



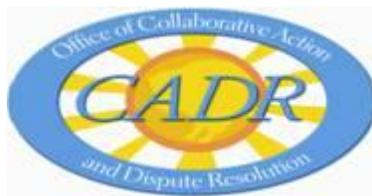
Getting to the Core of Conflict I:

Conflict Management Skills

*Conflict can be seen as a gift of energy,
in which neither side loses and a new dance is created.*

Thomas Crum

U.S. Department of Interior
Office of Collaborative Action
And Dispute Resolution
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Agenda

- 00:00** Welcome and Intros
Overview
- The 4 Rs of Conflict Management
- 00:30** **Recognize**
Power of Personal Perception
- Perceptions & Assumptions
- What is Conflict
- 01:30** **Respond**
- Responding v. Reacting
- Dealing with Emotions
- Conflict Handling Strategies
- 02:00** **Break**
- 02:15** **Resolve**
- Interest Based Negotiation
Positions and Interests
Alternatives Analysis
Option Development
Criteria and Standards
- Practice
- 03:30** **Reflect**
- Toward a Culture of Conflict Competence
- 03:45** Final Observations, Evaluation
- 04:00** **Adjourn**

Faculty

CHI Carole Houk International LLC, founded in 2002 by Carole Houk, principal, is a full service conflict management consulting firm based in the U.S., specializing in the Medical Ombudsman/Mediator program, organizational conflict management systems design, and conflict resolution skills training and advisory services. CHI provides its clients with quality conflict management services that assist individuals, groups, and organizations in preventing, managing, and resolving conflict. Carole and her associates provide value to their clients through customized approaches and personalized attention.

Carole Houk is a consultant, trainer, facilitator, attorney, and conflict management systems designer based in Washington, DC. Carole was the first Counsel for the U.S. Department of the Navy's ADR Program from 1997 through February 2001, and had all programmatic responsibility for designing and managing a comprehensive ADR program covering the Navy's environmental, contractual, tort, and workplace disputes. As ADR Counsel, she worked with the top decision-makers in the Navy to use ADR processes for all types of disputes, from sensitive environmental negotiations with multiple litigants to convening a mediation in the largest government contracts claim to date, the \$2.1 billion A-12 Avenger litigation with former Secretary of State Warren Christopher as chief mediator.

Carole specializes in the design of conflict management systems. She designed a successful model for the early resolution of medical malpractice disputes for healthcare organizations, currently deployed at dozens of medical centers around the country. She has served as a conflict management consultant to numerous government agencies, including the Department of the Interior, Transportation Security Administration, SEC, DOD, the Canadian Department of National Defense, Canadian Human Rights Commission, Justice Canada and the Australian Defense Organization. Carole has a BA in Urban Studies from Michigan State University, a JD from Wayne State University, and an LLM from Georgetown. She is a trained mediator and ombudsperson, has served as an adjunct professor at Georgetown, Pepperdine and Hamline Law Schools, and co-chaired the Organizational Conflict Management Section of the Association for Conflict Resolution.

Course Description and Objectives

Under the leadership of the Office of Collaborative Action and Dispute Resolution (CADR), specialized conflict management skills training is being widely offered to employees of the Department. This initial course has been designed to improve performance in the following key areas: the efficient management and resolution of conflict, actions taken to prevent escalation of conflict, interpersonal conflict management and resolution skills, and the inclusion of all affected parties in resolving conflicts.

Participants will hone their skills in effectively managing conflict within the organization and with external parties in a way that is consistent with the Department's commitment to implementing an integrated workplace conflict management system as well as advancing collaboration competencies.

Course Objectives

1. Identify conflict as an opportunity to create change and build relationships.
2. Recognize conflict and its causes, including behaviors that escalate or de-escalate conflict..
3. Describe five conflict handling strategies.
4. Increase use of collaborative problem solving approaches.
5. Increase awareness and engagement of all affected parties in the resolution of conflict.

Conflict Competency at DOI: CORE PLUS

Departmental leaders recognize that there is a critical link between the internal culture of an organization and its success in achieving its overall mission. When an organization's internal culture is out of alignment with its mission and core values or with its external services, the need for an effective way to manage conflict becomes critically important. Problems arise when front line employees discern that the internal dispute resolution processes do not treat them, when in conflict, in the same way that they are expected to treat their external customers, clients, stakeholders, or business partners.

Successful conflict competency requires alignment of the Department's internal approach to managing workplace conflict with its external collaborative approach to dealing with the public, customers, and other third parties. Internal systems are then transferable to external conflict because they emphasize skills and accountability and support risk management.

The Department of the Interior is fulfilling its commitment to institute an *integrated workplace conflict management system* that creates an environment throughout the organization for raising all kinds of concerns, listening and being heard respectfully, and solving problems effectively. An *integrated conflict management system* helps to develop a workplace where issues and concerns can be raised at the appropriate level, with confidence that they will be respectfully heard and responsibly dealt with, and creates a system for raising and resolving concerns that is fair, friendly, flexible and fast, and provides support and structures that ensures that this becomes routine daily practice

CORE PLUS

CORE PLUS is a coordinated, department-wide *integrated conflict management system* within DOI. It provides a network of resources and assistance to all employees for any type of concern, problem or disagreement that occurs at work. The goal is to help every employee become effective at conflict management and to spread the skill of conflict competence throughout the Department.

CORE PLUS uses cooperative approaches to address problems and concerns at the earliest opportunity and at the lowest level possible.

CORE PLUS uses the full spectrum of conflict resolution tools including effective communication and conflict management skills training, informal discussions with a conflict management specialist, process and conflict coaching, conciliation, facilitation, and mediation. The option for more formal litigation and adversarial conflict resolution (such as formal EEO or grievance filing) always remains available.

The purpose of **CORE PLUS** is to provide DOI employees with processes, tools, and skills that will allow them to prevent the escalation of differences and collaboratively solve problems as close to the origin as possible. It includes the adoption of corporate wide practices and structures that assist the organization in preventing and managing conflict.

CORE PLUS is a shared responsibility of management, employees and the organization. It depends on everyone supporting the implementation and adoption of **CORE PLUS** throughout the DOI. It starts with you!

Recognize

*How do we recognize conflict and
how do we know who to involve?*



In the middle of difficulty lies opportunity.
Albert Einstein

Perception and Assumptions

"We don't see things as they are, we see things as we are."

Anais Nin

"Assumptions create a template through which we view the world."

Sue Annis Hammond

Perception is the process whereby we acquire information about our environment through our five senses: hearing, sight, touch, taste and smell.

Perception is an active rather than passive process and is structured by emotion, language, and culture, which tell us what to notice and how to interpret it.

When we observe behaviors, we make assumptions and draw conclusions, and ultimately adopt beliefs. The assumptions and conclusions we have about each other influence the action we take and the behavior we exhibit.

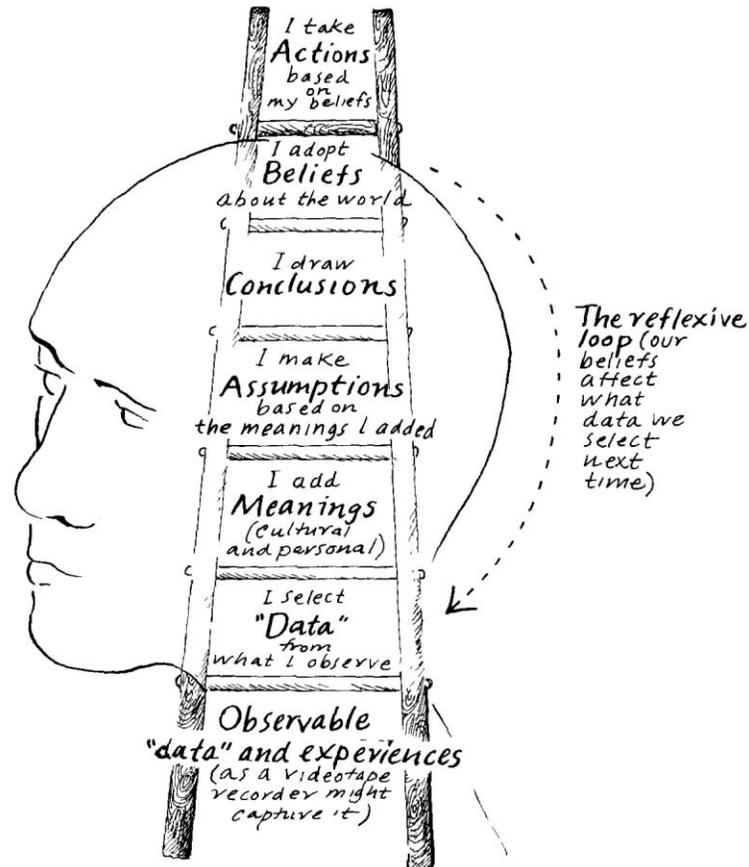
Emotion, language, and culture provide a frame of reference for understanding people, events, and experiences as it filters our perception of our environment.

Being aware of our frame of reference (sometimes referred to as our assumptions, our mental models, and our worldviews) and how to work with our own and others' assumptions are key skills. It helps to remember that:

- Making assumptions is normal
- Most assumptions are implicit
- The longer our assumptions are in effect, the more likely we are to convert our assumptions into truths.

The Ladder of Inference as a Reflex Loop¹

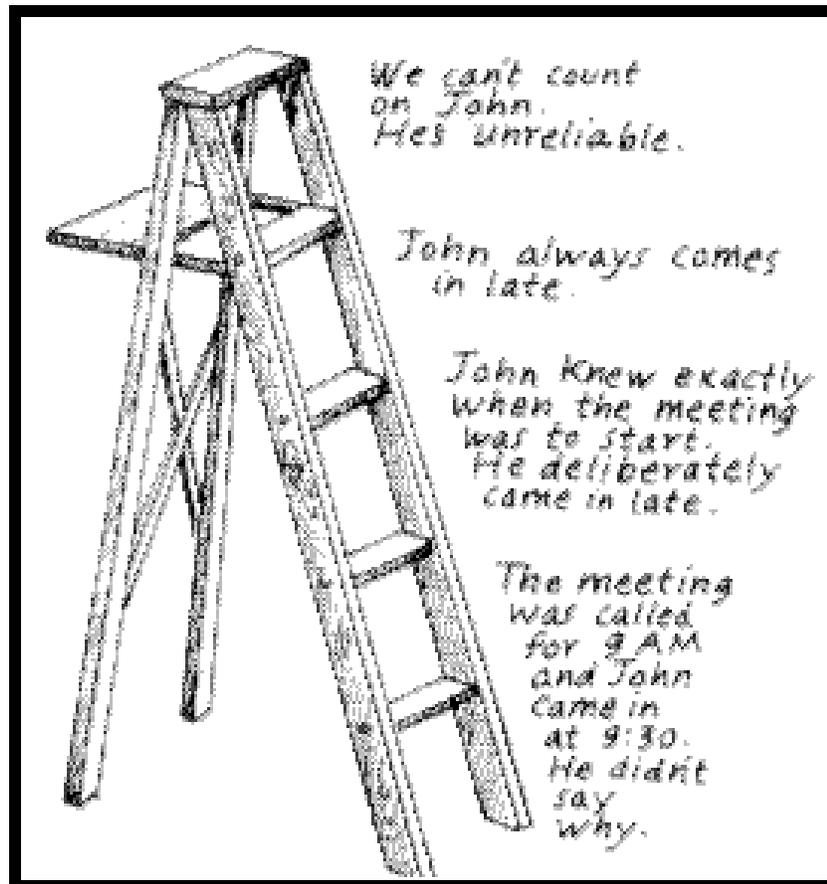
This meaning-making process is graphically depicted below.



In an attempt to rationalize our behavior as “right”, we subconsciously “select out” data from future observations that do just that—support our perceptions—a kind of *reflex loop*. We must be aware of this all too human trait and constantly ask ourselves, “*am I seeing the whole picture?*”

¹ Adapted from *The Fifth Discipline* Fieldbook, Peter Senge, 1994, and *Process Consultation*, Edgar Schien, 1987.

Ladder of Inference - Example



Exercise:

Think about a time when someone made an assumption about your motives that was clearly erroneous.

Conflict Defined

Conflict can be defined as differences about how expected needs will be met. It often manifests in emotional tension and relational separation.

- Conflict is inevitable.
- Conflict can escalate into a dispute. A dispute begins when someone makes a claim or demand on another who rejects it.
- Conflict involves change.

More Definitions of Conflict

“Conflict is the competition between interdependent parties who perceive that they have incompatible needs, goals, desires, or ideas.” Erik Van Slyke

“Conflict is an expressed struggle between at least two interdependent parties, who perceive incompatible goals, scarce rewards, and interference from the other party in achieving their goals.” Kiely and Crary

“Conflict is a struggle between two or more persons over values, or competition for status, power and scarce resources.” Chris Moore

“Conflict is an expression of dissatisfaction or disagreement with an interaction, process, product, or service.” Costantino and Merchant

Conflict Management

Conflict Management is the ability to **recognize** conflict (intra, inter and organizational) and to **respond** in ways that alleviate emotional tensions and enhance relationships, such that opportunities for growth, creativity, and productivity are enhanced, and disputes prevented. It also includes the **resolution** of any disputes that do arise, and the containment of power struggles, through appropriate interventions.

Conflict Theories

“In slightly more than half of the instances in which conflict appears, it is glossed over and avoided. Another 30% of the time, it precipitates heated clashes with no productive result. Only one time in five (20%) is conflict surfaced, debated, and authentically resolved.”

Pascale, Millemann and Gioja

“Being averse to conflict is understandable. Conflict is dangerous: It can damage relationships. It can threaten friendships. But conflict is the primary engine of creativity and innovation. People don't learn by staring into a mirror; people learn by encountering difference. So hand in hand with the courage to face reality comes the courage to surface and orchestrate conflicts.”

Ronald Heifitz

“The goal is the creation of an environment that fosters and sustains a culture of conflict competence, where all who experience conflict feel comfortable to raise it, knowing it will be dealt with respectfully and responsibly.”

Jennifer Lynch

"If you are going to be viewed as a leader in your organization and survive and thrive at work, you must develop your own conflict approach and develop a reputation for leadership in conflict management and consensus building."

Lynne Eisaguirre

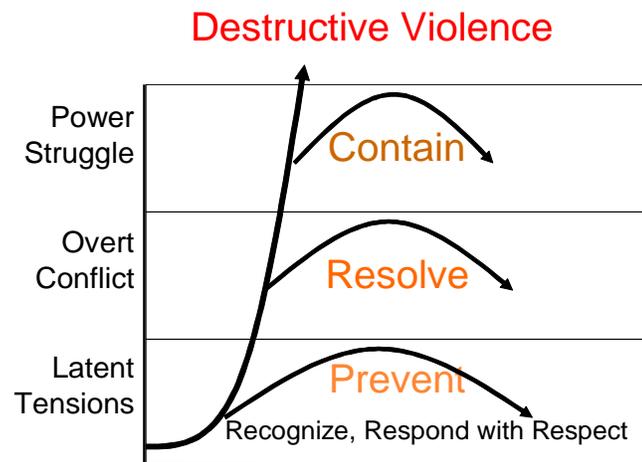
“Power, identity, conflict management, and learning might be thought of as the vital signs of a living system.”

Pascale, Millemann and Gioja

“Perceive all conflicts as patterns of energy seeking a harmonious balance in the whole.”

Dhyani Ywhoo, Etowah Cherokee

Conflict Escalation



Source: The Third Side, William Ury

Sources of Conflict

Conflict is inevitable. When managed effectively, conflict promotes dynamic thinking, encourages collaborative decision making, results in creative and comprehensive decisions, and enhances buy-in and commitment. Daily, conflict occurs as a result of the following factors:

Relationships

- Expectations, perceptions, assumptions
- Affiliations, alliances, history

Interests

- Individual, group, organization

Structure

- Administration, management
- Policies, procedures, practices

Values

- Differences, similarities

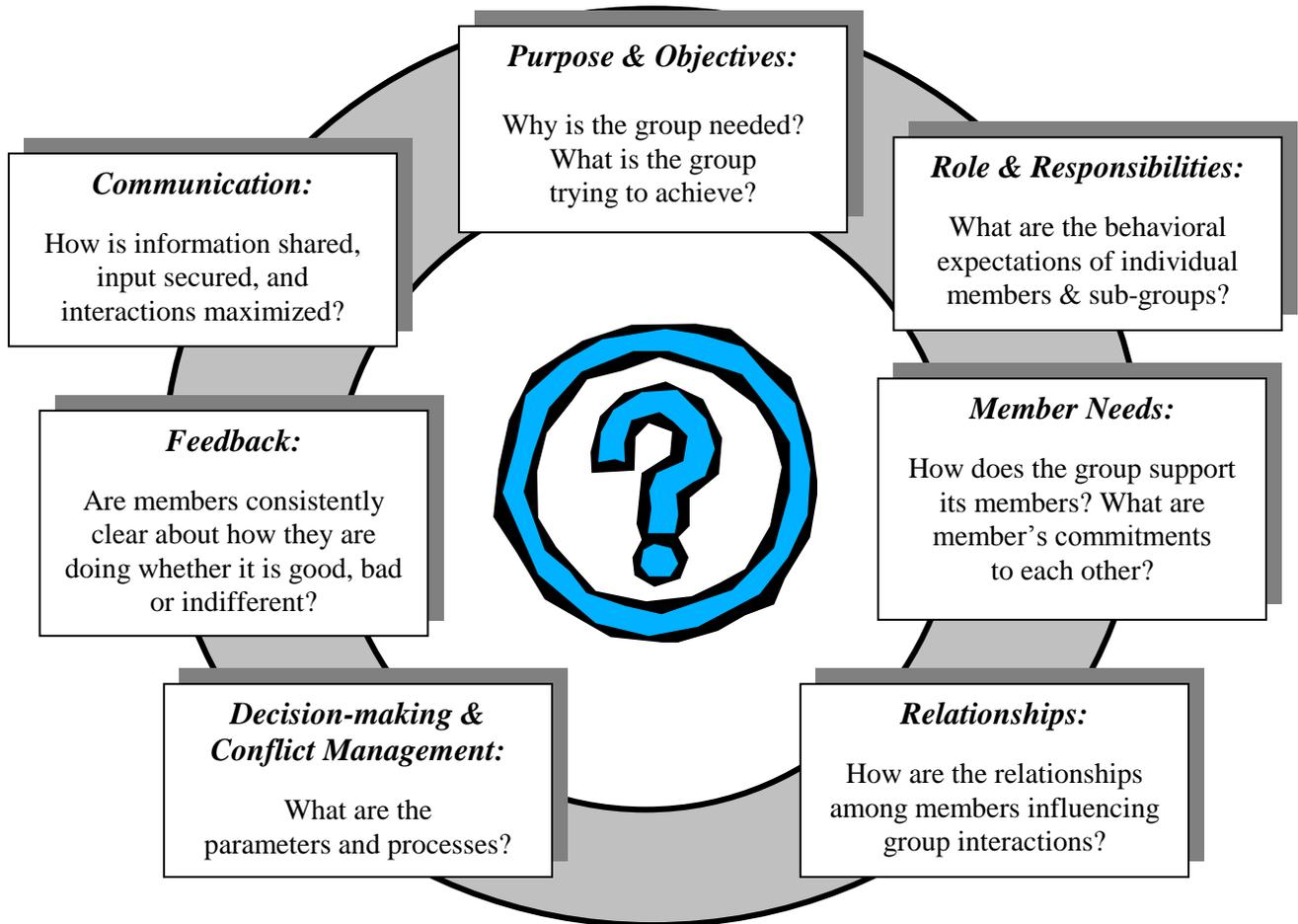
Data

- Lack of information, misinformation
- Different interpretations of information, disregard for information

Source: C. Moore, The Mediation Process

Sources of Conflict

Organizational leaders, in particular, must ensure that everyone in the work place has a clear understanding of how the operational factors graphically depicted below play out on a day-to-day basis. All of these factors can serve as primary sources of potential conflict in an organization.



Who is Affected? Who Should Be Included?

The inclusion of all affected parties ("stakeholders") in the decision-making process is a fundamental principle of collaborative problem-solving processes such as interest-based negotiation, facilitation, and mediation.

In order to develop consensus, all interested parties should have an opportunity to participate in the process that creates the consensus. If an interested party is excluded from the process, it may feel it has no stake in the final result and consequently will not only refuse to support it but may even resort to the courts to fight it. It is therefore usually in everyone's interest to include anyone in the process who could later challenge the resolution and thus prevent its implementation. Furthermore, when all affected parties are at the table, there is a better chance that all the relevant issues will be raised.

This concept of inclusion of all affected parties is well developed in the realm of environmental conflict resolution. The **Basic Principles of Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving** developed by the President's Council on Environmental Quality makes clear that balanced inclusion of affected or concerned interests is a basic underlying premise. The Department of the Interior was instrumental in the development of these principles that help guide the cooperative conservation effort in the United States.

In the workplace, inclusion of affected parties often surfaces in decision making processes, where a collaborative problem-solving model offers a consensus based process for all who may be affected to participate in the decision. Conversely, a hierarchical or command and control process may lead to "announcements" from management that others are expected to follow without regard for their input or buy-in.

Another group of affected parties often ignored are "bystanders" – someone who is affected by the ongoing dispute although not as directly involved as the disputants. An example of this would be a member of a work team who is concerned that an ongoing personality dispute between two team members is impeding the performance of the entire team, yet that bystander feels powerless to speak up or raise their concern for fear of an antagonistic response.

Respond

We all react, what matters is how we respond.



They may forget what you said, but they will never forget how you made them feel.

Carl W. Buechner

The Emotional Brain

“Emotions are enmeshed in the neural networks of reason.”

Antonio Damasio

Two Ways Of Processing Information

We have two different ways of processing information. The first mode is rational. Operating in the part of our brain called the neocortex, it is the mode of our consciousness and is thoughtful, analytical, and reflecting. Operating simultaneously, and often independently, is another mode that is impulsive and often illogical. This emotional mode is quicker and more powerful than the rational mind. Controlled by the amygdala, the emotional mind takes in whole chunks of information and acts immediately without thinking. It determines such primitive reactions as whether we should fight or flee.

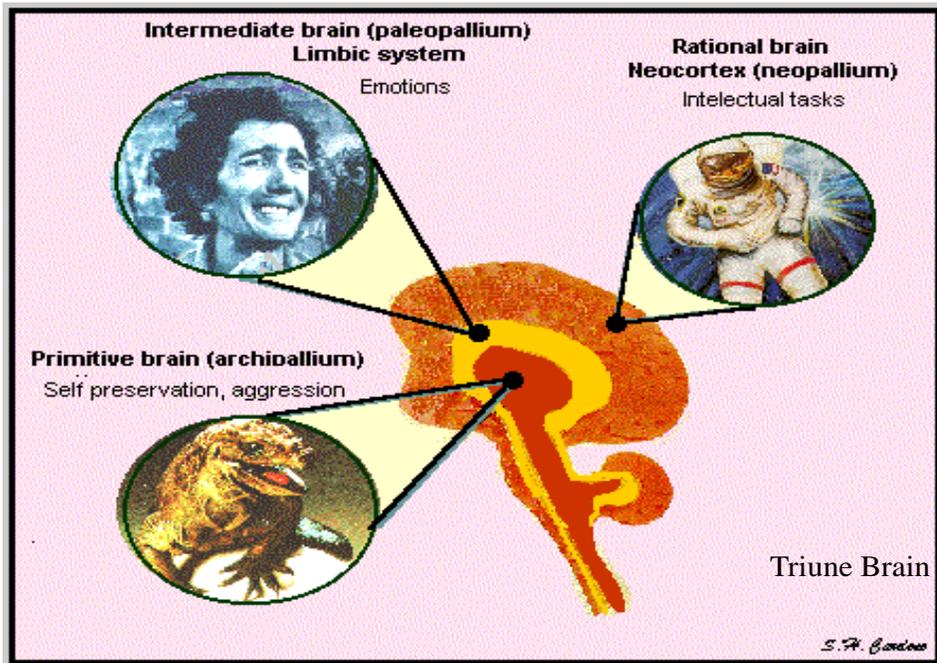
Source: Van Slyke, Listening to Conflict (1999)

A Neuroscience Revolution

With the help of ever more refined imaging techniques that generate highly precise portraits of the brain in action, a new generation of neurobiologists is in the process of documenting that our cerebral topography actually favors flaming emotionality, not sweet reason. Thinking still counts, but not nearly as much as we've always assumed. So doctrine shattering is this mounting evidence for the hegemony of the "emotion brain," or more formally, the limbic brain, that Jaak Panksepp, a pioneering neurobiologist at Ohio's Bowling Green State University, has called it a genuine "neuroscience revolution."

Source: Brent J. Atkinson, Ph.D., Psychotherapists Cannot Afford To Ignore The Primacy Of The Limbic Brain

The Triune Brain



Universal Emotions

- Anger, happiness, sadness, disgust, fear and surprise, and contempt
- Limbic is least plastic part of brain
- Triggers are genetic but mainly learned
- Hard to change emotional associations
- Fear first, then disgust

(c) CHI 2005

Source: Institute of HeartMath, <http://www.heartmath.org/>



■ Limbic Resonance

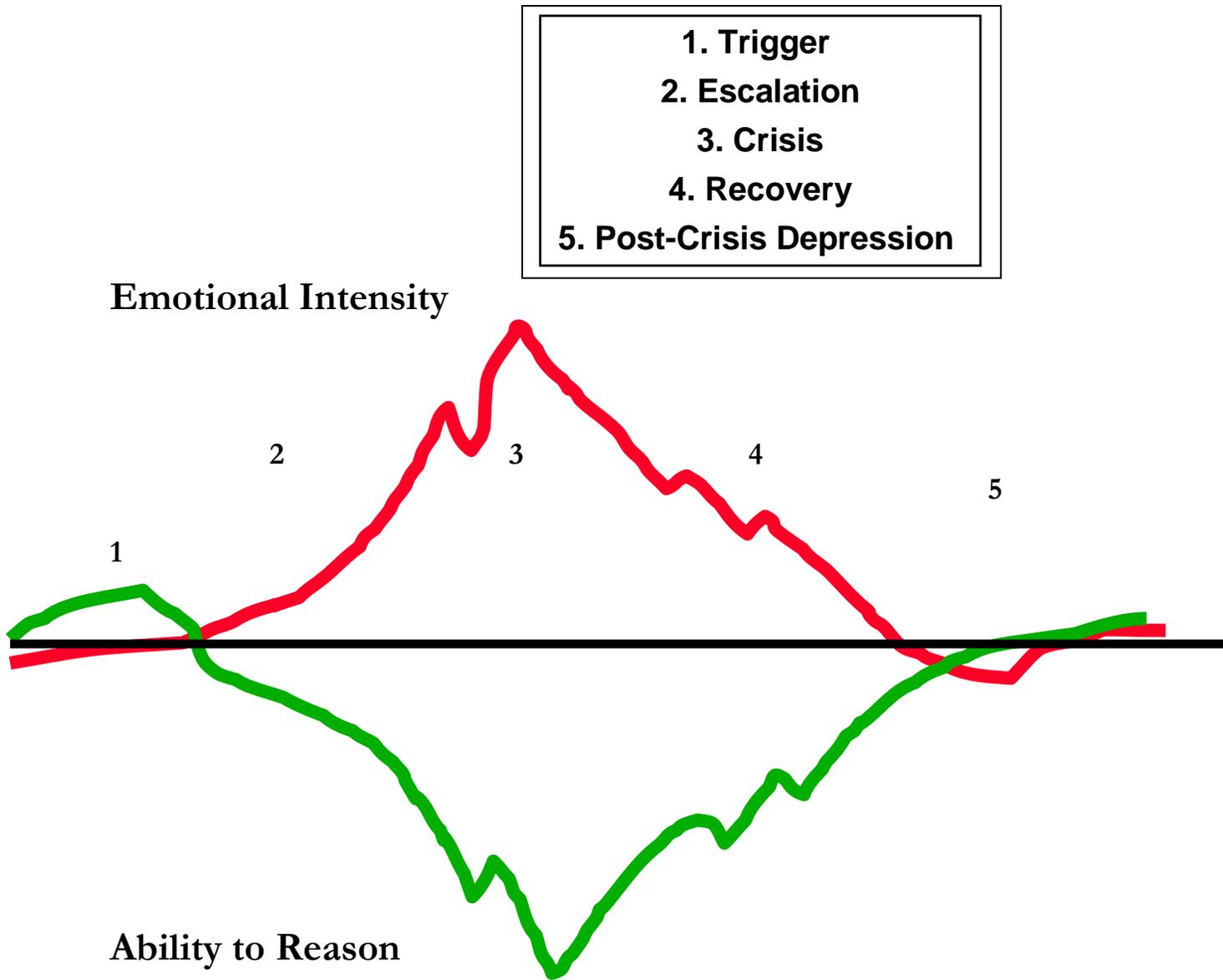
“A symphony of mutual exchange and internal adaptation whereby two mammals become attuned to each others inner states.”

“Feelings are contagious, while notions are not!”

Lewis, Amini and Lannon

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Ability to Reason in a Highly Emotional State



Adapted from the *Management of Assaultive Behavior* by Paul Smith

A Framework Of Emotional Competencies: Goleman

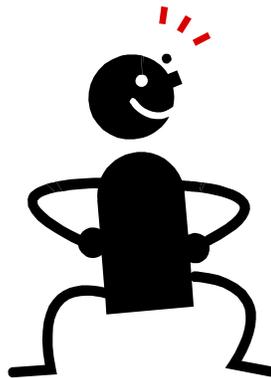
	Self Personal Competence	Other Social competence
Recognition	Self-Awareness <ul style="list-style-type: none"> - Emotional self-awareness - Accurate self-assessment - Self-confidence 	Social Awareness <ul style="list-style-type: none"> - Empathy - Service orientation - Organizational awareness
Regulation	Self-Management <ul style="list-style-type: none"> · Self-control · Trustworthiness · Conscientiousness · Adaptability · Achievement drive · Initiative 	Relationship Management <ul style="list-style-type: none"> · Developing others · Influence · Communication · Conflict management · Leadership · Change catalyst · Building bonds · Teamwork & collaboration

Self Management: Managing Your Emotions Well

“The behavior of others may be a stimulus for our feelings, but not the cause. We are never angry because of what someone else did. . . It’s not what the other person does, but the images and interpretations in my own head that produce my anger.”

Marshall Rosenberg

- Stay centered
- Don’t react
- Slow down your responses
- Call time outs
- Pause and say nothing
- Own your emotions
- Discover the underlying reasons for your emotions
- Learn - don’t blame
- Use positive (not negative) self-talk
- Focus on what is working
- Don’t make important decisions on the spot
- Don’t take it personally



Social Awareness: Recognizing the Feelings of Others



The term non-verbal is commonly used to describe communication that is not written or spoken.

Non-verbal communication includes:

- ❑ Body movements, posture and gestures
- ❑ Eye contact
- ❑ Facial expressions
- ❑ Appearance
- ❑ The use of touch
- ❑ The use of space
- ❑ Tone of voice

Facial expressions of basic emotions appear to be universal across cultures, but display rules for emotion are not culturally universal.

When we communicate feelings and attitudes **face-to-face**,
body language accounts for __%,
tone of voice for __%,
and the words for __%.

When we communicate feelings and attitudes on the **telephone**,
tone of voice accounts for __%
and the words for __%.

Social Management: Emotions in our Relationships

"Being able to enter flow is emotional intelligence at its best; flow represents perhaps the ultimate in harnessing the emotions in the service of performance and learning. In flow the emotions are not just contained and channeled, but positive, energized, and aligned with the task at hand."

Daniel Goleman

- Listen actively
- Avoid responding defensively
- Look for the grain of truth
- Don't criticize
- Acknowledge your and their feelings
- Don't minimize feelings through reassurance
- Agree whenever you can
- Express your views - without provoking
- Be clear and friendly



The Four Basic Emotions

○ =Me

□ =What I need/expect

Glad (joy) I have what I need/expect	Mad (anger) Something is blocking the attainment of what I need/expect	Sad (sad) I've lost something that I need/expect	Scared (fear) I may lose myself and what I have while trying to attain what I need/expect.

Guide to Facial Expressions: Paul Ekman

Joy: Mouth forms smile, cheeks lifted, twinkle in eyes

Anger: Brows drawn together and down-ward, eyes-fixed, mouth squarish

Interest: Brows raised or knit, mouth softly rounded, lips pursed

Disgust: Nose wrinkled, upper lip raised, tongue pushed outward

Surprise: Brows raised, eyes widened, mouth rounded in oval shape

Distress: Eyes tightly closed, mouth squared and angular (as in anger)

Sadness: Brows' inner corners raised, drawn out and down

Fear: Brows level, drawn in and up, eyelids lifted, mouth retracted



Approaches to Handling Conflict

Self Assessment: Conflict Handling

Assess your own approach to handling conflict. For this exercise, conflict is defined as a difference of opinion. Rate the following statements from **1** (most like you) to **5** (least like you).

_____ I tend to do what I can to get the solution or decision I think is best.

_____ I tend to “get around” or delay engaging in issues of controversy.

_____ I tend to work with others to find a solution satisfactory to everyone.

_____ I tend to go with what other people want.

_____ I tend to find a solution that gets me and the other person partially what we both want.

Strategic Responses to Conflict

Competing

Individuals tend to pursue their own concerns at the other person's expense. They may be power-oriented and use whatever power seems appropriate to win their own position. Competitors may "stand up for their rights," defend positions they believe are correct, or simply try to win.

Best Used:

- ... in situations that require an unpopular decision to be made, in emergencies, or when the other person is being competitive. However, if this style is too predominate, others may be afraid to disagree or may withhold vital information from the Competitor. If this style is underutilized, the individual may appear powerless and lacking confidence or knowledge.

Collaborating

Individuals tend to work with others to find solutions that fully satisfy the concerns of both sides. Collaborators seek to understand underlying concerns and find alternatives that meet those concerns.

Best Used:

- ... in situations that require innovative solutions, commitment by others, or strong interpersonal relationships. If this style is too predominate, time may be spent needlessly discussing issues that don't warrant extensive attention. If this style is underutilized, opportunities for joint gain are missed, and others may not be supportive of decisions or actions.

Compromising

Individuals tend to find some expedient, mutually acceptable solution that partially satisfies both parties. Compromising gives up more than competing, but less than accommodating. Compromisers may split the difference, exchange concessions, or seek a quick middle-ground position.

Best Used:

- ... to arrive at quick or temporary solutions under time pressure, when goals are only moderately important, or when two opponents are strongly committed to mutually exclusive goals. This style is useful as a backup mode when collaboration or competition fails to succeed.

Avoiding

Individuals tend to not address conflict. Rather, they diplomatically sidestep an issue, postpone dealing with conflict, or simply withdrawal from a threatening situation.

Best Used:

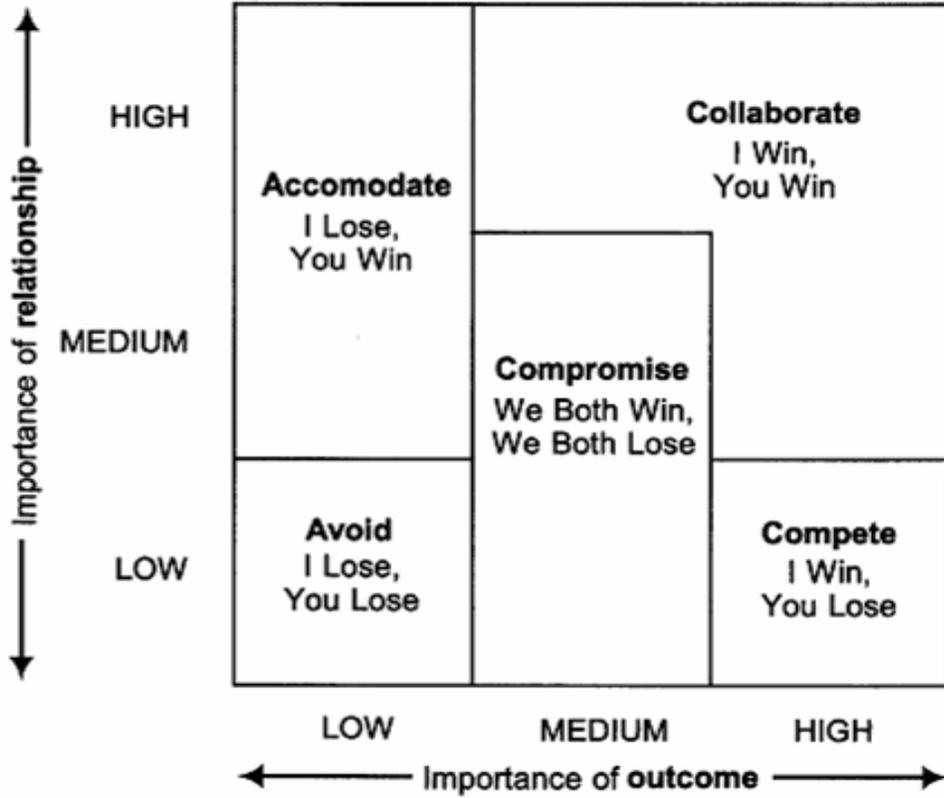
... in situations that require a “cooling down” period to reduce tensions. In addition, avoiding is effective when the potential damage of confronting a conflict outweighs the benefits of its resolution. Or, when gathering more information outweighs the advantages of an immediate decision. If this style is too predominate, others may stop seeking the Avoider’s input, decisions may be made by default rather than reason, and inordinately high amounts of energy may be devoted to skirting issues. If this style is underutilized, the individual may devote too much time to unimportant issues, or be perceived as needlessly “stirring up issues.”

Accommodating

Individuals tend to neglect their own concerns to satisfy the concerns of others. Accommodators may be selfless and generous. They may obey or yield to another person’s point of view when they really don’t want to.

Best Used:

... in situations that require the individual to build up “social credits” for later issues, when the decision is more important to the other person, or when the individual is outmatched and losing. If this style is too predominate, others may not give attention to the Accommodator’s ideas and concerns. If this style is underutilized, the individual may appear unreasonable, never willing to give in.



Resolve

Use a strategy that meets the needs of all



*You can't always get what you want;
You can't always get what you want;
But, if you try sometimes,
You just might find,
You get what you need.*

Mick Jagger and Keith Richards

Benefits of Interest Based Negotiation

- An outcome that meets your underlying interests - the things we need or care about.
- The best of all possible ways to deal with differing interests.
- An outcome that is better than any alternative away from the table.
- A fair outcome as judged by legitimate standards.
- An outcome that strengthens the relationship.
- Discovery of issues not initially apparent that may turn out to be decisive in reaching agreement or consensus.
- Better communication resulting from improved understanding of each person's motivations.
- More creative solutions to problems.
- A durable outcome.

Preparation

“Failing to prepare is preparing to fail.”

Benjamin Franklin

“In preparing for battle I have found that plans are useless, but planning is indispensable.”

Dwight D. Eisenhower

Reasons why negotiators are unprepared

- People assume that talking is low risk.
- Preparation takes a lot of time.
- People don't know how to prepare well.

When planning or preparing for a negotiation, skilled negotiators:

- Consider a wider range of outcomes or options for possible action;
- Focus on areas of anticipated agreement or common ground;
- Consider longer-term implications of the issues;
- Think in terms of ranges—set upper and lower limits—rather than a fixed point; and
- Utilize issue planning over sequence planning. That is, issues are not linked to each other, it is not necessary to address them in any particular order, and the outcome related to one issue does not impact the outcome related to another issue.

Attributes of skilled negotiators

- ***Resist using “irritating” words or phrases that have little persuasive value.*** These phrases tend to be self-praising, and serve to implicate the other party negatively. For example, the skilled negotiator would not refer to his or her proposal as “generous”.
- ***Rarely respond to a proposal with a counterproposal.*** Immediately offering a counter proposal can complicate the negotiation. It is interjected at a moment when the other party is least receptive and it is often perceived by the other party as an effort to block any forward movement of the negotiation.
- ***Ignore statements by the other party that could be perceived as attacking and refrain from making statements of a defensive nature.*** They do not engage in a “tit-for-tat” dialogue.
- ***Give advance indication of what they are about to say.*** For example, before asking a question they might say, “*Can I ask you a question...?*” Or, before making a proposal, “*If I could make a suggestion...*” This behavior draws the attention of the listener and leads to clearer communication.
- ***Offer their reasons for disagreeing with a proposal or comment before articulating their disagreement.*** The less skilled negotiator would say, “*I disagree with that because of...*” Rather than, “*Let me tell you what my thoughts are on this topic, before I share my reaction to your proposal.*”
- ***Use summarizing and restating techniques to reduce the likelihood of misunderstandings or misconceptions.*** While the less skilled negotiator may wish to promote ambiguity for fear that clarity will lead to disagreement, the skilled negotiator has greater concern with reaching a well-thought out agreement that is destined to be implemented successfully.
- ***Ask significantly more questions than less skilled negotiators.***

- ***Provide information about their internal thought processes and feelings.*** For example, rather than be silent, a skilled negotiator who is doubtful about the truthfulness of a statement by the other party might say, *“I’m not sure how to react to that. If what you say is true, then I would like to accept it; yet I feel some doubts about the accuracy of the information. Can you help me with this?”*
- ***Put forth the single strongest rationale for their proposal, rather than dilute their argument by advancing multiple supporting reasons.*** Offering several relatively minor arguments gives the other party the opportunity to focus on the weakest link and diminishes the strongest link.

Negotiation Worksheet

1. Positions

--	--

2. Interests

--	--

3. Alternatives

--	--

4. Options

--

5. Standards (Precedent, benchmarks, prior practice, accepted principles, SMART)

--

Positions and Interests

Interests are those considerations, goals, and needs that drive peoples' positions. Positions are otherwise known as one person's solution to the issue: "*What I want is...*". Interests are one person's concerns about an issue: "*This is important because....*" Interests are not the same as the positions themselves, for we frequently modify or reevaluate positions, even if our underlying interests remain stable.

Positions are pre-determined outcomes, and are revealed through the assertions, demands, and offers you make during the negotiations. They are specific and definite, require justification, and lead to advocacy rather than inquiry.

Interests are the reasons for a position, and rather than requiring justification, start the discussion and require explanation. An interest is not an option, position, or proposal.

Determine what is most important regarding the outcome—what you really *need* to have happen, not what you *want* to happen—and communicate and negotiate in a way that is most likely to achieve that outcome. However, never lose sight of the interests of others—the more you attempt to satisfy their interests, the greater the likelihood they will work to satisfy yours.

Techniques that help promote an interest-based approach:

- Make every effort to understand the *why* behind your position and the other person's position. What are the concerns? What are the needs?
- Ask questions to uncover the other person's interests, such as: "*In what ways is this important to you?*" "*What concerns do you have about this proposal?*"
- Discuss your interests and reasoning before offering your conclusions or proposals.
- Acknowledge the other person's interests and concerns as legitimate.
- Rank your interests by relative importance; see that the other side does the same.

Interests Inventory

<p> Accuracy Acceptance Accountability Adequacy Adventure Affection Appreciation Approval Attachment Authority Autonomy Beauty Belonging Certainty Change Chaos Cleanliness Comfort Community Competence Competition Compliance Confidence Confidentiality Consideration Consistency Continuity Control Cooperation Convenience Creativity Customer Satisfaction Dignity Disclosure Decisiveness </p>	<p> Economic Security Efficiency Employee Satisfaction Equity Excitement Expediency Fairness Financial Gain Forgiveness Freedom Freedom From Anxiety Freedom From Fear Friendship Fulfillment Fun Growth Getting Even Health Honesty Independence Intimacy Inner Harmony Integrity Involvement Justice Knowledge Leadership Love Loyalty Market Share Meaningful Work Merit Money Nature Opportunity Order </p>	<p> Peace Power Pleasure Prestige Privacy Promotion Purity Quality Recognition Relaxation Reputation Respect Revenge Safety Saving Face Security Self-esteem Self-image Self-respect Secrecy Serenity Service Shelter Sleep Space Stability Status Strength Trust Understanding Variety Warmth Wealth Well Being Work Under Pressure Work With Others Working Alone </p>
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Alternatives

The purpose of negotiation is to explore whether you can satisfy your interests better through an agreement than you could by pursuing your Best Alternative to a Negotiated Settlement (BATNA).

Bill Ury

Alternatives are the things you can do to pursue your interests without getting an agreement with the other side. Ideally an agreement should exceed what you can get away from the negotiating table, your BATNA -Best Alternative to a Negotiated Agreement

When considering your alternatives, remember:

- They only require you
- What you will do **A**way from the table
- Your “fall back” position if negotiation fails
- They often involve flight or fight
- Alternatives have costs and risks

The well-prepared negotiator:

- Considers alternatives before the negotiation
- Knows his/her alternatives (good and bad)
- Takes steps to strengthen alternatives
- Considers the other side’s alternatives

Questions that assist in developing alternatives:

- “If we don’t agree, I can always.....”
- “What will I do if this negotiation fails?”
- “What alternatives do I have?”
- “What alternatives can I create?”
- “How can I reality test the alternatives of my counterpart(s)?”

Options

“Interests are the building blocks of a possible agreement. Options, on the other hand, are possible solutions to a negotiation - ways to fit those building blocks together to satisfy the negotiators and create value.”

Fisher and Ertel

Options are all the possible ways in which the interests of the parties might be met. Options are things you do with your negotiating counterpart. They are potential solutions that meet your and your counterpart's interests to the greatest degree possible.

Options are best generated through use of a brainstorming session together with your counterpart. They are potential solutions that are **O**n the negotiating table.

Resist accepting or rejecting options one at a time, as they are proposed. Rather, assess all the proposed options together, and evaluate them against the interests articulated or against some objective standard.

When generating options, remember:

- Generate lots of options before evaluating them
- Avoid making premature judgments about options
- Broaden options rather than look for a single answer
- Solving the problem is both your and their problem

The well-prepared negotiator:

- Considers potential options prior to the negotiation
- Evaluates options according to the importance of the interests they address
- Works to “expand the pie”
- Knows that the value of various options is subjective

Standards

“Criteria of fairness are valuable as a sword to persuade others and as a shield to protect ourselves from being unfairly treated.”

Fisher and Ertel

Standards are independent and objective criteria used to evaluate options, especially when interests are in opposition.

When developing and using standards, remember:

- Legality and practicality will always be reference points
- Standards must be credible to both
- Standards help your counterpart explain a particular agreement

The well-prepared negotiator:

- Avoids a contest of wills
- Agrees to use objective criteria
- Then applies the standard to the dispute

Examples of standards:

- Accepted Principles
- Benchmarks: “Others in the industry do....”
- Efficiency
- Equal Treatment
- Market Value
- Moral Standards
- Precedent: “The last time this happened we....”
- Prior Practice
- Professional Standards
- Reciprocity
- Tradition
- What A Court Would Decide

Reflect

What have you learned? Are you improving?



Everyone you meet is your mirror.

Ken Keyes Jr.

Reflective Practice

Reflection is after the fact, related to self, and dedicated to improving future practice through a retrospective analysis.

Practice: the doing of the activity such as a negotiation

Reflection: thinking about it: before, during and after the doing; thinking about one's own responses in it: thoughts, feelings, actions, decisions, reasons for actions

So, Reflective Practice involves being more consciously aware of your thinking that is informing/directing your responses in a negotiation.

Reflective Practice Core Concepts

1. Reflecting on our interventions, before, during, and after implementing action.
2. Reflecting on the dynamics of conflict at multiple levels.
3. Knowing that making mistakes is part of our development.
5. Articulating intuitive thought, or “gut” feelings.
6. Understanding our own values and biases.
7. Ensuring that our work is informed by theory and research.
8. Participating in practical training.
9. Learning from our experience.
10. Knowing that moments of frustration, uncertainty, and sheer surprise contain the seeds of the greatest learning.

When the negotiation is over, a skilled negotiator sets aside time to review the negotiations and consider strategies that worked and those that could be improved.²

² The Behaviors of Successful Negotiators, Neil Rackham, 1980.

Eight Habits of Conflict Competent Leaders

1. Create a Protected “Space” for the Discussion

If timing, setting, or mental states are inauspicious, try to postpone the discussion. But be clear about why this moment is not good, and about when and where you will speak later.

2. Step Outside the Content

Treat conflict as a “thing” in and of itself. It is a symptom of a problem to diagnose, treat, and monitor over time. It is not a moral failing or something shameful.

3. Listen: Let the Other Side Feel Heard

Look for opportunities to understand the other person. Show that you have heard them.

4. Invite, Don’t Dictate

Couch questions and suggestions in a way that permits choice, rather than telegraphing the desired answer.

5. Focus on Interests, Not Positions

Be honest and open about your interests—your true underlining concerns and needs. Ask questions to solicit their interests. Work as hard to meet their interests as you would like them to do to meet yours.

6. Don’t Get too Far Ahead of the Discussion

Hold your ideas or solutions while interests are explored. When the time comes, brainstorm solutions and evaluate them all at the same time, judged against everyone’s interests.

7. Practice Detachment

Leave your ego at the door (or at least leave it in the coat room). Depersonalize the dispute.

8. Be Patient

The hardest quality to master; the one producing the biggest dividends.

Reflect on your Cultural Beliefs

Place an X on the continuum closest to your personal beliefs to find out your cultural profile.

Column A	continuum	Column B
Informality is the norm	Formal behavior and dress
Direct communication	Indirect communication is the norm
respected		
Competition – a way of life	Cooperation – a way of life
Time is measured and structured	Promptness is not a major concern
Authority can be challenged	Authority must be listened to
Emotional responses are useful	Emotions should be controlled
The individual is valued	The group is primary
Focus on youth	Respect for age
Taking initiative	Doing what you're told
Leaders pitch-in	Leaders remain distant
Privacy important	Privacy not so important

From top to bottom, connect the X's to give you an idea of your profile. What does your profile look like? Those people from a traditionally western perspective probably lean toward Column A. People from non-western cultures may easily fall closer to Column B. This simple exercise points out one reason that people from individualistic, competitive cultures such as the United States may have difficulty appreciating other people for whom group well-being and harmony are key values.

Source: (Myers, Selma. (1997). *Conflict resolving across cultures*. Amberst Educational Publishing. P.13)

LOW (Individualistic)

Individual-"I"
Direct
Explicit
Private
Devoid of Ritual
Face to Face

HIGH (Collectivist)

Group-"We"
Indirect
Implicit
Public
Settlement Rituals
Intermediateries

What is Cultural Sensitivity?

The ambiguity of the concept of culture is notorious. Some anthropologists consider culture to be social behavior. For others, it is not behavior at all, but an abstraction from behavior. To some, stone axes and pottery, dance and music, fashion and style constitute culture; while no material object can be culture to others. Yet for still others, culture exists only in the mind.

Culture is defined as the shared set of values, beliefs, norms, attitudes, behaviors, and social structures that define reality and guide everyday interaction. A more popular definition is: “the way we do things around here!”

Cultural sensitivity can be defined by reference to our ability to experience our own culture in the context of other cultures, and to change our behavior to interact more effectively with people from another culture.

Bennett (The Developmental Model of Intercultural Sensitivity (DMIS), Dr. Milton Bennett (1986, 1993)) describes six stages of development in intercultural sensitivity:

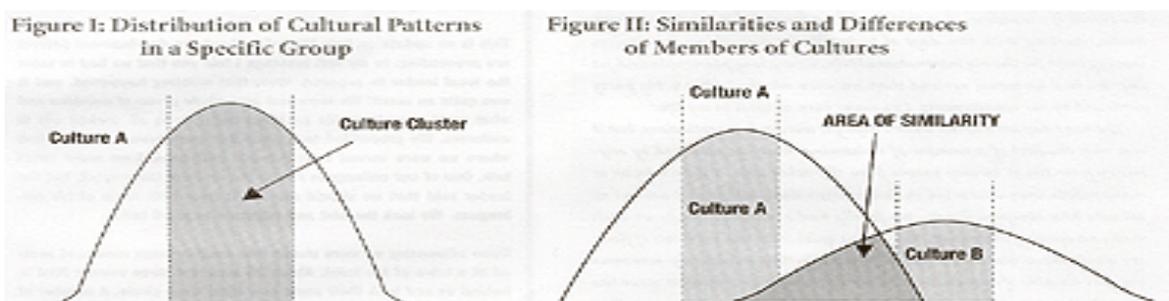
1. Denial: Does not recognize cultural differences
2. Defense: Recognizes some differences, but sees them as negative
3. Minimization: Unaware of projection of own cultural values; sees own values as superior
4. Acceptance: Shifts perspectives to understand that the same "ordinary" behavior can have different meanings in different cultures
5. Adaptation: Can evaluate other's behavior from their frame of reference and can adapt behavior to fit the norms of a different culture
6. Integration: Can shift frame of reference and also deal with resulting identity issues

The Platinum and other Rules

Given that culture is not monolithic, and that cultural patterns are distributed amongst a group, it does not make sense to make stereotypical generalizations about an individual or group.

Everyone knows the Golden Rule: "Do unto others as you would have done unto you." But this habit can turn off those who have different needs, wants, and hopes than we do. Instead, the real key to making a difference is to apply The Platinum

Rule: "Do unto others as they would like done unto them!"



Some Rules Of Thumb For Inter-Cultural Mediations

1. Make every effort to learn about the cultural and social expectations of the people you will be dealing with.
2. Expect different expectations.
3. Do not assume that what you are saying is being understood.
4. Listen carefully.
5. Seek ways to get both parties to validate the concerns of the other.
6. Be patient, be humble, and be willing to learn.
7. Apply interest-based negotiating principles.
8. Dare to do things differently.

Source: J. Jung-Min Sunoo, Some Guidelines for Mediators of Intercultural Disputes, *Negotiation Journal*, 1990.

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