Tips for Dealing with Individuals who Refuse to Take “No” for an Answer

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On occasion, administrators may encounter individuals who are dissatisfied with a university decision and who relentlessly pursue their grievances by appealing to any university official who will listen to them. They do not accept the fact that the university has made a final decision regarding their cases and engage in letter writing campaigns, make repetitious telephone calls, or request meetings with any available administrator to argue their point. Such cases are, fortunately, relatively rare. However, they can consume an inordinate amount of administrators’ time and in extreme cases may become major disruptive factors within a department. The following are some tips on dealing with these situations.

1. If the problem is in your area of responsibility, handle it. If it is not, don’t.

Persistent complaints only become worse when they escape the appropriate jurisdictional bounds. Persistent complainants are instinctively aware of this fact and will use it to their advantage – if you let them. If the problem is yours, you therefore must, unfortunately, deal with it. Do not simply refer it to someone else. Conversely, if the problem is not in your area of responsibility, do refer it to the person who has authority to resolve it – and nothing more. (If a complaint is appropriately referred to another person, state simply that it is being referred to that person “for appropriate handling”. Do not create a sense of entitlement by promising the complainant that the other person “will resolve this matter for you” and, above all, do not continue to deal with the complainant after you have made the referral.)

Complaints should be handled at the lowest appropriate administrative level in the first instance. For example, grievances originating within a department should be addressed by the department chair unless university rules specifically provide otherwise. It may be tempting to get rid of a persistent complainant by referring him or her to a more senior administrator or to another office. However, this tactic merely prolongs the dispute by giving the complainant an unrealistic expectation that he or she may eventually get his way. It also sends a clear signal to the senior administrator that the referring administrator cannot handle the situation.
Senior administrators and administrators from other areas should also be sensitive to this principle. Complainants who receive an unfavorable response from a decisive administrator often insist on appealing to a higher authority, even when no formal appeal is available under university rules. In the alternative, they may seek out a sympathetic ear elsewhere – and often “forum shop” everywhere. If a senior administrator reopens a decision made at a lower level at the request of a persistent complainant, or if another administrator attempts to “help out”, the authority of the administrator below is undermined. As punishment for this good deed, the senior or other administrator often inherits the complainant and becomes the focus of his or her diatribes.

2. **Be sure of the accuracy of your response.**

Check with the appropriate offices to make sure that university rules are being followed and that your proposed answer to the complainant is correct. The Office of Legal Affairs may be consulted, but a university attorney should not become the decision-maker or spokesperson for the university’s position.

3. **Be decisive.**

While every complainant is entitled to one complete response, there must be an end to every inquiry. Attempts to engage in endless appeals and repetitive questions should be met with a final answer and a refusal to participate in further discussion or debate. It is often the case that for a variety of reasons it will not be possible to convince a persistent complainant of the correctness of the university's position. In these situations, attempts at reasoned debate will not be productive. Once the university’s position has been stated clearly, it is perfectly acceptable to tell a complainant who persists that you will ignore further communications concerning the same issue and then to do so. There is no requirement that every communication be answered. The goal should be simply to reach a decision and state it, not to convince the complainant of the error of his or her own position or to “win” the “debate”.

4. **Follow the rules, and avoid the temptation to make exceptions.**

The university has rules and procedures for almost any situation. The appropriate procedure – and only that procedure – should be followed to the letter and to its conclusion – and no further. We need not and should not create additional, *ad hoc* procedures and appeals simply because the complainant is unhappy with the result of the applicable procedure.
Administrators sometimes are inclined to give a student or employee who fails to make the grade “one more chance”. In the short term, this may seem to be the compassionate thing to do. If, however, the student or employee is unlikely to succeed in any event – as frequently is the case – to give another chance is simply to raise false hopes and to delay the inevitable. Moreover, in the long term, it usually is detrimental because it undermines our standards and creates an expectation that “one more chance” will always be available. It becomes immeasurably more difficult to dismiss a student who failed to maintain a 3.0 GPA if the 3.0 requirement has been waived for that student three times in the past. When we finally enforce the dismissal rule, the student may conclude that our decision is arbitrary, and our prior behavior will lend some support to this belief. The next student (and the next) who fails to meet the requirement undoubtedly also will argue, with some merit, that the exception has become an entitlement. While a foolish consistency may be the hobgoblin of little minds, inconsistency in the application and enforcement of our rules and procedures is the hobgoblin of sound administration and of our defense counsel.

5. **Do not allow the complainant to set the agenda.**

Administrators do not have an obligation to respond to every assertion and question presented by a complainant, nor to meet deadlines set by a complainant. It goes without saying that we will treat everyone, including persistent complainants, with courtesy and respect. However, you are not obligated to respond to pointless or irrelevant questions simply because they are asked or to meet with every person who requests an appointment. If a complainant is too demanding of your time, it is perfectly acceptable to respond at some time in the future in a manner that is convenient for you. In extreme cases, you will not be faulted if you decide not to respond at all.

6. **Do not become personally involved.**

Administrators should avoid the natural tendency to take disagreements with complainants personally. These situations are best managed in a dispassionate and objective manner. Administrators must accept the fact that they cannot be everybody's friend and will not always be able to achieve consensus. Making unpopular decisions is sometimes an unfortunate but necessary part of a manager’s job, and there will always be some students, staff, or faculty who do not like or agree with you.

7. **Do not allow yourself to be intimidated by threats of legal action.**

Persistent complainants frequently threaten to sue the university. So long as we are complying with university rules and applicable legal requirements,
such threats should not determine our approach to a problem or even be of any particular concern. These cases rarely have legal merit. In any event, it sometimes may be to our advantage for a disruptive complainant to air his or her grievances in a court that can make a final decision, instead of harassing university employees with endless appeals.

8. **Do document the complaint, the process, and your decision.**

Nothing makes it easier to cut off a persistent complainant than a full, accurate, factual, and dispassionate record of the complaint and its resolution. Such a record will demonstrate convincingly and immediately to any reasonable person which of the participants was crying wolf without cause and which should be nominated for sainthood. Conversely, nothing is more harmful to our ability to uphold a decision on appeal, to move to the next step in progressive discipline, or to justify a decision in court than a lack of documentation – or, worse, a file that consists solely of the expression of unwarranted sympathy or glowing praise for the complainant.