Collaborative Problem Solving: Steps in the Process

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This chapter describes a methodology for resolving conflict in a collaborative manner, but does not refer to Dr. Ross Greene's Collaborative Problem Solving approach, as first described in his book *The Explosive Child*. For more information on Dr. Greene's Collaborative Problem Solving approach, visit the website of his non-profit organization, Lives in the Balance at http://www.livesinthebalance.org.

Section 5:
COLLABORATIVE PROBLEM SOLVING: STEPS IN THE PROCESS

IN THIS SECTION YOU WILL FIND:

COLLABORATIVE PROBLEM SOLVING VS. BEING POSITIONAL

THOUGHTS ABOUT PREPARATION

Figure Out Your Interests
Figure Out Their Interests
Consider Some Options
Whatís a Fair Standard?
Keep an Open Mind

STEPS IN THE COLLABORATIVE PROCESS

SHARE PERSPECTIVES

Perception
Emotions

DEFINE THE ISSUES

Setting the Agenda for Discussion

IDENTIFY THE INTERESTS

Finding the Common Ground of Shared Interests
Look for Powerful Interests

GENERATE OPTIONS

Brainstorming

DECIDE ON OBJECTIVE CRITERIA

EVALUATE OPTIONS AND REACH AGREEMENT

COLLABORATIVE PROBLEM SOLVING VS. BEING POSITIONAL

All of us are involved in some kind of problem solving everyday, both in our personal and professional lives. In our families and our work environments we are faced with a multitude of issues that require making decisions made with others.

Some of these decisions are small and do not have a long term impact on our lives. Examples of these might be where we will go to dinner tonight, what program we will watch on television, or what movie we will see.

Other decisions are significant and require substantial consideration because of the potential impact they will have, both on our lives and our relationships with others. Examples of these might be whether we should sell our house and move, should we send our child to a private school, is it time for a nursing home for an aging parent.

Unless we live in total isolation, we are, by necessity, involved with problem solving and negotiating with others at some level as a regular part of our lives.

In their book, Getting to Yes, Roger Fisher and William Ury define negotiation as follows:

"Negotiation is a basic means of getting what you want from others.

It is back-and-forth communication designed to reach agreement when you and the other side have some interests that are shared and others that are opposed."

In spite of the fact that we frequently engage in negotiation, for many of us, our repertoire of negotiating skills is limited. Out of habit and lack of knowledge about alternative strategies we try to solve problems by stating, and sticking to, our position. In a conflict, one side states what they want ("I want my second grader to be in the third grade for math") and the other side states their position ("Your child needs to stay in the second grade for math"). Each side takes turns (sometimes democratically, sometimes not), restating their beliefs and opinions and becoming more and more entrenched in their own position, which they see as the only acceptable solution to the problem as they perceive it. The goal becomes trying to convince the other side of the rightness of their position.

When we insist on our position as a way to solve the problem, in order for one party to be satisfied with the outcome, the other party must be dissatisfied. One party must ëgive upí their position in order to reach agreement. Reaching an agreement depends on who can be the most powerful, the most persuasive, and/or the most willing to endure until ëthe bitter endí. If neither party is willing to ëback downí, the problem solving process may become stalled with no agreement being reached at all. This type of "positional bargaining" is limited in its effectiveness in the following ways:

1. It can be inefficient. Haggling, attempting to convince, and resorting to tactics such as stonewalling or holding out often result in multiple meetings which invariably extend over a long period of time. This not only creates a stressful situation for the participants, but may have a negative impact on a childís education because while this inefficient problem solving is going on, the child may not be receiving important services and support.

2. It can produce unwise agreements. When we bargain from two positions - yours and mine - we are essentially considering only two possible solutions to a problem. By putting our efforts into trying to convince the other side of our solution, we forfeit the opportunity to consider other possibilities that may meet our needs and be more satisfying for everyone.

3. It can be hard on the relationship. This type of problem solving creates stress, anger and resentment for all participants. Bitter feelings may impact future problem solving efforts and may have a detrimental impact on a childís program as well as his attitude towards his school experience.

A Position **Is one solution to a problem**

Problem Solving from Positions is Limited Because:

It can be inefficient

It can produce unwise agreements

It can be hard on the relationship

In this section, we present a model for collaborative problem solving based on the work of Roger Fisher, William Ury, and others. In collaborative problem solving, parties work side by side to solve the problem together. Rather than negotiating from opposing positions, the parties, through a number of different techniques which we will describe, identify problems in terms of INTERESTS.

Working with interests is a key concept in collaborative problem solving. An interest is the underlying need or concern that a party is trying to have satisfied. It is the thing that is motivating someone to seek a solution. A statement that describes one possible solution to meet that need or concern is a position. When we go beyond the position to uncover the needs and concerns, we create an opportunity to explore a variety of options or possible solutions that we may not have previously considered. By ëexpanding the pieí in this manner, we are able to move beyond agreements which are marginally sufficient to agreements that maximize solutions, meet more of everyoneís needs and are ëwin-winí rather than ëwin-loseí. This process has the potential to create greater satisfaction with agreements and build positive working relationships.

The advantages of working collaboratively to solve problems:

Working with interests often results in the identification of more possible solutions than were originally considered;

By "expanding the pie", we end up with fair agreements that potentially meet more of our needs and are "win-win" rather than "win-lose";

Creates greater satisfaction for all of the parties and promotes a foundation for future problem solving that is respectful and energizing rather than negative and depleting.

THOUGHTS ABOUT PREPARATION

Whether you are a parent or a teacher, advance preparation is an important, though often ignored aspect of collaborative problem solving. Our lives are already incredibly busy.

For everyone who works in a school system, each day is filled with an agenda impossibly long to get through in the allotted eight hours. There are student contact time and supervisory responsibilities such as recess and lunchroom. The short breaks throughout the day are devoted to calling parents, meeting with a specialist, last minute planning for schedule changes, or meeting individually with a needy student. After school there are staff meetings, grade level meetings, parent meetings and if youíre lucky, time to plan for the next day or correct some papers. Then add a challenging IEP meeting which requires extra effort, thought, communication, thinking, and information gathering.

A parentís reality may include juggling a full-time job or perhaps two part-time ones, grocery shopping, meal preparation, laundry, and general household maintenance. Add in shuttling children to afterschool activities or retrieving them from daycare and managing a schedule to provide the structure, supervision and support for a child with significant disabilities. There may be expectations or requests to fill in for another employee at work, or finding someone to fill in for you because you have a sick child. Or perhaps the daycare provider is ill and you need to find alternate care. If you are a single parent or are the one primarily responsible for "keeping it all together", add an additional dose of stress.

It is no wonder that carving out the necessary time PRIOR to an important meeting to address the needs of a child seems like an impossible task for all of the individual participants. Often ëpreparationí may be limited to figuring out your position and what youíll "settle" for.

Preparing for a successful collaborative problem solving session requires addressing a number of different areas.

Figure Out Your Interests

As we stated earlier, your position represents your solution to a problem. Interests are the underlying need, want, or desire that we are trying to satisfy with our position (solution).

In Order to Understand Your Interests Ask Yourself

What is this going to satisfy?

What need will be met if I were to have this?

Why do I want this?

People generally have more than one interest (we will go into this more in depth) - make a list of yours, then spend some time prioritizing them. Which are the most important? Which are somewhat important? Is there some that you could more easily forego?

For example, if your position is *I want my child to have a one-on-one instructional assistant*, your interests might be:

I want my child to be physically safe;

I want her to have the best possible learning environment;

I want one person who will be able to bond and be available for her;

I want her to be with peers so she can develop interpersonal skills;

I want the peace of mind knowing that she is well cared for at all times.

Are some of these more important to you than others? Are some so critical that you wouldnít be able to come to agreement unless they were satisfied?

Figure Out Their Interests

Remember that collaborative problem solving is all about trying to satisfy the interests of ALL parties involved. Therefore, it is important to spend some time considering what the other sideís interests might be.

In Order to Understand Their Interests

Ask yourself, "If I was wanting that, what need(s) would I be trying to satisfy? What do they really want?"

Attempt to understand the issues from their perspective , how do they see the situation and why?

Make a list of what you think their interests are. Look for the common ground or shared interests. Using the situation above, if the schoolís position is: *Your childís needs can be met without a one-on-one aide*, you might identify the schoolís interests as:

We want to spend as little money as possible while providing a quality program.

We can provide an appropriate educational program for the child using the services of the resource room teacher and other paraprofessionals who are already in the building;

We want the child to be physically safe;

We want to encourage the childís independence and ability to bond with a variety of helping adults;

We want the child to learn appropriate social skills;

We want to avoid setting a precedent by providing a one-to-one aide.

Consider Some Options

Now that youíve got lists of interests, think about some creative ways of meeting as many of these interests as you can. You have an opportunity to create options that will meet your shared needs. Think, also, about possibilities that could create value by ëexpanding the pieí and meeting additional needs. Search for options that will benefit all parties.

Whatís a Fair Standard?

Inevitably, there will be some interests that are shared and some interests that are not. In coming up with an agreement our goal should be to find ways to try and meet the needs of as many interests as possible. This may seem challenging, particularly when some of the interests arenít shared by both parties or are opposites. For example, a parent may want the ëCadillací educational model, and the school district may want the ëChevroletí educational model. How will you reach agreement? One way to determine acceptable solutions is to decide on a fair, objective standard against which the solutions can be measured. The standard may be a selection of the most important interests, or it may be some other standard agreed upon by the participants.

Keep an Open Mind

Now that youíve done the preparation - identified your interests and theirs, considered options, and a fair standard. - you are prepared for a collaborative problem solving meeting. The most important thing you can bring to this meeting, along with your preparedness, is your open mind. As you gain more information and insight about their interests (and maybe about yours), allow yourself to be flexible, capable of considering new ideas and revising your thinking. Though it is important to have a sense of where you are going, getting there requires flexibility and realizing that working collaboratively will generally get you farther along the road than working from an adversarial position.

Preparing for Collaborative Problem Solving

1. Figure Out Your Interests

2. Figure Out Their Interests

3. Think of Some Options That Would Meet the Interests

4. Consider What a Fair Standard Might Be

5. Keep an Open Mind

STEPS IN THE COLLABORATIVE PROCESS

As we develop our skills in problem solving, we will find that collaborative problem solving is not a linear process that proceeds methodically through prescribed steps. Identifying all of the interests of the parties must be accomplished before generating options. However, in order to do this effectively, we may need to move back and forth through the first steps, i.e., sharing information, defining issues, sharing more information, etc. in order to develop a clear picture of the interests. Reaching agreement often proceeds in a series of baby steps. Oneís best ënext stepí is the step that will take us most effectively in that direction.

A Model for Collaborative Problem Solving

1. Share Perspectives

* Use our communication skills to understand the otherís perception of the situation, their needs, and desires

2. Define the Issues

* Clarify the topics for discussion

3. Identify the Interests

* Go beyond the stated positions or solutions to figure out what the parties really need to have satisfied in order to reach agreement

* Look for the common ground between all parties

4. Generate Options

* Brainstorm and generate ideas, looking at the problem from all angles and considering as many different ideas as possible

5. Develop a Fair Standard or Objective Criteria for Deciding

* Using an agreed upon criteria, combine and reduce options

* Strive to "expand the pie" and create agreements for mutual gain.

6. Evaluate Options and Reach Agreement

SHARE PERSPECTIVES

The parties have done their preparation, are seated at the meeting, and ready to share their perspectives on the situation. Perspective sharing establishes the groundwork for constructive problem solving. It provides an opportunity for people to share what is important to them and

what they see as relevant to the situation at hand, both in terms of their perception of the facts and their feelings.

Perception

The process of perspective sharing allows each party to gain a clear understanding of the otherís PERCEPTION of the problem situation, for this is at the heart of collaborative problem solving. As Fisher and Ury write in <u>Getting to Yes</u>,

"As useful as looking for objective reality can be, it is ultimately the reality as each side sees it that constitutes the problem in a negotiation and opens the way to a solution."

Too often we focus on uncovering more data, facts, and objective information in an effort to reveal the ëtruthí and convince the other side to see things as we do. Parties may actually agree on the objective data, but it is their differences in how they PERCEIVE the data that causes the conflict.

Seeking to understand how the other side sees the situation may not only help us see potential solutions that will meet many of our needs, but may also allow us to revise how WE see the problem. Consequently, the area of conflict may actually be reduced.

Perception is . . .

Our interpretation of our world and our experiences

Impacted by our values, beliefs, fears, and desires

Unique to everyone

Understanding Perception Is Important Because . .

It is the differences in peopleís perceptions that cause conflict

Understanding how people perceive themselves and the world around them is the key to understanding their behavior

Understanding peopleís perceptions will help open ways to finding solutions.

We can help others tell their stories by using effective communication and reflective listening skills to draw out all aspects of the situation as they perceive it. Through this process of sharing perspectives, we are able to begin identifying the issues that will need to be addressed.

Use Communication and Reflective Listening Skills to
Help Others Share Their Stories

Tell me more about . . .

How did you experience it when . . .

What was your reaction to . . .

Help me understand your feelings about . .

When did this happen?

These seem to be the key ideas you have expressed . .

I appreciate your willingness to resolve this matter . .

Am I understanding you correctly when I say . .

I hear you saying _____ - is that accurate?

It sounds like . . .

What happened when . . .

It sounds like these are the important issues for you . .

Is it accurate to say that your priorities are . . .

Is there something you feel I donít understand?

Emotions

There are two aspects to a conflict: substance and emotions. Until the emotional aspects of a conflict are resolved, it is usually difficult to address the substantive ones.

During perspective sharing, parties may need a chance to vent their emotions. When feelings have been acknowledged and accepted, the emotional intensity often subsides and problem solving about the substantive issues can proceed.

If there are particularly strong feelings that are relevant to the issue, it may be necessary to go beyond acknowledgment and have an honest, forthright conversation about the emotional aspect of the problem situation. With a reduction in the emotional intensity, it becomes easier to focus on the issues and interests.

Information To Be Shared May Include:

Objective, observable information that is significant or important to the parties and the situation;

Peopleís reactions, emotions, and feelings;

Peopleís assumptions, beliefs, hopes, fears, and perceptions about themselves and the "other side";

What people need in order to feel better about the situation.

DEFINE THE ISSUES

As perspectives are shared and clarifying and summarizing questions are asked, the issues or subjects for discussion and problem solving for both parties become identified. An issue may be defined as an element of the dispute that represents a partyís need or interest. In the previous example of a parent who wanted his second grade child to receive math instruction in the third grade, the issue could be defined as ëmath programí.

In many disputes (and special education disputes are certainly no exception), there has been a long history of conflict, intense emotion, and ineffective communication between the parties. Distilling the issues out of an excess of information can be a difficult task and requires frequent summarizing and checking for understanding. There are many ways to characterize or describe issues. Complex disputes may require issue ëcategoriesí such as behavioral, instructional, supervision, etc. Within those broad categories there may be a number of smaller issues that can be identified. For example, if the broad issue is supervision, you may need to address recess, lunchroom, and the classroom as separate issues.

How an issue is described or ëframedí is important because it can have an impact on the ensuing discussion. Framing issues in neutral language that does not reflect the perceptions of either party will set the stage for productive discussions. For example, in a dispute where parents are angry that their child is not receiving her medication consistently at school, a neutral ëframeí for the issue would be ëSueís medicationí rather than ëSue does not receive her medicationí.

An ISSUE

Is an element of the dispute that represents the partyís need or interest

Can be framed or described in neutral terms, so that collaborative discussion and problem solving are encouraged.

Setting the Agenda for Discussion

It is helpful in organizing an agenda for discussion, to list the issues and have some discussion about the best place to begin. There are a variety of ways to structure a discussion. Experience shows that "agreement begets agreement" so it is often desirable to begin with the easier issues that can be resolved quickly. The parties then have the positive experience of reaching agreement that can build momentum and the feeling of success.

IDENTIFY THE INTERESTS

Once the issues have been framed, the parties are ready to figure out the interests that they need to have satisfied in order to reach agreement. Recall that an interest is a partyís concern, need, desire or goal behind a position. It is what an individual wants to have satisfied - it expresses why the party cares. Interests provide the motivation for people to seek solutions.

An INTEREST

Is a personís concern, desire or goal behind a position

Is the underlying need that must be met if agreement is to be reached

Is often confused with a position or solution

Usually requires clarifying because it is not always immediately evident

Provides the motivation to seek solutions.

As previously stated, people usually come to a discussion with a position or solution about a problem. We often confuse our position which is usually narrowly focused (someone needs to bring Susieís medication to her at 11 a.m.) with our need or interest (Susie needs to take medication consistently). When we are able to discover our underlying interests, we are able to move away from our positions and consider other options for meeting our needs. There is almost always more than one solution that will satisfy any interest.

Also, by focusing on what it is that we really need to have satisfied, we may find that the other party shares some of our interests - it just wasnít obvious when we looked at the positions.

Why Work With Interests Instead of Positions

1. Generally, behind every interest there is more than one solution that will satisfy it.

2. In identifying underlying interests, we may be able to uncover more shared interests between the parties than conflicting ones.

3. Shared interests are not obvious when working with opposing positions.

Though it is clear that working with interests makes sense and is more productive than working with positions, it is not always easy to get at them. After all, positions are usually concrete and expressed where interests are intangible and unexpressed. Most people are unsure about what their real interests are and they need help in clarifying them. You can begin by asking questions when a position is expressed:

Questions to Ask to Get At Underlying Interests

Why is that important to you?

What would you experience if you had that?

What changes would that solution make?

What would that mean to you?

How will you benefit from that?

Whatís your basic concern in wanting that?

If a position is expressed in negative terms ("I donít want Jill in my classroom in the morning"), ask the following questions:

Why donít you want that?

What problems do you see with that?

How is that a problem?

What bothers you most about that?

Finding the Common Ground of Shared Interests

On any issue, most people have multiple interests. Some of those interests will be unique to them, others may differ from the other partyís. Still, both parties will share some interests. Consider the example on page 5-6.

The stated parent position is *I want my child to have a one-on-one instructional assistant.* The stated school position is *Your childís needs can be met without a one-on-one instructional assistant.*

A look at the list of interests of the parties reveals a number of shared interests:

Both parties want the child to be physically safe;

Both parties want the child to be able to have a close, bonded relationship with adults;

Both parties want the child to develop social skills with peers;

Both parties want the child to have an appropriate learning environment that will meet her needs.

These shared interests or common ground, not immediately apparent when we first looked at the positions, lay the foundation for a constructive agreement. And often, when shared interests are identified, dealing with the opposing interests appears more manageable.

Look For Powerful Interests

In the process of identifying interests, look for what Fisher and Ury call the "bedrock concerns which motivate all people". These are basic human needs and include:

Security

Economic well-being

A sense of belonging

Recognition

Control over oneís life

GENERATE OPTIONS

By this stage in the process, parties have had an opportunity to share, listen and develop an understanding of their interests as well as the interests of the other side. They have moved from an adversarial, entrenched posture to a problem solving, interest-based mode and are ready to brainstorm potential options and solutions.

Brainstorming

The goal of brainstorming is to generate as many ideas and options as possible. Most of us are not accustomed to inventing options and we slip easily into critiquing and judging as soon as possibilities are put on the board. This curtails the flow of ideas, peopleís willingness to take risks, and suppresses creativity. Therefore it is wise before beginning with this step, to establish

ground rules for brainstorming. People need to be reminded that this is not the time for deciding - it is the time for inventing and discussing.

Rules of Brainstorming

1. Make No Criticism: judging is not allowed.

2. Be Free-wheeling: use your creativity and imagination, take risks.

3. Go for Quantity: the more and varied the ideas the better. Avoid thinking in terms of a single answer.

4. Combine and Expand: modify and build on otherís ideas.

People are accustomed to searching for the one answer to a problem and often maintain a mindset that if one party wins, the other one loses. During the brainstorming process, record ideas on large pieces of newsprint so everyone has a clear view - this helps stimulate ideas and helps maintain a collaborative atmosphere by focusing everyone together.

Guidelines for generating options:

Allow time for people to ëwarm upí and get comfortable with the creative process.

Encourage looking at the problem from all angles.

Encourage dovetailing, piggybacking, combining and revising ideas.

Look for ideas with mutual gain.

DECIDE ON OBJECTIVE CRITERIA

Once the brainstorming has taken place, the parties need to decide on the criteria against which the options will be evaluated. Without an objective standard or criteria, the decision process may end up as a contest of wills. An objective criteria allows everyone to focus on solutions and standards rather than on defending a particular option. It also allows people to be able to change their minds without ëlosing faceí. By bringing in an agreed upon standard, you increase the likelihood that the resulting agreement will be mutually fair, just and in the best interests of the child.

The criteria may be as simple as your listed interests. It may have more than one component. The criteria may include any standards (budgetary, legal, scientific, procedural, etc.) upon which the parties agree.

Why Use Objective Criteria?

1. It protects the relationship from a contest of wills;

2. Allows the parties to use the time more effectively, focusing rather on standards and solutions rather than on defending their positions;

3. Enables parties to alter their perceptions without ëlosing faceí;

4. Enables parties to strive toward mutual fairness and decisions that are in the best interest of the child.

5. Creates agreements that are fair and wise.

Objective Criteria may:

1. Be as simple as your collective interests;

2. Include budgetary standards, legal standards, scientific merit, procedural guidelines, etc.

EVALUATE OPTIONS AND REACH AGREEMENT

With a comprehensive list of brainstormed ideas and a mutually agreeable objective criteria, you are ready to evaluate the options and move toward creating agreements that will meet as many of your collective needs and interests as possible.

Depending on the length of the list of ideas, it may be necessary to use some techniques to narrow the field.

Techniques for Narrowing the Field of Options

Thumbs Up/Thumbs Down

This method provides a general sense of the partiesí views on any particular item. Using the objective criteria, the parties go through the list of items and give a thumbs up, thumbs down, or

thumbs neutral sign. Some items will obviously not meet the objective standard and can be eliminated with unanimous thumbs down.

__Using Stars__

Star the items that the group thinks are best.

Can any of the favored options be reworked to create even better options?

__Combining Items for Mutual Gain__

Some items may partially meet the objective criteria. Can some of these ideas be combined to create agreements for mutual gain? Can they be combined to actually meet more of the parties needs and interests, thereby expanding the total pie?

Throughout the process, participants need to continually refer back to the identified interests and the objective criteria to make sure they are meeting as many of their collective interests as possible. Always be asking the question, "Is this the best we can do?"

When an agreement is reached, ask the question, "Is this the best job we can do? Is there room for improvement? Do we have a maximized solution or one that is marginally acceptable?"

http://www.directionservice.org/cadre/section5.cfm/section6.cfm