

Negotiation Strategies

Mary Juhas and Julie Jessop



Case 1

You are an associate professor in a department heavily dominated by men. Almost all the full professors are men, and there are several assistant professors who are women. Your research agenda is progressing well, but it is very demanding in terms of time; in order to position yourself well in your field and stick to your self-imposed time table for applying to become a full professor, you need to spend lots of time in your lab and travel to conferences frequently to present papers, in addition to your teaching, advising and service responsibilities. Yet everywhere you turn you are asked to fill a mentoring role, formally or informally, for junior women faculty in your department and in other engineering departments. Your senior male colleagues refer lots of people to you and clearly expect you to serve as a role model for younger women in the department. You like your junior colleagues and you feel really invested in a number of the students. You'd honestly like to be able to give them the time and support they seem to need. But there are only so many hours in the day. And now your chair has asked you to serve on a newly formed college-level committee addressing the climate for women in the engineering. You've scheduled a time to meet with the chair and discuss this request. You'd like to expand the conversation to address your service obligations, formal and informal, more broadly. Ideally, you'd like to see your service and advising responsibilities reduced to reflect the informal mentoring work that your colleagues expect you to perform.

How should you prepare for this meeting?

What should your approach be in discussing this issue with your chair?

Case 2

Part A

You are a young faculty member in the fifth year on the tenure track. Your vice-chair has just asked you to assume the chair position of the Undergraduate Studies committee, which was held for many years by one of your colleagues who is about to retire. You know this service commitment is going to be very time consuming and you are concerned that your research will be compromised. You know you are at a critical point in your career because you have not yet been able to secure a research grant despite submitting multiple proposals each year. You have some exciting new findings in the lab and think you have the chance to submit a new proposal if you can focus on your research for the next 6 months. However, your vice-chair has made it clear that you are the person he has chosen to chair Undergrad Studies.

You are frustrated. You keep writing proposals and want recognition that you have been trying to do what you need to do to get tenure. The funding climate is really tough and everybody is having trouble getting funded. You added several extra lectures in one of your colleague's courses last year so you have stepped up your teaching load. You think the vice-chair planned poorly for the upcoming teaching activities of the department and you are suffering because of his poor planning.

You run into your vice-chair in the hallway and ask to set up a meeting to discuss this committee assignment with him. It is clear that he is unhappy and uninterested in meeting with you about this issue. However, he does set aside time next week to meet with you. How will you prepare and what will you say?

Part B

You are the vice-chair. You have just had 3 faculty retire or leave the program and you have to cover committee assignments and teaching activities. You are actively recruiting, but have not identified suitable candidates. You have reviewed the service loads for all of your faculty and have identified one of your younger faculty members who has just completed her fifth year on the tenure track. She had significant protected time during her first three years on faculty, which was what had been promised in her offer letter. Since this time, she has not successfully competed for extramural funding and you have tried to mentor her with proposal writing courses and other support programs to improve her chances of getting funded. She has participated, but has still not been successful. You realize that the funding environment is very difficult and have continued to try to protect her research time, but you really have to cover these committee assignments. The other faculty in the department are serving on multiple committees, have higher teaching loads and also have funded research programs so you feel that you have to ask her to chair Undergrad Studies. In general, you are very worried that this person is not going to achieve enough success to warrant tenure. You also need to consider the rest of the departmental faculty and you need to ensure your Department succeeds in its curriculum redesign. You have spent a lot of time

contemplating the best person to lead this committee and you are convinced that this young woman is the correct choice. She has the lowest teaching load in the department and she has the least external funding. You are unhappy that she is challenging your decision despite all the thought that you have put into this issue.

Case 3

You have been a faculty member in the College of Engineering for three years. Your teaching has been going well, you received an NSF CAREER award, and your mentor, who also is the Department chair, has been very supportive. However, your research has not yet shown publishable results, at least not publishable in the high impact journals in which you believe your work belongs. You strongly feel that this is related in part to the quality of your graduate students. The senior faculty members are aggressive and sometimes hostile about recruiting the strongest students from the most highly ranked institutions, leaving the junior faculty with students who are less prepared and require more individual attention. The situation is exacerbated by the fact that many of the senior faculty members have post-docs and research associates in their laboratories, who can further mentor and train new graduate students. Some of the senior faculty also have a strong influence on the Graduate Student Coordinator, a staff member who is intimidated by them. They have developed over the years a streamlining process that feeds the incoming graduate students directly to them. You have no post-docs or influence with the Grad Student Coordinator. Recently, you and a faculty member in another department were awarded a grant that will support a fulltime student in your lab. This is your opportunity to hire a well-prepared student who can work more independently and generate publishable results.

How will you prepare for the next recruiting season?

When a Person Won't Negotiate

* * *

The Problem – Bargaining over Positions

When negotiating, people tend to engage in “positional bargaining,” where each party takes a position, argues for it, and gradually makes concessions until both sides reach a compromise.¹ This causes problems because each party feels committed to his or her original position, and the negotiating process becomes adversarial in nature.

The Solution – A Principled Negotiation Method

“Principled Negotiation” refers to a process that focuses on basic interests, mutually satisfying options, and fair standards to reach an agreement.² There are four steps to this process:

- Step 1: Separate the people from the problem
- Step 2: Focus on interests, not positions
- Step 3: Invent options for mutual gain
- Step 4: Insist on using objective criteria

When Principled Negotiation Fails – Two Alternatives

Even if you apply the principled negotiation method by focusing on the merits of the issue and using objective criteria, the other party still might not cooperate. They might assert their position even more forcefully, attack your ideas, or attack you personally.³ If this happens, you may resort to one of two alternatives: (1) “Negotiation Jujitsu” or (2) the “One-Text Procedure.”

1. Negotiation Jujitsu

“Negotiation Jujitsu” is a strategy that sidesteps the other party’s attacks and channels the focus towards exploring interests, inventing options for mutual gain, and searching for independent standards.⁴ Originally, Jujitsu techniques were developed around the principle of using an attacker's energy against him, rather than directly opposing it. How this looks in practice:

- When a party sets forth their position, neither accept it nor reject it. Instead, treat it as a possible option and ask questions to evaluate its practicality.

¹ Roger Fisher and William Ury. [Getting to Yes: Negotiating Agreement Without Giving In](#), page 3

² Roger Fisher and William Ury. [Getting to Yes: Negotiating Agreement Without Giving In](#), page 14

³ Roger Fisher and William Ury. [Getting to Yes: Negotiating Agreement Without Giving In](#), page 109

⁴ Roger Fisher and William Ury. [Getting to Yes: Negotiating Agreement Without Giving In](#), page 108

- Seek out and discuss the principles underlying the other side's positions.
- Invite criticism of your own ideas and rework them, keeping in mind what you have learned about the other side's values.
- Use two things to your advantage. First, use questions rather than statements in evaluating the other side's proposals. Secondly, use silence as a response when a party has made an unreasonable proposal or unjustified attack.

2. *The One-Text Procedure*

The "One-Text Procedure" involves calling in a third party when your own efforts at principled negotiation have failed. A mediator will likely be able to change the process to seek a solution on the merits better than a party directly involved in the dispute.⁵ The third party must first find out each party's *interests* – not positions.

After hearing the interests of both sides, the third party should come up with a possible solution and present it to the parties. The parties can then critique the plan together, and the third party can modify it as needed to meet the parties' interests. This way, the parties simply have to decide yes or no.

What These Two Strategies Have in Common

When a difficult party wants to continue to engage in positional bargaining, both Negotiation Jujitsu and the One-Text Procedure work to "change the game" and redirect the focus on each party's *interests* rather than *positions* and an objective evaluation of ideas, rather than an adversarial give-and-take process.

But What if the Person Won't Participate? – Using Breakthrough Negotiation

There may come a point where the other party shuts down and refuses to participate in negotiation, either by stonewalling or attacking you. Breakthrough negotiation is a strategy aimed at going around the other party's resistance; it is "the art of letting the other person have it your way."⁶

- | | |
|---------|-------------------------|
| Step 1: | Don't React |
| Step 2: | Disarm Them |
| Step 3: | Change the Game |
| Step 4: | Make It Easy to Say Yes |
| Step 5: | Make It Hard to Say No |

⁵ Roger Fisher and William Ury. *Getting to Yes: Negotiating Agreement Without Giving In*, page 113

⁶ William Ury, *Getting Past No*, page 9

Step 1: Don't React

When a party is being difficult or combative, our immediate response is often to treat them in the same difficult or combative way. However, the first step in breakthrough negotiation is to fight this instinct by taking a break and “heading out to the balcony” to distance yourself from your natural impulses and emotions.⁷ Use this time to collect your thoughts and evaluate the situation.

Step 2: Disarm Them

“Disarming” is about diffusing the difficult party’s hostile emotions. Do this by stepping to his side, listening to him, acknowledging his points, and agreeing where you can. Once you have done this, approach your point of view in such a way that it does not come across as a challenge. Try not to use the word “but”.

Example: “I can see why you feel the way you do. It’s entirely reasonable in terms of the experience you’ve had. My experience, however, has been different.”⁸

Step 3: Change the Game

Reframe the issue so you get back to focusing on interests rather than positions. Do this by asking problem-solving questions, such as “Why not...” or “What if...” Engage the other party and ask for advice.

If you can’t get them to focus on interests rather than positions, recast the conversation as a negotiation about the negotiation – figure out the substantive issues in dispute and lay out the “game rules” for negotiating.

The key in this step is in the reframing a positional argument into one that is directed toward problem solving.

Step 4: Make It Easy to Say Yes

Once you have your opponent on a path towards problem solving, you still need to reach a final agreement. If you push too hard, they will likely resist. Instead you need to draw the other party in the direction you want to move. Engage your opponent and listen to their ideas, satisfy any unmet interests, and offer a solution that allows them to maintain dignity and respect. Do not rush this process. When you think you have reached an agreement, sum up the terms clearly and write them down if possible.

⁷ William Ury, *Getting Past No*, page 17

⁸ William Ury, *Getting Past No*, page 50

Step 5: Make It Hard to Say No

Use your power to educate rather than to coerce. Do this by warning (not threatening) your opponent of potential consequences. Make your power credible by demonstrating that you have an alternative plan to negotiation, if it becomes necessary. If you need to involve a third party, do so to promote negotiation. Let your opponent be the one to choose an option that is mutually satisfying, not one that leaves you victorious.

Conclusion

Negotiating should not be an adversarial process. Avoid bargaining based on positions, and instead focus on common goals and interests. Fight the instinct to treat a hostile negotiator with equal hostility. Instead, listen to their interests and opinions and reframe the conversation in a way that allows you both to reach a mutually satisfying solution.