



Complaint Handling: Annotated Bibliography

Many people become scholars or scientists because they are more comfortable dealing with ideas than with people. But it turns out that laboratories and departments are full of people and, where people work together, frictions and complaints arise. Dealing with these problems falls into the category of administrative work—it's certainly not scholarship or research. This work is complicated by the fact that when someone first comes in the door with a complaint, it is not always easy to tell what the problem is (the person him- or herself might not even know) or what resolution might be appropriate.

Here are some basic tips and hints for fielding complaints gleaned from the experiences of others, whether you are responsible for a lab group of three or a department of 100 faculty members, support staff and students.

Setting Boundaries

Many people will seek your guidance about problems that you didn't cause and probably cannot fix. If you have the time to spend listening, that's great. If you do not, you'll need to focus the time you are able to allocate to the topic. There are occasions when you will have the time to deal with the problem immediately. Other times, however, you may be in the middle of something, or have other obligations. In those circumstances, do not hesitate to ask the individual to set up an appointment for another time. Acknowledge your interest in the topic, as well as your desire to have adequate time and focus to have a discussion; then excuse yourself. It often helps to stand up and walk the person out of your office if you are having difficulty bringing the interaction to a close.

Beyond time-based boundaries, it's also useful to develop a concept of topical boundaries. Be wary of confusing personal and professional roles. You can be cordial and warm without offering or receiving confidences that are more appropriately shared with friends, family member and therapists. If the person meeting with you appears to be seeking advice more normally offered by people in those roles, refer them to available resources; do not take on the role yourself. In turn, you need to establish your own boundaries and not bring your personal problems into workplace interactions, especially with those subordinate to you.

Finally, you will need to learn the boundaries of privacy and confidences. Unhappy people will sometimes tell you things you wish they hadn't. (How much did you really want to know about her ex-husband's peculiar sexual habits?) When that happens, you may want to talk about it with someone else, either to help you work out a good approach to the situation or simply to express your amazement at the range of human conduct. Curb that impulse to the maximum possible extent. If you must seek counsel, find the most discreet person you can, preferably someone outside your immediate context. Academic departments are very small communities, and even veiled comments can start the grapevine in ways that will be damaging over time both to the person who offered the confidence and to your own reputation. Cultivate a reputation for trustworthiness by keeping confidences. If your role requires you to act upon information you receive—for example, if someone reports mistreatment of human subjects in an experiment in your department—tell the person that you will be unable to keep that information confidential. Say whom you must tell and why. Offer to protect the source only if that is truly within your abilities.

"Often, talking through the problem will help clarify a course of action for the person to follow on their own."



Key Sentences

A good friend of mine prepares for every contentious meeting by knowing what her first sentence is going to be. If she knows that, she says, she can wing it from there. Picking up on that idea, here are some handy sentences to have on hand:

“What action do you seek from me?”

If the person you’re meeting with is upset, you may need to keep repeating this question. The goal here is to set boundaries on both your time and the topic, as well as to focus on the desired outcome. You may be surprised at how little the person actually seeks or how simple the problem may be to resolve to mutual satisfaction. If the person simply seeks to be heard out, and neither wants nor expects action from you, it is best to confirm that directly. Often, talking through the problem will help clarify a course of action for the person to follow on his or her own. If, on the other hand, the person does seek action from you, seek the most direct statement possible of that is sought. In that case, the second sentence is often useful.

“Just as I listened carefully to your presentation, I need to find out how the other people involved perceive this matter. I will get back to you after I have done that.”

This is an application of one of the most critical of the guidelines for handling complaints, namely that you should never act after having heard only one side of a story. (And sometimes, no action at all is the best response). You can stress that you have no reason not to believe what the person has told you, but that you have an obligation to hear more before acting. It is useful to provide an indication of when you expect to be able to get back to the person with whom you are speaking. If it takes longer than you expect, notify the person of the delay. If someone threatens to sue you, the University and everyone you ever met, smile calmly and say:

“You need to do what you need to do.”

It is not your job to provide advice or counsel to someone wishing to pursue legal options, or even to consult on whether to obtain legal advice. Explain

that you don’t handle legal complaints and see if there are other items that can be constructively discussed. Call the University’s lawyer to explain the situation as soon as the meeting is over if you think legal consequences are a real possibility. With these sentences in your pocket ready for use, here are the guidelines for handling complaints:

Guidelines for Handling Complaints

1. Don’t Take it Personally

To the maximum extent possible, do not take problems and complaints personally. Do not get defensive when people complain, and do not jump to conclusions about their causes or solutions. Explore whether the person actually seeks any action from you (remember the key sentences) or whether talking with you is as much as is necessary for the time being. Thank the person for reporting the problem—better you know about it than you don’t, especially if it turns out to be a misunderstanding—and then set about collecting the facts. Keep your demeanor cordial and courteous. Focus on understatement, not emphatic rhetoric. Replace “that’s the stupidest idea I’ve ever heard” with the phrase “I am having trouble understanding this; can you explain it again for me, please?”

Remember that in your administrative role, you may need to attend to issues against your wishes or your natural inclinations. While some problems may go away if ignored, the serious ones rarely do. Those are almost always more easily resolved when caught early. Thus, you need to find out what the person seeks as economically as possible (in time as well as emotional energy), see who is the appropriate person to act (if at all), and use key sentence number two (“I must find out how others perceive this matter...”). Then go on to the next step.

2. Never Act on a Complaint Without Hearing (at least) Two Sides to the Story

Most complaints and problems stem from different perceptions of subsets of the same facts. Arm yourself with as complete a sense of the situation as you can get before you commit to a course of action. Do not accuse people when you ask; simply inform them in a low-key way that a problem has been brought to your attention and you need to collect basic information on it.



3. What "Everybody Knows, Nobody Knows"

This is a corollary to the preceding precept. If someone tells you about a problem and asserts that "everybody knows" that it is happening, this is a good time to start asking how the person reporting it comes to know about it, and also for dates, times, places and the names of other people who have relevant information. It is remarkable how many widely known "truths" have no factual basis.

4. When in Doubt, Leave it Out

If the sentence about to come out of your mouth begins "I know you won't like hearing this, but..." or if your better judgment is telling you not to say something, don't say it. This rule also applies to written communications. Short is better than long in contentious situations. The more words you offer, the more there is to nit-pick. Emphasize facts and decisions, ask quiet questions, and avoid explanations of motives.

5. Never Attribute to Malice that Which Incompetence Will Explain

We are far too fast to attribute bad motives to others when, most of the time, bad things happen through inattention, inaction, or miscommunication. The first step when concerned about something that's going on is to ask about it: "Is this right?" "I must not understand fully; can you help me?" "How can this be reconciled with our decision to do X?" Quite often, we haven't understood. Another useful technique is to repeat back what you have heard the person say until you've got it right. Sometimes, miscommunication is complicating the situation. Other times, more rarely in my experience, something is truly amiss and requires action. But asking first, and applying the Golden Rule ("Do unto others as you would have others do unto you"), will together resolve an extraordinary number of apparent problems.

6. Say What You'll Do and Do What You Say

Once you've decided upon a course of action, even if it's just to talk to various people to gather information, follow through on it. Nothing will compromise your credibility more than to make commitments you do not fulfill or to declare boundaries you do not enforce.

Just as some parents unintentionally train their children to have temper tantrums in grocery stores by providing candy to calm public misbehavior, you too can train people to behave inappropriately if by doing so they can get you to bend or break announced rules.

For example, every now and then, you may encounter a person who has become a committed (or even an obsessed) "grievancer": every possible waiver or exception is sought and every denial or other incident becomes the basis for a formal grievance pursued to the maximum possible extent. If, through exhaustion or a wish for a simple solution, you grant an exception or waiver to such a person when you normally would not, you may find that you have simply reinforced the bad habit, and actually made your job harder, rather than easier.

7. In the Absence of Facts, People Make Them Up

What they imagine is usually worse than the reality. Don't leave people who are distraught or worried hanging for long periods of time. (The definition of a "long" period of time will vary proportionately with how upset the person is.) Form the practice of telling people what steps you will take; when you will get back to them; and that you will notify them if your concept of the time frame alters. Then stick to your word. You may also want to invite the person to contact you if circumstances, including his or her level of anxiety, changes in any way before you are scheduled to respond.

8. Keep Notes

You do not have to transcribe meetings word by word, but have some reasonably orderly system for noting the date, who was present and the gist of meetings that involve complaints. The longer you leave matters unrecorded, the more creative later renditions will become. Contemporaneous notes are much more useful than subsequent recreations.

If a problem escalates and comes under scrutiny from an external agency or becomes the subject of a lawsuit, these notes may later be made public or be given to others through the operation of freedom of information acts,





laws permitting of employees to inspect personnel records, or the discovery process associated with lawsuits. That does not mean you should not take and keep notes; it merely makes it all the more important that the notes are confined to factual matters. If you have stray judgments or editorial comments upon the complaint or person before you, these notes are not the place to record them. (An attorney representing a university [not my own!] in a sticky case once told me about the dilemma presented by a department head's notes of a pivotal telephone conversation that contained marginal doodling and comments like "what a jerk!" and a drawing of a firing squad. Do not put yourself in such a position.)

If you're worried that your advice wasn't clearly heard, send a short note—even by email—confirming that you met and sketching out the kinds of things you said. Your note can read like this: "Thank you for coming to see me. I found it useful to hear about your concerns. As I said in our meeting, I will seek additional information on this situation because I had no previous knowledge of it. I expect to get back to you by a week from Thursday. If there is any change in this schedule, I will notify you." Follow the maxim that good news can be put in writing, but bad news should be delivered in person (even if sensible practice often requires that it be confirmed after the fact in writing).

9. Trust Your Instincts

If you feel anxious or fearful when dealing with a situation, trust your instincts and call upon someone else in the university for help—but choose someone who will not talk about the situation beyond appropriate boundaries. Unfortunately, we live in a world where troubled people sometimes cause harm to themselves or others. Most places have people who deal with difficult problems and people, who will be able to help you—but only if you call upon them. No one will think less of you for asking, and it is far better to be safe (or even to feel foolish) than to be sorry.

10. Some Problems Require Formal Process

There are some situations you should not try to handle informally or by yourself. Virtually all formal personnel actions (reprimands, discipline, terminations, etc.) fall into this category. Beyond that, use formal process if:

- 1) the situation involves people who are extremely volatile or where the power differences are unusually large—for example, a starting student is complaining about the conduct of a star faculty member;
- 2) the problem has deep roots (when people start to tell you about it, the first event they want to describe took place several years ago);
- 3) it involves allegations that, if true, are extremely serious or possibly criminal; or
- 4) three or more of the people in the situation are engaged in a sexual relationship.

For various reasons, each of these situations will be so complex that you will benefit from the application—and protection—of prescribed procedures. For circumstances falling into these categories, it is a good practice to acquaint yourself in advance with the resource people on your campus. They may be in an employee assistance program, a human resources office, the counseling center, or even the provost's office. Find out who they are and what they have to offer before you have an emergency on your hands.

There are also circumstances in which you should not meet one-on-one with another person. It pays to have a witness or another participant in a meeting when emotions are running very high, when you are delivering bad news, when the individual with whom you are meeting is extremely volatile, or when your experience with the person is that he or she has selective hearing. For example, if you've found that saying "I can not make any promises, but I will inquire



into the situation” turns into “You promised you would have that result changed,” then do not meet with that person again alone. If the person has a history of turning against those who have tried to help (e.g., by filing charges against them), then don’t meet that person alone. In those situations, having a witness to what was actually said (and who notes it down at the time or immediately afterward) is a sensible precaution.

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Two concluding thoughts for handling problems as you reach the conclusion of your process:

No Good Deed Goes Unpunished: The Doctrine of False Compassion

Mostly, you cannot rescue people from the natural consequences of their own bad choices. It pays to give extra chances to the young, especially in an educational institution. Compassion is misguided, however, when it keeps people from experiencing the serious consequences of their own actions (especially repeated ones), or when its overall effect disadvantages someone else. Recall that unreasonably extending the extra chances of a person with marginal qualifications or achievements is likely to be leaving another more qualified person without a seat in an educational program or a chance at a tenured position.

Even worse than the disadvantage to another is the likelihood that false compassion will cost time and money. Remarkably often, a person who is granted an exception against good practice and good judgment will become a repeat customer, seeking one compromise after another. When the line is finally drawn, it will incur unpleasant consequences, and even wrath. The resulting problem will be much more difficult to handle than the outcome of an evenhanded application of the rules. Even worse,

granting exceptions to well-designed rules may, over time, make those rules unenforceable and open the institution to claims that exceptions are granted arbitrarily or in a discriminatory fashion. If a rule is so harsh in its effect that those responsible for its enforcement are constantly seeking ways not to enforce it, it is far better to re-examine and revise the rule than to apply it (or not) on an ad hoc basis.

After A Transgression, Assess Comprehension, Responsibility and Remorse

At the conclusion of an internal review of conduct, if the result is a finding that rules have been broken, especially in the case of serious violations, it is critical to assess three factors before deciding upon the actions to take against the violator. Educational institutions should believe in the value of forgiveness and rehabilitation, but must do so in a clear-sighted way. In many circumstances, there will be an intuitive identification with the violator, especially if that person is young, much like those responsible for imposing sanctions, or has received many years of advanced (and expensive) training. The impulse will be to preserve that person’s career, if possible. The following three factors must be carefully assessed before moving in that direction:

- a) *Does the transgressor understand the nature of the offense? That is, is there understanding of the rule, why it exists, and why it matters that it was broken? Or is the transgressor’s response that the rule did not really matter, that it only applied to others anyways?*
- b) *Is there an acceptance of responsibility? Does the rule-breaker agree that he or she is the one who took the action in question, or do they think it was someone else’s fault? Without an acceptance that he or she is responsible for his or her own conduct, rehabilitation cannot take root.*
- c) *Has the rule breaker said he or she is sorry for breaking the rule, taken any action to prevent recurrence or to apologize? Or are they mostly just sorry they got caught?*



Without comprehension of the import of the rule, acceptance of responsibility for its violation and remorse for the actions at the root of the situation, as well as for their efforts, a rehabilitation plan will be a waste of time. In that situation, the institution should

consider imposing a meaningful penalty, with the goal of reinforcing its overall ethical environment: the message to all those who do not commit serious transgressions should not be that crime does actually pay, after all.

In all of these situations, think about what a university is (or should be) trying to achieve from the perspective of its multiple constituencies. In its educational mission, it must do more than provide topic-specific instruction and training. Undergraduates care about the totality of their experience, especially on residential campuses, including being treated consistently with respect. Graduate education must provide the tools for students to undertake a complex transformation from being consumers of knowledge to becoming creators of knowledge. In turn, this requires personalized guidance throughout a student's time at the University. Faculty and professional employees care not only about their paychecks but seek interesting colleagues, good facilities, and intellectual stimulation.

All employees care about fair and even-handed treatment. External constituencies seek value for their investments in the university (whether through state allocations for public universities or through federal research funding for all universities), and they seek accountability. Alumni seek to be proud of their home institution—and not to read about its scandals in the newspaper. The list could go on. This multiplicity of constituencies means that it is worthwhile thinking in a very broad sense about what constitutes an ethical environment, and how to meet those expectations.

The good news is that a little common sense goes a long way in dealing with problems, especially if you apply these rules relatively consistently. When you lapse, don't beat yourself up; accept that you goofed and try to figure out how to set about fixing what can be fixed. And because you've managed such good boundaries, try not to take the problems home with you—have a personal life that you enjoy.