



## JOINT FACT-FINDING

An Answer to the Pervasive  
Mistrust of Information?



BY SHAYNE KAVANAGH AND NATE LEVENSON

Budgeting and long-term financial planning often involve weighty decisions for local governments. If stakeholders agree that a decision is based on accurate information, they are more likely to support it. This article introduces “joint fact-finding,” a mediation technique that helps people with different viewpoints build consensus about underlying facts.

## THE IMPORTANCE OF TRUSTWORTHY INFORMATION

A democratic system depends on a free flow of information for its participants to make wise decisions, and collaboration deteriorates if participants mistrust the information they receive. The free press has been the main information source in our democratic system, but the current trust in mass media is very low — only one in three Americans expect the media to report the news fully, accurately, and fairly. Trust in media has declined for over the past 15 years, according to Gallup (see Exhibit 1).<sup>1</sup>

“Fake news” — false and fabricated information masquerading as real news reporting — poses a more recent problem. Approximately 80 percent of Americans are concerned or very concerned about the impact of fake news

on the credibility of real news, and 70 percent of Americans believe that fake news reduces civility in society, contributing to anger, confusion, and disengagement.<sup>2</sup>

These trends of distrust have worrying implications for local government. The media plays a smaller role in disseminating information about local civic issues than it does at the state or national level, but as public trust declines in traditional news sources, people may be more skeptical of information from any institution, including media and local government.

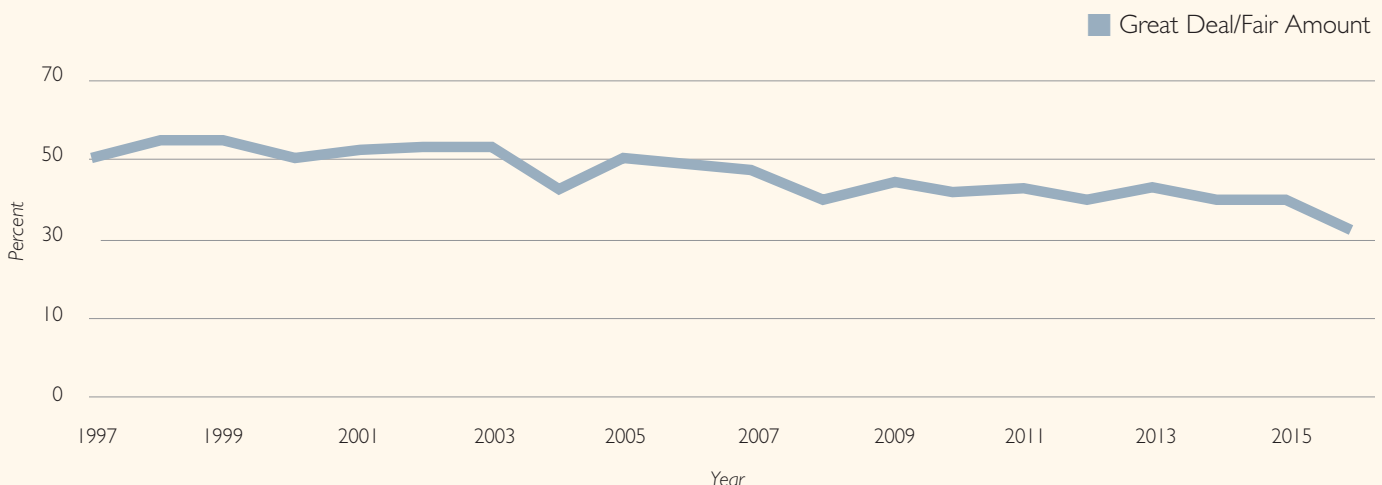
Perceptions of fairness play an important role in the effectiveness of government decisions. To perceive decisions as fair and just, people have to trust that the decisions are based on accurate information.<sup>3</sup> It’s especially important for those who are affected by a decision to believe that it is fair

if they’re to accept and support it. For example, research shows that managers are more supportive of a strategic plan when they believe it emerged from a fair process, even if it does not fulfill all of their wishes.<sup>4</sup>

Perceived fairness also affects higher-stakes decisions such as layoffs. Research into layoffs shows that only 16 percent of those who feel fairly treated will consider legal action against their former employer, compared to 66 percent of those who feel

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**Exhibit 1: Americans’ Trust in the Mass Media**



unjustly treated.<sup>5</sup> A person who feels wronged may even undermine the entire system in order to punish the perpetrators of the perceived injustice, even to his own detriment.<sup>6</sup>

Joint fact-finding avoids these issues by building consensus about underlying facts prior to the decision-making process. Representatives from both sides of a dispute work together to explore and determine the relevant facts, and to freely share their findings with each other. Because the opposing parties share an understanding of “accurate information,” it’s more likely that they will find an agreeable solution to the contended issue. Local governments can use joint fact-finding as a tool to support good decision making by creating an information base that is widely perceived as trustworthy.

## THE CONFLICT IN SIMSBURY PUBLIC SCHOOLS

Budgeting and long-term financial planning can be among the most important decisions a local government makes, so it is essential for the underlying information to be perceived as accurate. The Simsbury Public Schools in Connecticut used joint fact-finding to support a difficult budgeting decision process.

Like many local governments, Simsbury felt pressure to make its financial resources go further. The superintendent saw an opportunity to cut costs by reducing the use of “paras,” or paraprofessional educators hired to assist the fully licensed teachers. Paras perform a wide variety of tasks, including dealing with behavioral problems, supervising students on breaks, and performing administrative duties. Paras are even involved with directly educating students, despite lacking full qualifications for that role. The superintendent believed that Simsbury employed far too many paras, relied too heavily on them to provide direct instruction to students, and would financially benefit by reducing the number of paras and redirecting the funds elsewhere.

The Simsbury staff (elementary school principals and classrooms teachers) placed a higher value on paras and did not widely share the superintendent’s opinions. Their opposition was rooted in Simsbury’s long history of using paras to support instruction while consistently producing better academic results than many of its peers. The elementary school principals not only disagreed that Simsbury had too

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many paras, but contended that in fact they needed more. They believed that paras were key to helping teachers manage problematic student behavior, and that classrooms without paras would descend into chaos. Classroom teachers felt that paras were instrumental to the schools’ instructional strategy and emphasized that paras supported students in need of extra help. The staff generally believed that paras were not costly and that reducing the number of paras would save an insignificant amount of money.

Before making a decision, the group needed to gain consensus about the importance of paras. If principals and/or teachers were right, then reducing the number of paras could have a negative effect on student learning. What’s more, disagreement about this issue could generate destructive conflict. A few years earlier, the superintendent was forced to rescind a recommendation to the board to reduce the number of paras after facing opposition from principals and teachers.

## FINDING THE FACTS

The superintendent decided to engage a third party to mediate joint fact-finding. This is a common practice because the process may appear to be biased if run by a stakeholder.

The mediator started by interviewing the five elementary school principals in Simsbury. The mediator asked each principal to describe the general use of paras in their buildings and the specific use of each para employee — that is, the kind of activities that each para performed with his or her student charges.

The mediator also interviewed the paras and their direct supervisors. These interviews generated an impressive list of para activities, including: helping students with lockers, facilitating social engagement, helping teachers deal with student behavior problems, supervising student break periods, and helping instruct students. However, this list did not include the activity frequency. Therefore, the mediator asked every para to record their activities for a week in detailed time increments (minutes). Next, the mediator examined Simsbury’s budget to learn the exact amount spent on paras. And finally, the mediator benchmarked Simsbury against other similar districts (nationwide, and in Connecticut) in

order to compare its use of paras to that of other school districts.

Because opinions diverged on different sides of the paras issue, the fact-finding inevitably revealed new information. Big surprises emerged about spending, activities, and effectiveness.

#### **Spending Exceeded Assumptions.**

More money was actually spent on paras than many people had assumed because of confusion about accounting and employment cost. The accounting system obscured some spending because paras were listed in eight different line items, some with imprecise titles, and they were located in different accounting funds. Only about half of the total spending on paras was listed under specific paras line items. Many people had also underestimated the total cost of employing an individual para by about 50 percent. They were only considering salary costs and did not realize that many paras were eligible for health-care benefits. Simsbury spent millions of dollars more on paras than many people had previously thought.

**Instruction Was the Main Activity.** The study revealed that about 75 percent of a para's time was spent on direct academic instruction of students, such as providing help with reading, despite lacking qualification for that role. This finding was particularly powerful for the principals, who had assumed that paras spent most of their time dealing with student behavior issues.

#### **Employing Fewer Paras Had No Negative Impact.**

Third, the study revealed that one of Simsbury's five similar elementary schools had far fewer paras than the others, and they did not play an instructional role. This school had not experienced excessive behavior problems or failed to deliver quality instruction. The benchmarking study also showed that Simsbury had 1.6 to 2.2 more paras per 1,000 students than other comparable school districts.

### **EXAMINING THE DATA AND MAKING A DECISION**

The para issue had a history of controversy. Because the mediator's new findings did not support the viewpoints of all, some people were unlikely to accept the findings at face value. The mediator expected that they would want to scrutinize and validate the data themselves. Therefore, the process provided

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everyone with transparent access to the data and adequate time to examine it. For example, a principal could choose to review the time log of an individual para in his or her building.

Many stakeholders took advantage of this opportunity and some found minor errors, although none of the corrections resulted in a material change to the findings. The mediator's final data set gained credibility because the numbers had been thoroughly reviewed by people with diverse

perspectives on the issue.

After everyone had a chance to validate the findings, the mediator finalized the fact base. Because everyone shared an understanding about the paras' cost and roles, the group reached a consensus decision to reduce the number of paras employed by Simsbury and use the savings to hire more certified reading teachers (a more cost-effective way to provide students with reading help) and add other beneficial programs (such as foreign language instruction).

### **CONCLUSIONS**

Simsbury's experiences demonstrate how local governments can use joint fact-finding to support good decision making by creating an information base that is trusted and widely perceived as accurate.

**Consider Using Third-Party Mediation.** In many cases, a government may turn to joint fact-finding only after experiencing frustration and controversy while trying to resolve an issue with other methods. The subsequent mistrust makes it impossible for any one stakeholder to be seen as unbiased. A third-party mediator can be an impartial administrator of the fact-finding process.

**Invest Time Now to Save Time Later.** Simsbury's joint fact-finding process resulted in consensus, but it took nine months. This may seem like a long time, but the issue of spending on paras had bedeviled Simsbury for years with no satisfactory conclusion in sight. If the superintendent had forcibly reduced the number of paras over protests by principals and teachers, lingering resentments might have derailed her leadership and created resistance to the replacement programs. The joint fact-finding investment resulted in smoother decision making and implementation.



### Give Everyone a Voice, but also Collect Hard Data.

Collecting hard data is an indispensable part of joint fact-finding. Parties on all sides of an issue need to be involved and express their opinions. Prior to joint fact-finding, some views will likely be at odds with the factual truth. Simsbury's process included a time-usage study and external benchmarking. Other possibilities include jointly examining rigorous studies about the specific issue, or jointly interviewing an impartial expert.

**Share the Discoveries.** Once the data are collected, not everyone can be expected to take it at face value. The information should be detailed and shared in a way that allows participants to validate it themselves. For example, some principals reviewed the paras' time logs, and then validated the data by conducting their own inquiries with the paras.

**Conclude with a Single Fact Base.** The product of the joint fact-finding should be a single, agreed-upon fact base that reflects any adjustments made as a result of the participants' validation. Simsbury's fact base was adjusted slightly from the mediator's original findings as a result of participant validation (the amount of time paras spent on instruction was decreased by a few tenths of a percentage point). ■

### Notes

1. Art Swift, "Americans' Trust in Mass Media Sinks to New Low," Gallup.com, September 14, 2016.
2. "A Real Plague: Fake News," a research report published by Weber Shandwick, Powell Tate, and KRC Research, 2017.
3. This is one of four ingredients required for a decision-making system to be seen as just. See: Russell Cropanzano, David E. Bowen, and Stephen W. Gilliland, "The Management of Organizational Justice," *Academy of Management Perspectives*, November 2007.
4. W. Chan Kim and Renee A. Mauborgne, "Procedural Justice, Attitudes, and Subsidiary Top Management Compliance with Multinationals' Corporate Strategic Decisions," *Academy of Management Journal*, 36, 1993.
5. E. Allen Lind, Jerald Greenberg, Kimberly S. Scott, and Thomas D. Welchans, "The Winding Road from Employee to Complainant: Situational and Psychological Determinants of Wrongful Termination Claims," *Administrative Science Quarterly*, 45, 2000.
6. This concept has been demonstrated by "the ultimatum game," a series of experiments that allow participants to "punish" other participants who they believe have acted unfairly, but at the expense of harming themselves in the process.

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