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PASSION, PROTEST, OR JUST PLAIN INCIVILITY?:

RESPONDING TO BAD BEHAVIORS IN PUBLIC MEETINGS

A White Paper prepared by the Boise State University Public Policy Center

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Suzanne McCorkle, Ph.D
DIRECTOR, DISPUTE RESOLUTION PROGRAM
CO-CHAIR, DEPARTMENT OF PUBLIC POLICY

BOISE STATE UNIVERSITY

DR. STEPHANIE WITT, DIRECTOR
PUBLIC POLICY CENTER
BOISE STATE UNIVERSITY
Public Affairs and Art West Building, Rm 128
Boise State University
Boise, ID 83725-1935
208.426.1476
208.426.4370 fax

BAD BEHAVIOR IS NOT NEW, but the prevalence of incivility seems a rising tide in the public arena. Passionate outbursts at a public input meeting and planned protest to disrupt meetings are captured with increasing frequency on today's omnipresent electronic media. The negative invective allowed/encouraged during political campaigns seems to carry over to public input meetings and other places intended for the measured, deliberative processes of governance. In the public forum, sometimes it is easy to discern the planned protest from the passionate outburst; sometimes it is not. When a theater group pretending to be audience members broke into song to object to the demise of the public option in the Health Care Bill at an American Health Insurance Plans (AHIP) Annual State Issues Conference, the protest was obvious, planned, and refined (Singing Flashmob, 2009). When a Congressman yells "You Lie" at the President during a joint session (Remarks, 2009) or an individual in attendance at a public meeting screams invectives at a County Commissioner, it is more difficult to discern if the vocalization was a passionate utterance of the moment or a planned strategy. Likewise, it is difficult to tell from afar if the behavior is a behavioral trait of an individual or a behavior emboldened by what has been seen on news channels, reality shows, or from others who advocate one's position. Regardless of its cause, many agree with Innes & Booher's (2000) conclusions that the legally required ritual of public input meetings isn't working:

> The traditional methods of public participation in government decision making simply do not work. They do not achieve genuine participation in planning or decisions; they do not provide significant information to public officials that makes a difference to their actions; they do not satisfy members of the public that they are being heard; they do not improve the decisions that agencies and public officials make; and they don't represent a broad spectrum of the public. Worse yet, they often antagonize the members of the public who do try to work through these methods. (p. 2)

This paper examines why those who manage public meetings and public input processes should be concerned about the apparent growth of citizen incivility. Wang (2001) defines traditional public participation processes as including "public hearings, citizen forums, community or neighborhood meetings, community outreaches, citizen advisory groups, and individual citizen representation. Citizen surveys and focus groups, the Internet, and e-mail are also used" (p. 322). Concerns arise about whether incivility is a passing fancy or a threat to democratic processes and government attempts to foster communication/accountability. After discussing some concerns about rising incivility, the essay will discuss what might be done during public meetings to moderate uncivil behaviors.

THE SIGNIFICANCE OF INCIVILITY FOR PUBLIC MEETING PLANNERS AND SOCIETY

Civility, simply put, is the "way people treat each other with respect—even when they disagree" (Promoting, 2003, p. 1). There are several reasons why managers of public meetings should care about incivility. First, if incivility is a rising tide in society, it might be the kind that sinks all ships instead of raising them. Unrestrained incivility is believed to have a chilling effect on the public processes through which democracy functions (Mutz & Reeves, 2005). The ability to speak to/question one's representative at a public meeting, to have one's opinion heard, and to learn from the thoughts of one's neighbors is diminished if shrill voices yelling negative messages overwhelm the process. There may be a chilling effect if the general public fears an event will "go negative." In the business realm, one study found that when there was rudeness at work, 48% of bystanders reduced their work, 47% decreased their time at work, 66% said their performance declined, 80% lost work time worrying about the incident, 63% lost time avoiding the offender, and 78% said their commitment to the organization was lessened (Porath, 2009). It is likely that the desire to avoid unpleasantness in public meetings would create similar effects, resulting in some citizens declining invitations or remaining silent during public meetings. In sum, the first reason those who convene public meetings should care is that the intent of the pubic process may be subverted if incivility reigns.

Second, those who convene public meetings should care because incivility creates a meeting management and security issue. How should protest be handled? Must security personnel be present? What level of protest is legitimate and what level of protest is too much? These and other questions must be addressed as part of event planning. Some forms of public protest are legitimate outcries against those who regulate and/or govern the public. Those who manage public meetings must balance between and outraged public's need to vent and the mandate to carry on with the business of governing.

The third reason to care is related to the second. It is probable that some incivility in specific cases arises because the wrong process has been used. If members of the public feel that nobody has listened or that decisions already have been made before a public comment process, emotions may run high—for good reasons.

STRATEGIES FOR PUBLIC MANAGERS IN PLANNING THE MEETING

While no one strategy will be appropriate in all contexts, the following list comprises a menu of strategies usable to the planner of public meetings and public input processes.

First: Determine the Decision-Making Style

The public meeting format needs be transparent about how decisions will be made and the meeting agenda must be designed to match the decision-style. The command, confer, convene, and concede framework is helpful for leaders considering where input fits into the decision-making process. In command styles, leaders/agencies/boards make decisions without input and then tell stakeholders the outcome. Confer style encompasses decision-makers consulting with others. Sometimes conferring is systematical as in public meetings; sometimes conferring is off-hand as when leaders talk to whomever they bump into; sometimes conferring is with a small group of stakeholders or trusted advisors. In the convening framework, a more formal meeting structure, subcommittee, or taskforce is convened to learn, analyze, and make recommendations. Finally, the concede method occurs when decision-makers "cede" authority to someone else or to a convened group. The public who attends a meeting expecting to be consulted about a pending decision will be upset if what occurs is a presentation about a command decision that already has been made. Expectation management is key (discussed at greater length below).

Second: Evaluate the Format Selection Variables

The actual format/agenda of a public meeting should consider several variables: (1) The decision-making format (discussed above), (2) the interest level of the public—how many people probably will attend, (3) the number and variety of stakeholders, (4) the emotional tone of the debate and the issue's potential for volubility, and (5) laws and regulations constraining types of public input (see Table 1).

In all formats, people need to feel heard and people need to feel safe. Sandman (2009) describes seeking the sweet spot of public participation—people are interested in the issue, but are neither outraged nor apathetic. The format for public meetings should be suited to what the issue evokes – apathy, reasoned deliberation, or outrage.

Some formats are designed not to allow those in attendance to speak. Panel briefings typically have invited speakers "informing" the public, whose role is to listen or, perhaps, ask a brief question during a short question and answer period. If the topic is "hot," members of the public may bring their passion to the event and feel either disenfranchised by the format or offended by the facts presented by those they oppose. If a panel or briefing format is chosen, publicity must clearly indicate it is "informational" and if the general public will have any opportunity to ask questions or participate in other ways. The public is particularly resistant to "briefings" about what is/will be done if those decisions are perceived as occurring before opportunities for public participation (command decision style). The word "perception" is important—the public must not only be given information on the nature of an event (participatory or not) but perceive that they were given sufficient notice. Merely checking off statutory or rule obligations to advertise public meetings often is insufficient to overcome the perceived sufficiency barrier among stakeholders/ citizens.

Conversely, some formats are too vulnerable to cooption by organized interest groups. If prior registration is required to speak at a meeting or give public testimony, the most organized group(s) will take all the available slots. Information widely is available on the Internet on how to disrupt town hall meetings and how to counter Delphi Technique meetings (Think Progress, 2009; The Delphi Technique, 2009).

Third: Adapt the processes to suit your situation

Many variables can affect a public meeting situation (See table 2). Alternative formats or processes may be strategically appropriate for some events include the following.

» *Separate information seeking/giving from other processes*. Formats that only suppress public outrage do not make the outrage disappear and may have unintended consequences by slowing the decision-making process. Instead of starting with a too controlled public input process, an initial phase can seek public input on what people would like to know about the issue. After analyzing the public's need for information, science or policy briefing meetings can inform the public. After the briefings, public comment or venting meetings could be scheduled.

» *Another variation of this concept is the exhibition plus testimony format.* An exhibition hall with booths about different aspects of a proposal is staffed by the science experts in each area. The public wanders through the hall and engages in conversation with staff or science experts rather than with commissioners and decision-makers. The citizen's testimony then is audio-recorded in a private booth (Guide to Public Involvement, 2008).

» *Arrange a venting meeting.* If people are outraged, one choice is to allow the venting of their objections and grievances. At a "Listening Meeting" no business is scheduled and individuals are allowed to speak and be listened to respectfully. Controlled venting sometimes is a necessary part of the process to enable citizens to transition toward acceptance of things with which they disagree (see: Sandman, 2009).

» *Use a strong moderator model.* The moderator can reframe a question/comment so the expert/panelist is responding to a general issue/concern rather than to an individual's specific (and perhaps inartful) comment, question, or attack.

» *Use electronic media.* One channel to elicit questions, give briefings, or solicit opinion can be the Internet—making it clear at each stage what type of information is being solicited. In one study, 81% of cities surveyed used the Internet to advertise and sign up speakers (Wang, 2001).

» *Offer a mediated debate or mediated panel.* These are more engaging formats than a traditional debate or "talking heads" panel. In a mediated debate/panel, after each side speaks, a moderator asks questions to draw out common interests among the speakers. Rather than allowing a debate to focus entirely on differences, the moderator makes sure the common interests of each side are highlighted. Focusing on the areas where sides agree, their common values, or what binds them together can affect the willingness of sides to work together toward common solutions and helps listeners avoid polarization.

» *Use a collaborative process.* It is beyond the scope of this paper to present collaborative processes in detail. However, when the decision is complex, time is available, and many stakeholders have different (semi-informed opinions), convening a collaborative process to make recommendations is appropriate. Sometimes, collaborative processes contain a strong concession philosophy where the decision-maker concedes to accepting the recommendations of the group that creates a collaborative or negotiated rule-making plan (Daniels & Walker, 2001; Innes & Booher, 2003; Lewicki, Gray, & Elliott, 2003).

Fourth: Manage expectations of the participants

Innes &Booher (2000) note that public participation means different things to different people based on four conceptual models about how planning occurs, who should be involved, what information is relevant, and what the role of the public/interests should be. Managing public expectation on their involvement level and quality is essential to deter miscommunication and the building of mistrust when expectations clash.

At traditional, single opportunity public participation events, expectations also need to be managed. During the opening comments of an event, include an acknowledgement that people may want to comment and state the planned outlet for those feelings, as well as what would be improper forms of commentary. For example, appropriate means of response might be planned to include: asking question at the end, writing questions to be asked by a moderator, posting a question/comment on an electronic response board, or applauding for things you agree with. Examples of inappropriate responses and consequences might be: taking time away from the next/opposite side speaker if protestors keep a speaker from being heard, asking those who impede others from hearing to leave, interrupting those who make speeches of their own during the Q&A period instead of asking a question, and so forth.

A short speech about "democracy" and "democratic processes" or "the right of each person/your neighbors to hear the speaker they came to hear" might inoculate the audience against some forms of creeping incivility. For example, during the 1980's at a debate on abortion rights between Sara Weddington (the attorney for Roe in the Roe v. Wade case) and Phyllis Schlaffley (conservative spokesperson against abortion), an audience of 1200 heard a short speech about democratic processes, the right of each person in the audience to hear the people they came to hear, and a description of the rules. Audience members were encouraged to applaud the ideas they liked and avoid uncivil outbursts. If outbursts persisted, they were told that time would be taken away from the speaker on their side. The first few people who hissed were quieted by those near them and the audience was loud and cheerful in applauding their favored side.

If the public is allowed to ask questions at any event, it is important to set rules. For example, a rule may be that the public can ask questions but not give speeches. Enforcement of the rule requires cutting them off if it seems that they are making a speech. During the Weddington/Schlaffley debate, the audience was told they would have two minutes to form a question. When the moderator didn't hear a question, she would speak over the top of the person and ask: "What is your question?" After listening for a few moments more and the "speech" continued, the moderator would say: "You have another 30 second to form your question and then we will cut you off." In most cases, individuals complied with the instructions. In this case, the audience was sometimes faster than the moderator and would almost chant: "What's the question?"

In all cases, the moderator must be willing and able to follow his/her own rules. The rules must be sincere, clear, and consistently applied. If comment-limiting formats occur at a briefing or debate, information should be given on how, when, and where opinion or testimony will be accepted.

A sample of an opening speech to foster civility at school board meetings is provided by Tracy and Durfy (2007).

> ((Reading voice)) *We are glad to hear from the public and we look forward to receiving your comments. The Board has unanimously resolved, however, that it cannot tolerate personal attacks upon Board members, administrators, teachers, or staff.* ((murmurs from audience – change to speaking voice)) *We will also expect the audience to be extremely quiet during this discussion because this is actually an official board meeting and we need to conduct business.*
>
> ((Return to reading voice)) *We must all encourage and insist upon a more civil public discourse and we thank you for helping us to achieve that goal.*

Following the explanation of participation rules, speakers were called to the podium in groups of five. Each would take their presumably two-minute turn and sit down, and the president would call the names of the next five speakers. (p. 8)

Fifth: Format Rules for Speakers

Audience members are not the only ones who can foment incivility. Speakers at panels, debates, and public meetings also must agree to rules and pledges of civility. Time limits are an important element of rules. Speakers must be informed how they will be (politely) signaled that their time is about to elapse or that it has elapsed. They also must be aware of the steps that will be taken if they go overtime or willfully subvert the agreed-upon process.

Sixth: Use microphones strategically

In pure power terms, the person with the loudest microphone wins. Hopefully, that is the moderator. If microphones are present for audience questions, have a sound system where any one microphone can be turned off at need to silence extreme incivility or time violations. If handheld microphones are used during audience questions, choose assertive and strong people to hold the microphone and never relinquish control of it to the audience.

Seventh: Record the meeting

It seems that the more anonymous someone feels, the greater the likelihood of incivility. Announcing that audio or video recording will be kept increases accountability. Likewise, asking people to state their name prior to making a comment may help. Conversely, media coverage may increase incivility among those seeking a wider audience for their message of dissent.

Eighth: Build strategies to foster inclusion

Instead of leaving 10 minutes for questions or only 2 hours for public comment (where the most organized groups have a greater chance capture the lion's share of attention), continue until everyone has one chance to speak. This may mean staying at a meeting for 6-8 hours. Alternately, provide computers where individuals can type their input comments onto a form (including their name) or audio record comments. The computer comments could be projected for a few minutes on a large screen and later sent to the committee/commission.

Ninth: Use a written questions format

One format only accepts questions that have been written on a card, screened, and then read to the panel by the moderator. The screener can reframe questions to the core of the interest without passing along any overly negative content. In this way, a wide variety of participants hear their general interest area asked as a question, even though their exact words may not be used.

Tenth: Divert high energy participants into productive outlets

Some high energy citizens want to be involved, feel included, or be in the public eye. Giving difficult people respect, without agreeing with their opinion/position, is a cheap investment in civility. The moderator is a model for what other speakers may become. Sometimes, vociferous participants can be invited to participate in committees, research endeavors, or other processes where their energy can be marshaled for the public good. Public meetings attract all sorts of people: gadflies, political wannabees, and CAVES (citizens against virtually everything). The public input process in a democratic society means everyone has the privilege of stating an opinion (within the rules of the process) in an environment of respect.

SOME LIMITATIONS TO THE ABOVE SUGGESTIONS

Differentiate between disagreement and incivility.

As members of British Parliament can attest, being the "subject" of clever wit can be painful. However, clever wit, doubt about someone's decisions, or other artful — and sometimes less artful — statements of disagreement are not, by themselves, incivility. For example saying: "supposed conservative values" or "dangerously erroneous decisions" express linguistic doubt about an issue or decision but are not uncivil. Reasoned doubt of an elected official's competence is not incivility. Stating that one is hurt, mad, or experiencing some other affect is not, by itself, incivility. An exerpt from the Tracy & Durfy's (2007) study illustrates a too thin skinned response to public speech:

> **Parent:** *I am surprised that school board members including one with a PhD in education would misunderstand ((audience applause)) the purpose of this test.*
>
> **Pres:** *Just a moment, just a moment, no personal attacks please [that's] not appropriate.*
>
> **Parent:** *That's not personal.* (p. 16)

Similar strategies such as negative rhetorical questions or the use of God and Devil terms (Tracy & Durfy, 2007) also are a common way to phrase negative evaluations of public officials. Rhetorical questions are phrased to imply a position or judgment without making a statement: "Will the decision be made when the public isn't around?" "When will you wake up to the dangers of these policies?" Public speech frequently is sprinkled with code terms indicating values or putting an evaluative slant on an issue/person. For example, the word "liberal" historically shifted meaning to become a negative/Devil term; "supporting troops" became a positive/God term. Negative rhetorical questions and God/Devil terms do not automatically denote incivility.

Differentiate between passion and incivility.

Speaking forcefully, waving ones arms around, using high volume, or showing emotion is not necessarily uncivil. In many cultures, it is the norm. European Americans are less emotionally expressive than many cultures and may feel uncomfortable with more exuberant styles (see: Ting-Toomey & Oetzel, 2001). Public officials should be discerning between passionate speech and incivility.

Socially inappropriate speech is not necessarily incivility.

Trent Lott's speech in praise of Strom Thurmond's active segregationist politics and racism did not cause his downfall because it was uncivil; it caused his downfall because it was wrong at that moment in history. Senator's Lott's power and effectiveness diminished because his opinion was deemed, at that moment in time, socially inappropriate from a Senator. One response to the use of derogatory terms is more speech by others that parses the derogatory nature of the usage and calls the user to account. Including less socially acceptable terms ("colored people") within a reasoned argument does say something about the speaker's astuteness and/or value, but it is not necessarily uncivil. In contrast, hurtful speech terms "aimed" at another person like a arrow of hatefulness fall closer to public incivility and might require restraint. For example, namecalling intended to hurt or silence a specific person or category of people could be deemed inappropriate.

Hate speech is a special form of incivility that may require separate responses.

While not discussed in this briefing, hate speech as a legal or social behavior is a special category of incivility that may require other types of responses.

Respect the right of individuals to be arrested.

Some protestors may come to the meeting expecting to be arrested. The tradition of civil disobedience has a well developed dance of behavior outside the bounds of rules or laws. The historically respected civil disobedience, however, is civil. When protestors cannot be co-opted, ignored, worked around, or otherwise diverted from interfering with a public meeting process, removal by appropriate authorities and pressing charges is a viable option. Be cautious to do so lawfully.

CONCLUSIONS

This is a particularly confusing and messy time for those who must interact with the public. The Institute for Local Government (2003) comments:

> People who come to public meetings and complain or pontificate are an intrinsic aspect of democracy, and there really is no "solution" to [them] except to try to understand what motivates them and appreciate the underlying democratic principle they represent. The worst strategy, of course, is to allow yourself to respond in kind to the type of angry, personal attacks gadflies are known to make. In addition to having your meetings sinking to the lowest common denominator, responding in kind also hands control over your behavior to others. (p. 11)

If a person convening or moderating the meeting isn't philosophically and strategically prepared to be civil, then little restraint can be expected from the public. Ideally, moderators will either obtain the skills to maintain equilibrium under duress and effectively manage uncivil outbursts or pass the role of meeting management to someone who can. Likewise, the way that public official treat each other makes a difference—the behavior the public sees enacted by their officials may become the behaviors used by the public.

These are challenging times. However, better public involvement can occur if we strategically consider our options while planning the means to acquire the public's opinion.

SELECTED REFERENCES

Daniels, S. E., & Walker, G. B. (2001). *Working through environmental conflict: The collaborative learning approach.* Westport, CT: Praeger.

Delphi Technique (2009). http://farmwars.info/?p=895.

Docherty. J. S. (2010). Finding the light in the heat: How can we respond to violent retort and political division. Association for Conflict Resolution Conference Call. Accessed: 25 May 2010.

EPA Conflict Prevention and Resolution Center. http://www.epa.gov/adr/.

Guide to Public Involvement. (2008). Idaho Department of Transportation. itd.idaho.gov/manuals/Online_Manuals/Current_Manuals/PIG/Guidebook.pdf.

Innes, J. E., & Booher, D. E. (2000). Public participation in planning: New strategies for the 21st century. Institute of Urban & Regional Development Working Paper Series: WP 2000'07.

Lewicki, R. U., Gray, B., & Elliott, M. (Eds.). (2003). *Making sense of intractable environmental conflicts: Frames and cases.* Washington: Island Press.

Mutz, D. C., & Reeves, B. (2005). The new video malaise: Effects of televised incivility on political trust. *The American Political Science Review*, 99.1, 1-15.

Portath, C. (2009, April). How toxic colleagues corrode performance. *Harvard Business Review*, 24.

Promoting civility at public meetings: Concepts and practice. (2003). Institute for Local Government.

Remarks by the President to a Joint Session of Congress on Healthcare. (2009, September 9). The White House. http://www.whitehouse.gov/the_press_officeremarks-by-the-president-to-a-joint-session-of-congress-on-health-care/.

Sandman, P. M. (2009). Meeting management: Where does risk communication fit in public participation. http://www.psandman.com/col/meeting.htm.

Singing flashmob highjacks healthcare conference. (2009). The Raw Story. http://rawstory.com/2009/2009/10singing-flashmob-hijacks-health-insurance-conference/

Ting-Toomey, S., & Oetzel, J. G. (2001). *Managing intercultural conflict effectively*. Thousand Oaks, CA: Sage.

Think Progress. (2009). http://thinkprogress.org/2009/07/31recess-harassment-memo/.

Tracy, K., & Durfy, M. (2007). Speaking out in public: Citizen participation in contentious school board meetings. *Discourse & Communication*, 1.2, 223-249.

Van Wart, M. (2003). Public-sector leadership theory: An assessment. *Public Administration Review,* 63.2, 214-228.

Wang, X. (2001). Assessing public participation in U.S. Cities. *Public Performance & Management Review*, 24, 4, 322-336

TABLE 1

Why Convene Public Meetings?

- Way to build consensus around decisions
- Helps public understand constraints around decisions
- Improves public trust in government
- Required by rule or law
- Citizens want a role in decisions
- Means of holding those who govern/administer accountable
- Moderates influence of powerful stakeholder groups
- Way for government/agency to monitor changing public needs (see Wang, 2001).

TABLE 2

Public Meeting Variables

- What is allowed by rule or law? (Public sector constraints)
- Who are the stakeholders for this decision?
- What are the probable "stakeholder" interests?
- What is the level of public involvement or outrage around the topic?
- What is the decision-model (who decides and how)?
- What is the timeline to the decision deadline?
- What is a reasonable budget?
- Are multiple input processes possible?
- What is the likelihood of post decision litigation?
- What are the skills of internal or local facilitators/moderators/event planners?

ABOUT THE AUTHOR

Suzanne McCorkle directs the Boise State University Dispute Resolution program and co-chairs the department of Public Policy and Administration. Dr. McCorkle is the author of the books Mediation Theory and Practice and Personal Conflict Management.

DR. STEPHANIE WITT, DIRECTOR
PUBLIC POLICY CENTER
BOISE STATE UNIVERSITY

Public Affairs and Art West Building, Rm 128
Boise State University
Boise, ID 83725-1935
208.426.1476
208.426.4370 fax

http://ppa.boisestate.edu/centerppa