

- ***An advisory group must represent the full range of interests and values in the community.*** An advisory group that represents only interests that have traditionally supported your agency's policy is misleading and undermines the credibility of the entire public participation effort. To be effective, an advisory group must provide representation for all groups that see themselves as potentially affected by the proposed action.
- ***The group's role in decision making must be clearly defined.*** Confusion about the role of the advisory group, coupled with the natural desire on the part of the members to exercise maximum influence on the outcome, can be a source of problems. This problem can be avoided if there is a candid discussion of the group's role in decision making at the outset. A written mandate which carefully outlines project time lines and exactly what is expected of the group is helpful.
- ***Normally the life of the advisory group – or at least the terms of the group's members – should be limited.*** The longer a group exists, the more likely it is to become an elite. Public advisory committees have a tendency to outlive their usefulness, and so the group's purpose, as well as the members' tenure, should be monitored. Most public participation comes from issues which have a direct effect on groups or individuals. Once those issues are resolved, the original participants lose interest in attending meetings. Sometimes a group's purpose is still valid, but the danger exists of appearing to co-opt potential adversaries. This can be resolved through regular change in representation.
- ***Efforts should be made to insure that members of the advisory group maintain regular communication with the constituencies they are supposed to represent.*** Group members should inform their constituencies through briefings, organizational newsletters, public meetings, or occasional interviews or discussion with other leaders from their constituency. This will ensure that the membership reflects the views of the constituency, and that the constituency is educated along with the advisory group members.
- ***Responsible managers from the agency should interact with the advisory group.*** This is important both so the group feels that it is being heard by people with genuine authority, and so that managers hear public concerns firsthand.
- ***Agency staff must speak the public's language when working with advisory groups.*** This is essential to communicate effectively, but is no simple task; it requires the ability to simplify technical language and jargon without appearing to be patronizing.

- *An agency must be prepared to provide staff time and logistical support to the advisory group.* Advisory groups may also want direct technical assistance from outside consultants, to ensure a fully impartial evaluation.

### Selecting Advisory Group Members

In an informal advisory group, questions of membership will be low priority, since membership may be changing constantly. But in a formal advisory group, it is crucial to use a technique for selecting members which ensures that the group is representative of all the interests.

While there are always many voices in a community, there are usually only a few clear categories of public interest. When you want representation from a community, it is often better to draw members from among those who identify with a particular interest category, rather than a particular organized group. There are two reasons for this. First, this approach gives a comprehensive but manageable group. Second, it ensures that even with small numbers, no important set of public values is unrepresented.

There are five basic methods for selecting advisory group members:

- 1) Members can be selected by an agency with an effort to balance the different interests. This is by far the most frequently used technique, but on very controversial issues runs the risk that the public will believe the agency has established the group to support its position. The danger that the public will see the membership as biased can be reduced if affected interest groups and agencies are consulted prior to selecting the members and the selections clearly reflect this consultation process.
- 2) The selection of the advisory group can be turned over to a third party or group. Depending on how localized the issue is, the selection process could be turned over to a local elected body, a community leader or politician, a public participation consultant, or to a small group representing the major interests, who in turn select other members.
- 3) The agency can determine the interests it wishes to have represented and allow the groups to select their own representatives. This can create problems for volunteer groups, which sometimes have difficulty coordinating among themselves to select a representative. However, it eliminates the risk of being seen as “stacking the deck.”
- 4) Use any of the three methods above and augment the membership with volunteers. This allows the different interests to adjust the membership of the group by obtaining volunteers from their ranks. If the advisory group will vote on issues, though, this method permits the various groups to “stack the deck” by adding a large number of additional volunteers.

- 5) Membership can be determined by a popular election. This last method has been used in only a few cases where there was some existing structure for selecting representatives, such as neighborhood councils.

### **Establishing Procedures for Advisory Group Meetings**

There are a number of procedural issues that normally have to be settled at some point with groups that will be working together for some time. An advisory group may choose to devote its first meetings to agreeing on procedures, although protracted debate on procedures can seriously undermine enthusiasm. It may be advisable to prepare and pre-circulate a draft of proposed guidelines for revision and adoption by the advisory group. The draft is often based on phone consultations or interviews with incoming members.

#### **Voting**

Probably the single most important procedural decision is whether or not subsequent decisions will be made by voting. Most people in the U.S. are used to voting on issues and assume automatically that this is the right way to make decisions. However there are several reasons why voting is usually not the best way for advisory groups to make a decision. First, despite efforts to make the advisory group broadly representative, there is no guarantee that representation of interests on the advisory group is proportionate to those interests among the public at large. A majority vote may merely reflect an imbalance in the composition of a group rather than a view of the majority of the public.

If the objective is to work towards some sort of politically acceptable outcome, a badly divided group serves little purpose. Only if there is some kind of consensus is the advisory group likely to have much impact on either the public at large or agency decision makers. A split vote simply means there is a continuing disagreement, which could have been determined without an advisory group.

An alternative to voting is to obtain a “sense of the meeting.” The meeting leader listens carefully until there appears to be a consensus, states this as his or her “sense of the meeting,” and checks to see if it is acceptable to the group. This approach requires a good sense of timing, the ability to summarize effectively, and a credible leader. If it is impossible to reach agreement on the sense of a meeting, the meeting leader asks the group how to resolve the controversy. One possibility is to keep talking. Another is to vote. Another is to have majority and minority reports. Still another is to obtain agreement on procedures for resolving the key factual issues that prevent resolution. Finally, it may be best to drop consideration of an issue until the next meeting, giving people a chance to think about the issue more.

**Attendance**

Some groups wish to establish minimum attendance requirements for membership, e.g. a member who is absent more than a certain number of times is dropped from the group.

**Alternates**

Another issue related to attendance is whether or not members can send alternates to participate in meetings. This can be an important issue if the group has decided to make decisions by a majority vote. But if voting rights are not involved, then sending alternates is one way to keep everybody informed. If alternates are not kept informed of what occurred at previous meetings, however, it is very frustrating to the regular members.

**Participation of Observers**

A ground rule may need to be established concerning observers, e.g., if they are welcome at group meetings, and if so, whether and when they may speak.

**Subcommittees**

It may be necessary to establish subcommittees to accomplish specific work tasks. If so, the responsibilities and authorities of the subcommittees should be clearly defined.

**Confidentiality of Materials**

If the group will be reviewing documents that will undergo substantial modification before being made public, rules may be required to govern the confidentiality of these materials. Many experienced public participation practitioners simply assume that anything turned over to advisory groups, regardless of requests for confidentiality, is a public document.

**Constituencies**

Specific mechanisms may need to be set up to ensure regular communication with constituencies being represented by group members.

**Communication with the Public**

It's very desirable to keep the advisory group process very open and visible to the interested public, so that when the advisory group finally develops recommendations, they are credible to the public. The advisory group might conduct periodic meetings at key points in the process, both to present the work it has done to date, and to get

reactions to that work. Similarly, the media needs to be kept informed, so that it stays confident that the process is equitable and objective. Newsletters and interim reports are also means of keeping the public and media informed.

### **Communication with the Media**

Many unfortunate situations have occurred when individual advisory group members have gone to the media presenting a distorted or one-sided picture of what was happening in the advisory group. One ground rule which many advisory groups adopt is that only the chair of the group is permitted to represent the advisory group to the media, and all other members are to withhold comment. Even the chairperson is expected to consult with the entire group about what should be said, and should always represent the thinking of the entire group, not just his or her own opinion. (See more on the chairperson role below.)

### **Parliamentary Procedures**

Formal parliamentary procedures, such as “Robert’s Rules of Order,” assume an adversarial position among the participants, and also assume that issues will be resolved by voting rather than by consensus. For this reason, it is advisable to minimize the use of formal meeting procedures. If the group leader has the trust of the group, it is usually possible to get things done more readily without the use of complicated meeting procedures.

### **Group Member Expenses**

Whether travel expenses and other costs related to participation in the group will be borne by the agency or by individual members should be settled right at the beginning. In the event they will be borne by the agency, the rules for expense reimbursement should be clearly defined.

### **Scheduling Meetings**

One of the issues that haunts every advisory group is whether to have regular group meetings or schedule them as needed. If meetings are called only when needed, it is difficult to notify members of each meeting and there are often scheduling conflicts. On the other hand, there is no surer way to discourage interest and participation in an advisory group than to hold regular meetings that are unproductive or seem to have no purpose.

### **Staffing**

Often advisory groups raise questions which require considerable study or follow-through. One important question that needs to be answered early is the level of staff support provided to the group, and for what purposes.

### **Minutes**

Agency staff are normally responsible for keeping the record of group meetings, but if there is a history of suspicion or mistrust, the group may want to assume this responsibility.

### **External Consultants**

If advisory group members are suspicious of agency staff, there may be requests for external consultants who will assist the group in reviewing highly technical plans or reports. External consultants are sometimes more credible to the advisory group than are agency technical staff.

### **Steering Committee**

It's often necessary to make decisions between meetings on issues like the agenda for the next meeting, the experts who should make presentations, whether a meeting should be cancelled, etc. Often these issues are generated by agency staff, responsible for doing studies between meetings, lining up experts, etc. It isn't practical to try to contact everybody in the advisory group to make these kinds of decisions. The group may be comfortable having a chairperson elected from the group make these decisions. In other cases, though, the group may prefer to establish a steering committee, with 2 or 3 members representing major viewpoints in the group. This way no major interest feels its needs were not considered when decisions were made.

Resolving issues such as these in the first few meetings can prevent hard feelings at a later date.

### **Selecting a Chairperson**

Normally an advisory group will not want agency staff to speak for the group, and may be uncomfortable if agency staff chair their meetings. The usual solution is for the group to pick its own chairperson. But this raises something of a dilemma. An individual who is an effective spokesperson for the group may not at the same time be good at being a neutral facilitator of group meetings. The problem is that to be good at encouraging group discussion and drawing people together into consensus, the leader must either be

disinterested in the outcome of the group's work (which is not likely in someone appointed to an advisory committee), or capable of separating the function of the chair from advocacy of a particular position. A chairperson must be a competent and objective facilitator, and must have the confidence of the entire group. In many conflicts, the various participants begin the process with suspicions about each other. This decreases with time, through the offices of an even-handed chairperson.

One way to resolve this dilemma is to have the chairperson be the spokesperson for the group, but use a neutral facilitator as the meeting leader. This leaves the chairperson free to discuss the issues, and may even give him or her greater freedom to try to bring the group together on a consensus position. The chairperson would also take an active role in coordinating the efforts of any subcommittees or study groups. Even in this role, though, it's clear that the chairperson needs to be someone who naturally draws people together, rather than someone who may be very articulate, but is adversarial in the way he or she presents ideas.

### **Guidelines for the Chairperson**

You need to define with the group which of the following roles they expect you to play: (1) acting as a spokesperson for the group; (2) taking an active role in coordinating the group, and working towards consensus; or (3) facilitating group meetings. Keep in mind that if you take on the facilitation role, you will necessarily be somewhat inhibited in advocating your position. In general, your role is to assist members in achieving results by ensuring fair and complete participation in the events at hand, and ensuring that the group focuses on the issues. You won't be able to do this at the same time you ardently advocate a fixed position.

Here are a few suggestions:

- Develop agendas in advance and check them with the group before proceeding at any meeting. Change agendas to meet emergent needs only after gaining approval of the group.
- Have a common set of rules or procedures.
- Agree on who shall speak for the group to outside parties, especially to the media.
- Arrange for regular minutes which distinguish records of discussion from decisions.
- From time to time, review mission and objectives of the group to assess progress. If necessary, remind the participants of the time constraints.

- If you must speak for an interest (and you are playing the facilitation role), vacate the chair for a brief period, handing it over to someone else while you make your comments.
- If you feel a personal conflict of interest arising, state the problem clearly to the group and ask for guidance. Maintaining group confidence of your impartiality is essential to continued progress.
- If, as chairperson, you have reacted to an outside request for information or attended a meeting in which the group's work was discussed, report this to the group at the next available opportunity.

### **Getting Consensus in an Advisory Group**

A decision reached by consensus is an agreement where all parties accept a balance of gains and losses to achieve a workable result. Consensus-seeking may take much longer than a simpler "majority rules" approach. The results, however, are more likely to be politically acceptable and more durable in practice. Chapter 28 provides guidelines for developing a consensus, but here are a few suggestions that apply specifically to advisory groups:

- Take time in the beginning of the group's life for members to meet other members as colleagues, rather than as antagonists across a negotiation table. This may require field trips or other common activities where group members get to know each other personally, not just as representatives of positions.
- Have each member write a short statement of what they wish to achieve through the group's work, then discuss these expectations in an information sharing meeting.
- Ensure each member understands the group's mission and objectives.
- Before trying to address issues, make sure that there is a clear and satisfactory statement of what the issues are.
- When proposals for a decision are being made, seek a number of options, rather than trying to draft a single statement. The options must embody the differing viewpoints of participants. They can then be examined by everyone for pros and cons.
- When different viewpoints or options are presented, take the time to hear each participant, without judging or condemning the proposal at first hearing. Most communication gaps begin with problems in listening, and unwillingness to let a speaker make his point.
- Everyone must be willing to re-open issues or concerns already decided, if a new compromise changes the way a member perceives the balance of interests taking

shape. Tolerance for this review must be balanced by a respect for the group's work by each member.

- Consensus cannot survive if any members of the group are working to a hidden agenda or manipulative strategy. Concerns have to be explicit and all cards must be placed on the table.
- Sometimes, compromise is not acceptable to one or more of the participants in an advisory group. In these cases, it may not be possible to achieve consensus on a single proposal. The remedy for this situation is to present either a minority report, or to present a range of alternatives. With either approach, it is essential to give reasons for the alternatives, so that they can be assessed by the agency. It should be remembered that the closer to consensus an advisory group can get, the more likely it is that their recommendations will be accepted and implemented.

**NEGOTIATION**  
by  
**Christopher W. Moore, Ph.D.**

### **DEFINITION OF NEGOTIATION**

Negotiation is one of the most common approaches used to make decisions and manage disputes. It is also the major building block for many other alternative dispute resolution procedures.

Negotiation occurs between spouses, parents and children, managers and staff, employers and employees, professionals and clients, within and between organizations and between agencies and the public. Negotiation is a problem-solving process in which two or more people voluntarily discuss their differences and attempt to reach a joint decision on their common concerns. Negotiation requires participants to identify issues about which they differ, educate each other about their needs and interests, generate possible settlement options and bargain over the terms of the final agreement. Successful negotiations generally result in some kind of exchange or promise being made by the negotiators to each other. The exchange may be tangible (such as money, a commitment of time or a particular behavior) or intangible (such as an agreement to change an attitude or expectation, or make an apology).

Negotiation is the principal way that people redefine an old relationship that is not working to their satisfaction or establish a new relationship where none existed before. Because negotiation is such a common problem-solving process, it is in everyone's interest to become familiar with negotiating dynamics and skills. This section is designed to introduce basic concepts of negotiation and to present procedures and strategies that generally produce more efficient and productive problem solving.

### **CONDITIONS FOR NEGOTIATION**

A variety of conditions can affect the success or failure of negotiations. The following conditions make success in negotiations more likely.

**Identifiable parties who are willing to participate.** The people or groups who have a stake in the outcome must be identifiable and willing to sit down at the bargaining table if productive negotiations are to occur. If a critical party is either absent or is not willing to commit to good faith bargaining, the potential for agreement will decline.

**Interdependence.** For productive negotiations to occur, the participants must be dependent upon each other to have their needs met or interests satisfied. The participants need either each other's assistance or restraint from negative action for their interests to be satisfied. If one party can get his/her needs met without the cooperation of the other, there will be little impetus to negotiate.

**Readiness to negotiate.** People must be ready to negotiate for dialogue to begin. When participants are not psychologically prepared to talk with the other parties, when adequate information is not available, or when a negotiation strategy has not been prepared, people may be reluctant to begin the process.

**Means of influence or leverage.** For people to reach an agreement over issues about which they disagree, they must have some means to influence the attitudes and/or behavior of other negotiators. Often influence is seen as the power to threaten or inflict pain or undesirable costs, but this is only one way to encourage another to change. Asking thought-provoking questions, providing needed information, seeking the advice of experts, appealing to influential associates of a party, exercising legitimate authority or providing rewards are all means of exerting influence in negotiations.

**Agreement on some issues and interests.** People must be able to agree upon some common issues and interests for progress to be made in negotiations. Generally, participants will have some issues and interests in common and others that are of concern to only one party. The number and importance of the common issues and interests influence whether negotiations occur and whether they terminate in agreement. Parties must have enough issues and interests in common to commit themselves to a joint decision-making process.

**Will to settle.** For negotiations to succeed, participants have to want to settle. If continuing a conflict is more important than settlement, then negotiations are doomed to failure. Often parties want to keep conflicts going to preserve a relationship (a negative one may be better than no relationship at all), to mobilize public opinion or support in their favor, or because the conflict relationship gives meaning to their life. These factors promote continued division and work against settlement. The negative consequences of not settling must be more significant and greater than those of settling for an agreement to be reached.

**Unpredictability of outcome.** People negotiate because they need something from another person. They also negotiate because the outcome of not negotiating is unpredictable. For example: If, by going to court, a person has a 50/50 chance of winning, s/he may decide to negotiate rather than take the risk of losing as a result of a judicial decision. Negotiation is more predictable than court because if negotiation is successful, the party will at least win something. Chances for a decisive and one-sided victory need to be unpredictable for parties to enter into negotiations.

**A sense of urgency and deadline.** Negotiations generally occur when there is pressure or it is urgent to reach a decision. Urgency may be imposed by either external or internal time constraints or by potential negative or positive consequences to a negotiation outcome. External constraints include: court dates, imminent executive or administrative decisions, or predictable changes in the environment. Internal constraints may be artificial deadlines selected by a negotiator to enhance the motivation of another to settle. For negotiations to be successful, the participants must jointly feel a sense of urgency and be aware that they are vulnerable to adverse action or loss of benefits if a timely decision is not reached. If procrastination is advantageous to one side, negotiations are less likely to occur, and, if they do, there is less impetus to settle.

**No major psychological barriers to settlement.** Strong expressed or unexpressed feelings about another party can sharply affect a person's psychological readiness to bargain. Psychological barriers to settlement must be lowered if successful negotiations are to occur.

**Issues must be negotiable.** For successful negotiation to occur, negotiators must believe that there are acceptable settlement options that are possible as a result of participation in the process. If it appears that negotiations will have only win/lose settlement possibilities and that a party's needs will not be met as a result of participation, parties will be reluctant to enter into dialogue.

**The people must have the authority to decide.** For a successful outcome, participants must have the authority to make a decision. If they do not have a legitimate and recognized right to decide, or if a clear ratification process has not been established, negotiations will be limited to an information exchange between the parties. A willingness to compromise. Not all negotiations require compromise. On occasion, an agreement can be reached which meets all the participants' needs and does not require a sacrifice on any party's part. However, in other disputes, compromise--willingness to have less than 100 percent of needs or interests satisfied--may be necessary for the parties to reach a satisfactory conclusion. Where the physical division of assets, strong values or principles preclude compromise, negotiations are not possible.

**The agreement must be reasonable and implementable.** Some settlements may be substantively acceptable but may be impossible to implement. Participants in negotiations must be able to establish a realistic and workable plan to carry out their agreement if the final settlement is to be acceptable and hold over time.

**External factors favorable to settlement.** Often factors external to negotiations inhibit or encourage settlement. Views of associates or friends, the political climate of public opinion or economic conditions may foster agreement or continued turmoil. Some external conditions can be managed by negotiators while others cannot. Favorable external conditions for settlement should be developed whenever possible.

**Resources to negotiate.** Participants in negotiations must have the interpersonal skills necessary for bargaining and, where appropriate, the money and time to engage fully in dialogue procedures. Inadequate or unequal resources may block the initiation of negotiations or hinder settlement.

## WHY PARTIES CHOOSE TO NEGOTIATE

The list of reasons for choosing to negotiate is long. Some of the most common reasons are to:

- Gain recognition of either issues or parties;

- Test the strength of other parties;
- Obtain information about issues, interests and positions of other parties;
- Educate all sides about a particular view of an issue or concern;
- Ventilate emotions about issues or people;
- Change perceptions;
- Mobilize public support;
- Buy time;
- Bring about a desired change in a relationship;
- Develop new procedures for handling problems;
- Make substantive gains;
- Solve a problem.

### **WHY PARTIES REFUSE TO NEGOTIATE**

Even when many of the preconditions for negotiation are present, parties often choose not to negotiate. Their reasons may include:

- Negotiating confers sense and legitimacy to an adversary, their goals and needs;
- Parties are fearful of being perceived as weak by a constituency, by their adversary or by the public;
- Discussions are premature. There may be other alternatives available-- informal communications, small private meetings, policy revision, decree, elections;
- Meeting could provide false hope to an adversary or to one's own constituency;
- Meeting could increase the visibility of the dispute;
- Negotiating could intensify the dispute;
- Parties lack confidence in the process;
- There is a lack of jurisdictional authority;

- Authoritative powers are unavailable or reluctant to meet;
- Meeting is too time-consuming;
- Parties need additional time to prepare;
- Parties want to avoid locking themselves into a position; there is still time to escalate demands and to intensify conflict to their advantage.

## DEFINITIONS

For negotiations to result in positive benefits for all sides, the negotiator must define what the problem is and what each party wants. In defining the goals of negotiation, it is important to distinguish between issues, positions, interests and settlement options.

- An **issue** is a matter or question parties disagree about. Issues can usually be stated as problems. For example, "How can wetlands be preserved while allowing some industrial or residential development near a stream or marsh?" Issues may be substantive (related to money, time or compensation), procedural (concerning the way a dispute is handled), or psychological (related to the effect of a proposed action).
- **Positions** are statements by a party about how an issue can or should be handled or resolved; or a proposal for a particular solution. A disputant selects a position because it satisfies a particular interest or meets a set of needs.
- **Interests** are specific needs, conditions or gains that a party must have met in an agreement for it to be considered satisfactory. Interests may refer to content, to specific procedural considerations or to psychological needs.
- **Settlement Options**--possible solutions which address one or more party's interests. The presence of options implies that there is more than one way to satisfy interests.

## SELECTING A GENERAL NEGOTIATION APPROACH

The negotiator will need to select a general negotiation approach. There are many techniques, but the two most common approaches to negotiation are positional bargaining and interest-based bargaining.

### Positional Bargaining

Positional bargaining is a negotiation strategy in which a series of positions, alternative solutions that meet particular interests or needs, are selected by a negotiator, ordered

sequentially according to preferred outcomes and presented to another party in an effort to reach agreement. The first or opening position represents that maximum gain hoped for or expected in the negotiations. Each subsequent position demands less of an opponent and results in fewer benefits for the person advocating it. Agreement is reached when the negotiators' positions converge and they reach an acceptable settlement range.

#### WHEN IS POSITIONAL BARGAINING OFTEN USED?

- When the resource being negotiated is limited (time, money, psychological benefits, etc.).
- When a party wants to maximize his/her share in a fixed sum pay off.
- When the interests of the parties are not interdependent, are contradictory or are mutually exclusive.
- When current or future relationships have a lower priority than immediate substantive gains.

#### ATTITUDES OF POSITIONAL BARGAINERS

- Resource is limited.
- Other negotiator is an opponent; be hard on him/her.
- Win for one means a loss for the other.
- Goal is to win as much as possible.
- Concessions are a sign of weakness.
- There is a right solution--mine.
- Be on the offensive at all times.

#### HOW IS POSITIONAL BARGAINING CONDUCTED?

1. **Set your target point**--solution that would meet all your interests and result in complete success for you. To set the target point, consider:

- Your highest estimate of what is needed. (What are your interests?)
- Your most optimistic assumption of what is possible.
- Your most favorable assessment of your bargaining skill.

**2. Make target point into opening position.**

**3. Set your bottom line or resistance point**--the solution that is the least you are willing to accept and still reach agreement. To identify your bottom line, consider:

- Your lowest estimate of what is needed and would still be acceptable to you.
- Your least optimistic assumption of what is possible.
- Your least favorable assessment of your bargaining skill relative to other negotiators.
- Your **Best Alternative To a Negotiated Agreement (BATNA)**.

**4. Consider possible targets and bottom lines** of other negotiators.

- Why do they set their targets and bottom lines at these points? What interests or needs do these positions satisfy?
- Are your needs or interests and those of the other party mutually exclusive?
- Will gains and losses have to be shared to reach agreement or can you settle with both receiving significant gains?

**5. Consider a range of positions** between your target point and bottom line.

- Each subsequent position after the target point offers more concessions to the other negotiator(s), but is still satisfactory to you.
- Consider having the following positions for each issue in dispute:

Opening position.

Secondary position.

Subsequent position.

Fallback position--(yellow light that indicates you are close to bottom line; parties who want to mediate should stop here so that the intermediary has something to work with).

Bottom line.

**6. Decide if any of your positions meets the interests or needs of the other negotiators.**

How should your position be modified to do so?

**7. Decide when you will move from one position to another.**

**8. Order the issues to be negotiated into a logical (and beneficial) sequence.**

**9. Open with an easy issue.**

**10. Open with a position close to your target point.**

- Educate the other negotiator(s) why you need your solution and why your expectations are high.
- Educate them as to why they must raise or lower their expectations.

**11. Allow other side to explain their opening position.**

**12. If appropriate, move to other positions that offer other negotiator(s) more benefits.**

**13. Look for a settlement or bargaining range -- spectrum of possible settlement alternatives any one of which is preferable to impasse or no settlement.**

**14. Compromise on benefits and losses where appropriate.**

a = Party A's resistance point  
 b = Party A's target  
 c = Acceptable options for Party A  
 x = Party B's target  
 y = Party B's resistance point  
 z = Acceptable options for Party B

**15. Look for how positions can be modified to meet all negotiators' interests.**

**16. Formalize agreements in writing.**

#### **CHARACTERISTIC BEHAVIORS OF POSITIONAL BARGAINERS**

- **Initial large demand**--high or large opening position used to educate other parties about what is desired or to identify how far they will have to move to reach an acceptable settlement range.
- **Low level of disclosure**--secretive and non-trusting behavior to hide what the settlement range and bottom line are. Goal is to increase benefits at expense of other.
- **Bluffing**--strategy used to make negotiator grant concessions based on misinformation about the desires, strengths or costs of another.

- **Threats**--strategy used to increase costs to another if agreement is not reached.
- **Incremental concessions**--small benefits awarded so as to gradually cause convergence between negotiators' positions.
- **Hard on people and problem**--often other negotiator is degraded in the process of hard bargaining over substance. This is a common behavior that is not necessarily a quality of or desirable behavior in positional bargaining.

## **COSTS AND BENEFITS OF POSITIONAL BARGAINING**

### **Costs**

- Often damages relationships; inherently polarizing (my way, your way)
- Cuts off option exploration. Often prevents tailor-made solutions
- Promotes rigid adherence to positions
- Obscures a focus on interests by premature commitment to specific solutions
- Produces compromise when better solutions may be available

### **Benefits**

- May prevent premature concessions
- Is useful in dividing or compromising on the distribution of fixed-sum resources
- Does not require trust to work
- Does not require full disclosure of privileged information

## **Interest-Based Bargaining**

Interest-based bargaining involves parties in a collaborative effort to jointly meet each other's needs and satisfy mutual interests. Rather than moving from positions to counter positions to a compromise settlement, negotiators pursuing an interest-based bargaining approach attempt to identify their interests or needs and those of other parties *prior* to developing specific solutions. After the interests are identified, the negotiators jointly search for a variety of settlement options that might satisfy all interests, rather than argue for any single position. The parties select a solution from these jointly generated options. This approach to negotiation is frequently called integrated bargaining because of its emphasis on cooperation, meeting mutual needs, and the efforts by the parties to expand the bargaining options so that a wiser decision, with more benefits to all, can be achieved.

## **WHEN IS INTEREST-BASED BARGAINING USED?**

- When the interests of the negotiators are interdependent.
- When it is not clear whether the issue being negotiated is fixed-sum (even if the outcome is fixed-sum, the process can be used).

- When future relationships are a high priority.
- When negotiators want to establish cooperative problem-solving rather than competitive procedures to resolve their differences.
- When negotiators want to tailor a solution to specific needs or interests.
- When a compromise of principles is unacceptable.

### **ATTITUDES OF INTEREST-BASED BARGAINERS**

- Resource is seen as not limited.
- All negotiators' interests must be addressed for an agreement to be reached.
- Focus on interests not positions.
- Parties look for objective or fair standards that all can agree to.
- Belief that there are probably multiple satisfactory solutions.
- Negotiators are cooperative problem-solvers rather than opponents.
- People and issues are separate. Respect people, bargain hard on interests.
- Search for win/win solutions.

### **HOW TO DO INTEREST-BASED BARGAINING**

Interests are needs that a negotiator wants satisfied or met. There are three types of interests:

- **Substantive interests**--content needs (money, time, goods or resources, etc.)
- **Procedural interests**--needs for specific types of behavior or the "way that something is done."
- **Relationship or psychological interests**--needs that refer to how one feels, how one is treated or conditions for ongoing relationship.

#### **1. Identify the substantive, procedural and relationship interest/needs that you expect to be satisfied as a result of negotiations. Be clear on:**

- Why the needs are important to you.
- How important the needs are to you.

#### **2. Speculate on the substantive, procedural and relationship interests that might be important to the other negotiators.**

- Assess why the needs are important to them.
- Assess how important the needs are to them.

#### **3. Begin negotiations by educating each other about your respective interests.**

- Be specific as to why interests are important.
- If other negotiators present positions, translate them into terms of interest. Do not allow other negotiators to commit to a particular solution or position.

- Make sure all interests are understood.

**4. Frame the problem in a way that it is solvable by a win/win solution.**

- Remove egocentricity by framing problem in a manner that all can accept.
- Include basic interests of all parties.
- Make the framing congruent with the size of the problem to be addressed.

**5. Identify general criteria that must be present in an acceptable settlement.**

- Look for general agreements in principle.
- Identify acceptable objective criteria that will be used to reach more specific agreements.

**6. Generate multiple options for settlement.**

- Present multiple proposals.
- Make frequent proposals.
- Vary the content.
- Make package proposals that link solutions to satisfy interests.
- Make sure that more than two options are on the table at any given time.

**7. Utilize integrative option generating techniques:**

- Expand-the-pie--ways that more resources or options can be brought to bear on the problem.
- Alternating satisfaction--each negotiator gets 100 percent of what s/he wants, but at different times.
- Trade-offs--exchanges of concessions on issues of differing importance to the negotiators.
- Consider two or more agenda items simultaneously.
- Negotiators trade concessions on issues of higher or lower importance to each. Each negotiator gets his/her way on one issue.
- Integrative solutions--look for solutions that involve maximum gains and few or no losses for both parties.
- Set your sights high on finding a win/win solution.

**8. Separate the option generation process from the evaluation process.**

**9. Work toward agreement.**

- Use the Agreement-in-Principle Process (general level of agreements moving toward more specific agreements).

- Fractionate (break into small pieces) the problem and use a Building-Block Process (agreements on smaller issues that, when combined, form a general agreement). Reduce the threat level.
- Educate and be educated about interests of all parties.
- Assure that all interests will be respected and viewed as legitimate.
- Show an interest in their needs.
- Do not exploit another negotiator's weakness. Demonstrate trust
- Put yourself in a "one down position" to other on issues where you risk a small, but symbolic loss.
- Start with a problem solving rather than competitive approach.
- Provide benefits above and beyond the call of duty.
- Listen and convey to other negotiators that they have been heard and understood.
- Listen and restate content to demonstrate understanding.
- Listen and restate feelings to demonstrate acceptance (not necessarily agreement) and understanding of intensity.

#### **10. Identify areas of agreement, restate them, and write them down.**

### **COSTS AND BENEFITS OF INTEREST-BASED BARGAINING**

#### **Costs**

- Requires some trust
- Requires negotiators to disclose information and interests
- May uncover extremely divergent values or interests

#### **Benefits**

- Produces solutions that meet specific interests
- Builds relationships
- Promotes trust
- Models cooperative behavior that may be valuable in future.

### **AN INTEGRATED APPROACH**

Naturally, all negotiations involve some positional bargaining and some interest-based bargaining, but each session may be characterized by a predominance of one approach or the other. Negotiators who take a positional bargaining approach will generally use interest-based bargaining only during the final stages of negotiations. When interest-based bargaining is used throughout negotiations it often produces wiser decisions in a shorter amount of time with less incidence of adversarial behavior.

### **DYNAMICS OF NEGOTIATION**

Examining the approaches to negotiation only gives us a static view of what is normally a dynamic process of change. Let us now look at the stages of negotiation most bargaining sessions follow.

Negotiators have developed many schemes to describe the sequential development of negotiations. Some of them are descriptive--detailing the progress made in each stage--while others are prescriptive--suggesting what a negotiator should do. We prefer a twelve-stage process that combines the two approaches.

## **STAGES OF NEGOTIATION**

### **Stage 1: Evaluate and Select a Strategy to Guide Problem Solving**

- Assess various approaches or procedures--negotiation, facilitation, mediation, arbitration, court, etc.--available for problem solving.
- Select an approach.

### **Stage 2: Make Contact with Other Party or Parties**

- Make initial contact(s) in person, by telephone, or by mail.
- Explain your desire to negotiate and coordinate approaches.
- Build rapport and expand relationship
- Build personal or organization's credibility.
- Promote commitment to the procedure.
- Educate and obtain input from the parties about the process that is to be used.

### **Stage 3: Collect and Analyze Background Information**

- Collect and analyze relevant data about the people, dynamics and substance involved in the problem.
- Verify accuracy of data.
- Minimize the impact of inaccurate or unavailable data.
- Identify all parties' substantive, procedural and psychological interests.

### **Stage 4: Design a Detailed Plan for Negotiation**

- Identify strategies and tactics that will enable the parties to move toward agreement.
- Identify tactics to respond to situations peculiar to the specific issues to be negotiated.

### **Stage 5: Build Trust and Cooperation**

- Prepare psychologically to participate in negotiations on substantive issues. Develop a strategy to handle strong emotions.
- Check perceptions and minimize effects of stereotypes.
- Build recognition of the legitimacy of the parties and issues.
- Build trust.

- Clarify communications.

### **Stage 6: Beginning the Negotiation Session**

- Introduce all parties.
- Exchange statements which demonstrate willingness to listen, share ideas, show openness to reason and demonstrate desire to bargain in good faith.
- Establish guidelines for behavior.
- State mutual expectations for the negotiations.
- Describe history of problem and explain why there is a need for change or agreement.
- Identify interests and/or positions.

### **Stage 7: Define Issues and Set an Agenda**

- Together identify broad topic areas of concern to people.
- Identify specific issues to be discussed.
- Frame issues in a non-judgmental neutral manner.
- Obtain an agreement on issues to be discussed.
- Determine the sequence to discuss issues.
- Start with an issue in which there is high investment on the part of all participants, where there is not serious disagreement and where there is a strong likelihood of agreement.
- Take turns describing how you see the situation. Participants should be encouraged to tell their story in enough detail that all people understand the viewpoint presented.
- Use active listening, open-ended questions and focusing questions to gain additional information.

### **Stage 8: Uncover Hidden Interests**

- Probe each issue either one at a time or together to identify interests, needs and concerns of the principal participants in the dispute.
- Define and elaborate interests so that all participants understand the needs of others as well as their own.

### **Stage 9: Generate Options for Settlement**

- Develop an awareness about the need for options from which to select or create the final settlement.
- Review needs of parties which relate to the issue.
- Generate criteria or objective standards that can guide settlement discussions.
- Look for agreements in principle.
- Consider breaking issue into smaller, more manageable issues and generating solutions for sub-issues.
- Generate options either individually or through joint discussions.
- Use one or more of the following procedures:
- Expand the pie so that benefits are increased for all parties.

- Alternate satisfaction so that each party has his/her interests satisfied but at different times.
- Trade items that are valued differently by parties.
- Look for integrative or win/win options.
- Brainstorm.
- Use trial and error generation of multiple solutions.
- Try silent generation in which each individual develops privately a list of options and then presents his/her ideas to other negotiators.
- Use a caucus to develop options.
- Conduct position/counter position option generation.
- Separate generation of possible solutions from evaluation.

### **Stage 10: Assess Options for Settlement**

- Review the interests of the parties.
- Assess how interests can be met by available options.
- Assess the costs and benefits of selecting options.

### **Stage 11: Final Bargaining**

- Final problem solving occurs when:
- One of the alternatives is selected.
- Incremental concessions are made and parties move closer together.
- Alternatives are combined or tailored into a superior solution.
- Package settlements are developed.
- Parties establish a procedural means to reach a substantive agreement.

### **Stage 12: Achieving Formal Settlement**

- Agreement may be a written memorandum of understanding or a legal contract. Detail how settlement is to be implemented--who, what, where, when, how--and write it into the agreement.
- Identify "what ifs" and conduct problem solving to overcome blocks.
- Establish an evaluation and monitoring procedure.
- Formalize the settlement and create enforcement and commitment mechanisms: Legal contract
- Performance bond
- Judicial review
- Administrative/executive approval

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