Problem Departments:
What Can Be Learned and How To Avoid Them
by Andrew Cowell

Lessons gleaned from service as interim head of a department in receivership can be applied to make good departments stronger and prevent problems.

Perhaps the first thing to say is that policy and procedure is your friend, as a chair or other administrator. This statement is often made in the context of talking about protecting yourself and avoiding grievances and lawsuits – follow policies and procedures and you're "safe." But only when one has seen what can go wrong in a department does one realize just how useful policy and procedure are to effective governance and positive benefits for everyone. The very first thing that goes wrong in problem departments is rarely someone blatantly violating a policy or procedure. Rather, it appears that the policies and procedures themselves are either unclear or not regularly or consistently followed, as part of the general culture of the department. It is this culture and atmosphere that then allows and even encourages violations, and then things spiral downhill when the response to the violations is again a further failure to implement proper policies and procedures.

It appears in problem departments that faculty are often unaware of the contents of the by-laws, or the annual evaluation guidelines, or campus

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documents such as the Professional Rights and Responsibilities document, or reporting guidelines around the Office of Victims Assistance, the Office of Discrimination and Harassment, etc. or the role of the Faculty Ombuds Office or the Office of Faculty Affairs, despite strenuous efforts at training by the administration. In addition, and likely connected to this first issue, problem departments often seem to be run very informally or loosely: in some cases the Chair exercises excessive control and authority, failing to regularly convene the executive committee, salary committee, curriculum committee, etc. thus leading to a situation where faculty feel they lack input on decision-making and also do not understand the basis of decisions. Perhaps worse, informal groups of faculty ("the full professors" or "the senior men") come to be the de-facto decision makers in conjunction with the chair, either meeting on their own or communicating among themselves and reaching conclusions outside of any formal, authorized governing process, which often end up being highly contextualized and reactive, and worse, inconsistent over the long run. Both of these

problems can be exacerbated by a lack of faculty meetings, either in frequency or length, or by poorly run meetings which are all about information from the Chair but no opportunity for input and discussion. Well-intentioned faculty begin to feel alienated, disempowered, and disrespected.

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They begin to assume that even if they report problems, no one will do anything about them. More generally, I feel both of the problems above are related. When there are not regular meetings of committees, then by-laws are not discussed, department policies are not discussed (or even formulated), and people are unaware of policies and procedures. More and more starts to get done via personal relationships and insider deals, and the appearance (even if not the reality) of exclusion and favoritism is inevitable. Email exchanges, by the way, do not adequately encourage this kind of discussion – only formal face-to-face meetings. It may seem strange to claim that lack of formalisms in a department could lead to or even be related to problems with individual faculty engaging in things like sexual harassment, but I believe this is in fact the case, and I never appreciated the connection until having the experience of seeing both issues in conjunction

Perhaps related is an emphasis on minimum standards, often related to a false sense of collegiality, which people often appeal to as a

way of avoiding unpleasant confrontations. The focus in the department becomes simply meeting the minimum standards, rather than aspiring to true quality and professionalism (especially in issues of governance). People say things like "well, X doesn't seem to have actually violated any policy with his/her behavior" or "it would be uncollegial to intervene in X's activities" or problem faculty say "I didn't do anything illegal, so what's the issue?" In anthropological terms, such departments have a culture oriented around Negative Face (giving people maximum freedom from intervention and annoyance and restrictions) rather than Positive Face (working to be supportive and inclusive of people and inculcate a sense of shared purpose and aspirations). In this regard, votes can become a kind of minimum standard as well: "hey, we held a vote like we were supposed to, and they lost, so too bad for them." The follow-up towards faculty on the losing side of a vote, especially if the same 3-4 people are consistently on the losing side, should be a conversation to attempt to maintain inclusiveness, and show that these individuals' concerns are not simply being ignored, even if the outcome of the vote itself was negative for them. As another example, some faculty may express concern about the environment at department Christmas parties or similar occasions (such as too much drinking) and the response will be, "hey, they don't have to come if they don't want to, it's not a formal event." Majorities simply ignore minorities.

Summed up in a single word, this is a climate of administrative laziness or sloppiness. Such a climate does not automatically lead to serious

problems in a department. If faculty are well-behaved and congenial, departments can survive (though very rarely thrive) under such a regime. But once one or more faculty begin to misbehave, the reaction in a problem department is typically once again informal, and/or appeals to minimum standards and/or shows lack of knowledge of available rules and procedures, all leading to inadequate responses. People say things like "X is my friend, I'll just have a talk with him/her" or "we (informal leaders) will speak to him/her, but let's keep this quiet" or "it would be uncollegial to follow up on this" or "I'm not going to go and investigate a colleague based on rumors" or "there's really nothing we can do – there's no rule or policy against this" or "that's just X, he/she's always like that" or "well he/she's such a good researcher, or teacher, that I guess we can overlook this." Faculty who truly do want to do something about the problems, and do want to report them, end up saying things to themselves like "it won't do any good, no one will pay any attention anyway."

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get irritated at us." Colleagues who do want to report say things like "everyone will get mad at me for making the department look bad if I report this." When ODH does informal investigations and finds problematic behavior, but the behavior which does not rise to the level of a formal investigation, rather than having ODH representatives talk to the respondent, the department chair says things like "we'll handle this ourselves internally and have a talk with him/her." The problem with a Culture of Containment is that there are experts all over the campus on issues of harassment, discrimination, psychological difficulties, disability accommodations, leave policies, legal restrictions, faculty rights, etc. Containment means excluding all these people and their expertise (and authority) from being brought to bear on a problem, and leaving everything in the hands of the department and its Chair, who are simply never going to be adequately trained to deal with all these issues (and who are never going to be as scary to the problem actors as Deans or lawyers).

The result of this kind of situation is that the people behaving problematically get the message that their behavior will be tolerated or ignored as a matter between "friends" or "colleagues," and that they will not face serious

consequences (most notably, they will not face anyone outside the department, or any formal investigations, findings or sanctions). And the people in the department who actually have higher aspirations and want to follow procedures now feel like they are the "bad guys" for having this attitude and wanting to do the right thing. Not only are they silenced, but others in the department may actually become suspicious of them and cease communicating regularly with them on some matters, out of fear that they will "report on the department" and "break Containment." us the Culture of Containment leads to exclusion of the most admirable and valuable members of the department, from a true professionalism perspective, and in the eyes of these individuals, a seeming embrace of the bad actors as people who need to be protected by their colleagues from higher oversight. Worst of all, the bad actors (who are often highly self-centered) will interpret their colleagues' efforts to "protect" the department and themselves as an actual endorsement of the bad actors' behavior and an effort to protect the bad actors specifically, even when this is not actually the case (though it sometimes may be the case). Narcissists, when not confronted with very strong negative reinforcement, find it surprisingly easy to interpret situations in terms of positive reinforcement or at least benign neglect.

The alternative is of course to follow up assiduously on problems as soon as they develop, and to do so as part of formal processes for serious matters. More generally, employing formal processes often and

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vigorously in all departmental matters, combined with an attitude of inclusivity and aspiration to high standards of professionalism (Best Practices) is central to maintaining a positive departmental atmosphere. Almost never will serious policy violations occur out of nowhere in my experience. These kinds of actions are always preceded by less serious actions (sometimes minor policy violations, which are not investigated).

Typically, there is a cycle of escalation, over several years. If leadership and the faculty in the department generally are lazy in the ways described above in responding to this cycle, then one can witness a "normalization of deviance." Departments get used to conflict and dissension and bad behavior, and come to think of it as normal. My analogy is the frog which, if thrown in hot water, leaps out immediately, but if slowly left in the water as it heats up, ends up cooked. An outsider coming in to such a situation can be literally stunned by the degree of dysfunction which is occurring without most members of the department even recognizing it as such.

When things finally become unbearable and leadership in the department does finally attempt to intervene, the problem at this point will be that no previous investigations, findings or sanctions exist, so the straw that breaks the camel's back internally will appear, from an external and legalistic perspective, as a single, isolated action, whose true context and objectionable nature cannot be appreciated by others, including in the worst of cases by jurors. The perpetrators themselves may react similarly

– "okay I made one mistake, so what?" or even worse "it's just who I am, it was never a problem before." Moreover, in actual trials or legal settlements, the issue of "Institutional Control and Oversight" can become a key factor, and victims may receive far more sympathy (and money) when it can be shown that problems were ignored by those in charge over the course of years.

So remember to inform and train constantly; to not just follow, but vigorously promote formal and inclusive processes and procedures for reaching decisions, and to set goals around high aspirations, best practices, and Positive Face rather than minimum standards, Negative Face, and an empty appeal to "collegiality." Do not be a passive, reactive chair who just keeps the paper moving and waits for problems to hit his/her desk. Be an active chair who seeks ways to build consensus while addressing potential problems aggressively. If this is done, isolated instances of problem behaviors may well still occur, but they can be nipped in the bud and adequately addressed, and the likelihood of a downward spiral into formal investigations, receivership, resignations, terminations, million-dollar lawsuits, and ongoing international negative publicity will be highly unlikely. The stress, frustration, institutional harm, and downright misery of the latter developments (not to mention the financial costs) for many of those involved is absolutely not to be underestimated. Most importantly, do not think that some of these bad things cannot happen to you and your department.

Even in a highly problematic department, there are active, positively-oriented individuals, and the majority of the department will not be bad actors. Rather they will individually be good teachers and researchers, "good people," who are really no different from faculty in many other departments on the campus. But collectively, through laziness and sloppiness (even "distraction" in governance if one wants to be more charitable), and especially if unchecked by energetic leadership, the majority can let a culture of informality, inattention, minimal standards and alienation develop, in which a small minority of truly negative influences can then produce a great deal of harm for all involved. Having been in three different departments, I can look back on all those situations, good and bad, and in retrospect see the potential for some of these negatives to occur in every single place.

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A final word about avoiding a Culture of Containment. It is certainly true that Deans are not especially happy to have Chairs come to them with problems. But they are far less happy to first hear about problems when they show up in the newspaper. My suggestion is that whenever you go to the Dean with a problem to report, you also go with a proposed solution to the problem. is still gives Deans and others the power to modify or even reject your proposed solution, but it shows you are being

proactive about the situation that has arisen. Ideally, your proposed solution will be a result of consultation with the department executive committee as well as someone in the Ombuds Office, Office of Faculty Affairs (John Frazee for ex.), ODH, Office of Victim's Assistance, a campus lawyer, the Faculty Staff Assistance Program (psychological needs), the Media Spokesperson, or any number of other extremely helpful people, none of whom by the way has any direct authority over you in the sense that the Dean or Provost does – they are simply there to help. At a minimum, this approach will provide you and your department with some valuable education and show your professionalism, and at a maximum you may solve yours and the Dean's problem for him/her. But even if you consult all these offices, please do inform the Dean or Associate Dean – there is almost always some additional policy or legal ramification that you will have not thought about. My own experience with higher-level administrative decision making and responses to serious problems on this campus is that a great deal of thought and discussion, among many different people with lots of experience, goes into the final actions. Remember, it is way, way better to be a part of those discussions in a joint effort to resolve problems than to be "the problem" – the absent topic of those discussions.

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