In Practice

Helping People Help Themselves: An ADR Option for Interpersonal Conflict

Mary P. Rowe

A good complaint system provides options for complainants. By the same token, skilled complaint handlers and dispute resolution specialists should possess many different skills in order to provide options for helping complainants. These different skills are equally valuable for supervisors, parents, therapists, and human resource managers. A reasonably comprehensive list might include:

- expressing respect for feelings and dealing with feelings;
- giving and receiving relevant data on a one-to-one basis;
- helping people help themselves to deal effectively with their concerns;
- shuttle diplomacy and other forms of informal mediation;
- formal mediation;
- investigation;
- arbitration or adjudication; and
- a "generic" approach—taking a systems approach, like a training program, to deal with a specific complaint and to prevent further similar concerns.

This article discusses the functions and skills necessary to help others to deal directly and effectively with interpersonal concerns such as harassment.¹

Alternative dispute resolution (ADR) usually means alternatives to adjudicative (distributive) conflict resolution modes, such as arbitration or going to court. One alternative dispute resolution mode is formal mediation; this alternative to arbitration and court is now being more widely used.² Major corporations are also using the "generic" approach in response to certain kinds of specific complaints, such as sexual harassment, in circumstances where the complainant will not come forward. Less well-known to negotiation specialists is the technique of using ADR skills to "mediate" when one of the disputants is absent.

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from the discussion, and when the complaint handler has been asked to intervene by teaching one party how to negotiate directly and effectively with the other disputant(s).

Direct negotiation is especially useful for people dealing with harassment or with other interpersonal difficulties. My research indicates that many complainants do not consider, and cannot be persuaded to try, formal grievance paths for certain kinds of conflicts, including interpersonal disputes. In addition to offering informal and formal mediation and the generic approach, one may offer to complainants the option of learning to take responsible, effective, direct action.

Plan and Prepare
The first task for the complaint handler is to determine whether the problem at hand constitutes an emergency. For example, in a harassment case, is the concerned person in danger? Is anyone else? Is it likely the complainant might retaliate by harming, or getting others to harm, the alleged harasser? How much time is available to think things through? The second step is to consider whether you are the right person to be helping this particular complainant. For example, are you sufficiently objective; do you have any conflicts of interest? If you are not the appropriate person to handle a complaint, who is?

An early task—to be undertaken alone, if necessary, or with the disputant—is to determine whose interests are at stake and what those interests are. Who now seems to be involved in the problem? Is it important to know who started this dispute? Has anyone else been offended or has anyone else benefited from this situation? Is there a relevant employer? What are the interests of each party on this list?

Concurrently, the complaint handler should determine who "owns" this dispute—who is responsible for this subject or this problem? Who would think he or she has a right to decide what will happen? For example, if there is a relevant employer, does the employer take an activist approach? These questions are particularly important with respect to the complainant; does this person feel that he or she should decide what happens next? Other preparation questions include: What principles and laws apply here? With respect to hazing, violence, threats, and harassment, one should examine state and federal laws. If there is a relevant employer, what are the employer's policies? What rights are at stake, and whose are they?

Additionally, the complaint handler should determine what options are open to each person involved in the dispute. (This task will lead to analysis of the sources of power for each actor.) For all the usual reasons, and because people concerned about harassment are usually exceptionally anxious about the possibility of retaliation, it is worthwhile to sit down with paper and pencil to brainstorm about the available options. Perform this step very thoroughly and be sure that you have thought through covert and unconstructive options open to each person involved, as well as obvious and constructive options. (At this step, it may also be cathartic for the person who has been harassed to be able to think and talk about a variety of mean-hearted fantasies before deciding on an effective and responsible path.)

Also consider whether you should seek advice (for example, from a human resource manager), and if so, do you have permission to do so? Can
you seek advice off the record or without identifying the people in the complaint? Before you begin, do you need more facts or evidence to help the complainant help himself or herself? Look first for data that are immediately available, because they are most helpful to the complainant in deciding what to do and how to do it. Are there witnesses to the alleged harassment who should be consulted before the complainant decides to take direct action?

Lastly, if you are embarking on a plan to support someone else while they deal directly with the problem at hand, you may wish to figure out a plan for follow-up ahead of time. This is essential in a sexual or racial harassment complaint if you are a manager or supervisor because an employer has the obligation to ensure that the harassment stops and that there is no retaliation by any supervisor. Planning ahead to follow up may also help to reduce the anxiety of the harassed person and may open the door to further consultation if the initial plan is not effective.

**Why Choose this Option?**

Helping disputants to help themselves may be the option of choice for many reasons. First, in my experience, this option is the most likely to be effective in harassment cases, in terms of stopping the offense and in meeting the stated interests of the majority of offended persons. I have outlined elsewhere (Rowe 1990) some characteristics of a significant group of people who complain about harassment. The most common goals within that group were simply to stop the harassment and to do so at as little cost as possible. Direct action by a harassed person is most likely to achieve these goals. Obviously this option should not be pursued unless the complainant, having been presented with a choice of options, prefers it. (If you are a manager, and the substance of the complaint is serious, you may wish to make a note of the fact that you have discussed various options with the complainant.)

Other reasons to encourage disputants to help themselves exist as well. To many people it is a matter of morality to support people to handle harassment directly, if they choose to do so and can do so effectively, because this course of action helps people to control their own lives. This method helps to "give voice" to those who wish it. It also encourages people to take responsibility for their lives. Thus, philosophers on the left and on the right both tend to approve of this technique.

Supporting an offended person who chooses the option of returning directly to the alleged offender may produce a better outcome than intervention by a third party adjudicator. The direct approach may prevent mistakes based on insufficient data and/or different perceptions of the same facts. It makes it much more likely that the offender will learn from the complainant how this person saw the offense; the complainant will also learn more about the offender's perceptions of the facts. In addition, the disputing parties may come up with innovative solutions that might not occur to an adjudicator. Moreover, as many complainants themselves realize, in choosing this option, the timing and handling of the situation may be better, simply because the complainant has superior knowledge of the circumstances.

Teaching the direct approach option may help provide people with a general method for dealing with problems and offenses that goes far beyond the specific offense at hand. (To paraphrase the Native American proverb, one
is not giving someone a fish, one is teaching the other person how to fish.)
I have noted, during the past 17 years of being an ombudsperson, that people
who have effectively stopped others from harassing them are less likely to be
offended in the future. They are also quite likely in their turn to teach the
method to colleagues and people they supervise.

Encouraging people to deal directly with those who offend them is also
an efficient management practice, like any other form of delegation of respon-
sibility. It usually takes less time, and even with caring, one-to-one support of
the complainant, this option is likely to cost less than other options.

Helping people to help themselves is the option that is most likely to pro-
tect the privacy of the complainant (and his or her family). It is also most likely
to protect the privacy and other rights of the alleged offender. In my own
experience as an ombudsperson (and despite myths to the contrary), handling
a problem directly also appears to be the option least likely to lead to attempts
at retaliation and reprisal. An offender usually prefers to be approached directly
and is, consequently, least likely to feel humiliated and to strike back.

This option permits the widest variety of 'next steps' if it does not work.
In fact, being able to prove that an offended person did try responsibly and
directly to get his or her problem solved may make further action easier for
the complainant and for management. For example, a complainant may not
be able to prove that she was harassed, but she may be able to prove that she
thought she was being harassed and that she took responsible and orderly action
to get the harassment to stop—for example, by writing a letter to the offender.
This action may be an important contribution later if the complainant needs
a stronger body of evidence.

Helping a person to prepare to deal directly with an offender is, at the
same time, the best possible preparation for pursuing any other dispute resolu-
tion mode. For example, imagine that the offended person is considering a for-
mal complaint to the employer. A very effective way of helping the offended
person to organize her thoughts and to do the work required for a formal com-
plaint (work that also would be useful in the case of mediation) is to assist in
drafting a letter the complainant might send to the alleged offender.

Of possibly even more importance, helping a person put his or her thoughts
down on paper is a powerful support to the offended person's physical health
and emotional well-being. A common characteristic of harassment complainants
is that they have turned their anger inward and are having trouble sleeping and
eating, or they have developed a pinched neck or some other physical or emo-
tional symptom (see Rowe 1990). Writing a letter is an effective way of helping
an offended person deal with his or her feelings. This is a particularly impor-
tant step if the offended person is blaming himself or herself in some way for
the offense. Writing down what happened may help to convince the writer
that the offender actually is responsible for the offense; this step, therefore,
often makes it easier for offended people to take action.

Finally, in circumstances where you are an outside adviser with no direct
influence or control over the situation, helping disputants to help themselves
may be the only reasonable choice, at least until sufficient evidence can be
amassed so that relevant managers can be persuaded to act. Clearly, it is the
only option when the offended person refuses to come forward about the
situation to management.
Caveats
After considering all the pros and cons of dealing directly with the offender, one should ask the offended person to compare the use of this technique with the options of formal and informal mediation. In harassment cases where able mediators are available, mediation offers many—but not all—of the same benefits as the direct approach.

The option of helping people to help themselves satisfies only limited goals. Use of this option may very well stop a given offender from offending. However, there is not likely to be much systems change or consciousness-raising of others, from the use of this option, unless the option becomes widely known and used in a given workplace. Moreover, the use of this method will not provide central records with the names of offenders, since most employers believe that one cannot properly keep such records unless there has been a fair process of investigation and judgment by an objective third party.

Using the direct approach requires courage, truth, and candor. It also requires a commitment by employers to provide competent and sometimes extensive help to those who prepare to deal directly with someone who has offended them.

It should be pointed out that “justice” may or may not be served by following this course of action, since offenders will not be punished formally.

Finally, a manager may run some legal risk in not immediately reporting, investigating, and adjudicating any report of harassment, at least of sexual and racial harassment. Thus, if you are a manager, at a minimum it is essential to follow up after any informal process to be sure that it stopped the behavior alleged by the offended person.

How To Do It
As you progress through various stages of working out how to support an offended person who has decided to deal directly with a problem, keep in mind that other options—in particular, formal options—may be or may become open to the offended person. The choice of distributive and integrative dispute resolution modes can be considered and reconsidered throughout the process.

Ask the offended person to consider writing a particular kind of letter to the alleged offender. Advice on how to write such a letter is described in Figure 1. (Author’s Note: Readers who find the advice in Figure 1 useful have my permission to photocopy and use that particular section of this article.)

In discussing the letter option with the offended person, you should explain that the final letter will be most effective if it separates facts from feelings, from “what should happen next.” Most people will need help in keeping these sections separated. In complicated cases, it may be important for you to offer to read drafts of this letter or for you to recommend that some other responsible person help the complainant during the writing of the letter.

In cases where there has been ongoing tension, many responsible people will have done all they could to forget the facts of what happened to them, in order just to “get on with their lives.” You are now asking that these facts be remembered. One way to help an offended person to remember the facts is to ask if he or she kept a diary or talked about the problem with a friend, spouse, counselor, or relative during this period. If so, such a person may be
FIGURE 1

Advice on How to Write a Letter to a Person Who Has Harassed or Offended You

If someone has offended you, you may wish to go directly to that person. You will find it easier to go to the offender, in person or on paper, if you first write a draft of how you see the problem. Then you can decide whether to send the letter, go in person, or choose some other option to deal with the situation now that you have collected your thoughts.

Writing such a letter may take a little time. If you have been hurt, if you feel very angry, if you are at all afraid, you may find you need to write several drafts. (Do not be worried if your first draft is a messy stream-of-consciousness creation, and do not worry about the tone of your early drafts. In fact, the more upset you are, the more worthwhile it actually is to write a letter. It will help to "get the anger outside yourself" and help in the process of deciding what option to choose in dealing with the situation. And your last draft will be more effective if early drafts have helped you deal with your feelings.)

Sometimes a person who has been offended will worry whether a direct approach to the offender will cause that person to retaliate. This is an important question to consider, but in North American society, a well-prepared, direct approach to an offender may actually be the option least likely to result in retaliation. Remember that most people in this culture would rather hear about a problem directly and not from a third party. Also, you should keep a copy of the letter you send; this is likely to help later if there should be retaliation or if the offense recurs.

A letter can be used by anyone who feels unreasonably offended, intimidated, or harassed. It is particularly useful when people's backgrounds are different. For example, energetic managers may offend older people by making allusions to age without really understanding the offense. Ethnic slurs, anti-Semitism, anti-gay jokes, poking fun at the handicapped, racist behavior, and sexual harassment are all problems where a letter may help. Letters have been used effectively by nontechnical people who feel that "the computniks are sneering at them" and vice versa; so also with smokers versus nonsmokers. A letter may help in getting compensation from the garage that damaged your car.

I do not recommend a "form" letter. Sometimes a brief note is better between friends. Whatever the case, the letter should fit the particular situation exactly. I do recommend three distinct parts to a note or letter. The first is an objective statement of the facts as you perceive them. No feelings, judgments, or opinions belong in this section. In serious cases, it may help for this section to be quite long and very detailed. It must be scrupulously accurate in order to be effective (and fair). The first section should not use euphemisms. It should be very matter of fact. If you are not sure whether a statement is factual, then say, "I believe (this happened) . . ." or "I think (this was the case) . . ."
The second section is for opinions and feelings: "This is how the facts as I know them make me feel." This is the appropriate place for a statement of damages, if any—"I feel I can no longer work with you" or "I was not able to work effectively for the following two weeks..." or "I felt terrible about what you did," for example.

Finally, the writer should state clearly what she or he thinks should happen next and, if appropriate, ask for a specific remedy: "I ask that our relationship be on a purely professional basis from now on." "I want a chance to go over my work with you again and to reconsider my evaluation (grade)." "Since I was unable to go on this sales trip because of your behavior, I ask for immediate assignment to the next trip." Sometimes the writer will request a sum of money, as appropriate.

Many people ask if a letter really should be the first or the only attempt to deal with offensive behavior, and of course the answer is dependent on the people and the problem. Criminal acts may better be brought to the attention of supervisors or the courts, although occasionally a letter may be the right choice. At the other end of the spectrum, one may wish to write a letter but then opt not to send it; consider forgetting the incident in the spirit of tolerance of diversity. Also, many people prefer to try talking with an offender before sending a letter, and there are many ways to do this effectively.

A letter may be an especially effective choice when verbal remonstrance has been ignored. It is particularly useful with sexual harassment, with offenders who believe that "no" means "maybe" or "yes." A letter may work well in situations where an offender seems to have no idea of the pain being caused. Writing a letter may be particularly helpful when an offended person fears coming forward because she or he lacks conclusive proof of the offense or when the offended person wishes to avoid the situation of "his word against mine." Letters are useful beyond the hope of stopping offensive behavior; they provide good evidence for management or a court to take action later, if necessary. Letters are especially effective in dealing with very powerful people, as in a case when a junior person has little leverage or fears retaliation. Writing a letter usually provides hope of ending harassment when the offended person wishes to avoid public exposure.

Letters are especially useful when a school or corporation has well-drafted policies against (all forms of) harassment. They work best if responsible grievance counselors help sort out alternatives and draft letters. They may be a good choice when you particularly wish to be scrupulously fair (because no third party needs to see the letter). And letters often work well in union situations—for example, worker with coworker.

Once the letter is written, the decision actually to send it to an offender should be carefully weighed against other alternatives. Should a letter instead go to a supervisor? Should you now go talk with a trusted colleague or counselor? Or with a women's group or a spouse? Writing a letter does not commit you to send it. It may be, however, a good way to deal with feelings and to help to organize your thoughts during the process of deciding your best option. And be sure to keep the letter whether or not you send it; it may make you feel good about yourself for years.
able to remind the letter writer of facts and feelings that have been forgotten. It is helpful to suggest that the first draft be simply stream-of-consciousness; this may help draw out important memories.

An early draft may be an exceedingly angry and vituperative document, so much so as to embarrass or frighten the writer. Reassure the offended person that the process may take some time, and a number of drafts may be necessary. You should affirm that it is normal to become extremely angry and upset during this process. (These emotions are in fact so common that if the facts that the writer brings forward engender very strong feelings in you, but the complainant does not appear to be upset, you should try to convince the letter writer to take more time to think about the issue.) If you become truly concerned about the emotional well-being of the letter writer, or if you are told that writing the letter stirs up old memories of other, earlier abuse, consider referring the complainant to a mental health professional for additional support in this process.

**After the Letter Is Written**

Typically a letter writer will feel more focused and much calmer once a letter has been finished. It is not uncommon for this change also to startle or even worry the writer, so be prepared to reassure him or her if this should happen. In fact, this change is so common that if the writer's feelings do not diminish in intensity, you might recommend a search for new or more facts in addition to those already in the letter.

After the letter is written, you may wish to explore with the offended person what the offender might be thinking and how that person may feel if the offended person confronts him or her in person or on paper. Sometimes it can be helpful to role-play, with you taking the part of the offended person. Talk out how the offender may see the situation and what may happen next. Most offended people have considerable insight into the thoughts and feelings of offenders, who may be acquaintances or even former friends. In a case where the offended person needs to develop more insight into the feelings of the other party, role play can be very valuable. In the rare situation where the offended person seems entirely off base in his or her accusations, this process may be the only one whereby he or she will be able to think through the interests and actions of the alleged offender.

Once a letter is written, it is time to review again which dispute resolution option is appropriate. Many people, having written a letter to prepare themselves, will then decide to go in person to the offender. Others will use the letter writing as a basis for preparing a formal complaint, or the complainant may actually send the letter. If the letter is, in fact, to be mailed, the writer should keep a copy but in most cases should not send copies to others. (Sending copies to others may arouse great hostility and may not be needed, although it is an available next step.) It may be important to know when the letter arrived (since the typical response is to have no overt response) and to be able to prove that the letter was received. Consequently, the letter should be delivered in person, by registered mail, or by using some other device appropriate to the situation.

(In my own case, as an ombudsperson, I do not keep copies of letters such as these, on the grounds that I have heard only one side of the story; managers
similarly may feel that it is not appropriate for them to keep copies when the recipient does not know that they have been part of the process. It is important, then, to remind oneself that the writing of such a letter does not constitute a formal warning by the employer, although repeated offenses may be more easily addressed if a letter writer will use the letter as evidence.)

The letter writer needs to be prepared for the likely possibility of no overt response to the letter, as well as all other logical possibilities, including great anger, tears, or even—in a rare case—a tearful marriage proposal. One common response when the letter writer delivers the letter in person is for the recipient to ignore it while complaining about some other topic as a diversion. Within an employment or academic context, the recipient is very likely to stop the behavior discussed in the letter. Failure to do so is unusual. It is essential that you follow up with the letter writer to determine what happens. Depending on the situation, you may wish to do this several times over the course of the coming year, reminding the writer thereafter that you wish to hear if there is recurrence of offense or any appearance of retaliation. Depending on the circumstances, the recipient may also come to see you. If you think this may happen, it is a good idea to prepare by discussing this possibility with the letter writer and to get permission, if possible, to tell the recipient that you have already been involved.

**Why Does the Direct Approach Work?**

As already stated, the direct approach usually achieves the (limited) goals of stopping the offense at the least cost to the complainant and to others who are involved. There are many hypotheses as to why, all easily understood in terms of negotiations theory, and all most easily seen where the option is understood in terms of writing a letter to an offender. Writing a letter to an offender provides power to the writer, especially the power of legitimate authority, in that a letter creates evidence and invokes the possibility of lawsuit. Letters are an indication of commitment to self-defense. They invoke the power of relationship, the power of information, the power of an elegant solution. Moreover, people who have written a letter seem to feel more powerful and act in a more powerful manner.

Writing a letter also provides a vehicle for the clear specification of the writer's interests, and it appeals directly to the interests of the recipient. It saves face for the recipient, compared with all other dispute resolution options. A good letter is respectful. A good letter clears up any failures of communication. The second section of the letter often invokes the idea of settling the dispute on principle. Writing a letter and, especially, writing the third section, almost always provokes the complainant to brainstorm options. Separating the sections of the letter helps to separate the people from the problem. Of particular importance, writing a letter helps the complainant prepare, both emotionally and practically, for whatever dispute resolution option he or she will choose to follow.
NOTES

1. This article is part of a forthcoming book on various ways to deal with harassment and to help others deal with harassment. See also Rowe (1990).

2. See, for example, the superb discussion of this technique in Ury, Brett, and Goldberg (1988).

3. Retaliation from supervisors is proscribed by law in harassment cases. People who feel harassed may nevertheless fear this kind of retaliation, and even more often fear other kinds of retaliation from which an employer cannot easily protect the complainant, such as "cold shoulders" from coworkers or anger from family members.

4. Complainants are likely to explain this choice by saying that they do not want to lose their privacy; for example, a top manager or leading professional may not wish to have his or her reputation as a professional tarnished by the image of being a complainer. Those concerned about harassment also typically fear retaliation or some other "bad consequence," such as anger from family members or the silent treatment from coworkers, if they complain openly. In addition, many offended people do not have evidence of the alleged events beyond the (important) evidence of their own statement. In particular, it is rare for people who feel harassed to have sufficient evidence of the offense for serious disciplinary action to be brought against the offender. Most offended people recognize this fact. (This may be the leading reason why most people do not complain of harassment in the first place, since most people hate getting into a situation of "his word against mine" and then having "nothing happen."

5. I make this point explicitly because there is an unfortunate and improper caricature of this option in which the complaint handler just irritably brushes off the complainant, saying, "Oh, go deal with this by yourself!"

6. There is a popular belief that harassers abuse many people and that stopping them from harassing one person, through an informal method, will simply turn them to new targets. My own experience does not find either of these points to be generally true in the workplace, although both may be true occasionally. In particular, these points are not necessarily correct for those who harass others sexually. It is quite common for someone to sexually harass only one person and then, once confronted, to stop the offensive behavior. It is rare for someone to be reported again for sexual harassment after he or she has received a letter from an offended person. It is also important to note, for example as with the recidivism rate of violent offenders, that formal processes do not necessarily prevent further offenses. I do not think, therefore, that the popular beliefs are compelling as arguments against offering informal options for dispute resolution in the workplace.

REFERENCES
