

Effective Negotiation Skills

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To be effective as your career develops will require you learning how to manage and negotiate with others. Your personal style, perception of power, and negotiation savvy will all have an impact on your success, or failure, when handling differences among people. By taking into account these three aspects, you should be better able to evaluate your situation, consider your options, weigh the options for risks and benefits, and then develop an approach to best communicate your needs while taking into account the needs of the other parties involved.

When you are in the role of negotiator and have gathered the necessary information to know what you want and why you want it, you will need to plan how to say what needs to be said so that your words will have the most persuasive impact. Becoming self-aware about how you usually behave under stressful situations, and how those behaviors have been helpful or a hindrance to your ability to achieve your aims, can enable you to identify and avoid past mistakes as you engage in future negotiations.

Key Points

1. Conflict is fact, exacerbated by emotion. Conflict escalates.
2. Most conflict can be resolved by negotiating.
3. Know not only what you want (your position), but why you want it (your interests).
4. Find, and use, objective criteria for making decisions, rather than emotion.
5. Be open to new information that may sway the other, or change your opinion about what you want.
6. Be open to satisfying your interests other than your initial position.
7. Once you know what you want to say, you need to consider how to say it.

Conflict:

CONFLICT is the result of unresolved differences

CONFLICT is based on fact – exacerbated by emotions

CONFLICT escalates!

Negotiation:

- The interaction between people who are interdependent but whose needs are different.
- Each side determines what it wants from the other to satisfy its own interests. (This is the party's POSITION) but...
- The POSITION is, in reality, only one way to solve the problem...

NOT THE ONLY WAY.

The challenge in a negotiation is to figure out ways to alter expectations, create value where none was before, trade desires that are valued differently, to **achieve agreement and maintain the relationship for the future.**

How is it done? By looking beyond the **position** to the **INTERESTS** underlying them.

Or, by saying:

“Now that I know **what** you want, I need to understand **why** you want it. I want to know what you are thinking so I will know what is motivating you. Once I know why you want something and you know why I want something, perhaps there are options that will satisfy both of us and not be detrimental to either of us.”

Sounds simple... but, we all have behaviors that impede ideal communication when we are interacting with others, despite our needs or desires for a continuing relationship.

Conflict causes us to create our own obstacles to being effective in attaining what we may desire. Some of these are our:

- Style
- Perception of Power
- Lack of Negotiation Savvy.

STYLE

Your style – the way you naturally relate to others when under stress.

Begin by thinking about a past negotiation situation that did not turn out as you wanted.

1. What did you do or say to the other or when the other said something you did not want to hear?
2. When this happened, what did you do next?

Try to understand your own “style” so that you can predict it.

Ask yourself, “What do I do or say to people in these kinds of situations that have resulted in outcomes with which I have not been satisfied?”

Consider trying some change to overcome this behavior.

How?

If you are unaware, you can't.

If you are, you can try different approaches that may work better.

If you become practiced at using different techniques, some will be more effective for you.

You will begin to rely on those behaviors that work best.

Then, you will begin to stop falling into the old ineffective behavior patterns as an immediate response to a conflict situation.

CASE STUDY – STYLE

Faculty and Department Chair Case

FACULTY MEMBER

My department chair called me in for my annual career review. I was told I needed to write two clinical research papers this year to be promoted. Last year I was told the same thing and since then I have had one published in an excellent journal, one about 40% complete. My chair, however, is only focused on the incomplete paper and seemed to be totally discounting my teaching and significant clinical productivity. I was so distressed I wanted to scream, but I didn't speak up. I have often been criticized for not being productive enough, though I work hard and am able to do some clinical research while teaching and caring for my patients. So, I found myself apologizing for not having accomplished enough during the year. My chair reiterated the fact that I will need 2 papers every year to be promoted. I was assured then, that if this on-going work resulted in a paper during this calendar year, I only needed one other to be put up for promotion at the end of this year. I'm so disgusted. It seems like I will never be promoted. Relocating will mean uprooting my family, but I have decided to leave and am handing in my resignation letter today.

What emotions are driving the faculty member?

Is the decision to avoid confrontation and leave serve the faculty member well?

POWER

Perceived Power Imbalances

A person's perception of power can play a huge role in a negotiation. A supervisor may feel so powerful that the other party will be forced to agree. Conversely, a subordinate may feel a lack of power that suggests no alternatives.

You can understand and alter a perceived power imbalance by preparing in advance, by analyzing your situation using objective criteria, by considering how the other party is likely to respond, and considering unintended consequences to the actions that may under consideration.

You should decide upon your best alternative to a negotiated agreement (BATNA).*

If you think you are in a less powerful position, ask yourself:

Can I improve my BATNA?

Can I weaken the other person's BATNA?

What are my strong points that need to be pointed out?

If you think you have a more powerful position ask yourself:

What will I do if this interaction fails?

Who will do the work I need done?

How easy will this person be to replace?

How long will it take to get a new person on board?

How will you deal with the others that will have their workload increased?

If you feel less powerful, point out some of the above to the other party.

Decide what your "Bottom Line" will be, that is, when you will turn to your BATNA and end the meeting.

Imagine what the other party's BATNA might be and what his or her "Bottom Line" will likely be as well.

If you have a good BATNA, you can be a more powerful negotiator.

*Fisher, Roger and William Ury, *Getting to Yes, Negotiating Agreement without Giving In*, Penguin Books, 1983.

CASE STUDY – POWER

Faculty and Department Chair Case

DEPARTMENT CHAIR

Whoa. What a miscalculation! I met with one of my faculty last year and outlined what needed to be done for a promotion. This person has been an asset to the department. I have been tremendously grateful for the time spent teaching and in clinic. And, now that I look at the figures, this person had the second highest revenue in the clinic. I know promotion on the clinical-teacher track was in the cards, but I wanted two clinical research papers a year, and last year there was only one. It was in a widely-read journal, and the research got an enormous amount of publicity. I just wanted more research productivity, so I restated the need for two new papers for this year. This seemed reasonable at the time. Today, I received a resignation letter. Now I have a headache I don't want and don't really have time for. I'm losing a good teacher, a decent revenue draw, and a solid clinical researcher. Now I am going to have to begin a search for someone else to take over the clinic responsibilities and teaching. I am going to have to deal with the others on the faculty who will have to "chip in" on all fronts until I can get this accomplished. I'm sure there is someone out there, but I have so many other things to do...

What emotions are now driving the department chair? Have they changed from the original meeting?

What sources of power does the department chair now see that the faculty member had?

Negotiation Savvy

Negotiation:

- **The interaction between people who are interdependent but whose needs are different.**
- **Each side determines what it wants from the other to satisfy its own interests. (This is the party's POSITION) but...**
- **The POSITION is, in reality, only one way to solve the problem...**

NOT THE ONLY WAY.

A negotiation includes:

**Preparation
Communication
Evaluation**

1. PREPARING

Preparing is probably the most important part of any negotiation. Lack of proper analysis and preparation can be the single major reason for a meeting to go poorly, yet it is the easiest for one to take into account when anticipating a meeting.

Analyze by gathering information about your situation.

Determine what you want to achieve and why, consider why this would be, and why this would not be acceptable to the other party.

Imagine what the other would want and why, consider why this would not be or would be acceptable.

Decide what will be your best alternative to a negotiated agreement (BATNA). Surmise the other's BATNA.

Consider what the other person will likely be thinking/feeling and what he or she is likely to do. Look at your own strengths and weaknesses and those you have imagined for the other party.

Develop a strategy, based on your preparation that is flexible enough to change with new information.

2. COMMUNICATING

Set the atmosphere

Create a rapport of trust and openness

Establish guidelines – logistics

Plan and agree to an agenda

Present Your Point of View

Be rational

State the facts

Stress your skills and knowledge

Emphasize what that other party may need from you

Use your knowledge of how the other party thinks, feels, behaves and speaks, but separate the person from the problem that needs to be solved.

The Other Person's Turn

Listen attentively

Paraphrase your understanding of what you hear

Acknowledge the worth of what you hear even if you don't agree

Be interested in the concerns of the other – **ask why** (interests)

Remember or remind the other of the importance of the relationship

Brainstorm for Possibilities

If the interests underlying the position have been established, you may be able to independently or together brainstorm solutions that will be more palatable than those indicated by the original positions.

If you are feeling in a weaker position, it is in your best interest to invent and suggest many possibilities to consider.

Do not evaluate the ideas for practical use yet

Be open-minded

Take risk

Look for possibilities that will stand up in the long run

Develop Options – Use Consequence/Benefit Analysis

Look to satisfy interests

Look for **overlapping interest** (interests-in-common)

Examples: Wanting to continue the relationship

Being proud of the final product

Making more money by working together and/or gaining a reputation

Create Value – expand the list of interests that can be satisfied by either party, regardless of what agreement is reached.

Alternative or surprise ways to satisfy interests

Trade-offs

People are likely to value suggestions differently

Can you give in on an idea you do not value highly, but the other values, in exchange for another idea you value more than the other does?

Achieving Agreement

Ask: Can a solution be fashioned from the options that will work well for the parties?

Effective Techniques to Improve Interactions

In general, people want to feel that they have been treated fairly and feel that they have been understood and respected, regardless of what is being communicated. The ability to listen respectfully can be effective in many emotionally charged situations, such as listening to concerns about sexual harassment, discrimination, authorship order, or in telling someone to leave a job.

You should try to figure out how the other person will perceive the significance of what is being said in light of their circumstances. For example, a person who has just taken on a mortgage could view being told to leave as a devastating blow, while another person might view it as liberation from a stifling job. This knowledge may alter how, or what, you are going to do or say. This does not mean that you will necessarily change the direction you are going, but it can help you steer around problems getting there.

How can you do this? You can get there by looking beyond the *position* you (or the other person) are taking as the way to solve the problem, to the *interests* that underlie the stated position. That is, after asking, “*What* do you want?” ask, “*Why* do you want this?” If you are not sure why someone has taken a particular position, don’t guess – ask. Determine and gather the factual or objective information that will help you and the other person understand the situation better. A *position* can change once the facts are brought into the open and understood. There may be multiple ways to resolve a matter once you know what is concerning the other person. Some worries can be minimized once you know what they are. You may be able to craft a solution that will enable you be more effective and, at the same time, account for the needs of another, thus lessening the severity of the news.

To be most effective, initially you will need to gather the appropriate information in an impartial, non-judgmental manner. You do not want to be, or appear to be, an advocate or adversary. It may be useful to affirm the feelings that you hear but say explicitly that you must stay neutral on the facts. People stop talking if they perceive disapproval. At this stage, it is usually not wise that you agree or disagree with what is being said. Instead, gather information to understand what is driving (worrying) the person with whom you are communicating and let them know you understand how they might be feeling. If you are open-minded about what you hear, problems that might otherwise escalate may be seen in better perspective.

In practice, how can you have this kind of conversation without appearing to be on the side of, or against, the person with whom you are speaking? You can validate a person's feelings without agreeing or disagreeing with the content of their concerns by:

Basic Acknowledgement:

Nodding your head.

Saying, "I see."

Eye contact as appropriate within the person's cultural norms.

Asking Questions:

Closed-ended questions will give you a yes or no answer. They are useful to gather some kinds of information, but, generally, they will not help people look at their underlying interests in a way that will help them assess their situation.

Are you all right?

Do you understand what has been written?

Did you follow the directions?

Direct questions ask for specific information so you can ascertain the perceptions or understanding the person has of the situation being discussed.

What brings you here today?

Can you tell me what happened?

When did this happen?

Did anyone else see or hear this?

How long has this been going on?

What else might be worth knowing?

Who else knows about this?

Open-ended questions encourage the other person to give more extensive information that may help alter their or your position.

How did that make you, and others, feel?

What are you worried about?

Why does that bother you?

Why do you think this is not the right thing to do?

How important is that?

What do you see as the problem?

What would your "vision" of an outcome look like, given the constraints?

What would you gain by...?

Is there a down side to doing...?

What would you do if...?

How do you think this will this impact your job/future/life?

Open-ended questions can also help a person move beyond despair or anger and into a more active mode of problem solving for the future.

Have you thought about what you might do?

What would you feel comfortable doing?

What would you like to see happen?

What prevents you from...?

What's the worst thing you can imagine happening if...?

How would you accomplish that?

Listening Reflectively:

To affirm that what you have heard is what a person meant you will need to repeat back key words or phrases or put in your own words what you have heard, and then check for misunderstandings by asking if what you believe you have heard is correct.

It appears that..... Is that the case?

It sounds like..... Right?

So, your view is..... Yes?

If I heard you correctly..... Is that right?

What you seem to be saying is..... Did I understand correctly?

The thing you want the most is..... Is that true?

Are you saying.....?

You felt or you feel..... Yes?

It seems that you think..... Right?

Using Silence

Silence may encourage the person to absorb the information and to provide you with more information.

What to avoid:

Jumping to conclusions.

Rushing to judgments.

Speaking those judgments.

- Giving unwanted advice.
- Moving prematurely to problem solving.
- Changing the subject.
- Talking about yourself.
- Talking about other similar cases.

These suggestions are some possibilities that you may want to choose depending on the situation. They are not the only possibilities. You may also find that asking and answering the questions for yourself can be enormously valuable for averting problems down the road. With the information you gather, you can determine if your initial position, or the other person's, can be altered to be kinder, fairer, easier to accept, more in line with usual practice, based on reality, within the law, etc. You can contact the Ombuds Office for specific suggestions for a particular situation at any time.

3. EVALUATING

What went well?

- Did you achieve your purpose?
- Did you preserve the relationship?
- Did you remain calm under stress?
- Did your preparation help eliminate some surprises?

What went wrong?

- Style errors?
- Power errors?
- Planning errors?
- Communication errors?
- Unforeseen events?

What can you try next, or do differently in the future?

If you consistently follow the above process you will gain practical skills in preparing for negotiations and likely find yourself an improved negotiator. As you gain experience you will also be better able to respond to the unexpected negotiation situations by automatically going through the process before you respond.

There is no one right solution to a negotiation problem.

PRACTICE

Negotiation Checklist

Questions to Use to Prepare for a Negotiation

1. What is the problem? (resources, identity, personality, etc.)
2. How does the problem initially make you feel? (identify your emotions)
3. What are the expressed positions of the parties involved?
4. What are the underlying (and perhaps unexpressed) interests/needs of each party?
5. How can this problem be reframed in terms of linking the interests?
6. Are there political influences involved that might be affecting this conflict?
7. Do there appear to be hidden agendas? And, if so, are they hidden because of a lack of trust between parties?
8. What approach is being considered to resolve the problem?
Negotiation? Mediation? Arbitration? Litigation?
9. Can the interest-based approach help avoid arbitration or litigation?
10. If so, who could assist in its resolution? Is that person(s) neutral in terms of power, position, and vested interest?
11. Is there an ongoing relationship involved that might make an interest-based option preferable?
12. Might there be absent influencers involved? Who might they be? Why are they involved?
13. Could it be helpful to have them present?
14. What is the history of the parties?
15. Might there be a value in delaying a solution in order to uncover deeper/additional issues?
16. How can this be resolved in a way that allows both parties to save face?
17. How will you evidence active listening?
18. How can you move yourself and the other to focus on the future?
19. Are there objective measures that might help resolve some of the conflict when shared?
20. What is your BATNA/WATNA for this dispute?

Worksheet

SELF

OTHER

How do I feel? (recognize initial emotions)	How is the other likely to feel?
What do I want? (Position)	What is the other likely to want? (Position)
Why? (interest)	Why? (interests)
My sources of power	The others' sources of power
Why might the other agree with my wishes?	Why might you agree with the wishes of the other?
Why might the other not agree with you?	Why you might not agree with the other?

Suggested Reading

Beyond Reason: Using Emotions as You Negotiate, by Roger Fisher & Daniel Shapiro.

Getting to Yes: Negotiating Agreement Without Giving In, by Robert Fisher and William Ury.

People Styles at Work (Making Bad Relationships Good and Good Relationships Better), by Robert Bolton and Dorothy Grover Bolton.

Difficult Conversations. How to Discuss What Matters Most, by Douglas Stone, Bruce Patton, Sheila Heen.

Some Relevant Websites

HMS/HSDM, HSPH Ombuds Office:

<http://www.hms.harvard.edu/ombuds/>

The Program on Negotiation at Harvard Law School:

<http://www.pon.harvard.edu/main/home/>