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### Communication Conundrums: Theories About and Tips for Effective Decanal Communication, 48 U. Tol. L. Rev. 211 (2017)

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## COMMUNICATION CONUNDRUMS: THEORIES ABOUT AND TIPS FOR EFFECTIVE DECANAL COMMUNICATION

*Darby Dickerson\* and Marjorie M. Buckner, Ph.D.\*\**

CLEAR and effective communication is essential for any organization, including a law school, to operate effectively. But communication is often one of the trickiest skills a law dean must seek to master. Once a person adds “Dean” to the front of his or her name, communication norms change.

A dean must be sensitive to power structures—whether real or perceived—that exist within the law school. A dean also must be vigilant about how she communicates with others, and how others communicate on her behalf. And she must understand that people will communicate differently with her than with others in the organization, and that some people will purport to speak for her, even though they have no authority to do so.

The communication conundrums a dean must navigate reflect the notion that, as a leader, the dean bears great responsibility for clear and effective communication within the organization. Communication theory—specifically organizational-communication scholarship examining supervisor communication—may provide insight and recommendations for how best to resolve these conundrums.

What follows are common communication conundrums that a law dean might face, along with the communication theories that explain the situations and practical solutions to help resolve them.

### 1. *“It Was Only a Question”*

What a dean says, or believes she says, is not always what people hear. When a dean writes or speaks, some people will attempt to divine a hidden meaning, agenda, or request, instead of taking the words at face value. When the message is important, therefore, try to deliver it in person to give the listener additional cues—such as tone and body language—about meaning and intent.

Below is a surprise a dean received after posing a seemingly simple question via email:

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To: Associate Director for Student Life  
From: Dean  
Date: April 15, 2016  
Re: Question About Graduation

Good morning!

Is it customary for the dean to take the graduation speaker to lunch before the ceremony?

Thanks for your help!



To: Dean  
From: Associate Director for Student Life  
Date: April 22, 2016  
Re: Question About Graduation

Dear Dean,

I apologize for my delay in responding, but it took me awhile to take care of your request. I contacted the graduation speaker, Justice Smith, and he was able to change his travel schedule to meet you for lunch. I've taken the liberty of making a noon reservation on May 21 at the Faculty Club. I've made the reservation for 4, since Justice Smith's wife will be joining him, and I figured you might want to bring your spouse as well. Justice Smith has some dietary restrictions, but I've already spoken to the chef, who will be able to make a special dish to accommodate him. Please let me know if there's anything else I can do to assist you with this event!

The conundrum: The dean only asked a question. She expected an answer such as "yes," "no," "sometimes," or "it depends." But the associate director took the question for a request and diligently fulfilled it. In this case, a judge changed his travel schedule, and the dean and her spouse now have a set event on their schedule.

In this specific case, the dean should thank the associate director and chisel the date onto her calendar; it's not really changeable at this point. But the dean also needs to consider how to avoid a similar situation in the future. Specifically, what can a dean do to assure that when he or she asks a question, people read and respond to the specific question and do not treat the question as a request, demand, or preference?

Clear and precise communication is difficult and time-consuming. Although the dean's original email may appear explicit, the email does not

specify the action desired: an answer to the question posed. Media Richness Theory purports that lean media—like text messaging, instant messaging, email, and letters—are primarily text-based messages that travel slowly and omit cues people need to clarify or understand complex or equivocal messages.<sup>1</sup> Rich media—like talking to someone face-to-face or via Skype—provide simultaneous verbal and nonverbal cues that allow for higher quality interaction and are more likely to generate understanding.<sup>2</sup>

In the situation above, a lean medium is appropriate because the message is not complex and does not (seemingly) appear ambiguous. But if the dean is attending her first graduation at this particular law school, she might find that generating a list of graduation-related questions and then scheduling a meeting with the Associate Director for Student Life to discuss graduation in its entirety may be a more effective way to gather information about graduation protocols and practices. By meeting face-to-face, any misinterpretation or ambiguity can be clarified immediately. Additionally, an in-person meeting provides the opportunity for the dean and associate director to interact more closely, and allows the associate director to become better acquainted with the dean's communication style, thus helping build rapport and prevent future misunderstandings.

The drawbacks to an in-person meeting may include delay in receiving an answer and the time and possible aggravation in setting up the meeting. If you are short on time, cannot schedule a meeting, or have only one question to be answered, an email is usually appropriate. But providing additional context and instructional cues may help the associate director respond as the dean expected. For example:

To: Associate Director for Student Life  
From: Dean  
Date: April 15, 2016  
Re: Question About Graduation

Good morning!

I'm seeking information about our graduation protocol. Is it customary for the dean to take the graduation speaker to lunch before the ceremony? Before making any plans, I would like to know what previous deans have done.

Thanks for your help in locating this information!

In this example, the dean explicitly states the question: that she needs information about graduation protocols. She then indicates her preferred timeline—i.e., before making any plans—thus providing clear instructions for the

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1. Richard L. Daft et al., *Message Equivocality, Media Selection, and Manager Performance: Implications for Information Systems*, 11 *MGMT. INFO. SYS. Q.* 355, 359 (1987), <https://www.jstor.org/stable/pdf/248682.pdf>.

2. *Id.*

associate director. With the additional context and guidance, the associate director may be more likely to respond to this email with, “Yes. Would you like me to make arrangements for you?” Or the associate director might provide the institutional history. Regardless, the additional context and guidance should help prevent the associate director from looking for hidden meanings or unstated requests.

As an organizational manager, a dean also functions as an instructor. When students perceive an instructor to be clear, those receiving the communication are less apprehensive,<sup>3</sup> learn more, like the instructor more,<sup>4</sup> and experience increased satisfaction.<sup>5</sup> In the workplace, clearly communicating content (e.g., the outcome desired) and process (e.g., policies, practices, procedures, or protocols to be followed while achieving the outcome) may yield similar results.

To help increase clarity and decrease the likelihood of a misunderstanding, a dean can utilize the following techniques:

- *Use specific, concrete language in the request.* In other words, use simple words that precisely describe the question, situation, or request.
- *Articulate the desired outcome.* If you want information, say that. If you expect an action—particularly if you want the action carried out following a specific procedure—say that.
- *Provide a timeline.* Sometimes this step may mean “please contact me by Monday at 5:00 p.m. with the information,” and other times, it will mean “I need to know this information before X, Y, and Z occur.”
- *Express explicit gratitude.* Rather than writing a simple “Thanks!,” provide a reason for your gratitude. This technique serves an additional opportunity to stress your expectations. For example, a note that says, “Thank you for helping to locate this information” emphasizes that the desired outcome is information. A note that says, “Thank you for your help” suggests that you are grateful for anything the person does to assist you. Interestingly, gratitude expressed without elaboration or specificity (e.g., “Thanks”) may indicate “greater social distance between interlocutors.”<sup>6</sup> Thus, decreasing the distance between you and your staff by indicating the subject of your gratitude may also help build relationships.

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3. Joseph L. Chesebro & James C. McCroskey, *The Relationship of Teacher Clarity and Immediacy with Student State Receiver Apprehension, Affect and Cognitive Learning*, 50 COMM. EDUC. 59, 59 (2001), <http://www.jamescmccroskey.com/publications/192.pdf>.

4. Joseph L. Chesebro, *Effects of Teacher Clarity and Nonverbal Immediacy on Student Learning, Receiver Apprehension, and Affect*, 52 COMM. EDUC. 135, 135 (2003).

5. Constance V. Hines et al., *Teacher Clarity and Its Relationship to Student Achievement and Satisfaction*, 22 AM. EDUC. RES. J. 87, 87 (1985), <http://journals.sagepub.com/doi/pdf/10.3102/00028312022001087>.

6. Miriam Eisenstein & Jean Bodman, *I Very Appreciate: Expressions of Gratitude by Native and Nonnative Speakers of American English*, 7 APPLIED LINGUISTICS 167, 176 (1986).

## 2. “I Have an Emergency!”

Deans attract emergencies. Put on the “Dean hat” and you’ll be surprised how many people need to see you immediately or need an immediate response to avoid some catastrophe.

Deans need to be aware of “catastrophization.”<sup>7</sup> People sometimes characterize or mischaracterize a situation as an emergency to attract your attention or prod you to act more quickly than you otherwise might. However, just because someone says something is an emergency does not mean it is one. A common saying that comes to mind is: “Poor planning on your part does not necessitate an emergency on mine.”<sup>8</sup>

In the book *The 7 Habits of Highly Effective People*,<sup>9</sup> Stephen R. Covey developed a time-management grid that can help prioritize responsibilities and tasks, including those that others present to you. A similar grid, inspired by the one presented in Covey’s book, appears below:<sup>10</sup>

	<b>URGENT</b>	<b>NOT URGENT</b>
<b>IMPORTANT</b>	Quadrant I: Important and Urgent	Quadrant II: Important and Not Urgent
<b>NOT IMPORTANT</b>	Quadrant III: Urgent and Not Important	Quadrant IV: Not Important and Not Urgent

All tasks and deadlines fit within one of these quadrants. Tasks that are closely related to achieving your (or the law school’s) goals and need immediate attention are Quadrant I tasks. Tasks that are related to achieving goals but do not need immediate attention fall into Quadrant II.<sup>11</sup> Quadrant III includes tasks that someone else has deemed as immediate or an emergency but, in your estimation, are not.<sup>12</sup> Tasks that have little value and may be completed when taking a break from Quadrant I or II activities are Quadrant IV tasks.<sup>13</sup>

To use this grid effectively, be honest about identifying the true nature of tasks for each quadrant, even when someone else may insist on an alternative categorization. Ideally, you will spend the majority of your time working on Quadrant II tasks.<sup>14</sup> You typically must address Quadrant I tasks first, but should strive to adjust work processes so you are completing important tasks without the

7. In psychology, “[c]atastrophizing” is “a human tendency to blow situations out of proportion, or to turn minor threats into calamities.” WILLIAM J. KNAUS, *THE COGNITIVE WORKBOOK FOR ANXIETY* 42 (2d ed. 2014). The concept “goes hand in hand with *awfulizing*, which means turning a bad situation into something worse.” *Id.*

8. Bob Carter, *Poor Planning Quotes*, TOP FAMOUS QUOTES, <http://topfamousquotes.com/quotes-about-poor-planning/> (last visited Feb. 5, 2017).

9. STEPHEN R. COVEY, *THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE: POWERFUL LESSONS IN PERSONAL CHANGE* 160 (25th ed. 2013).

10. *Id.*

11. *See id.* at 163.

12. *See id.* at 161.

13. *See id.*

14. *See id.* at 163.

pressure of urgent and immediate deadlines. Address Quadrant III and IV as you have time. If you can delegate or eliminate Quadrant III or IV tasks, do so.

Another tip when dealing with a person who has presented a situation as an emergency is to consider “The Rule of 10s,” a principle Darby Dickerson developed during her first few weeks serving as Associate Dean at Stetson University College of Law.<sup>15</sup> The Rule works in both emergency and non-emergency situations, but it can be particularly helpful when someone is pressing for a fast answer.

The Rule is simple: If you are going to grant someone’s request, particularly if it calls for a policy deviation or unusual interpretation, are you prepared to do the same for the next 10 people who walk into your office and seek the same deviation? If “no,” that is a strong signal you should not grant the request but should seek other alternatives.

One final point is that a fast answer often is not the best answer. When addressing a situation, consider whether it is better to give a fast answer, even if it is not the best possible answer, or whether you have time to develop the best possible answer. For example, if someone rushes into your office to say that a reporter has entered the building and is setting up a camera in the main foyer to interview students about an alleged incident of sexual harassment, you need to act quickly. On the other hand, if a professor wants to start a new program and says he or she needs an answer quickly, you often have time to weigh the pros and cons of the decision.

In this latter situation, consider the movie *Searching for Bobby Fischer*.<sup>16</sup> In one scene, the grandmaster instructs his young prodigy, who is partial to speed chess, “Don’t move until you figure it out in your head.”<sup>17</sup> When the student objects, saying he can’t figure it out unless he actually moves the pieces, the grandmaster—in dramatic fashion—sweeps the board clear.<sup>18</sup> Later, in a championship match, the student repeats to himself, “Don’t move until you see it.”<sup>19</sup> The teacher’s advice wasn’t to be indecisive, but to look down the road and consider the various moves and implications of those moves before selecting the

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15. On the first day of spring classes, a student rushed into then-Associate Dean Dickerson’s office. The student indicated that she had a job interview the next day and needed to submit a transcript during the interview. She indicated that she had a hold on her account for financial reasons and would pay the balance when her financial aid arrived in a few days. Dean Dickerson, attempting to “help,” told the student that she would arrange to lift the hold for one day so the student could get the transcript for this particular interview. Word quickly spread about this policy deviation and Dean Dickerson ended up with a line of students outside her door seeking a similar accommodation. Dean Dickerson also learned she should have consulted with the Registrar before making this type of decision, and that some students shade the truth when seeking help. The best answer to the student would have been, “Let me check on the situation and review our policy, and I’ll be back in touch with you as quickly as possible. What’s the best way to reach you between now and 4:00 p.m.?”

16. SEARCHING FOR BOBBY FISCHER (Mirage Enterprises 1993).

17. SEARCHING FOR BOBBY FISCHER, *Find the Move*, YOUTUBE (Oct. 4, 2011), [https://www.youtube.com/watch?v=pHSgY\\_VfG6Q](https://www.youtube.com/watch?v=pHSgY_VfG6Q).

18. *Id.*

19. SEARCHING FOR BOBBY FISCHER, *Final Game*, YOUTUBE (Aug. 2, 2011), <https://www.youtube.com/watch?v=ybrY9JWVBv4>.

one that appears best under the circumstances. Similarly, when a dean is faced with making an important decision that truly isn't time sensitive, she should not rush simply because someone else demands a fast response.

3. *"How Would You Like to Proceed?"*

"Dear Dean," the email from the Registrar says, "Would you please read the following email exchange between me, Associate Dean Patel, and Professor Foster-Jones, Chair of the Curriculum Committee, and provide me with your thoughts about how we should proceed? Thank you!"

This email exchange spans five printed pages and discusses the new(ish) ABA Standards on student learning outcomes and assessments. Most of the email concerns how to survey the full-time faculty on what types of assessment they are already using. The email chain includes several proposals.

Deans are skilled problem solvers. If they were not, they would not hold the positions they do. Many deans thrive on solving problems. But deans must be careful not to solve problems that other people should be solving. If deans do so, they run the risk of micromanaging and losing sight of their strategic goals. They also lose the opportunity to help their staff develop and hone their skills.

Instead, when someone asks you, as dean, to solve a problem, you should first analyze whether you should even be involved in the process. Should you be making this decision, or should someone else be making it? And if you should be involved, would it be more appropriate for the person asking for a solution to present a recommendation, or at least options with pros and cons?

The initial steps in solving a problem are to clearly define the nature of the problem and determine the areas of freedom for those involved with resolving the problem.<sup>20</sup> First, determine if the problem is (1) negative and ongoing; (2) an attempt to optimize an organizational process (e.g., trying to create a more streamlined registration process); or (3) a barrier to organizational progress. Second, determine what latitude and resources you, as dean, have to make and implement the decision.

Using these steps, the dean might conclude that because the dean has the authority to resolve the issue and the problem fits within Quadrant II of Covey's time-management grid,<sup>21</sup> she is the best person to solve the problem. But frequently, the dean is not the person with the expertise, knowledge, time, or desire to solve a particular problem. If another person or group has or can gain the information needed to resolve the problem, the dean should delegate the decision. For example, the dean could direct that a small working group prepare a recommendation about how to proceed, or the dean could indicate that she has confidence in a particular staff member to handle the matter.

Delegating effectively will allow you to focus on matters that only the dean can handle. In addition, allowing others to participate meaningfully in decision-

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20. KATHERINE ADAMS & GLORIA GALANES, *COMMUNICATING IN GROUPS* 197 (9th ed. 2015).

21. See text accompanying *supra* notes 9-13.



making may improve employee satisfaction, productivity,<sup>22</sup> and employee self-confidence.<sup>23</sup>

In our hypothetical above, the dean could have avoided confusion about who had authority to resolve the issues by clearly articulating his or her expectations in the initial charge of the working group. That message could have included information about how the group should interact with the dean if members had questions; the message also could have included details about the product the dean hoped to receive. This information might have included whether the dean wanted a written report, the due date, and where the task force's work falls in the overall decision-making process. For example, would a faculty committee or the entire voting faculty need to approve the task force's recommendations before they could be implemented?

Alternately, the dean could articulate her expectations to staff and faculty before a specific situation arises. To facilitate effective decision-making and delegation, Dean Dickerson shares a memo with her direct reports and key administrators.<sup>24</sup> This memo details the areas where she wants to be consulted, and the areas where the dean's direct reports and other administrators have autonomy to make decisions.<sup>25</sup>

All decision-makers—whether individuals or groups—should use processes that allow for good decisions to be made. The functional theory of group decision-making outlines five critical phases to problem-solving:

1. Specify the issue at hand, including as many known details as possible.
2. Set the criteria of a feasible and acceptable solution.
3. Generate a list of possible solutions.
4. Evaluate the possible solutions in light of the criteria decided in phase 2.
5. Select the possible solution that most closely meets the criteria established.<sup>26</sup>

Decision-makers often struggle to articulate the problem fully and clearly. Instead, they jump quickly to discuss possible solutions and then choose one before considering all viable options. While this truncated process might appear efficient, it may introduce a host of other problems, such as groupthink or faulty decision-making based on incomplete or inadequate data. Providing a handout that outlines each step of the problem-solving process and a formula for

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22. Katherine I. Miller & Peter R. Monge, *Participation, Satisfaction, and Productivity: A Meta-Analytic Review*, 29 ACAD. MGMT. J. 727, 744 (1986), <https://www.jstor.org/stable/pdf/255942.pdf>.

23. Jay Conger & Rabindra N. Kanungo, *The Empowerment Process: Integrating Theory and Practice*, 13 ACAD. MGMT. REV. 471, 479 (1988).

24. See *infra* Appendix 1.

25. *Id.*

26. Dennis S. Gouran & Randy Y. Hirokawa, *The Role of Communication in Decision-Making Groups: A Functional Perspective*, COMMUNICATION IN TRANSITION: ISSUES AND DEBATES IN CURRENT RESEARCH 168, 170 (Mary S. Mander ed., 1983).

communicating decisions may improve decision-making experiences for involved organizational members.

For example, a dean might request that a committee or administrator prepare a written summary of the problem, articulate the criteria necessary for a satisfactory solution, present a summary of the preferred solution, and craft a brief argument in support of the preferred solution. In practice, Dean Dickerson expressly asks that, when seeking her input, her direct reports:

- Make a recommendation as opposed to asking a question. For example, “I recommend that we proceed as follows,” as opposed to “What do you think about Issue X?”
- When appropriate, present alternatives, along with the pros and cons of each.
- Avoid sending email chains without a summary of the issues to be resolved.<sup>27</sup>

When emails arrive like the one at the start of this section, Dean Dickerson replies by asking the sender for a reasoned recommendation. This technique shows confidence in the colleague, helps Dean Dickerson avoid making decisions she should not be making, provides her with appropriate information when she does act as decision-maker, and allows her to focus more on her own areas of responsibility.

One additional point a dean should consider when someone asks her to make a decision is why the individual is seeking the dean’s input. While some may do so to avoid work, others may not feel empowered to make a decision (which can be resolved with providing instruction about process), may be experiencing conflict with others involved in the decision-making process, or may be seeking to build a coalition with the dean to advance their individual agenda.

If the individual is attempting to avoid (or end) conflict among members involved in the decision-making process, you may need to mediate or find another person to help mediate the situation. If members have reached an impasse and consensus is not perceived as possible, you may need to provide feedback to the group, choose a solution, pose questions, or share insights that could jump-start conversations to help resolve the conflict. If the individual is attempting to build a coalition to leverage your support for an idea, then you may need to provide additional instruction about how the decision should be reached and communicated to you. Being aware of the potential underlying motivations at play may affect your response, and may further enlighten you about some of the interpersonal and group dynamics at play in your organization.

#### 4. “*Waiting on the Leader*”

In reviewing your emails, you see the following:

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27. See *infra* Appendix 1.

To: Dean; Associate Dean for Students; Associate Dean for Administration;  
Associate Dean for Finance; Director of Career Services; Registrar  
From: Associate Director for Calendar and Events  
Date: August 2, 2016  
Re: New Event Processes  
[3 attachments]

After a year of studying our processes, I have revised our room reservation process and our internal event forms, all of which are attached. Because these documents represent a significant departure from past practices, we will need to educate faculty, staff, and students about these changes. Please review these documents and send me your input and suggestions. Thank you.



Because the dean determines that many of the other administrators copied on the email have a better grasp of this area than she does, she does not respond immediately. The following week, when reviewing her inbox emails, she realizes that no one else ever responded to this email, at least not to the group.

While waiting for the person with the most perceived power to respond may signal respect or efficiency, it may also signal that others are not willing to voice an opinion if they perceive it will contradict the leader's position. Developing a more democratic organizational culture where members feel empowered to speak up when invited to a conversation may lead to better solutions for the organization and avoid concerns about personal agendas, not caring about others, or groupthink.<sup>28</sup>

The dean should position herself as open to hearing others' viewpoints, focusing on the task at hand, and facilitating discussion.<sup>29</sup> Serving as a neutral facilitator who is concerned primarily with enabling discussion will help others feel more comfortable to express their ideas. Withholding your comments until the end of the discussion potentially avoids groupthink and the perception that you are behaving as an overly authoritarian leader.<sup>30</sup> Rather, encourage others to speak and show that you value their expertise. Seek to embolden individuals who may be more reticent to talk. One technique is to go "around the table" and ask each person to contribute to the discussion. Also, prompt the group to consider additional perspectives by asking questions or offering a point of view without advocating any one perspective.

In our hypothetical, an email response like the one below might encourage others to share their thoughts and engage:

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28. ADAMS & GALANES, *supra* note 20, at 185.

29. *Id.* at 275-83.

30. CASS SUNSTEIN & REID HASTIE, *WISER: GETTING BEYOND GROUPTHINK TO MAKE GROUPS SMARTER* 1261-66 (Kindle ed. 2014).

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## COMMUNICATION CONUNDRUMS

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To: Associate Director for Calendar and Events; Associate Dean for Students; Associate Dean for Administration; Associate Dean for Finance; Director of Career Services; Registrar

From: Dean

Date: August 3, 2016

Re: New Event Processes  
[3 attachments]

Thank you to [Associate Director for Calendar and Events] for your work revising the room reservation and internal event processes.

I look forward to hearing from others included on this email about your thoughts and ideas. All of you work on law-school events and work with others who play major roles in event planning and implementation. I value the expertise and insight your feedback will reflect.

Given that training may well be needed, I hope that we will be able to finalize these processes by August 12th so we can implement them for the fall semester.

Please let me know your thoughts.

#### 5. *Crickets*

One of the most difficult and nerve-wracking challenges a dean faces is figuring out what she does not know, but should know. Similarly, one of the most frustrating situations a dean can face is to learn about a serious matter that many people knew about but did not share.

The lack of communication can be just as serious as miscommunication or inappropriate communication. Below are two scenarios that present situations in which individuals did not share important information with the dean, along with possible solutions about how to avoid them at your school.

##### a. *“I thought you knew”*

An alumnus who graduated a year ago commits suicide. A current student informs the Associate Dean for Students about the death. The alumnus’s mother contacts the Director of Development to establish a memorial fund, and that fund is publicized in the obituary. The Director of Development lets the Communications Director know about the fund in case he receives questions. The Director of Development also informs the Alumni Director and the Registrar so the alumnus’s records are updated. The Alumni Director attends the funeral.

About a week later, a faculty member sends an email to the faculty that starts: “Because the Dean has not alerted the faculty about this matter, I wanted to share that Taylor Janssen, Class of 2015, passed away last week. I know that many of you taught, worked with, and thought highly of Taylor. Below is a link to Taylor’s obituary. Please note that Taylor’s parents set up a memorial fund at the law school.”

This email was the first time you learned of the situation. Given the circumstances, it appears to others that you knew about it and simply chose not to share the news with the faculty. When you approach your various deans and directors to ask why they had not shared the information with you and to explain the difficulties not knowing has caused you, each responds, “I thought you knew. I figured someone else had shared the news.”

b. *“I didn’t want to be the bearer of bad news”*

A faculty colleague approaches you. She indicates that she does not want to be the bearer of bad news, but she thought you should know about a situation that has been going on for some time now. At first, she thought she should not get involved, but she realized at some point that you actually might not know about what is going on.

Two of your senior directors appear to be having an affair with each other. Both are married. Although not against school policy, because they do not report to each other, the relationship—or perceived relationship—is causing problems. They appear to be spending hours each day in each other’s offices with the door closed. People are gossiping that they leave campus for long lunches. They have been seen sitting in a car in the parking lot, in the afternoons, for hours at a time. Their subordinates cannot get answers to questions, and both directors are missing deadlines. At least one other employee has indicated she is considering filing a hostile work environment claim.

After receiving this information, you check in discreetly with a couple of your directors and associate deans. Each indicates that he or she has heard about the situation, and some report they have seen behavior that corroborates the report you received. As you begin to work through the situation, you ask each one why he or she did not tell you about the situation. Two indicate that they figured the information was mere gossip, but two indicate that they did not want to tell you because the directors at issue were “your favorites.” One said she did not want to be the bearer of bad news. Another said he did not think you would discipline the employees given their status as “your pets,” and he did not want to be perceived as a “snitch.”<sup>31</sup>

Managers need access to undistorted information.<sup>32</sup> As the hypotheticals illustrate, creating a culture in which subordinates and colleagues provide you with needed information and keep you informed is critical to your job performance and the school’s success. But individuals are unlikely to share unfavorable information.

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31. As a quick aside, if you suspect that the conduct violates Title IX, immediately refer the matter to your campus Title IX coordinator; do not investigate Title IX matters yourself. See generally U.S. DEP’T OF EDUC., QUESTIONS AND ANSWERS ON TITLE IX AND SEXUAL VIOLENCE (2014), <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>. See, e.g., *Title IX Compliance Guide for Mandatory Reporters*, PURDUE UNIV., <http://www.purdue.edu/titleix/complianceGuide> (last visited Jan. 23, 2017).

32. Dale A. Level & Lynn Johnson, *Accuracy of Information Flows Within the Superior/Subordinate Relationship*, 15 J. BUS. COMM. 13, 14 (1978), <http://journals.sagepub.com/doi/pdf/10.1177/002194367801500202>.

Limited time and resources inevitably mean that supervisors develop relationships of varying quality with subordinates.<sup>33</sup> According to the Leader-Member Exchange (“LMX”) theory, superior-subordinate relationships are categorized as high LMX to low LMX.<sup>34</sup> High LMX is characterized by increased influence, shared information, satisfaction, opportunities, trust, and support; low LMX involves greater formality and less involvement, attention, opportunity, shared information, satisfaction, and trust.<sup>35</sup> In 2002, two researchers found that subordinates who report high LMX with their supervisor also report greater communication satisfaction in the workplace,<sup>36</sup> which, in turn, is related to job satisfaction,<sup>37</sup> task performance,<sup>38</sup> commitment,<sup>39</sup> and morale.<sup>40</sup>

More closely related to the circumstances above, perceived LMX relates to how a subordinate will interact with his or her supervisor. Perceived accessibility to the supervisor is critical to fostering opportunities for the subordinate to share information with the supervisor.<sup>41</sup> Interestingly, accessibility is linked to the subordinate’s perceptions of an interpersonal, as

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33. Fred Dansereau et al., *A Vertical Dyad Linkage Approach to Leadership Within Formal Organizations: A Longitudinal Investigation of the Role Making Process*, 13 *ORG. BEHAV. & HUM. PERFORMANCE* 46, 70-73 (1975), [https://www.researchgate.net/profile/George\\_Graen2/publication/222986304\\_A\\_Vertical\\_Dyad\\_Linkage\\_Approach\\_to\\_Leadership\\_in\\_Formal\\_Organisations\\_a\\_Longitudinal\\_Investigation\\_of\\_the\\_Manageial\\_Role-Making\\_Process/links/00b49533743304c403000000.pdf](https://www.researchgate.net/profile/George_Graen2/publication/222986304_A_Vertical_Dyad_Linkage_Approach_to_Leadership_in_Formal_Organisations_a_Longitudinal_Investigation_of_the_Manageial_Role-Making_Process/links/00b49533743304c403000000.pdf). See also George B. Graen & Mary Uhl-Bien, *Relationship-Based Approach to Leadership: Development of Leader-Member Exchange (LMX) Theory of Leadership Over 25 Years: Applying a Multi-level Multi-Domain Perspective*, 6 *LEADERSHIP Q.* 219, 225 (1995), <http://www.sciencedirect.com/science/article/pii/1048984395900365>.

34. Graen & Uhl-Bien, *supra* note 33, at 227.

35. Bridget H. Mueller & Jaesub Lee, *Leader-Member Exchange and Organizational Communication Satisfaction in Multiple Contexts*, 29 *J. BUS. COMM.* 220, 224-25 (2002), <http://journals.sagepub.com/doi/pdf/10.1177/002194360203900204>.

36. *Id.* at 220-21.

37. Philip G. Clampitt & Cal W. Downs, *Employee Perceptions of the Relationship Between Communication and Productivity: A Field Study*, 30 *J. BUS. COMM.* 5, 5 (1993), [https://www.researchgate.net/profile/Phillip\\_Clampitt/publication/258153887\\_Employee\\_Perceptions\\_of\\_the\\_Relationship\\_Between\\_Communication\\_and\\_Productivity\\_A\\_Field\\_Study/links/55259afa0cf24b822b405690.pdf](https://www.researchgate.net/profile/Phillip_Clampitt/publication/258153887_Employee_Perceptions_of_the_Relationship_Between_Communication_and_Productivity_A_Field_Study/links/55259afa0cf24b822b405690.pdf). See also J. David Pincus, *Communication Satisfaction, Job Satisfaction, and Job Performance*, 12 *HUM. COMM. RES.* 395, 395 (1986), <http://onlinelibrary.wiley.com/doi/10.1111/j.1468-2958.1986.tb00084.x/full>.

38. Pincus, *supra* note 37, at 395.

39. Federico Varona, *Relationship Between Communication Satisfaction and Organizational Commitment in Three Guatemalan Organizations*, 33 *J. BUS. COMM.* 111, 111 (1996), <http://www.situatedgaming.com/CISOrgCommExam/downs-comm-productivity-satisfaction.pdf>.

40. See Terry Gregson, *Communication Satisfaction: A Path Analytic Study of Accountants Affiliated with CPA Firms*, 2 *BEHAV. RES. IN ACCT.* 32, 32 (1990). See also Lawrence R. Wheelless et al., *The Relationships of Communication with Supervisor and Decision-Participation to Employee Job Satisfaction*, 32 *COMM. Q.* 222, 222 (1984); Edna Suckow, *The Relationship Among Teachers’ Perceptions of Communication Openness, Communication Satisfaction and Teacher Morale* (Mar. 1995) (unpublished Ph.D. dissertation from New York University) (on file with author).

41. Judith M. Dallinger, *Interpersonal Perceptual Influences on Organizational Supervisor Accessibility*, 4 *COMM. RES. REP.* 31, 32 (1987), <http://web.a.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=abda61ff-2d0e-42aa-8304-9c11f2497430%40sessionmgr4007&vid=1&hid=4209>.

opposed to an impersonal, relationship with the supervisor.<sup>42</sup> Therefore, acknowledging and spending resources to develop interpersonal relationships with those who work with you is important to stimulating the upward flow of information.

Suggestions for deans to develop these types of relationships, within appropriate workplace boundaries, include holding regular one-on-one meetings with staff, conducting regular group meetings with staff, and facilitating events in more informal situations. These events might include staff retreats, field trips, and community-service projects. Other community-building opportunities might include “lunch with the dean” events, an ice-cream social, or a book club that meets each semester to discuss a book related to law, higher education, leadership, or another interesting topic. These events should emphasize personal-professional relationships and not encroach on your time so much that they become burdensome and jeopardize the original purpose.

In both above hypotheticals, ethics play a critical role in the supervisor-subordinate communication. In the first example, the subordinates are denying their individual ethical responsibility as members in the organization. Specifically, a key ethical guideline to group (or organizational) membership is a “[willingness] to communicate and share ideas, information, and perspectives.”<sup>43</sup> The phrase, “I thought you knew,” denies the community member’s responsibility to share the information explicitly with the dean.

To avoid a situation like the one presented in the alumnus-suicide scenario, a helpful option for a subordinate-employee would have been to ask the dean if she was aware of the student’s passing and to offer aid in drafting a communication to the faculty. This approach would allow the dean to express her surprise about the news and would help the dean communicate news of the tragedy to the law-school community as quickly and professionally as possible.

To help avoid a “crickets” situation, deans should remind staff and faculty about their responsibility to share information.<sup>44</sup> Discussing situations when critical information was not shared, and the consequences of that communication gap, can help your staff and faculty understand the importance of sharing and can also help avoid a silo mentality from emerging.

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42. *Id.* at 32. See also Gerald R. Miller, *The Current Status of Theory and Research in Interpersonal Communication*, 4 HUMAN COMMUNICATIONS 164, 168 (1978).

43. ADAMS & GALANES, *supra* note 20, at 21.

44. Be prepared for some faculty and staff who are licensed attorneys to assert that the attorney-client privilege prevents them from sharing information they receive from certain other individuals, especially students. See generally Bruce A. Green, *Reflections on the Ethics of Legal Academics: Law Schools as MDPs; or, Should Law Professors Practice What They Teach?*, 42 S. TEX. L. REV. 301 (2001). See also Frederick C. Moss, *“Is You Is, or Is You Ain’t My [Client]?”: A Law Professor’s Cautionary Thoughts on Advising Students*, 42 S. TEX. L. REV. 519 (2001). Because the issues involved in this situation are tricky, anticipate this argument by checking your university conflict-of-interest and human resource policies and having some research handy on employees’ duty of loyalty. See generally DEAN O. SMITH, UNDERSTANDING AUTHORITY IN HIGHER EDUCATION 58 (2015).

Deans should also express their preferences for what and how information should be shared.<sup>45</sup> Communicating these expectations up front (and with stories or examples) will help normalize the process of sharing information within your organization.

Deans should welcome “redundant” information. Instead of expressing frustration that you have now received multiple reports of a single matter, graciously thank each person for sharing. If individuals believe they are “bothering you,” they will be less apt to pass along information, especially information they perceive to be “bad.”<sup>46</sup>

To avoid a situation like the one presented in the employee-affair scenario, deans should understand both the “moral mum” effect in the workplace and how others react to workplace relationships—whether actual or perceived—that you cultivate.<sup>47</sup> Although individuals experience disagreement at work,<sup>48</sup> employees may be reluctant to express ethical dissent to supervisors.<sup>49</sup>

The moral mum effect describes instances when an individual chooses to (1) remain silent and (2) not label behavior as unethical to protect either the individual or others.<sup>50</sup> While the hypothetical affair does not seem to violate school policy, it is unethical to use work resources—including time—for purposes other than work. This unethical behavior likely made individuals nervous to broach the subject with the dean—not only because of the behavior, but also because they wanted to avoid jeopardizing their relationships with the dean and involved employees.<sup>51</sup>

Additionally, the perception of a close relationship between the dean and individuals engaged in the affair may have further exacerbated the mum effect.

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45. See, e.g., *infra* Appendix 1.

46. Another tip deans might consider to ensure they have necessary and appropriate information is to ask each direct report to submit a “Friday Report” that includes categories such as: (1) information and material the employee needs from you to complete pending projects; (2) the employee’s significant activities from the week; (3) the employee’s two or three priorities for the next week; and (4) “parking lot” items—tasks the employee needs to complete, but that are lower priority at the moment. With these types of reports, the dean in the alumnus-death hypothetical might have learned about the death, the fund established in the alumnus’s honor, or the alumni director attending the funeral before the faculty member’s email was circulated.

47. Ryan S. Bisel et al., *Workers’ Moral Mum Effect: On Facework and Unethical Behavior in the Workplace*, 62 COMM. STUD. 153, 155 (2011). See also Jeffrey W. Kassing, *Articulating, Antagonizing, and Displacing: A Model of Employee Dissent*, 48 COMM. STUD. 311, 312-15 (1997), <http://islam-zwart.net/~COMPS%20FOLDER/~Research/Kassing.%201997.pdf>.

48. Kassing, *supra* note 47, at 312.

49. Jeffrey W. Kassing & Todd A. Armstrong, *Someone’s Going to Hear About This*, 16 MGMT. COMM. Q. 39, 40 (2002), <http://journals.sagepub.com/doi/pdf/10.1177/0893318902161002>. See also Kristen Lucas & Jeremy P. Fyke, *Euphemisms and Ethics: A Language-Centered Analysis of Penn State’s Sexual Abuse Scandal*, 122 J. BUS. ETHICS 551, 552 (2014); Nicole A. Ploeger et al., *Hierarchical Mum Effect: A New Investigation of Organizational Ethics*, 76 S. COMM. J. 465, 476 (2011).

50. Bisel et al., *supra* note 47, at 162.

51. Ryan S. Bisel & Michael W. Kramer, *Denying What Workers Believe Are Unethical Workplace Requests: Do Workers Use Moral, Operational, or Policy Justifications Publicly?*, 28 MGMT. COMM. Q. 111, 112 (2014), <http://journals.sagepub.com/doi/pdf/10.1177/0893318913503382>; Kassing, *supra* note 47, at 322.



Thus, some staff members may have assumed that, because the dean is close to the individuals engaged in the affair, the dean knew about and possibly even condoned the relationship and the behavior. Others may have been reluctant to interfere with the dean's relationship with the misbehaving staff members. Still, others might have believed the dean would have been unable to act impartially and justly.

While overcoming others' perceptions of your relationships may be an impossible task, managing your image to emphasize your commitment to ethics in the workplace and organizational justice is crucial. Talking about ethics and the ethicality of work can decrease the moral mum effect while also enhancing employees' trust in you.<sup>52</sup> Additionally, building trust and mutual respect through openness and truthfulness can create a space in which individuals may feel comfortable expressing truths, even uncomfortable ones.<sup>53</sup>

To avoid crickets related to not knowing about situations that need attention, the dean can build relationships with her employees<sup>54</sup> and increase discourse about ethical communication in the workplace.<sup>55</sup> Although improving relationships between supervisors and subordinates is not solely the supervisor's responsibility, supervisors assume primary responsibility for initiating and shaping the supervisor-subordinate relationship.<sup>56</sup> Thus, being mindful of the relationships you, as dean, cultivate with your faculty and staff is crucial to your—and your law school's—success.

Fortunately, some of the recommended pathways for improving supervisor and subordinate relationships coincide with recommendations for facilitating other goals discussed in this article—namely, permitting you to spend time on the tasks and goals that are most important and relevant to your position. Specifically, empowering individuals through inclusion in decision-making and delegating additional responsibilities are ways to not only decrease the work on your plate, but also to enhance the supervisor-subordinate relationship.<sup>57</sup> Using key words such as “integrity” and “ethics” to discuss the ethicality of work and to encourage colleagues to mirror this practice can integrate ethics into your

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52. Alaina C. Zanin et al., *Supervisor Moral Talk Contagion and Trust-in-Supervisor: Mitigating the Workplace Moral Mum Effect*, 30 *MGMT. COMM. Q.* 157, 160 (2016).

53. Fred O. Walumbwa & John Schaubroeck, *Leader Personality Traits and Employee Voice Behavior: Mediating Roles of Ethical Leadership and Work Group Psychological Safety*, 94 *J. APPLIED PSYCHOL.* 1275, 1283 (2009), [https://www.researchgate.net/profile/John\\_Schaubroeck/publication/26762647\\_Leader\\_personality\\_traits\\_and\\_employee\\_voice\\_behavior\\_mediating\\_roles\\_of\\_ethical\\_leadership\\_and\\_work\\_group\\_psychological\\_safety/links/54789580cf2a961e4877a3a.pdf](https://www.researchgate.net/profile/John_Schaubroeck/publication/26762647_Leader_personality_traits_and_employee_voice_behavior_mediating_roles_of_ethical_leadership_and_work_group_psychological_safety/links/54789580cf2a961e4877a3a.pdf).

54. Mueller & Lee, *supra* note 35, at 235.

55. Zanin, *supra* note 52, at 157-61.

56. *See supra* notes 33-40.

57. FREDERICK HERZBERG, *THE MANAGERIAL CHOICE: TO BE EFFICIENT AND TO BE HUMAN* ch. 3 (1976); Jay Conger & Rabindra N. Kanungo, *The Empowerment Process: Integrating Theory and Practice*, 13 *ACAD. MGMT. REV.* 471, 478 (1988), [http://cassandrathinktank.org/yahoo\\_site\\_admin/assets/docs/Empowerment\\_process\\_theory\\_and\\_practice.28122633.pdf](http://cassandrathinktank.org/yahoo_site_admin/assets/docs/Empowerment_process_theory_and_practice.28122633.pdf). *See also* Mueller & Lee, *supra* note 35, at 224.

workplace.<sup>58</sup> Additionally, continually modeling ethical behaviors, commending instances of ethical dissent,<sup>59</sup> and using these key words may reinforce others' perceptions of you as a trustworthy and ethical person who will respond justly to ethical dissent.<sup>60</sup>

#### 6. "The Gatekeepers"

Law deans typically have multiple individuals who communicate regularly on their behalf. Deans typically have at least one assistant. Others who communicate regularly for the dean may include associate or assistant deans, chiefs of staff, executive assistants, and schedulers. When these representatives communicate with people inside and outside the law school, the people receiving the communication perceive the representatives are speaking for the dean and delivering the dean's message. Accordingly, deans need to take time to speak with their assistants about different communication techniques. Sometimes these techniques will include specific language to use; other times they will involve an attitude or tone the dean wants conveyed. Below are two common scenarios that law deans have experienced.

##### a. "I need to speak with the Dean"

TAKE 1

(Phone rings.)

Dean's Assistant: Good morning! Dean's Office, this is Charmaine. How may I help you?

Caller: Hi Charmaine, this is Jorge from the Board of Trustees. I need to speak with the Dean.

Dean's Assistant: Oh, Mr. Rodriguez, I'm so sorry, but the Dean is so busy this week. Her calendar is crammed with meetings today and tomorrow, then she's on the road Thursday and Friday. I can ask the Dean if she can take your call after 5 p.m. today....

Caller: Well, I don't really want to bother the Dean....

Dean's Assistant: If you need something quickly, you could email the Dean.

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58. Bisel & Kramer, *supra* note 51, at 124; Zanin, *supra* note 52, at 160. See also Cathy Driscoll & Margaret McKee, *Restoring a Culture of Ethical and Spiritual Values: A Role for Leader Storytelling*, 73 J. BUS. ETHICS 205, 209 (2007), [http://www.jstor.org/stable/25075413?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org/stable/25075413?seq=1#page_scan_tab_contents).

59. Melissa N. Koerner, *Courage as Identity Work: Accounts of Workplace Courage*, 57 ACAD. MGMT. J. 63, 87 (2014); Zanin, *supra* note 52, at 160.

60. Jeffrey W. Kassing & Zachary J. McDowell, *Disagreeing About What's Fair: Exploring the Relationship Between Perceptions of Justice and Employee Dissent*, 25 COMM. RES. REP. 34, 40 (2008); Zanin, *supra* note 52, at 160.

Caller: Thanks. I guess I'll do that.

Dean's Assistant: Have a great day!

*The Dean finishes meetings at 5:15 p.m. and reads the following email. The Dean's assistant had not told the Dean about the call earlier.*

To: Dean

From: Jorge Rodriguez

Subject: Donation

Date: June 29, 2016, 3:46 p.m.

Dear Dean,

Good afternoon. I tried to call you earlier today to discuss the donation you had asked me to consider making before the end of the fiscal year. Your assistant told me you are busy for the rest of the week and that it would be best to email.

My accountant needs some information before I can make the donation. I'm leaving for China in the morning, so I need to hear back from you or someone else today by 5:30 p.m. with the information my accountant needs, since the fiscal year ends tomorrow.



Take 2

*(Phone rings.)*

Dean's Assistant: Good morning! Dean's Office, this is Charmaine. How may I help you?

Caller: Hi Charmaine, this is Jorge from the Board of Trustees. I need to speak with the Dean.

Dean's Assistant: Mr. Rodriguez, it's so good to hear from you! I'm sure the Dean will want to speak with you as soon as she's out of her meetings. May I ask what you're calling about?

Caller: I'm calling about a donation the Dean asked me to consider.

Dean's Assistant: Oh, that's wonderful. I know the end of the fiscal year is coming up tomorrow. This sounds very time sensitive.

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- Caller: Yes, I'm leaving for China tomorrow, and my accountant has some questions he needs answered.
- Dean's Assistant: I see. Let me slip a note to the Dean. I'm sure she'll want to get those questions answered as soon as possible. What's the best number for us to reach you for the next hour or so?
- Caller: My cell number is best, but you can also call my office if that's busy.
- Dean's Assistant: Wonderful! We will be back in touch as quickly as possible. Have a great day, and I hope your trip to China goes well.

*Dean's Assistant slips a note to the Dean in her meeting. Dean opts to end that meeting early and contact the law school's Director of Development; they jointly call the donor within the hour.*



The differences between “Take 1” and “Take 2” are striking. Think about the small variations that led to vastly different results. Also, think about how effectively communicating with your gatekeepers can impact their communication with others.

As a dean, many people will want to see or speak with you. It is almost impossible to fit in everyone, especially on their desired schedule. And if you did see or speak to absolutely everyone, you might not complete strategic projects. Accordingly, you will need to think through and share with your staff various communication strategies, including those detailed below.

First, think about how to delegate effectively. It is critical that you speak or meet with some people personally. But understand that some individuals will circumvent appropriate channels simply to “get to the top.” In those situations, you often are not the person with knowledge about the matter or responsibility for decisions in that area. How can you help your assistants identify this situation and smoothly and professionally refer the caller to the most appropriate staff or faculty member? How can you help your assistants understand which meetings or calls you will take personally? What guidance can you provide to your assistants about when they should interrupt you, when they should attempt to handle the caller's matter themselves, and when should they take a message?

Second, share your communication preferences. For example, do you generally prefer to return a phone call or respond to an email? If you prefer to return phone calls, do you have a time on your daily calendar for that task, or should an assistant try to schedule a specific day and time for the return call? If an assistant needs to interrupt another meeting, how should that occur? Should the assistant enter to slip you a note, text you, use an intercom, or something else? Do you need to develop specific signals or key words that will alert you to

certain types of situations? Also, share your preferences about matters such as whether you want to know about every call that comes for you and how it was handled, or just some subset of those calls.

Third, think strategically about your calendar, and share those thoughts with appropriate staff. You need time to work on projects, hold standing meetings with direct reports, return phone calls and emails, visit donors and alumni off campus, eat lunch, use the bathroom, and simply breathe. You need to decide what time you normally will start meetings, how many meetings you typically want scheduled in a row before a break, when you will preserve blocks of time to work on significant projects, and when you want to complete other tasks, such as returning calls, responding to emails, reading mail, and walking around the law school. You need to think about how much time it will take you to get from one meeting or event to the next, and block that on the calendar. You need to think about when you typically want to end meetings for the day, which often will depend on your evening commitments. Other calendar-related matters include determining who will have access to read and make changes to your calendar and whether you will place limits on an individual's ability to schedule meetings for you. In addition, if someone makes a same-day or next-day change to your calendar, would you like for them to email that change to you as well?

Fourth, discuss with your staff how they interact with people who ask to see or speak with you. The staff members are, after all, representing you. How their message is perceived will impact how you are perceived. The language and tone your staff members use is critical and can signal whether you value the caller or whether the caller is merely a burden. Telling a caller that you, as dean, are very busy and likely cannot call back for several days sends a message different from telling the caller the dean is tied up in an all-day meeting but would be glad to respond to an email either tonight or in the morning. And having your staff tell the caller that she is so glad that he reached out, that the dean would be glad to hear from him, that she will talk to the dean as soon as the dean is out of afternoon meetings, and that the dean will be in touch as quickly as possible communicates to the caller that the dean values that person. When people perceive you are too busy and their call is a burden, they will not reach out when they should. When they feel like their call is valued, communication will be enhanced.

Fifth, talk to your assistants both about the level of detail they attempt to get from a caller or person seeking a meeting and also about how much information they should share about your schedule.

It is critical that the assistant get enough information to evaluate matters, such as:

- *The identity of the person seeking to speak with you and that person's relationship to you and the school.* Is the university president calling? A donor? The parent of a current student? An insurance salesperson? Your brother? This topic requires your assistant to have detailed knowledge about internal and key external constituencies and to have some information about your personal life. You and your assistant both need to realize that many people

will suddenly become a “close personal friend” or have an “important personal matter” to discuss with you as dean.

- *The matter the person is contacting the dean about and whether someone else might be able to help.* Is a student calling about a scheduling question that the registrar or an associate dean can quickly answer? Is the caller returning the dean’s call on a matter? Is a journalist calling about the recently released bar-exam results?
- *What the person needs.* Does the person want or need to see the dean in person? Does the person need a piece of information that someone else can gather and convey?
- *Whether the matter is time-sensitive.* Is there a deadline? If so, when? Will the caller be available until that deadline, or is the caller going to be unavailable at certain points?
- *How the person can be reached and when he or she will be available for a return communication.* Asking your assistants to get multiple types of contact information from the caller will give you options about how to return the communication. And knowing when the caller will be available if you return the call can avoid the dreaded game of phone-tag.

Undoubtedly, the line between gathering sufficient information and creating an unsatisfactory customer-service experience is a fine one, and it will require your assistant to exercise judgment and discretion. Importantly, the assistant may need interview training to obtain information needed to decide how to handle the call or meeting request.

Asking open-ended questions generally yields the most information. In Take 2 of the example provided in this section, the caller presumably is open to sharing information after the assistant prompts him with a comment about the matter being time-sensitive. But, not all callers will be so open to sharing information. Training the assistant to ask about the caller’s time frame will allow the assistant to obtain information needed to help the caller.

If a caller is reluctant to share information, your assistant should understand your preferences about how he or she should navigate the situation. For example, you might provide the following rule of thumb: If the assistant has asked more than three questions and is not getting the information sought, then the assistant should immediately convey the obtained information to you.

In addition, deans should define boundaries for the information they share with others. Once you share information with another person, that person becomes a co-owner of that information. Thus, designating the level at which information can be shared with others is a critical step in the communication process because your assistant may not view the information as private and, as co-owner, might apply different rules or criteria to decide whether and when the information can be disclosed.

Using the communication privacy management theory,<sup>61</sup> when the dean shares information, the dean also needs to note whether that information is private, and she should then discuss what that term means in the particular context. For example, with whom, if anyone, may (or should) the information be shared? If the dean merely indicates that the information is private, the assistant will not know whether any exceptions exist.

Let's consider a situation in which a dean is invited to speak at a conference in Denver. The dean accepts, and she informs her assistant and necessary others of the engagement. Before leaving for the conference, the dean should explicitly indicate whether and when the dean's assistant can share that information with certain trusted groups, such as the dean's supervisors, direct reports, and family members. It is likely fine to share with the provost that you are speaking at a conference in Denver and will return to the office tomorrow. It is not acceptable to provide that level of detail to someone the assistant has never heard of and is claiming to be your "old friend." Reminding your assistant that everyone who needs to know your schedule likely already does, or can contact you directly, can help your assistant make these judgments.

"Boundary turbulence" occurs when the rules established are not followed—when one person fails to manage private information in a way that satisfies the other co-owner.<sup>62</sup> Using the Denver conference example, imagine if the assistant had shared the information with an unidentified caller. The dean did not intend for the information to be shared with the caller. This example illustrates boundary turbulence. In addition to the problems associated with having private information shared improvidently, boundary turbulence can also damage the dean's relationship with her assistant. Consequently, clearly communicating your expectations in advance about the type of information shared (private v. public) and negotiating rules for how to manage this information are important to cultivating a successful working relationship.

To help avoid boundary turbulence, provide your assistant with suggestions about how to handle sticky situations that might arise regarding private information. For example, instead of telling the caller from outside the law school what you are doing and where you are, suggest that your assistant schedule a return call on a specific date and time when your calendar is clear. Let the assistant know that he or she need not explain the reasoning for this recommendation; instead, the important step for the assistant is facilitating the caller's goal of reaching you.

*b. "The Dean needs to see you"*

Deans often need their assistants to arrange meetings with faculty, staff, and students. Without further guidance and direction, the dean's assistant may send emails like the following:

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61. Sandra Petronio & Wesley T. Durham, *Communication Privacy Management Theory, in* ENGAGING THEORIES IN INTERPERSONAL COMMUNICATION: MULTIPLE PERSPECTIVES 309, 316 (Leslie A. Baxter & Dawn O. Braithwaite eds., 2008).

62. *Id.*

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To: Assistant Professor  
From: Dean's Assistant  
Date: October 3, 2016  
Re: Meeting

Dear Professor,

The Dean would like to see you. I see that you teach from 2-3 p.m. on Thursday. Could you confirm your availability from 3:15-4 that day? Thank you!



You want to see the professor to discuss a potential new project you hope he might lead. But upon seeing this email, what is the professor likely to think? He probably believes he is somehow in trouble, and he will likely have a stomach ache from the time he receives the message until the actual meeting.

Anxiety a person experiences before or while communicating with others is known as “communication apprehension.”<sup>63</sup> When someone experiences general anxiety about communicating regardless of who, where, or when the interaction occurs, the person experiences “trait-like communication apprehension.”<sup>64</sup> But individuals may also experience communication apprehension based on the context (e.g., meeting), audience (e.g., supervisor), or situation (e.g., getting called to your supervisor’s office), and it is likely that your staff, faculty, and others may experience some apprehension related to communicating with you. You can diminish the anxiety by creating a history of positive interactions and using appropriate affinity-seeking strategies.<sup>65</sup>

Building a history of interactions gives people an idea about what to expect when they communicate with you. If you seek to build a history of pro-social, constructive interactions, then it makes sense that the person involved in these interactions may not experience anxiety when planning to meet or meeting with you. On the other hand, if your interactions with an individual are impersonal, hostile, or otherwise perceived negatively by that individual, then he or she is more likely to experience anxiety about communicating with you.

The following behaviors may help an employee feel more at ease when communicating with you (or receiving a message that you need to communicate with them):

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63. James C. McCroskey, *Oral Communication Apprehension: A Summary of Recent Theory and Research*, 4 HUMAN COMMUNICATIONS 78, 78 (1977), <http://www.jamescmccroskey.com/publications/074.pdf>.

64. Virginia P. Richmond et al., *Communication Apprehension and Affinity-Seeking in Superior-Subordinate Relationships*, 15 WORLD COMMUNICATIONS 41, 42 (1986).

65. *Id.* at 53.



- *Assume equality*: Seek to appear equal by not interacting in ways that might be considered snobby or competitive;
- *Elicit other's disclosures*: “[E]ncourage the other person to talk,” and then respond in ways that communicate to the person that their thoughts are valued;
- *Listen*: Attend to and “remember things the other [person] says”;
- *Be sensitive*: Demonstrate caring and understanding; and
- *Be trustworthy*: Exhibit justice, dependability, a genuine nature, and integrity.<sup>66</sup>

While you will not use each behavior in every interaction, mindfully communicating in the ways described when possible and appropriate will build the kind of communication history and relationship that may ease individuals' anxiety when receiving messages from either yourself or a gatekeeper.

Introducing a gatekeeper into the interaction, while seemingly an innocuous way to use time more efficiently, is a distancing behavior and can be perceived as a power play. Building a positive communication history may ease the anxiety a person feels when receiving a message from your assistant. Instead of feeling the dread or fear of being “summoned,” the faculty member is more likely to view the requested meeting with you as an opportunity for a productive discussion.

In addition to cultivating a positive communication history, clarity can enhance the message. For example, researchers suggest that clear and specific guidelines for classroom policies intended to discourage technology use were associated with lower student online communication apprehension.<sup>67</sup>

In the context of sending a meeting request via email, a good strategy to help relieve the receiver's apprehension is for you to share the rationale or topic for the meeting with your assistant, and then ask the assistant to communicate that rationale or topic when setting the meeting. Although you may not always be able or willing to provide details, providing some sense of the topic or a tone for the meeting (e.g., positive, urgent) may be helpful.

A final thought is to ask your assistant to contact the faculty member personally, either by phone or in person, to set the meeting. That way, the faculty member can ask questions about the meeting immediately, and your assistant may be able to help reassure the faculty member if he or she senses that the faculty member is apprehensive about the requested meeting.

Of course, some meetings will be unpleasant. If you need to discipline or even terminate someone, you do not want to mislead the other person into thinking that the meeting will be uneventful or pleasant. Often, a Human Resource specialist can help you craft an appropriate message that you or your assistant can use when setting a meeting of this nature.

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66. *Id.*

67. Andrew M. Ledbetter & Amber N. Finn, *Teacher Technology Policies and Online Communication Apprehension as Predictors of Learner Empowerment*, 62 COMM. EDUC. 301, 313 (2013).

### 7. “The Dean Told Me to Tell You”

A final communication conundrum occurs when others purport to speak for you, but have no actual authority to do so. New deans will discover that individuals invoke the dean’s name and authority—without prior permission—to get things done, whether for the school or for themselves.

Sometimes the person uses the dean’s name to advance the dean’s priorities. Assume, for example, that you have tasked a director to work with the university to develop a new website, but progress has been slow. Frustrated, the director says to the university staff person, “Look, we really need to make progress on this. My dean said to tell you that if you’re not willing to finish your work in the next two weeks, she’ll need to call your boss directly.” But you never said this.

Other times, the person uses the dean’s name to gain a personal advantage. Assume that a student leader goes to the registrar; she wants to get off a waitlist and into a particular course. She says to the registrar, “I really need to get into Federal Courts. I’m working with the dean to apply for several judicial clerkships. She said I needed to get into this class and indicated you could help me.” But you never said this.

As a dean, your name carries great weight and perceived power—specifically, legitimate power. “Legitimate power” refers to individuals’ perceptions of organizational titles and formal positions within the hierarchy as providing certain persons with rights to influence others.<sup>68</sup> Supervisor use of legitimate power is linked to lower job satisfaction, particularly low satisfaction with the supervisor.<sup>69</sup>

A dean may exercise legitimate power by relating to others with formality and distancing behaviors, or she may do so by emphasizing that others should comply with her requests because she is the dean. Although deans have legitimate power, exercising that power can harm others’ experiences. Yet, in the hypotheticals provided in this section, the individuals are counting on legitimate power to spur action without considering either the deception involved or potentially harmful repercussions. For example, if and when the deception comes to light, the unauthorized speaker may lose any benefit gained, face discipline, and lose the trust and confidence of both the dean and the person with whom they communicated inappropriately. If the deception is not discovered, the others involved may think less of the dean; they may believe it was inappropriate for the dean to convey important messages through a third party, especially when the message requests steps that seem to bend normal organizational policies and procedures.

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68. John R.P. French & Bertram Raven, *The Bases of Social Power*, in *STUDIES IN SOCIAL POWER* 150, 159-61 (Dorwin Cartwright ed., 1959).

69. Virginia P. Richmond et al., *Perceived Power as a Mediator of Management Communication Style and Employee Satisfaction: A Preliminary Investigation*, 28 *COMM. Q.* 37, 39-40 (1980), <http://www.as.wvu.edu/~richmond/articles/richmond-perceiv.pdf>.

Deception involving organizational distortions, which includes information distortion or lying, is unethical and unacceptable.<sup>70</sup> Organizational distortions involve changing an account or narrative in a material way that fails to accurately describe what occurred.<sup>71</sup> Whereas information distortion may include “[minor] omission, differential selection, and preferential placement,”<sup>72</sup> lying occurs when the “perpetrator *knows* the information is false, *wants* to mislead another person, and engages in the behavior proactively.”<sup>73</sup>

Interestingly, individuals’ perceptions of deception and motivations to deceive vary across cultural self-identity.<sup>74</sup> While some cultures place greater value on social harmony, other cultures place greater value on the individual.<sup>75</sup> These cultural orientations inform the development of an individual’s self-construal along a continuum of interdependence and independence.<sup>76</sup> Individuals with greater interdependence are less likely to view non-truths as deception and are more likely to participate in deception.<sup>77</sup> Conversely, individuals with greater independence are more likely to view non-truths as deception and are less likely to participate in deception.<sup>78</sup>

In both scenarios above, interdependence emerged in the deceivers’ accounts. In the first hypothetical, the director recognizes the interdependence of the law school and the university, as well as the hierarchical positioning and the legitimate power that comes with invoking the dean’s name.<sup>79</sup> In the second hypothetical, the student acknowledged how his or her success is tied to the dean, who is tied to the registrar, who is tied to the administrative action desired, which is tied to the dean’s expectations for the student. Again, the student also recognized the dean’s legitimate power within the hierarchy for both the student and registrar.

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70. Lisa L. Massi Lindsey et al., *Risky Business or Managed Event? Perceptions of Power and Deception in the Workplace*, 15 J. ORGANIZATIONAL CULTURE, COMM. & CONFLICT 55, 59 (2011).

71. Steven A. McCornack, *Information Manipulation Theory*, 59 COMM. MONOGRAPHS 1, 2 (1992).

72. Warren Breed, *Social Control in the Newsroom: A Functional Analysis*, 33 SOC. FORCES 326, 327 (1955). See also Charles A. O’Reilly & Karlene H. Roberts, *Information Filtration in Organizations: Three Experiments*, 11 ORG. BEHAV. & HUM. PERFORMANCE 253 (1974).

73. Steven L. Grover, *Lying in Organizations: Theory, Research, and Future Directions*, in ANTISOCIAL BEHAVIOR IN ORGANIZATIONS 68, 69 (Robert A. Giacalone & Jerald Greenberg eds., 1997).

74. Min-Sun Kim et al., “*Deception: Moral Transgression or Social Necessity?*”: *Cultural-Relativity of Deception Motivations and Perceptions of Deceptive Communication*, 1 J. INT’L & INTERCULTURAL COMM. 23, 44 (2008).

75. GEERT HOFSTEDE & GERT J. HOFSTEDE, *CULTURE AND ORGANIZATIONS: SOFTWARE OF THE MIND* 76 (2d ed. 2005).

76. Hazel Rose Markus & Shinobu Kitayama, *Culture and the Self: Implications for Cognition, Emotion, and Motivation*, 98 PSYCHOL. REV. 224, 226 (1991).

77. Kim, *supra* note 74, at 26.

78. *Id.*

79. The director is using coercive power by issuing a threat, although it is tied to his or her belief in the dean’s legitimate power.

Although a person may use deception with the best of intentions, deception is unethical. As suggested previously,<sup>80</sup> discussing ethics openly in the workplace can be an effective tool to encourage ethical behavior and create a norm of ethical behavior. Doing so is a proactive response to the situations recounted in these hypotheticals. As a dean anticipating these situations, you may share an account, such as the ones included here, to illustrate how individuals should and should not handle issues in the future. Another strategy would be to implement a verification procedure. Under this procedure, any time your name is invoked, a staff or faculty member may send you a text or email to verify the situation before proceeding with the request. An individual need not use this system every time your name is used; instead, it is an option for staff or faculty confronted with a request that may appear circumspect.

#### CONCLUSION

Effective communication is essential for your professional success and for your law school's success. Nevertheless, effective communication is challenging and takes work to master.

The scenarios dissected above are merely a sampling of the communication conundrums that deans face on a regular basis. Hopefully, the discussion will help deans and prospective deans anticipate issues they may encounter and develop effective strategies to proactively communicate with faculty, staff, and members of other constituencies.

Whenever a dean communicates, she should think carefully about how to avoid miscommunication. The dean must always consider the audience and how she can provide context and guidance to help improve understanding. The dean should understand that, as the leader, she bears a responsibility to take the time required to communicate as clearly as possible—even when time is tight, which is almost always. Sometimes clarifying the message requires adding just a few more sentences than originally intended; other times it requires changing the medium and meeting with the receiver in person instead of sending a text or email message.

To help others understand and manage decanal communications, and to represent the dean effectively, the dean should share information about her communication preferences and expectations, especially expectations about ethics, integrity, teamwork, and collaboration. She also should build relationships with the faculty and staff to help ensure a free flow of information, and she should consider offering communication training for staff, and possibly even faculty.

Deans should also take advantage of others' expertise. If your university has a department of communication, a department of organizational behavior, a communication specialist, or another professional who can provide guidance and insight regarding best practices for communication, seek them out. Communication is a rich field with vast research that could inform the

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80. See Bisel & Kramer, *supra* note 51, at 112. See also *supra* text accompanying notes 54-58.

communication challenges deans (and other organizational members) face. Leading an organization requires a skill set that most individuals do not possess completely. Do not be afraid to acknowledge areas where you need assistance.

Finally, when miscommunication, communication deception, or other negative events occur, the dean must evaluate why they occurred, and she must take steps to help prevent similar instances from occurring in the future. Do not simply ignore the problem or assume that it is a one-time occurrence. Instead, view challenges as opportunities to improve and advance your school's goals and mission.

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COMMUNICATION CONUNDRUMS

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**APPENDIX 1****Procedures for Dean's Reports****August 2011, Updated August 2012, Updated October 2015****Please consult and keep me informed about matters that:**

- Are likely to have a legal consequence
- Affect the strategic plan
- Are likely to have a major budget impact (especially if not anticipated)
- Involve a major law-school event or involve groups of alumni
- Might affect the school's/foundation's nonprofit status and/or accreditation(s)
- Involve new curricular initiatives (including bar-passage)
- Involve construction
- Will change current policy
- Will commit significant resources to an outside group
- Concern grants and other items I will have to certify
- Involve terminations/major discipline issues/significant HR issues
- Concern non-routine health and safety issues
- Involve significant student concerns (especially violence to self or others)
- Might garner significant and/or negative media publicity (or impact the school's reputation)
- Would take a long time to unwind if they go wrong
- Concern communication about legislation or initiatives, or communications with government officials
- Concern communication from or with the Provost, President, Chancellor, Regents, or Foundation Board (or their representatives)
- Agreements with outside entities for new programs or major events
- I have expressly asked to be kept up-to-date about
- Concern the priorities listed below

**Priorities:**

- Curriculum/externships
- Bar passage
- Development and fund-raising
- Risk management and policy development
- Hiring: faculty and department heads

**When requesting my input:**

- Make a recommendation as opposed to asking a question. ("I recommend that we proceed as follows," as opposed to "What do you think about Issue X?").
- When appropriate, present alternatives, along with the pros and cons of each.
- Avoid sending email chains without a summary of the issues to be resolved.