

# DEO ESSENTIALS

## Managing Difficult Issues with Faculty

Department Executive Officers are often required to address issues related to faculty performance or to resolve conflicts between faculty, staff, and/or students. This document offers best practices, ideas, and further resources to help DEOs navigate these difficult situations, with a particular focus on issues that involve faculty.

Though it sometimes seems easier to ignore emerging problems in hopes that they will resolve themselves, it is important to be proactive and respond to conflicts early, before they impact the work environment and mission of the department. Before problems arise, familiarize yourself with campus resources and use them when needed to address emerging conflicts in the effort to create a productive, equitable, diverse, and inclusive environment in the department. Remember to keep your college dean and/or other supervisors apprised of emerging problems, especially if they become difficult to resolve.

This guide is organized in five sections:

- 1. Prevention** – suggestions for creating a departmental climate where problems are less likely to emerge and more constructively resolved
- 2. Communication** – best practices for communicating and meeting with faculty members about issues
- 3. Documentation** – suggestions for documenting meetings and conversations
- 4. Follow-up** – creating and implementing a plan for resolving issues
- 5. Resources** – where to look for help or ideas

If you have more questions or need further assistance, consult with your dean.

### PREVENTION

Difficult faculty issues can be mitigated by being proactive and creating a departmental climate that prevents problems before they can occur.

- Provide mentors for early-career faculty, including non-tenure-track faculty, to help them adjust to their new work environment, understand departmental expectations, and build a support structure for when they have questions or concerns. Mentors for mid-career or senior faculty may also be helpful. In some cases, multiple mentors, such as a mentor for teaching, mentor for research, and/or mentor for extension may be appropriate.
- Departmental policies and bylaws related to faculty rights and responsibilities should be clearly articulated and available to all faculty members. Be intentional about orienting new faculty to these policies. Ensure that departmental bylaws and policies are in line with higher governing documents (college, campus, and Board of Regents bylaws and policies).
- Create and emphasize department guidelines on professional behavior and civil discourse. These can draw on existing resources from the Faculty Senate and Faculty Affairs in the Office of the Executive Vice Chancellor. (See Resources section.) Regularly review guidelines with department faculty and make modifications as necessary.
- The charge from the DEO to committees should establish clear expectations and outcomes. For example, directives to promotion and tenure committees and peer-evaluation committees should emphasize the need to identify strengths and concerns about performance, such as poor teaching or research productivity, along with recommendations for improvement. This may help faculty understand they are accountable to each other regarding the performance and culture of the department.



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- Take advantage of training opportunities for yourself and your faculty related to UNL policies, ethics, research, teaching and outreach, conduct, diversity and inclusion, Title IX, civil discourse, academic freedom, and other topics. These opportunities are announced regularly; some are referenced in the Resources section.
- Create and maintain a department climate of transparency, trust, and collegiality:
  - Hold regular department meetings and facilitate participation by all faculty (tenure and non-tenure track).
  - Communicate policies and policy changes at departmental, college, and campus levels.
  - Take time to recognize and celebrate faculty achievements.
  - Establish habits of clear communication and timely responsiveness to faculty. Communicate regularly, yet try to avoid overload. (See Communications section.)
  - Annual evaluation letters should set clear expectations for faculty, and should include positive comments on areas where faculty are performing well, as well as identification of areas for improvement. Remember that all faculty, including non-tenure-track faculty, must be evaluated annually.
  - Consistency and following through on commitments are key to building and maintaining trust. Others expect promises to be kept and honored.

### COMMUNICATION

Preventing and resolving faculty issues depends heavily on good communication. Aim to be consistent, direct, and transparent in all your communications.

#### Basic Guidelines

- Listening is the key to good communication. Where disagreement or conflict exists, be sure to listen carefully to all individuals involved before creating any response or action plan.
- Enter conversations with an open mind and avoid rush to judgment.
- Foster two-way conversations by ensuring that other people have plenty of space to respond and raise concerns and questions of their own.
- Provide multiple methods for communicating (e.g., email, phone, face-to-face, etc.) and make clear what your preferred method is.
- Maintain confidentiality when dealing with conflict. Do not divulge sources of information or concern if those sources have asked for your discretion. Do not share information with people who should not have it. Note, however, that it may be appropriate and even necessary to share information with your dean, your personnel/ executive committee, or your successor.

#### Email

- Avoid trying to resolve difficult personnel issues by email. Emails are easily misunderstood and lack the nuances and interactivity characteristic of in-person forms of communications such as phone, video, or face-to-face communication. Emails and written communications are important for following up and documenting in-person meetings, however.
- Aim for concise writing, remembering that many people “tune out” lengthy or verbose communications.
- Take time to edit before sending, especially when stakes are high. Write a first draft, do other things, and come back with a fresh pair of eyes.
- Use caution when selecting “reply all.” Do all recipients need all of the information you are sharing? Are you including information that some recipients should not have?
- Avoid blind copying individuals; this is counter to developing a culture of trust.

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### Meetings

Any situation that presents either an *acute* crisis or transgression, or *repeated or chronic* poor behavior or performance, warrants a meeting with the faculty member. An example of the first type is any behavior that could be interpreted as dangerous, threatening, or harassing. Examples of the second type are repeated complaints regarding teaching or chronic underperformance in research, and dishonesty.

- Preparing for a meeting
  - A helpful guide, “How to Have Difficult Conversations,” has been created by faculty in the Department of Communication Studies. (See Resources section.) Review this guide in preparation for a difficult conversation. In brief, it suggests:
    - Self-reflection to help identify your concerns, assumptions, and the stakes of the conversation.
    - Other-reflection to try to understand the other person’s behavior, values, and stakes and your own assumptions about them.
    - Creating an attitude of openness.
- Attendees at the meeting
  - Generally, only those involved directly in the issue at hand should be present. However, a faculty member may be more comfortable having a colleague or advocate present and should be allowed to invite someone. If the issue is particularly difficult, you may also wish to have a representative from the Dean’s office or Faculty Affairs present. You might also consider inviting a university ombud. (See Resources section.) Never invite anyone to attend a meeting without letting the faculty member know in advance who will be present.
  - Do not agree to allow a faculty member to bring an attorney to the meeting. If a faculty member requests this, postpone the meeting while you contact your dean (who may contact the Associate Vice Chancellor for Faculty Affairs) for advice on how to proceed.
  - If you think you need legal advice in resolving the conflict, speak to your dean about contacting University General Counsel. Do not contact General Counsel directly.
- Recordings
  - It is best not to record meetings unless absolutely necessary. It is acceptable (but not binding) for anyone to ask that a meeting *not* be recorded.
  - A DEO should never record a meeting without permission of those attending.
  - Be mindful that someone else in the meeting could be recording without your knowledge, which is legal under Nebraska law. Always act, speak, and write with professionalism and integrity, knowing that others may have access to your conversations (through email, audio, or video).
- During the meeting
  - Try to maintain an atmosphere of calm and openness; refrain from anger.
  - Be clear about the goal of the meeting.
  - Focus on listening to and validating the other person.
  - Try to identify a shared understanding of the problem.
  - Ask for ideas for solutions to the problem and find one that meets everyone’s needs and achieves the intended goal, if possible.
  - For more detailed suggestions, refer to the “How to Have Difficult Conversations” guide.

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### DOCUMENTATION

After a meeting has taken place, it can often be important to document it, especially if new information has emerged and/or an agreement was reached about next steps in resolving the issue. This document can later serve to set clear expectations and serve as evidence if problems worsen or recur. You may even wish to draft or outline this document *before* the meeting as a way to help you organize your thoughts and envision how the meeting might go.

- Within a reasonable amount of time (generally 1-3 days), write a summary of the meeting. Focus on factual information about what was said and done and identify constructive next steps; avoid emotional language and personal interpretations.
- Share the document with all who attended the meeting and be open to corrections from them.
- The document may take the form of an email or, if necessary, a letter to be placed in the faculty member's personnel file. If the latter, the faculty member should be informed that you will do so and that they have the right to append a written response if they wish.
- Maintain a digital and/or hard copy file of this document, as well as *all* communications or other documents related to this issue, so that you, your successor, or others who may need the information can easily access it.
- Inform your college dean about the meeting and any proposed solutions.

### FOLLOW-UP

When a mutually agreeable solution has been reached, create a follow-up plan that can be part of the documentation of the meeting.

- Set clear, realistic, and measurable expectations and communicate these expectations to those involved.
- Provide a timeline for implementation of changes or responses and identify a time when you will review progress.
- Monitor and adapt these plans as needed.
- If the situation reveals a possible weakness in policy within the department, work with your faculty to develop better or clearer policies to prevent similar situations in the future.
- If counseling services or other university resources may benefit the faculty member, be sure they have information about those resources.

In worst case scenarios, a solution to the problem cannot be reached. In this case, work with your dean to explore other options, such as mediation, investigations by the Office of Institutional Equity and Compliance, or a professional conduct grievance through the Academic Rights and Responsibilities Committee of the Faculty Senate (which, unlike other ARRC grievances, can be submitted by a DEO).

### RESOURCES

#### Campus Resources – Offices and Services

- **UNL Police** – [police.unl.edu](https://police.unl.edu) In the case of violence, threats, or disruption in the workplace, contact UNL Police at 402-472-2222 or [unl.police@unl.edu](mailto:unl.police@unl.edu) and notify your dean. See also [police.unl.edu/important-links](https://police.unl.edu/important-links).
- **UNL Faculty Ombud Services** – [facultyombuds.unl.edu](https://facultyombuds.unl.edu) Resource for faculty seeking to resolve difficulties that interfere with their work.
- **UNL Employee Assistance Program** – [hr.unl.edu/eap](https://hr.unl.edu/eap) Confidential counseling service for employees and their immediate family members.

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- **Office of Institutional Equity and Compliance** – [unl.edu/equity](http://unl.edu/equity) Title IX and other discrimination concerns.
  - Sexual misconduct
    - Sexual Misconduct and Title IX [go.unl.edu/titleix](http://go.unl.edu/titleix)
    - Sexual Misconduct Reporting Responsibilities [go.unl.edu/sexualmisconductreporting](http://go.unl.edu/sexualmisconductreporting)
  - Discrimination, bias and related concerns
    - UNL Discrimination/Harassment Incident Reporting Form [go.unl.edu/discriminationharassmentreport](http://go.unl.edu/discriminationharassmentreport)
  - If an IEC investigation results in “no finding,” it is important to have a conversation with the individual to review the report, identify unprofessional behavior or other concerns noted in the report, and make an improvement plan.
- **Academic Rights and Responsibilities Committee** – [go.unl.edu/aarc](http://go.unl.edu/aarc) ARRC considers grievances brought by faculty members alleging violations of academic freedom, tenure, termination, and other issues; as well as grievances brought against faculty and professional staff claiming professional misconduct (other than research misconduct).

### Campus Resources – Guides and Policies

- **How to Have Difficult Conversations** – UNL Communication Studies Guide [go.unl.edu/conversationguide](http://go.unl.edu/conversationguide)
- **Faculty Senate Professional Ethics Statement** – [go.unl.edu/ethicsstatement](http://go.unl.edu/ethicsstatement)
- **Research Misconduct** – [go.unl.edu/researchmisconduct](http://go.unl.edu/researchmisconduct)
- **Academic Integrity** (students)
  - [studentconduct.unl.edu/academic-integrity](http://studentconduct.unl.edu/academic-integrity)
  - [studentconduct.unl.edu/student-code-conduct](http://studentconduct.unl.edu/student-code-conduct)
  - Contact the Dean of Graduate Studies for additional procedures for graduate students [unl.edu/gradstudies/about](http://unl.edu/gradstudies/about)
- **Alcohol and Drugs** – [police.unl.edu/drug-free-campus-policy](http://police.unl.edu/drug-free-campus-policy)
- **Faculty Affairs Professional Development Workshops** – Topics include free speech and academic freedom, civil discourse, and workplace bullying [go.unl.edu/facultyworkshops](http://go.unl.edu/facultyworkshops)
- **Faculty TipSheets** – Topics include leading inclusive meetings [go.unl.edu/tipsheets](http://go.unl.edu/tipsheets)

### External Resources and Readings

- *Fix Your Climate: A Practical Guide to Reducing Microaggressions, Microbullying, and Bullying in the Academic Workplace* by Myron R. Anderson and Kathryn S. Young [go.unl.edu/fyc2020](http://go.unl.edu/fyc2020)
- *Communication and Conflict Management: A Handbook for the New Department Chair* by J. Emmett Winn [go.unl.edu/ccm2016](http://go.unl.edu/ccm2016)
- *Radical Candor* by Kim Scott [go.unl.edu/radicalcandor](http://go.unl.edu/radicalcandor), [radicalcandor.com/the-book](http://radicalcandor.com/the-book)
- Psyche: “How to have a difficult conversation” [go.unl.edu/dcg2020](http://go.unl.edu/dcg2020)
- TED: “3 ways to lead tough, unavoidable conversations” [go.unl.edu/tuc2019](http://go.unl.edu/tuc2019)
- Supervisor Development Toolkit from the University of Illinois [go.unl.edu/uisdt](http://go.unl.edu/uisdt)
- Resources for Handling Difficult Situations from the University of Illinois [go.unl.edu/uihds](http://go.unl.edu/uihds)