

Collaborative Problem Solving: Situation Assessment For Process Design

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Objectives

The purpose of this module is to introduce the concept and process of situation assessment.

Participants will...

1. understand some principles of successful collaborative processes,
2. become familiar with conditions for controversy surrounding public issues,
3. become familiar with the information needed for designing and convening a collaborative process, and
4. learn to use a situation assessment instrument.

Total Time Required

90 minutes

Materials Needed

- PowerPoint or overhead slides
 - ❖ *Collaborative Problem Solving: Assessing the Situation*
- Background documents
 - ❖ *Collaborative Problem Solving: Situation Assessment for Process Design*
 - ❖ *Collaborative Problem Solving in the ACE Basin: A Discussion of Issues and Stakeholders*
- Exercises
 - ❖ *Issues Group*
 - ❖ *Stakeholders Group*
 - ❖ *Collaborative Decision Process Situation Assessment Instrument*
- Video
 - ❖ *Forever Wild: The ACE Basin*

Audio/Video Equipment

- LCD projector/Overhead projector
- Video player and monitor/projector
- Flip chart and markers

Directions and Training Tips

- 1 Begin the session with an introduction (Slide 1) and a presentation of the session objectives (Slide 2).
2. Introduce the procedures the class will follow for this session:
 - a. The class will watch a video that depicts a collaborative process that resulted in the permanent conservation of the ACE Basin, an area of coastal lowlands in South Carolina.
 - b. After the video, the class will discuss the video, break into three groups, answer some predefined questions and report out. The whole class will discuss each group's report.
3. Distribute the handout titled *Forever Wild: The ACE Basin* and introduce the video. Instruct the class to view the video with two questions in mind:
 - ❖ What are issues depicted in the video, and why is this controversial?
 - ❖ Who is involved, and who isn't?
4. View the video (20 min.).
5. Debrief the video by asking the following question:
 - ❖ Was this a successful collaborative process? Why or why not?
6. Follow this with a more defining question (posted on a flip chart):
 - ❖ What are some characteristics of a successful collaboration?
7. Record their responses on the flip chart. Summarize the responses and then refer to the eleven principles of collaborative problem solving (Slide 3). Compare the group's responses to the principles listed on the overhead.
8. Reading from the handout, announce a new ending to the video:

"Hearing from potentially affected local parties, the federal government withholds its support for the project until the task force negotiates with representatives of local interests. The State Fish and Game Department is charged with working with local interests to insure that their needs are taken into account before federal money will be used for project support. The parties will be given six months to work out a solution that meets the needs of all affected parties."
9. Divide the class into three groups: (1) an Issues Group, (2) a Stakeholders Group and (3) a Situation Assessment Group. Hand out the appropriate question sheets to members of each group. Read aloud the tasks assigned to each group.

Issues Group: Describe the substantive issues (i.e. conservation, economic development, etc) to be resolved. Reframe the issue to initiate a collaborative problem-solving approach.



Stakeholders Group: Identify the stakeholders and the challenges of representation in this particular case (challenges include: identification of leadership, organizational structure, power differentials, past relationships, conflicting goals).

Situation Assessment Group: Use the Situation Assessment Instrument to evaluate whether to pursue a collaborative process on this issue. Identify any potential challenges or pitfalls. You may have to adjust your responses after hearing the reports from the other two groups.

10. Instruct each group to appoint a scribe and someone to report out. They will be given 15 minutes to discuss the tasks and develop responses to the questions on their sheets.
11. Groups report out in the following order:
 - ❖ 1st: Issues Group
 - ❖ 2nd: Stakeholders Group
 - ❖ 3rd: Decision Group
12. Prior to the Issues Group reporting out, present assessment questions for understanding the issues (Slides 4-5).
13. The Issues Group reports out.
14. Open the discussion to the whole group using the following questions:
 - ❖ How do the issues differ for those who have the authority to make the decision and those who seek to influence the decision?
 - ❖ Show Conditions for Controversy (Slides 6-7) and pose the question: What makes this issue controversial?
15. Next, present assessment questions for understanding the stakeholders (Slides 8-9). The Stakeholders Group reports out.
16. Open the discussion to the whole group using the following questions:
 - ❖ When designing collaborative decision-making processes, why is it necessary to involve a diversity of stakeholders?
 - ❖ How do we define a stakeholder?
17. Record the group's responses to the second question. Summarize the responses and then refer to the Stakeholder Rule of Thumb (Slide 10).
18. Demonstrate the stakeholder matrix as a technique for identifying stakeholders (Slides 11-12).
19. Prior to the Situation Assessment Group reporting out, distribute copies of the *Collaborative Decision Process Situation Assessment Instrument*. Inform the rest of the class that the Situation Assessment Group was instructed to use this instrument to make a decision on whether this particular issue is amenable to a collaborative approach.



20. The Situation Assessment Group reports out, giving their assessment score.

21. Open the discussion to the whole group using the following questions:

- ❖ If this issue weren't amenable to collaborative decision making, what other ways could citizens' concerns be integrated into the final decision?
- ❖ Let's say that you just completed a situation assessment using this assessment instrument, and the issue is amenable to collaboration. What are your next steps?



COLLABORATIVE PROBLEM SOLVING IN THE ACE BASIN: A DISCUSSION OF ISSUES AND STAKEHOLDERS

(This section uses the video, *Forever Wild: The ACE Basin*, part of the *On Common Ground* training kit available from National 4-H Council.)

A five-member task force representing federal government, state government, Ducks Unlimited, The Nature Conservancy and private landowners initiated a venture to protect and preserve a 350,000 acre expanse of estuarine wetlands, uplands and barrier islands along South Carolina's central coast. The estuary, formed by the confluence of the Ashepoo, Combahee and South Edisto rivers, is the heart of the ACE basin. This video depicts how a small coalition with a single-minded goal and the right contacts can successfully achieve its objectives in a short time.

Through a labyrinth of legal agreements and cooperation among public agencies, landowners and conservation groups, the group secured protection of nearly 50,000 acres in a few short years. The task force cites "teamwork" as the reason for their astounding success.

The rapid movement of the task force also worked against it to some degree. Local citizens became concerned that a group of outsiders was limiting the future growth and development of Colleton County. Although many had ties to the land extending back many generations, they felt left out of the decision-making process. The Colleton County Council was especially concerned about the potential loss of tax income if large expanses of land were to become deeded into conservation easements. Farming and timber interests saw potential growth opportunities narrowed. Residents feared losing access to favored hunting and fishing areas.

Because of strong support from federal and state government and several large land holders, the task force was able to maintain its momentum and pursue its overall goal. They did not need to negotiate with local organizations such as farming interests, economic development interests or other concerned citizens.

Discussion Questions:

- ❖ What are issues depicted in the video, and why is this controversial?
- ❖ Who is involved, and who isn't?
- ❖ Was this a successful collaborative process? Why or why not?
- ❖ What are some characteristics of a successful collaboration?

Now consider another scenario:

Hearing from potentially affected local parties, the federal government withholds its support for the project until the task force negotiates with representatives of local interests. The State Fish and Game Department is charged with working with local interests to insure that their needs are taken into account before federal money will be used for project support. The parties will be given six months to work out a solution that meets the needs of all affected parties.

Divide into three groups: (1) an Issues Group, (2) a Stakeholders Group and (3) a Situation Assessment Group. Each group receives a discussion sheet to assist them in carrying out its task. Recruit a volunteer to take notes and another to report out to the class. Review your task, discuss it and prepare a short (three minute) presentation to the rest of the class.



Issues Group: Describe the substantive issues (i.e. conservation, economic development, etc) to be resolved. Reframe the issue to initiate a collaborative problem-solving approach.

Stakeholders Group: Identify the stakeholders and the challenges of representation in this particular case (challenges include: identification of leadership, organizational structure, power differentials, past relationships, conflicting goals).

Situation Assessment Group: Use the Situation Assessment Instrument to evaluate whether to pursue a collaborative process on this issue. Identify any potential challenges or pitfalls. You may have to adjust your responses after hearing the reports from the other two groups.



COLLABORATIVE PROBLEM SOLVING: SITUATION ASSESSMENT FOR PROCESS DESIGN

Process design is one of the most important stages of consensus-building. If the process is flawed, the process, not the substantive issue, becomes the focus of the debate. Process design theory sets parameters for determining appropriate procedures. Within those parameters, there is a great deal of latitude to tailor the process to your situation, politics and needs.

Process design is the stage between deciding to have a process and beginning the process. It includes the decisions of when, where and how to meet as well as who will be there.

Process design decisions are based on an understanding of the issues, the stakeholders and the potential forums for resolution. Gathering this information is conducted in a process often called a conflict assessment or an issue assessment. Gathering information before convening a collaborative process provides three major benefits:

1. The information gathering stage introduces possible stakeholders to the potential for a collaborative process as well as specifics about how such processes are conducted.
2. Participation in information gathering can help to build a shared perspective on the problem and the steps necessary to move forward.
3. The convenor (or facilitator) can determine the feasibility of entering into a collaborative process and the issues that may be amenable to a resolution.

An information gathering process addresses these three questions:

1. Is there a possibility for a collaborative resolution of this issue?
2. If so, how can such a process be designed?
3. If not, can this conflict be reduced through a collaborative process?

Process design decisions themselves must be part of the collaborative process. If one significant party does not trust you, he/she probably will not trust your process. However, if he/she is involved in designing the process, the product is shared and is more likely to be supported.

Since collaborative processes are new to many, the design stage can help you articulate how this process differs from conventional ways of making group decisions. Clearly describing the process and creating realistic expectations is one of the foundations of success.

The three sections that follow, *Understanding the Issues*, *Understanding the Stakeholders*, and *Understanding the Forums for Resolution*, pose a series of questions whose answers provide the framework for a solid, well-conceived collaborative process

Process Design: Understanding the Issues

Ongoing assessment of the issues and other dynamics is essential to developing effective strategy and making wise choices in conflict situations. The following guide offers a series of questions to help identify useful



information regarding the issue. The commentary is specifically focused on data from the analysis that will impact the building of a forum and the getting-to-the-table stage of disputes. Assessment is also useful for developing and clarifying parties' interests in preparation for negotiations. Broad participation in an analysis and assessment process by all the parties will help build a shared perspective on the problem and the steps necessary to move forward. Indeed, joint analysis is often a key step in bringing parties to the table.

For further information on how to conduct an assessment, the Carpenter and Kennedy book cited in the reference section is especially recommended.

Background and Context

What are the conditions for controversy?

In an ideal world, public participation would be rationally developed, and participants would become involved to ensure that their interests are met. In the real world, another factor intervenes: controversy. As an issue evolves into controversy, its resolution becomes more difficult to achieve. More time is spent dealing with the problem and less in finding a solution. A series of factors or conditions combine to create a climate for controversy. Among the more important conditions are:

- ❖ the issue touches an important aspect of people's lives;
- ❖ stakeholders are capable of taking some action regarding this event or circumstance;
- ❖ the issue affects community members differently;
- ❖ public officials and citizens lack close and continuous contact;
- ❖ the issue extends beyond the immediate community; and
- ❖ local activists gain support and information from vertically integrated groups.

What is the history of the situation?

- ❖ Have there been several stages (e.g., latent, emerging, litigation)?
- ❖ Have external events influenced the situation? How? Will they affect the decision-making process or the outcomes?

What are the issues?

- ❖ How does each party describe its own central issues?
- ❖ Do the issues differ for those who have the authority for the decision and those who seek to influence the decision?
- ❖ Is resolution of the issues likely to be precedent-setting?
- ❖ Are there secondary issues that may have an impact on the process or the outcome?
- ❖ Are the issues local, or do they involve people, organizations and institutions at a larger geographical scale (regional, statewide, national, international)?
- ❖ Can the issues be framed to address the concerns of all the parties?

Once the issues are clear, some determination can be made about how they can be approached. Putting some issues on the table or taking others off may be a pre-requisite for some parties agreeing to come to the table.

How does each party see the available options for each issue?

- ❖ Have options been developed for each central issue? For secondary issues?
- ❖ Are the options well defined?
- ❖ Have all the potential options been explored by all the parties?
- ❖ Do any of the options seem to meet the needs of all of the parties?
- ❖ Does any party feel that none of the options meet its needs?
- ❖ If new options are generated, will extensive or expensive further study be required?



If all the potential options have been generated and none seems to meet the needs of the parties, joint decision-making may be difficult. If new options can be created that better meet the needs of the parties, joint decision-making processes may be appropriate. If new options require extensive or expensive study, pre-negotiation protocols should address the group's ability to generate new options.

What are the data and information needs?

- ❖ Do the stakeholders believe sufficient data are available?
- ❖ Are the data and their analysis considered trustworthy by the parties?
- ❖ Will each party feel comfortable working with a common body of data?

Developing a common understanding of the problem may require further data collection or additional analysis. Each party must feel comfortable with the data.

Process Design: Understanding the Stakeholders

Who are the Stakeholders?

Identifying the stakeholders is key to the success of a consensus-building process. Frequently, individuals or organizations with a stake in the outcome attempt to destroy the process because they felt they were not involved in the process until it was too late to impact the decision.

Stakeholders include those:

- ❖ who are affected or potentially affected by the outcome of a decision;
- ❖ who have the potential or the power to obstruct an agreement or its implementation; and
- ❖ who have the authority to make the decision.

Every member of a community may be somehow affected by an issue. Yet many will choose not to participate. They may believe that their views are already represented, their impact will be negligible or the issue has already been decided.

Early on, it is often important to separate stakeholders into the categories of primary and secondary. Primary stakeholders are those who because of power, status, position or responsibility are central to making the consensus agreement work. Primary stakeholders are often consulted about how to construct an acceptable citizen involvement plan since the plan needs to respond to their expectations. Secondary stakeholders may still need to be involved in the process, but their role is peripheral to the central role of primary stakeholders. Secondary stakeholders need to be kept informed as the process unfolds.

Who are the Leaders?

Identifying leadership and ultimately determining representation of primary stakeholders is often a part of the process designer's task. Optimally, this task is shared by the stakeholders. Leaders likely to be influential often include those who:

- ❖ hold leadership positions in organizations with a stake in the issue;
- ❖ are perceived as influential by the stakeholders;
- ❖ have participated in prior similar decisions; and
- ❖ participate in a wide range of community activities.

Any person who comes from all four categories can be extremely influential.



How are the Stakeholders Organized?

- ❖ Are the primary stakeholders mostly organizational entities?
- ❖ What is their structure - hierarchical or collective?
- ❖ Does each organization have identified leadership?
- ❖ What is the relationship between the leadership and others?

Government and private sector organizations often use hierarchical structures where all decision-making power is vested at the top. Citizen groups often have very flat hierarchies, and leaders are not granted as much authority. Decision-making power is often vested with the members.

If the stakeholders come primarily from hierarchical organizations, each organization may only desire a few representatives at the table. On the other hand, if there are many organizations with grass-roots dominated structures, a much larger group of people may need to participate.

There also are circumstances where many stakeholders are not represented by an organization. In these cases, the challenge is greater. The process is as important to individuals as it is to groups, and their involvement may be crucial to building and implementing consensus agreements.

If each party is well organized and will vest responsibility in its leadership, ascertaining representatives will be easier.

How Are the Stakeholders Linked?

Groups will often develop an identity based upon other groups they relate to. Some groups will be horizontally linked to similar groups. For example, a neighborhood association may be linked to similar associations through a federation. Those with horizontal links know their geographic community. Their contribution is often expertise in assessing community views, needs and expectations.

Other groups will have vertical links to those outside the community. Professional groups such as bar associations and medical societies have these characteristics. In addition, many local chapters of national activist organizations such as the Sierra Club or the National Rifle Association also share this characteristic. Groups with vertical links often can bring technical expertise and sophisticated political experience to public involvement processes.

How do the Stakeholders Use Their Power and Influence?

Of the parties who do not have formal authority for the decision, but seek to influence the decision:

- ❖ Does any party have the capacity to block decisions that they do not approve?
- ❖ Does any party have an incentive to escalate the conflict?
- ❖ What is the capacity of each party to sustain its involvement over time?
- ❖ Does any party need another party in order to accomplish its goals? Does interdependence exist between these parties and the decision makers?
- ❖ Have any of the parties used their power such that other parties have felt it has been to prevent them from reaching their goals?
- ❖ Have any of the parties used their power to help other parties?

If some parties have the capacity to block decisions, they will certainly need to be involved in the process. If the parties have the capacity to sustain activities, they may be able to effectively participate in a joint decision-making process. If the parties need each other to accomplish their objectives, joint decision-making may be appropriate. If one of the parties has systematically used its power in a direct attempt to injure other parties, those parties will be distrustful and very wary of joint decision-making processes.



Of the parties who do have formal authority for the decision:

- ❖ Can they make and implement any decision they please?
- ❖ Are they constrained by previous decisions or decisions made by others? (e.g., legislative bodies, precedent)
- ❖ Can they sustain their involvement over time in any kind of process (e.g., legal, negotiated)
- ❖ Do they need others to accomplish their goals?

If the parties can make and implement any decision they please, reasons for entering joint decision-making will be for other than their substantive interests. If they cannot, they may seek a process where they can protect their essential interests and sustain their involvement over time.

What Does Each Party Want?

- ❖ What are the stated positions of each party?
- ❖ What are the stated goals of each party?
- ❖ What are the underlying interests of each party?
- ❖ What are the dominant values that appear to guide the actions of each party? Are they mutually exclusive?
- ❖ Do any of the positions, goals, interests, values or issues of any party challenge the identity of other parties?
- ❖ Do any stakeholders view the issues as "high stake" issues?
- ❖ Are there common interests that might provide the basis for an agreement?

Understanding stakeholder motivation and underlying interests can help determine whether the parties will negotiate.

Status of Relationships

- ❖ Do any of the parties have a history of relationships with other parties?
- ❖ Has that history been productive or conflictive?
- ❖ Were the relationships characterized by trust and respect?
- ❖ Have any of the parties avoided other parties because they believed that working relationships would be difficult?
- ❖ Do any of the parties desire a future working relationship with other parties?
- ❖ Will the parties need to work together on implementing an agreement?
- ❖ Are the parties forced to interact regularly because of the nature of their work or networks?

Past relationships that worked well can be the basis for developing joint decision-making efforts. Difficult relationships, especially those characterized by distrust, may need to be addressed directly for joint decision-making to be productive. If the current relationships are healthy, joint decision-making will help maintain strong relationships. If current relationships are contentious or characterized by lack of trust, either a strong past relationship, a desire for a future relationship, or high levels of interdependence can mitigate current difficulties. A desire for a future working relationship can be a strong impetus for using joint decision-making processes.

Understanding the stakeholder population, their organizations, their networks and the context in which they work can help you determine how to structure a conflict resolution or citizen involvement process that meets their needs.



Process Design: Understanding the Collaborative Environment

The collaborative environment is the setting or venue in which people come together to solve a problem. Whether a group can be brought together to resolve an issue collaboratively is dependent on many variables. Characteristics of the issues to be resolved, the stakeholders, and the political and legal climate provide an indication of whether or not an issue is amenable to collaboration. The following questions will help you to sort out the proper forums for resolution.

Is the timing of the issue appropriate?

- ❖ Is the community facing an emergency where quick action is required? If so, a collaborative process may not be appropriate.
- ❖ Is relevant information available?
- ❖ Are deadlines too tight?

Will the outcome be precedent-setting or focused on principle?

When the settlement sets a precedent for the resolution of similar issues to follow, parties often have too much at stake to negotiate effectively. The court system may be the best venue for resolution of such an issue.

When the focus of an issue is on basic differences in values, room for accommodation does not exist. Abortion is an example of such an issue.

Are parties too polarized?

- ❖ Are productive, face-to-face discussions possible?
- ❖ Can a mediator be used to help resolve differences?

Do the parties need one another to resolve the issue?

- ❖ Are the parties sufficiently interdependent so that they can meet their goals and satisfy their interests through cooperation?
- ❖ Are the parties able to influence one another?
- ❖ Are the parties capable of taking (or preventing) actions of one another to meet their goals and satisfy their interests?
- ❖ Can the parties be identified and be involved in a collaborative process?

How does each party see its alternatives?

- ❖ How does each party see its best alternative to a negotiated agreement? Its worst alternative? Its most likely alternative?
- ❖ Do any of the forums lack credibility from the perspective of any party?

If the parties have superior strategic alternatives to a joint process, they may pursue those alternatives. Some forums may be particularly difficult to sell to some of the parties.

Are there any likely existing forums for resolving issues?

- ❖ Are there any forums that have been used to resolve similar situations in the past? Have they been perceived as productive?
- ❖ Do some of the issues require a certain kind of forum (i.e., constitutional issues may require court involvement)?



The existence of several forums may allow some parties to go forum-shopping. Sometimes the choice of forum is limited by the issues.

Is there a formal process typically used for resolving these issues?

- ❖ Can all the stakeholders use the formal process?
- ❖ Is the formal process adjudicative, administrative, consensual or legislative?

The formal process often helps define the informal process. Joint decision-making processes may only be able to produce advisory outcomes if formal legislative or judicial action is needed. If all of the primary stakeholders cannot participate in the formal process, they may seek to sabotage the formal process or engage in alternatives.

Are there any parameters set externally that must be followed?

- ❖ Are there any statutes or regulations that govern action in this situation? Is there any flexibility?
- ❖ Have there been any similar situations whose outcome will influence what happens here?

The external context may limit your possibilities for alternative solutions.

References

Blechman, Frank and Wallace Warfield. (1993). *Introduction to Negotiation and Conflict Resolution*. Institute for Conflict Analysis and Resolution, George Mason University, Fairfax, VA.

Carpenter, Susan. (1990). *Solving Community Problems by Consensus*. Program for Community Problem Solving, Washington, DC.

Moore, Christopher. (1986). *The Mediation Process: Practical Strategies for Resolving Conflict*. San Francisco, CA: Jossey-Bass Publishers.

