

THOUGHT LEADERSHIP

Consensus Building When Democracy Hits a Rough Patch



David Fairman
Managing Director



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According to a recent Gallup poll, our country is more divided than any time in recent history: 77% of Americans believe the nation is divided on the most important issues. Two-thirds of Republicans, 78% of Independents, and 83% of Democrats feel this way. At CBI, we are looking hard at the question of how our efforts to bring diverse stakeholders together on challenging national issues will be affected by this polarized atmosphere in Washington, D.C., and the new Administration and Congress. We see complications ahead, but also opportunities and needs that we may be able to meet.

Our work with stakeholders in federal energy, land use, and environmental regulation is likely to become more contentious, as the new Administration seeks to increase access to energy resources

on public lands and conservation advocates push back. Though it seems hard to imagine at the moment, there may actually be some common ground on expansion of renewable energy installations, especially as the cost of solar and wind power falls. Even if that were true, siting of pipelines and transmission lines from energy extraction and generation facilities on remote federal lands to major urban areas is likely to trigger challenges from communities and Native American tribes, and will be complicated by the overlapping federal and state authority for interstate transmission. Nonetheless, we see some opportunities for progress on this set of issues, and will seek to bring our facilitation and mediation skills to bear.

With our sister organization Convergence, we are working on some highly-charged national social issues: the future of K-12 education, increasing economic mobility, and making better use of prison time to prepare offenders for successful re-entry. One of the great strengths of the stakeholder groups working on these issues is their ideological and political diversity. We have been heartened by stakeholders' commitment to continue

developing transformational approaches to these issues regardless of the outcome of the election, while paying close attention to the new, uncertain, and turbulent political context. We and the stakeholders in each group believe that their "strange bedfellows" composition can allow them to find opportunities where less diverse groups run the risk of being tagged as partisan advocates.



While we navigate our way through national cross-currents, we continue facilitating public dialogues and negotiations at state and local levels. We're working on water use in California and the Rocky Mountain West, long-term adaptation to climate change in East Coast cities and communities, and diverse community and regional economic and social development planning initiatives across the country. These state and local stakeholders, their interests, and the issues they are addressing, are not likely to change substantially due to the national election. Though what happens in Washington, D.C., will have some impact on their work, stakeholders have their own practical and principled

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concerns, and areas of agreement/disagreement to work through, in their own distinctive political contexts.

Across all of our work, we continue to believe that our core principles and practices will be helpful in bringing stakeholders across the political spectrum together to work toward a common good rather than a conflict of factions. We think there are three approaches that will be essential to bridging differences in 2017 and beyond:

- **Articulate shared values:** While fully acknowledging that we're at a historic high point in partisan division, we are equally sure that Americans hold shared values on even the most controversial public policy issues. Our work always begins with dialogue on the goals, principles, and values that leaders bring to the issues at hand. When people are clear that they are not debating each other's values, but rather listening with an open mind for areas of agreement as well as differences, we find that even the most polarized groups can find a pathway to common ground. It's a "predictable surprise" that diverse stakeholders often discover common values and even common views on the challenges and opportunities they face. In our work on education, stakeholders who sharply disagreed on the issue of charter vs. public schools discovered that they all shared a vision of what great learning could be for all children in America. That vision and the shared value of "learner-centered" education that underpinned it were so powerful that they shifted from fighting over the present system to transforming it into something much better for the future.
- **Turn competing answers into common questions:** While it may be true that this political season has brought the issue of "dueling facts" and "fake news" into sharper focus, we are no strangers to this challenge. Whether the issue is water allocation or the motivation of lower-income workers, diverse stakeholders normally come to the table with very different views of the facts. We know that joint fact-finding is a powerful tool for working through arguments about what's true and what's fake. When we worked with California's agricultural and environmental advocates and public regulators to build consensus on the state's first-ever groundwater law, the stakeholders started with very strongly held, divergent views on the causes of groundwater depletion and possible solutions. They invested heavily in building shared understanding of the inter-

play of groundwater hydrology, economics, law, and politics. That investment paid off in a strong consensus on the need for the law to authorize and require adaptive management of groundwater systems.

- **Make stakeholder negotiation processes transparent and participatory to constituents and citizens:** One thing that we clearly learned from the election is that many Americans across the political spectrum feel disconnected from and distrustful of leaders and experts of all kinds. We see continuing value in bringing together diverse leaders with formal public and organizational authority and capacity, and helping them work through difficult issues in ways that strengthen their trust in each other. At the same time, we think it is essential to broaden opportunities for the constituencies that those leaders represent to understand the issues and the process, be consulted and see that their input is taken seriously. From neighborhood meetings and workshops to on-line platforms that provide both transparency and opportunities for thousands of citizens to provide input, we have the tools. The New Hampshire legislature, faced with growing conflict over energy siting, engaged citizens from the north country to the populated south to generate ideas and priorities for revising their energy siting process, and in turn, the legislature then passed a widely supported revision of its statute.

These approaches will not resolve all of our partisan disputes, but they can break down what are perceived as irreconcilable differences and reveal places where we might find agreement. We need to employ them, and be creative about designing new means of engagement, as we tackle the tough issues of our time. At CBI, we will continue to support the hard work of democracy as participation, dispute resolution, and consensus building. We need not fear our divisions, as long as we remain committed to bridging them.

Send your comments or questions to David Fairman at dfairman@cbuilding.org or Patrick Field at pfield@cbuilding.org

The Consensus Building Institute (CBI) is a not-for-profit organization created by leading practitioners and theory builders in the fields of negotiation and dispute resolution. CBI works with leaders, advocates, experts, and communities to promote effective negotiations, build consensus, and resolve conflicts.

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Convergence-CBI Partnership Fosters Innovation on Tough National Issues



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Media headlines remind us every day of the challenges that our nation is facing in advancing policy and programs on critical issues, from health care to national security to job creation. While tensions play out in Congress and the media, some of our country's most influential leaders are coming together behind the scenes to craft a different path forward, with the support of a unique partnership between CBI and Convergence, a nonprofit whose mission is to convene leaders in innovative contexts to jointly address tough policy issues. CBI and Convergence are blending their expertise to work with national leaders on some of the most complex policy issues of our time – economic mobility, federal budgeting, education, incarceration, and nutrition – and are generating surprising results on topics that many thought were gridlocked.

One such topic is education reform. A few years ago, CBI and Convergence launched an initiative focused on helping national leaders come together to design a different future for education in the U.S. The education field is highly fractured, with advocates demanding drastically different solutions: high-stakes testing, portfolio evaluation, less testing, charter schools, reinvestment in public schools, extended days, less homework, increased teacher pay, performance pay, cuts in funding, expansion of funding, and more. Yet, CBI and Convergence inspired key leaders on all sides of the current divides to come together, in a room in Washington, D.C., to explore what an extraordinary education, fit for the 21st century, might look like for all students.

Through a highly creative, facilitated process, the heads of teacher unions, national leaders in the charter school movement, and advocates for social-emotional learning, on-line learning, and many other strands in the educational debate came to the shocking realization that they in fact share a common vision for U.S. education: empowering every child to take leadership in learning. This concept was so compelling that leaders stopped arguing about how to fix our current system and instead have united to launch a national network of thousands engaged in reimagining education – an outcome that almost none of them could have envisioned emerging in their lifetimes.

This surprising breakthrough was generated through the powerful partnership that CBI and Convergence have been developing over the past eight years, since they initially came

together for a collaboration to convene diverse national leaders for dialogue and action on U.S. engagement with Muslim-majority countries. The unique combination of Convergence's ability to identify critical issues ripe for innovation, convene high-level policy leaders, and manage complicated projects and CBI's deep expertise in facilitation and mediation has produced some remarkable developments on what have seemed like intractable issues. Through carefully tailored engagements, the Convergence-CBI partnership has helped a wide range of influential stakeholders think differently, build relationships, and explore solutions that emerge from confronting their differences, imagining different futures, and developing ground-breaking initiatives together.



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Central to CBI-Convergence approach has been an emphasis on helping stakeholders let go of pre-conceived ideas and creatively work together on what might be possible. In the education project, CBI facilitators partnered with independent facilitator Allan Cohen to guide participants through an exercise to help them shed assumptions, and then role-play their ideal visions for education. As the skits progressed, there was an epiphany moment when leaders began to see a consistent theme emerging: learners at the center of their education, with adults supporting them in innovative ways to reach into their communities and out into the world. This moment stopped participants in their tracks – and recalibrated their focus to working on the realization of this theme.

On the federal budget project, aimed at helping leaders design a more effective budgeting process, CBI and Convergence introduced a similar level-setting process. Instead of debating the merits of acts and procedures that have been adopted over 200 years, CBI facilitators directed participants to the country's founding document – the Constitution – to examine what is required on budgeting, and what isn't. This exercise has helped the 25 leaders involved in this process create a remarkably clean slate. Based on a set of principles that they have collectively agreed upon, they are now examining new approaches to budgeting.

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CBI and Convergence Have Also Recently Launched Two Other Critical Initiatives

Economic Mobility: While there is growing consensus across the ideological spectrum that economic mobility is eroding in the U.S., people are articulating very different analyses and solutions -- and without a common vision, forward progress is stymied. CBI and Convergence have launched an economic mobility initiative to help address this challenging problem, specifically examining how employment in the U.S. could be a more effective engine for economic security and mobility for those in the bottom half of the country's economic distribution. Thirty leaders representing workforce development, higher education, business, labor, and other sectors began discussions on this issue last summer. Among the topics being explored are: improving job quality, increasing skills, building ladders of opportunity for low-income Americans, reducing barriers to meaningful employment, and providing more stability and economic security for those at the bottom of income distribution.

Improving Reintegration after Incarceration: The U.S. has less than five percent of the world's population but nearly 25 percent of the global prison population, and recidivism rates within five years are more than 75 percent. Given the human and financial costs associated with incarceration, this topic is garnering a lot of attention across the political spectrum.

In a recently launched initiative, CBI and Convergence are conducting an assessment to understand challenges and opportunities connected to this topic. Interviews with stakeholders are revealing that people have deeply-held values that influence their views. Some think of incarceration as a form of punishment, others as a means of addressing public safety. There are people who believe that society should help those incarcerated build skills and attitudes to facilitate their becoming productive citizens upon re-entry. Others think it is important to create connections for those returning to the community, to support their integration and application of learned skills. At the conclusion of the assessment, 25-30 individuals will be invited to participate in a 12-18-month dialogue process to develop a set of recommendations.

The CBI-Convergence partnership has presented national leaders with a unique platform for working together and innovating on complex social and economic issues. Our initial successes suggest that the unique and complementary strengths of CBI and Convergence are making a difference on crucial issues -- at a point in time when collaboration seems in short supply in our capital. CBI and Convergence strongly believe that our nation's leaders can find common when the right people are inspired to come together and build relationships through a highly creative dialogue process. When successful, these dialogues are providing exceptional opportunities for leaders to generate breakthrough results on some of our nation's thorniest challenges.

CBI Staff News - Colorado

We are pleased to welcome new staff members Ryan Golten and Laura Sneeringer. Ryan and Laura will be helping CBI expand its presence in the West and will be working out of CBI's newly formed Colorado office.



Ryan Margaret Golten joins the CBI team as a Senior Associate. As a mediator, facilitator, and former attorney, Ryan brings rich experience facilitating and mediating complex regulatory and technical issues related to water, land, energy, and other natural resources. To help communities, agencies, and other groups move through conflict and planning challenges, Ryan works closely with stakeholders to understand their interests, build mutually acceptable and broadly supported outcomes, and create foundations for long-term relationships and joint problem solving. She has a wealth of experience working in environments with a history of interpersonal tensions. Ryan has worked extensively in western, southwestern, and Spanish-speaking communities. She teaches collaborative problem-solving, facilitation, and mediation skills to natural resources and public policy professionals in the western U.S., in addition to national and international audiences.



Laura Sneeringer joins the CBI team as a Senior Associate. Laura comes to CBI with expertise in organizational effectiveness, including conducting workplace assessments to uncover causes of low morale and making recommendations for improvement; facilitating partnership building among different departments and agencies; facilitating strategic planning for new and transitioning organizations, programs, and initiatives; and providing coaching on individual leadership and conflict management. Laura's experience will be an asset as CBI expands its organizational governance and strategy work. Laura also facilitates environmental and public policy decision-making efforts on a wide range of substantive topics, including land use planning, transportation, energy development, and water quality.

Prior to joining CBI, Ryan and Laura worked with CDR (Collaborative Decision Resources) Associates on public policy, community, and strategic planning issues related to water allocation, watershed planning, land management, and energy.

Send your comments or questions to David Fairman at dfairman@cbuilding.org or Patrick Field at pfield@cbuilding.org

Engaging Stakeholders in Northeast Regional Ocean Planning



Ona Ferguson
Senior Mediator

The waters off New England's coast have always been a busy place, with a wide range of activities, from recreation to fishing to transportation. In recent decades, as aquaculture and wind power have entered the waters, and as climate and economic changes have unfolded, those who use and study the ocean find their pathways increasingly overlapping and at times in conflict. Further complicating coordination of activities are sometimes competing regulations set by local, state, and federal agencies.

The growing complexity of managing activity off New England's coast led leaders of agencies and organizations to form the Northeast Regional Ocean Council in the early 2000s, which began to consider how better to accommodate myriad uses of the waterway. This effort was further strengthened when President Obama issued an Executive Order in 2010 requiring the nine coastal regions of the country to develop regional management plans. The Northeast Regional Planning Body was formally launched in 2012, and with the support of CBI, this multi-stakeholder group has been working together since then to develop a plan. In December 2016, the group's Northeast Regional Ocean Plan was approved and certified by the National Ocean Council. The document is the first regional ocean plan in the country.

CBI worked closely with the Northeast Regional Planning Body to ensure that state agencies, tribes, and federal agencies developing the ocean plan included meaningful feedback from stakeholders. Pat Field and Ona Ferguson jointly led CBI's outreach activities (with support from a significant number of CBI staff members), which focused on getting input on regional values and ideas on how to better incorporate ecosystem-based management into existing management and regulatory processes. CBI's efforts included planning and running sessions for the public before every formal planning body meeting, conducting numerous engagement efforts with particular ocean sectors (ports, aquaculture, and energy), helping plan agency discussions on complex subjects such as how to align permit review procedures, and managing several rounds of listening sessions in all five New England states. CBI helped stakeholders wrestle with such questions as how to: accommodate new ocean wind energy development with fishing, navigation, and views of the ocean from coastal homes and beaches; build a stronger system of ports and shipping in the face of competition

from other regions; coordinate and consider commercial fishing in the broader mix of ocean activities without stepping on the boundaries and authorities of fishermen as a unique and historic set of actors; and learn more about the little-known topic of recreation fishing and boating on a regional scale.



The plan can be found at: <http://neooceanplanning.org/plan/>. The plan and related Northeast Ocean Data Portal (which contains the best current data on the region's waters and uses) outline methods for both coordination among agencies and utilizing a single repository of relevant data in early decision making. The innovative data portal brings together diverse sources of data – across uses and species -- into spatial, integrated, regional maps. The planning process is an advancement, ensuring better coordination and early deliberation among numerous state and federal agencies. The Regional Planning Body will continue to meet and focus on implementing the plan, with ongoing support from stakeholders around the region and CBI.

Send your comments or questions to Ona Ferguson
at oferguson@cbuilding.org

CBI in Action || *A snapshot of recent and ongoing work*

>>> **Grievance Mechanism Established in Brazil Mine Disaster**

David Plumb facilitated a workshop in Belo Horizonte, Brazil, with top officials at the Samarco Mine and its shareholders, BHP Billiton and Vale, to help establish a grievance mechanism in the wake of a major mining waste disaster. Samarco's tailings dam burst in November 2015, killing 19 people and spewing mining waste over 600 kilometers of the River Doce, as well as the ocean at the river's mouth. Together with other consultants convened by Dutch-based ACCESS Facility, CBI helped BHP Billiton and Vale structure core elements of a grievance handling process and ombudsman function, one of the requirements of an agreement between the two companies and Brazilian officials that also involves investing billions of dollars to aid economic and environmental recovery in the region.

>>> **Engagements on Honduras Palm Oil and Land Conflicts Lead to Road Map**

From 2014 to 2016, CBI staff, led by *Merrick Hoben*, guided a participatory evaluation and joint problem-solving process among the International Finance Corporation (IFC, the private sector investment arm of the World Bank) and concerned stakeholders regarding violent land disputes centered around a large palm oil operation in the Aguan Valley of Honduras. In January 2014, the IFC's accountability mechanism (Compliance Advisor Ombudsman Office - CAO) found IFC's investment in its client company – Dinant, a major Central American palm oil producer – out of compliance with key human rights and community engagement requirements. IFC asked CBI to help evaluate dispute resolution potential and guide community engagement as part of its response. CBI subsequently designed a participatory "road map" (building from broad stakeholder consultation) that aimed to address specific company responsibilities, as well as underlying structural issues of criminal impunity, land conflict, and inclusive development endemic to the Balo Aguan region. CBI then provided dispute resolution capacity building to both senior government officials and leading civil society actors as part of a stepwise capacity building and joint problem-solving approach. The overall effort has gained broad recognition and support, and now rests with the Honduran government to tackle key sovereign concerns with support from international development cooperants. CBI may be asked to provide continued guidance on this challenging and high profile case.

>>> **CBI Makes Recommendations on Mediating Energy Sourcing Conflicts in Nepal**

Michele Ferenz, Toby Berkman, David Fairman, and CBI Global Network member Michael Brown completed a project for the World Bank on how to prevent and mediate conflicts related to energy sourcing between the government and community groups in Nepal. Despite abundant hydropower potential, Nepal suffers from frequent power cuts and relies on fuel imports to partially address shortages. Improving access and reliability of energy services presents its own set of challenges. Among these are conflicts with local communities over siting, and compensation and benefit-sharing associated with the development of infrastructure, such as major transmission lines. CBI conducted

two missions to Nepal and issued a report on Options for Conflict Prevention and Mitigation for Energy Projects, which provides recommendations on both short- and long-term actions to (1) improve provisions and instruments for compensation, rehabilitation, and benefit-sharing and (2) improve communication and consultation practices and grievance mechanisms.

>>> **Course Helps UN Senior Staff Lead on SDG Implementation**

Translating the United Nation's (UN's) 2030 Sustainable Development Goals (SDGs) into concrete, crosscutting plans and actions on the ground is an enormous task for leaders in government, business, and civil society around the world. The UN has committed to play its part by providing advice, analysis, programs, and advocacy at national and global levels. To fulfill this commitment, UN representatives will need to be effective not only in their technical and advocacy roles, but also as conveners and facilitators who bring together national and global stakeholders, help them integrate economic, environmental, and social goals, and resolve conflicts along the way. Building on our 20 years of experience with UN development system and sustainable development issues, CBI has partnered with the United Nations System Staff College's Knowledge Center for Sustainable Development (UNSSC) to create a new course to enhance the skills of UN senior staff who work closely with counterpart national and global leaders. The course, Stakeholder Engagement and Consensus Building for Sustainable Development, integrates best practice in teaching stakeholder assessment, engagement, and consensus building with "live" case studies on SDG implementation presented by their protagonists. *David Fairman, Michele Ferenz, Toby Berkman*, and *Sam Kumasaka* worked closely with our UNSSC partners to develop material and invite speakers. In reviews of the first delivery of the course this past October in Cambridge, every participant praised the course for providing them with tangible tools – including goal framing, mutual gains negotiation, and joint fact finding principles – that they can apply to bring people together to tackle SDG challenges and seize opportunities. CBI and UNSSC will be presenting the course again this month in Bonn, Germany.

>>> **CBI to Launch Campaign on Role of ADR in Western Natural Resource Disputes**

With support from a grant from the American Arbitration Association and the International Centre for Dispute Resolution (AAA-ICDR) Foundation, *Gina Bartlett* is launching a campaign this spring to explain to legislators, agency directors, and NGO leaders in the West the critical role that Alternative Dispute Resolution (ADR) can play in advancing progress in natural resources disputes. The campaign highlights debates that are surfacing as natural resources become increasingly scarce and provides examples of agreements that have been crafted with the support of ADR. Outreach will include presentations at conferences, meetings with members of the legislature, a social media campaign, and targeted communications with key constituencies, all supported by a video that makes the case for ADR. To hear some of Gina's thoughts on how to best structure a multi-stakeholder process to build agreement

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CBI in Action || *continued*

on management of scarce natural resources, read her recent blog post at <http://www.cbuilding.org/blog/2017/breaking-natural-resources-gridlock-consensus-building>.

>> Chesapeake Bay Nonprofit Networks Work Together to Build Capacity

In late 2016, *Catherine Morris* and *Tushar Kansal* facilitated the coming together of nonprofit networks in the Chesapeake Bay watershed to build the collective capacity of local nonprofits to tackle complex issues and challenges of local importance: – e.g., the externalities of industrial agriculture, exurban sprawl, and the dearth of healthy food and green space accessible to inner city residents. CBI was hired by The Chesapeake Bay Funders Network (CBFN), which is funding this overall project, to design and lead a process to bring these networks of nonprofits together; develop a vision, mission, and work plan for their joint work; and begin collaborating to tackle their self-selected local challenges. Following CBI's assistance, the regional networks each now have a structure, work plan, and \$50,000 in seed funding from CBFN, to support their first year of working together. The networks involved are: Anacostia (Washington D.C.), East Baltimore (Maryland), Lower Eastern Shore (Maryland), and South Mountain (Pennsylvania).

>> CBI Leads Trainings for BPDA Facilitators

Toby Berkman and *Pat Field* delivered a series of trainings on facilitation skills, dealing with angry participants, and meeting design to more than 50 staff members of the planning and development divisions of the Boston Planning and Development Agency (BPDA, formerly the Boston Redevelopment Authority). The BPDA is responsible for running approximately 300 public meetings across Boston neighborhoods each year, wrestling with challenging issues, including site design, neighborhood change, affordable housing, transportation, and traffic. CBI wove existing training materials together into a new, dynamic curriculum, using tailored exercises, mock public meetings, videos, and intensive small group practice, to build on the BPDA's existing deep talent pool of facilitation skills. The trainings provided great opportunities for peer-to-peer learning from BPDA's extremely talented and experienced facilitators.

Staff Promotions



We are delighted to announce a promotion at CBI for one of our many talented staff as of January 2017: **Tobias Berkman** is now a CBI Senior Associate.

CBI Staff News - Cambridge

We are pleased to welcome the following staff to our Cambridge office: Rebecca Gillbert, Associate; Kristi Kienholz, Director of Communications; Osamu Kumasaka, Junior Associate; and Catherine O'Hara, Manager of Contracts and Budgets.



Rebecca Gillbert is an Associate at CBI. Rebecca comes to CBI via Washington D.C. where she was the NOAA Sea Grant John A. Knauss Marine Policy Fellow in the office of U.S. Senator Brian Schatz (D-Hawaii). She previously worked as a field geologist on brownfield remediation sites in California. Rebecca has a Master

of Environmental Management degree from the Yale School of Forestry and Environmental Studies, and a BA in Geosciences from Williams College.



Kristi Kienholz is Director of Communications at CBI. Kristi has more than 25 years of marketing and communications experience in the nonprofit sector, working at organizations focused on international development, the environment, health care, leadership, and education. She

holds a BA from Williams College and a MPA from the Kennedy School of Government at Harvard.



Osamu (Sam) Kumasaka is a Junior Associate. Sam holds a BA in Environmental Studies and a minor in Economics from Lewis & Clark University. Prior to joining CBI, Sam was doing research on energy and environmental policy for several nonprofits, including Renewable

Northwest and the Grand Canyon Trust.



Catherine O'Hara is Manager of Contracts and Budgets and is responsible for contract administration, proposal budgets, and project budget reporting. She holds a BS in International Business from Northeastern University and is pursuing her Master's in Business Administration at Bentley University.