

**Technology Negotiations and Dispute
Resolution Systems
ESD.141 – Session 5**

Interactive Skills

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Communication During Negotiations

- Effective communication is one of the hardest things to do in life
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- We will focus checking the message and listening for underlying interests

Note: The materials on communication incorporate ideas from Ron Urick, Neil Katz, Communication

Arts, Joel Cutcher-Gershenfeld and Christina Merchant.

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Checking the Message

Statement: Your views on negotiating with others who are very powerful

- Step 1: Agree to check the message
- Step 2: Paraphrase what was heard
- Step 3: Ask if accurate
 - If yes, proceed
 - If no, rephrase until accepted

Listen Actively – Show them you understand:

- » that they feel strongly
- » what they feel strongly about
- » why they feel strongly about it
- » and PAUSE to let them respond

Listening for Interests

- Requires active listening -- probing to understand “Why?”
- Sample questions
 - *What is the underlying concern?*
 - *Help me understand why you need that?*
- Use “what ifs” to clarify understanding
 - *Would this other option work?*
 - *Would it be better or worse if . . . ?*

Listening to distinguish among interests

Statement by a member of a cross-functional scientific research team:

“You were supposed to train me two months ago in how to use the new computerized scheduling and information system, but this still hasn’t happened.”

What are some potential underlying interests?

How would you know which interests are most important in this particular instance?

Lesson: Ask in order to fully listen.

Interest-Based and Positional Statements

- Compare these two statements:
 - **Statement A:** If you don't comply with your supplier contract, we will cancel the contract and find a another supplier.
 - **Statement B:** How can we make sure that you are our preferred supplier and we are your preferred customer? How should we handle the fact that people in our organization see you as having fallen short on what was promised in our contract with you? As you know, we are under tremendous cost pressure, but we are still committed to delivering the highest quality service. What would be the best way to address these issues – for you and us?
- Convert these positional statements into interest-based ones:
 - Turn that radio off – it's driving me crazy!
 - You know I'm the hardest worker on the team – I demand a pay raise

Positional and Interest-Based Approaches to Additional Issues

- For each of the following issues, work in small groups to illustrate different ways to introduce the issue
(first in a positional way and then in an interest-based way)
 - Issue 1: *The establishment of a new, Independent Technical Authority (ITA) for safety at NASA*
 - A positional statement. . .
 - An interest-based statement. . .
 - Issue 2: *The creation of a common set of protocols for government agencies using geospatial data*
 - A positional statement. . .
 - An interest-based statement. . .
 - Issue 3: *The introduction of a new “family-friendly” policy in an organization, allowing for flexible hours and some work at home*
 - A positional statement. . .
 - An interest-based statement. . .

Asking Powerful Questions

- Too often we ask “closed-end” questions that only generate “yes” or “no” responses.
- Far more powerful are “open-ended” questions that generate new information and insights. These are questions such as:
 - What is the history on this issue – have we had similar problems in the past?
 - Help me to understand why this is important to you -- what is at stake here?
 - Who are the key stakeholders and what are their concerns?
 - What is your vision of success – what would be an effective long-term resolution?
 - What are your concerns – how might things go wrong?
- Be sure to allow enough time to hear the full response and be sure to do so in a non-judgmental, non-blaming way.

– Adapted from a concept utilized by Dr. Judy Brown

Stump Speeches

- Why stump speeches?
- Definition
 - The idea of a stump speech dates back to old times, when a public figure would be called upon (with no advance notice) to get up on a tree stump and speak to important public issues
 - This is a time-limited situation where you are on the spot – needing to engage or address an issue

Examples from your experience

- What works?
- What doesn't?
- How long is a stump speech?

Elements of a Stump Speech

- **Sizing up a situation**
 - Mental map -- Stakeholders/interests, risks/benefits, urgency
 - Clarify issue and urgency -- interactively or just stated
- **Constructing a targeted, helpful message**
 - Keep it simple and focused -- full presentation can come later
 - See sample frameworks on next page
- **Delivery -- be genuine**
 - Be honest about what you know, what you do not know, and what you can't discuss
- **Handling questions**
 - Paraphrase questions to check accuracy and legitimize underlying interests
 - Record all issues raised
 - Track open-unanswered questions -- ensure follow-up

Sample Frameworks

(ways to instantly organize a stump speech)

- **Strategic planning framework**
 - Where are we now?
 - Where are we going?
 - How will we get from here to there?
- **Stakeholder framework**
 - Who are the key stakeholders?
 - What are their concerns or interests?
 - How to take into account all stakeholders?
- **Problem-solving framework**
 - Define the problem
 - Identify options
 - Consider brainstorming
 - Agree on next steps
- **Question and Answer framework**
 - Clarify issue
 - Record all questions
 - Compose responses -- including follow-up for open questions

Handling Difficult Questions

- **Listening in action**
 - Stay centered – treat each question with sincerity and respect
 - Speak to what may be underlying interests or concerns – highlight legitimate, shared and conflicting interests
 - Probe for examples and underlying interests or concerns
 - Directly address factual issues where you can -- otherwise record question and get back to individual
- **Re-direct to the full group**
 - Ask the full group for input on this issue – particularly valuable where there seems to be a positive consensus emerging in the room
- **Issues-Resolution/Problem-Solving tracking matrix**
 - What is a question-tracking matrix and who has had any experience using one?
 - Why might this be important in handling difficult questions?

Keeping Hot Buttons from Becoming Flash Points

CLIMATE

- **Respect**

- “I am here because I respect you and I respect your views.”

- **Empathize**

- “If I were in your shoes I would certainly have that concern.”

- **Side-step personal attacks**

- “That feels like a personal attack, which is not what this session is about.”

UNDERLYING ISSUES

- **Identify all stakeholders**

- “What individuals or groups have a stake in this situation – what are each of their interests or concerns?”

- **Probe to understand underlying interests**

- “Help me understand more about your concerns on this issue – what are examples of situations where this is a problem?”

- **Identify additional needed information**

- “What data will we need so that we can properly understand all aspects of this issue?”

Transforming Disputes

- **Combine your interests with others**
 - “I agree entirely with part of what you are saying and have some concerns about other parts. In this area where we both have common agreement, what are some options we should consider?”
- **Change the “rules of the game”**
 - “We are both getting locked in on trying to be right, is there a different way that we could be having this discussion?”
- **Look for “judo” opportunities**
 - “You do feel strongly on this issue – here is a way that thing intensity can be part of this solution . . .”
- **Turn to others**
 - In a group setting, turn to the full group: “This sounds important -- what has been the experience of others on this issue? What are our options? Are there trusted “third parties” who can help?”
- **Use a “parking lot” or “question tracking matrix”**
 - Record open questions, particularly volatile or potentially unconstructive comments and get back to people afterwards

Issue Resolution/Problem-Solving Matrix

Item #	Date Presented	Problem/Issue	<u>Action Taken</u> Action to be Taken	Responsibility	Report Date	Status/ Results/ Impact

I. Prepare

II. Bargain Over How to Bargain

III. Open & Explore

IV. Focus & Agree

V. Implement & Sustain