How to be an Effective Negotiator

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What are we doing when we negotiate?

- How is it different from any other conversation?
- What is our purpose in negotiation?
- What do we want to be able to do at the close of a successful negotiation?
In the negotiations you do, what goes well?

What would you like to improve?
What roles do people sometimes take in negotiations?

- Quasi-mediators
- Stabilizers
- Destabilizers
- Ratifiers
What are some concepts to keep in mind?

- ZOPA: zone of possible agreement
- BATNA: best alternative to a negotiated agreement
- WATNA: worst alternative to a negotiated agreement
- Variability of value
- Interests and positions
What are the hallmarks of a good negotiator?

Which qualities are you confident that you now have?

Which ones do you want to work on further?
Things negotiators can do well:

- Say “no” effectively
- Inspire confidence
- Frame the problem in a way that motivates people
- Be ingenious
- Have a sense of humor
- See the big picture
What are some common school errors in negotiation?

- Assuming the program speaks for itself
- Presenting a fait accompli
- Assuming all parents want the same thing
- Failing to motivate and engage imagination
What good practices do school staff exhibit in negotiations?

- Listen like an ally
- Assume they don’t have the full story or all the facts
- Recognize and lift up the areas of agreement
- Refrain from generalizations. If the student is making progress, spell out in detail where it is happening and in what degree.
What are some common parent errors in negotiation?

- Wanting to engage the solution before the problem is defined
- Assuming that negotiation means a contest or worse
- Failing to motivate or engage
- Misapplying their persuasive strength
What are good negotiation practices by parents?

- Avoiding surprises
- Encouraging collaboration
- Acknowledging dedication and accomplishments
- Being open to new information and options
Additional mistakes negotiators make

- Accepting positions
- Accepting statements
- Hurrying
- Issue fixation
- Squeezing too much
- Talking too much
How can we generate options?

- Ask hypothetical questions
- Ask how rather than what
- Engage people’s values as you entertain possible outcomes
- Open space, get people talking
Preparing for negotiations

- Prepare attitude, plan to avoid argument
- Assess your and their true priorities
- Don’t demand or coerce; motivate
- How can you reduce your objective to something unambiguous, recognizable and easy to communicate?
Preparing, continued

- What is the best thinking of people who know the student?
- What leads us to conclusions we have reached?
- What are we doing well? Why does it work?
- What do we need to change? Why?
- What have we not tried?
Factors which facilitate successful negotiations

- Having a common objective or goal
- Faith in your problem solving ability
- Motivation and commitment to work together
- Clear and accurate communication
- Belief in the validity of your own and others’ perspectives
How do we bring change and opportunity to the discussion?

- Clear out the cobwebs
- Reframe what you have heard
- Ask about people’s fears
What do people value highly, which is easy to give them?

- Listening
- Respect
- Validation
- Praise
- Help
- Good humor and flexibility
- Genuine concern for their welfare
- Support
What are some cognitive biases which we all carry?

What are some interpersonal biases which we all carry?
What makes negotiations difficult?

- The view that there is only one acceptable outcome
- Trading conclusions rather than defining and exploring the issues
- Broken trust
What is the power in reframing?
How does conflict affect people?

What changes in terms of feelings and behavior?
How can you approach highly conflicted negotiations?

- Don’t let the issues become personalized
- Don’t become defensive
- Give your responses a personal rather than institutional flavor
- Avoid demand-response patterns
- Find positive subtext in negative account
- Consider visual aids
Continued

- Recognize and emphasize common ground
- Work through one issue at a time
- Ask questions to clarify and explore
- Be alert for shifts
- Timing is everything
- Build goodwill
Dealing with Emotional Issues

- The emotional load is a key to the importance of the issues and to motive. It shows the way out.
- Acknowledge that they are in a difficult emotional place.
- If we don’t acknowledge the emotions, we are not honoring or dealing with them.

- When we honor emotions, things shift.
- It reduces tension and helps them find balance.
Emotional Intelligence

Emotional Intelligence is “the ability to perceive emotions, to access and generate emotions so as to assist thought; to understand emotions and emotional knowledge and to reflectively regulate emotions so as to promote emotional and intellectual growth.”

Mayer and Salovey
Or more simply put:

- How are you feeling?
- How is she or he feeling?
- How do you want to feel?
- How do you want others to feel?
- What is causing current feelings?
- What will change them?
- What are you willing and able to do to manage your own and others’ emotions?
Using EI in Negotiations

- Emotionally intelligent negotiators think with emotions and about emotions throughout the negotiation process.

- Aspiration levels define what people want to achieve. For an offer to be perceived by the other party as cooperative rather than competitive, it needs to be presented with a reason perceived as logical.
Reducing Hostility in Negotiations
Helping parties to generate options

- Develop principles or criteria for a good outcome
- Determine why they want what they want
- Use metaphorical thinking
- Consider forced choices and amendments
- Ratify current elements to be preserved
Overcoming Barriers

Strategies to Get Unstuck
Change the Process, Change the Outcome!

When should you consider mediation?
Principles of Mediation

- Voluntary
- Outcome is self-determined
- Process is confidential
- Mediator is impartial and neutral
Benefits of Mediation

- Parties control outcome
- Issues get resolved at the local level
- Dynamics of the meeting are changed
- Mediators have skills to identify and process issues and keep the negotiation productive.
What should you expect a mediator to do?

- Conduct the meeting maintaining civility
- Reduce tension
- Provide a methodical approach
- Control the way issues are approached and defined
- Enhance communication
- Pay attention to timing
Asking Questions, The Art of Inquiry

- Early Stage: Defining the Issues
- Middle Stage: Processing the Issues
- Late Stage: Resolving Issues
Examples of how mediation works in special education issues
Your thoughts and questions