NEGOTIATION & CONFLICT RESOLUTION

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AGENDA

• Introduction
• 7 Elements of the Mutual Gains Model
• Conflict Resolution
• Mutual Gains Negotiation Preparation Form
• Questions
Polling question 1: Which negotiations are most common for you (pick 2)?

A. With colleagues (in my organization)
B. With clients (outside my organization)
C. With my employees
D. With my boss(es)
E. With suppliers/ providers (for my organization)
F. With family and friends
Polling question: Have you had success with implementing a "win-win" approach to negotiation?

A. Yes, always!
B. Only in very limited circumstances.
C. No, that approach has never really worked for me.
D. I haven't heard of it or I've never tried it.
Mutual Gains Negotiation Model

1. Separate **INTERESTS** from positions.
2. Explore **BATNAS (ALTERNATIVES)**.
3. Create mutually beneficial **OPTIONS**.
4. Increase legitimacy and persuasion with **OBJECTIVE STANDARDS**.
5. Improve **COMMUNICATION** and the **RELATIONSHIP**. (Separate the person from the problem).
6. Design clear **COMMITMENTS**.

---Adapted from Getting To Yes by R. Fisher, W. Ury & B. Patton
POSITIONS vs. INTERESTS

POSITIONS
What we say we want
10%

INTERESTS
What we really need
90%
INTERESTS
BATNA (ALTERNATIVES)

Best Alternative To a Negotiated Agreement

Plan A

Plan B
OPTIONS
OPTIONS vs. BATNAS

OPTIONS

BATNAS
Expand the Pie

50% 50%
Expand the Pie

50%  50%

70%  30%
OBJECTIVE STANDARDS

- Market Analysis
- Professional Standards
- Scientific Consensus
- Legal Precedent
- Standard Operating Procedure
Polling question: Which type of negotiation is most difficult for you?

A. External (with clients and providers outside my organization)
B. Internal (with colleagues, employees or management within my organization)
RELATIONSHIP

Separate the person from the problem
COMMUNICATION

“That’s our new Mission Statement. We’ve had a rough year.”

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COMMITMENTS

Comprehensive, self-executing & realistic
Conflict Resolution

Don’t React!
Key to Conflict Resolution?

Effective Communication ⇒ Active Listening
Active Listening

• Paraphrase
• Ask open-ended questions
• Avoid “but”, use “and”
• Find a point of agreement
• Reflect the person’s emotions
• Use open body language

-- Adapted from W. Ury, Getting Past No
Paraphrase

- “What I hear you saying is…”
- “If I understand you correctly…”

-- Adapted from W. Ury, Getting Past No
Ask Open-Ended Questions

- Ask…
  - Who?
  - What?
  - When?
  - Where?
  - Why?
  - How?
- “Tell me more about that….”

-- Adapted from W. Ury, Getting Past No
Find Points of Agreement

- Find a point of agreement
  - “I agree that this problem needs to be solved quickly.”
- Avoid “but”, use “and”
Reflect the person’s emotions

• “I understand how that would make you feel…”
  • Angry
  • Frustrated
  • Upset

-- Adapted from W. Ury, Getting Past No
Use open body language

- Maintain eye contact
- Nod
- Lean in
- Use open body language
- Avoid crossed arms

-- Adapted from W. Ury, *Getting Past No*
## Mutual Gains Model Negotiation Preparation Form

<table>
<thead>
<tr>
<th>Stakeholders (parties impacted by negotiation)</th>
<th>What issues need to be addressed before or during negotiation?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mine</td>
<td>Theirs</td>
</tr>
<tr>
<td><strong>Interests</strong></td>
<td></td>
</tr>
<tr>
<td>Mine</td>
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<td><strong>Options</strong></td>
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<td><strong>BATNA</strong></td>
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<tr>
<td>Improve your BATNA</td>
<td>Make their BATNA less appealing</td>
</tr>
<tr>
<td><strong>Independent Standards</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Communication &amp; Relationship</strong></td>
<td></td>
</tr>
<tr>
<td>How are they now?</td>
<td>What can I do to improve them?</td>
</tr>
</tbody>
</table>
Bonus Polling question: Who should make the first offer in a negotiation??

A. My side
B. The other side
What questions do you have for me?