



Welcome to the CLU-IN Internet Seminar

Negotiations Training for OSCs (Module 3)

Sponsored by: EPA Office of Superfund Remediation and Technology Innovation

Delivered: October 5, 2010, 1:00 PM - 3:00 PM, EDT (17:00-19:00 GMT)

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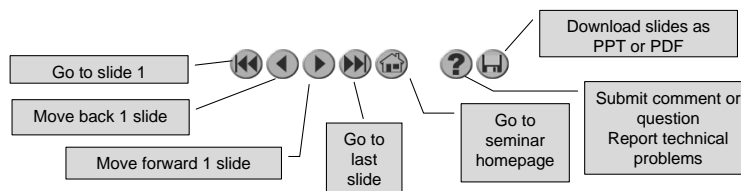
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Housekeeping

- Please mute your phone lines, Do NOT put this call on hold
 - press *6 to mute #6 to unmute your lines at anytime
- Q&A
- Turn off any pop-up blockers
- Move through slides using # links on left or buttons



- This event is being recorded
- Archives accessed for free <http://clu.in.org/live/archive/>

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Although I'm sure that some of you have these rules memorized from previous CLU-IN events, let's run through them quickly for our new participants.

Please mute your phone lines during the seminar to minimize disruption and background noise. If you do not have a mute button, press *6 to mute #6 to unmute your lines at anytime. Also, please do NOT put this call on hold as this may bring delightful, but unwanted background music over the lines and interrupt the seminar.

You should note that throughout the seminar, we will ask for your feedback. You do not need to wait for Q&A breaks to ask questions or provide comments. To submit comments/questions and report technical problems, please use the ? Icon at the top of your screen. You can move forward/backward in the slides by using the single arrow buttons (left moves back 1 slide, right moves advances 1 slide). The double arrowed buttons will take you to 1st and last slides respectively. You may also advance to any slide using the numbered links that appear on the left side of your screen. The button with a house icon will take you back to main seminar page which displays our agenda, speaker information, links to the slides and additional resources. Lastly, the button with a computer disc can be used to download and save today's presentation materials.

With that, please move to slide 3.

OSC Negotiations Course

Module 3: Skills for Overcoming Obstacles

Delivered By:

Margaret Ross, EPA CPRC
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Terry Brubaker, Consultant

Course Credit and Course Evaluation

- Your certificate is predicated on attending deliveries of all 4 modules of the course (total of 8 hours).
- After each module, please complete the Clu-In feedback form.
- Attendance for this module will be validated through a roll call, and completion of the feedback form and secret password.
- We value and use these evaluations. We want to provide the best, most relevant trainings, and your feedback is key.

Negotiations Course Learning Objectives

- **At the end of this four module course, you will be able to:**
 - Recognize opportunities to apply interest-based negotiation skills to everyday interactions and relationships
 - Explain 3 basic components of interest-based negotiation and describe how to apply each concept during the course of a negotiation.
 - Identify 3 basic communication skills that can help in any negotiation and apply each in common negotiation scenarios.
 - Explain 4 types of “people” problems, and match each with appropriate strategies to overcome those problems in a negotiation.
 - Identify when it’s appropriate to involve a facilitator or mediator

Negotiations Course Outline

- **Module 1:** Introduction to Interest-Based Negotiation
- **Module 2:** Communication Skills for Negotiation
- **Module 3:** Skills for Overcoming Obstacles
- **Module 4:** More Skills + “Ask an Expert”

Module 3: Skills for Overcoming Obstacles

Obstacle #1: Our Reactions

- How do our reactions impact negotiations?
- How do I overcome unproductive reactions?

Obstacle #2: Their Emotions

- How does their emotion impact negotiation?
- How do I overcome their emotion?

Obstacle #3: Their Positions

- How does their positionality impact negotiation?
- How do I overcome their positions?

Obstacle #4: Their Dissatisfaction

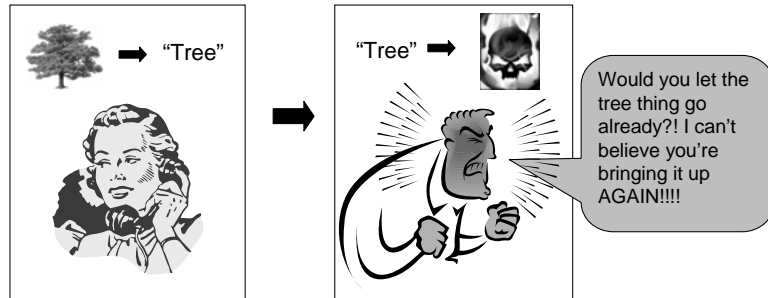
- How does their dissatisfaction impact negotiations?
- How do I overcome their dissatisfaction?

Obstacle #1: Our Reactions

**Speak when you are angry
and you will make the best speech you will ever regret.**
- Ambrose Bierce

How do our reactions impact negotiations?

1. **Sender has an idea.**
2. **Sender encodes the message.**
3. **Sender transmits the message.**
4. **Receiver decodes the message, completely freaks out and attacks sender.**



How do our reactions impact negotiations?

Striking Back

AKA:

- Fighting fire with fire
- Giving a taste of their own medicine
- Use of superior force

Can lead to:

- Escalation
- Endless argument
- Occasionally, the other side backing down, but possibly with lingering regret or anger.

Giving In

AKA:

- Appeasement
- Munich 1938

Can lead to:

- Regret
- Encouragement to other side's strong arm tactics
- You not getting what you need.

Breaking Off

AKA:

- Abandonment

Can lead to:

- Regret
- Having to start over with a new process
- Lingering anger or bitterness from other side.
- Needing to find a new way to meet your needs

How do I overcome my unproductive reactions?

Give yourself perspective

There are three keys to overcoming unproductive reactions:

1. Take a step back
2. Recognize the tactic
3. Know your hot buttons



How do I overcome my unproductive reactions?

Give yourself perspective (cont.)

1. Take a step back

To gain some **emotional distance** from the situation, imagine yourself literally watching the negotiations from a distance.

Buy some time to do this by:

- Pausing and saying nothing
- Going back and slowly reviewing/summarizing the conversation using neutral language
- Asking for an actual break (to make a phone call, to use the restroom, etc.)

How do I overcome my unproductive reactions?

Give yourself perspective (cont.)

1. Take a step back (cont.)

Things to do on your “break”

- Get someone else’s perspective
- Think about questions to ask or ways to reframe
- Think about the other side’s interests
- Appoint someone as a designated “active listener”
- Ask yourself what ten other things the speaker might have meant.

How do I overcome my unproductive reactions?

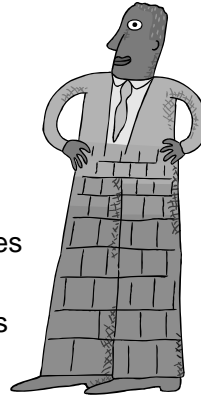
Give yourself perspective (cont.)

2. Recognize their tactics

Provocative tactics come in three flavors:

- Stonewalls: Complete inflexibility, refusal to budge
- Attacks: Threats, personal attacks
- Tricks: Bluffs, lies, good cop/bad cop routines

Identify the ploy being used, be familiar with how it's supposed to work, and you're less likely to be drawn in.



How do I overcome my unproductive reactions?

Give yourself perspective (cont.)

3. Know your hot buttons

Prepare to **NOT** react:

- Recognize your level of sensitivity to provocation.
- Think about the things that set you off, and why.
- Prepare a mental responses.
- Assume the best of people.
- Practice, practice, practice.

“Between stimulus and response there is a space. In that space is our power to choose our response.” - Viktor Frankl

Check-in Question: Our Reactions



A property owner has told you repeatedly that he will not grant you access to his property because you are a Fed, and nothing you do seems to change his mind.

This is called:

- a) Stonewalling
- b) Attacking
- c) Tricking
- d) Don't know/Not sure

Check-in Question: Review



In order to collect some samples, you will need access to Joe Landowner's property. During your first discussion with him, Joe asks that you only come on to his property while he is present.

Joe is expressing:

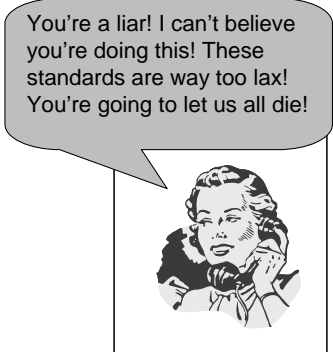
- a) A position
- b) An interest
- c) Don't know/Not sure

Obstacle #2:
Their Emotion



How does their emotion impact negotiations?

Strong emotion can divert or stifle productive conversation.



How does their emotion impact negotiation?

- Negative emotions like **anger**, **fear**, and **distrust** can prevent the other side from listening or negotiating and may drive them to extreme positions.
- Dismissing or ignoring those emotions can **backfire** by intensifying and reinforcing them.

Remember: Good people can have bad feelings.

How do I overcome their emotion?

Change the dynamic

Help the other side **defuse** their negative emotions and regain their stability by being a **partner** rather than an adversary.

You can do this by:

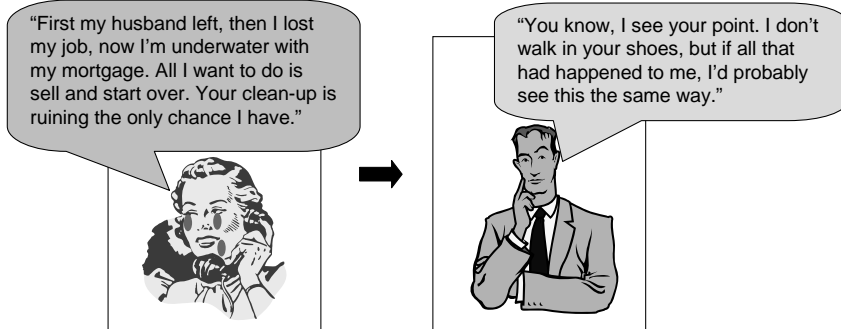
1. Listening actively (module 2)
2. Acknowledging their points
3. Agreeing wherever you can
4. Acknowledging the person
5. Expressing your views

How do I overcome their emotion?

Change the dynamic (cont.)

2. Acknowledge their point

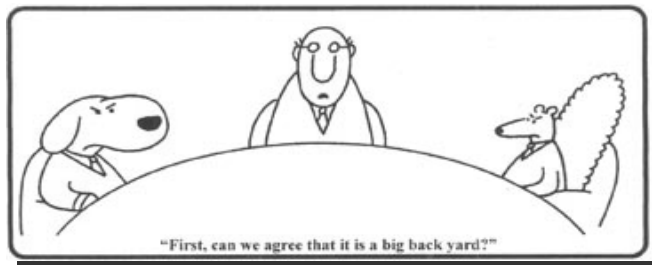
Just as you can acknowledge emotion without participating, it is possible to acknowledge a point without agreeing to a solution.



How do I overcome their emotion?

Change the dynamic (cont.)

3. Agree wherever possible



- Look for and create opportunities to agree without concessions.
- Look for cues about what makes them comfortable, and use them.

How do I overcome their emotion?

Change the dynamic (cont.)

4. Acknowledge the person

When people lose their emotional balance, help them regain it by:

- Acknowledging their authority, competence
- Recognizing that we all have complex interests, personal histories, bases for our choices

How do I overcome their emotion?

Change the dynamic (cont.)

5. Express your views without provoking

- **Do:**

- Watch your language:
 - Make “I” statements
 - “Yes, and...”
- Be confident
- Be optimistic

- **Avoid:**

- Making assumptions, judgments, characterizations, etc., based on their emotion
- Trying to negotiate their feelings away
- Answering emotion with raw data
- Refusing to talk until they “get it together”

Check-in Question: Their Emotion



A community member has become embarrassingly emotional at a public meeting. You thank them for their contribution to the effort and recognize them for their deep knowledge of the community.

This is called:

- a) Acknowledging the person
- b) Expressing your thoughts
- c) Agreeing wherever possible
- d) Don't know/Not sure

Check-in Question: Review



A PRP launches an explosive diatribe against the bloated, maniacally spending Federal Government, and accuses you of trying to bankrupt his business. You choose to reframe his statement.

Which is the best example of reframing?

- a) "I think I'm hearing a lot of anger about the federal government, and I'm also hearing that you're concerned for the finances of your business. Is that right?"
- b) "I'm sorry you feel that way, but we're not trying to bankrupt you."
- c) "You're angry about overspending and you're worried about these costs, both valid points. If we work together we can figure out how to meet all our interests at the lowest possible costs. How do you think we should move forward?"
- d) Don't know/Not Sure

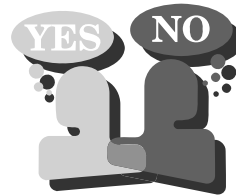


"What's the point of looking at your side of the argument
when it's wrong?"

Obstacle #3: Their Positions

How does their positionality impact negotiations?

- Even if you are trying to engage in interest-based negotiations, the other side may be stuck in positional bargaining.
- When the other side makes demands based on their position, your **natural response may be to reject it** and advance your own position.
- This can result in a **stalemate** and hard-bargaining that prevents a constructive solution.



How do I overcome their positionality?

Don't reject; reframe

In order to move someone away from positions, you will need to change how they perceive the issues being negotiated and the negotiation itself.

When you come up against someone who refuses to relinquish their positionality:

1. Ask questions that change their perspective
2. Go around stone walls
3. Deflect attacks
4. Expose their tricks

How do I overcome their positionality?

Don't reject; reframe

1. Ask questions that change their perspective

- **Ask problem-solving questions, like:**
 - “That’s interesting, can you explain why you want that?”
 - “What if we did it this way?”
- **Ask for their advice:**
 - “What would you do in my shoes?”
- **Ask problem-solving questions**
 - “How?”
 - “Why?”
 - “Why not?”
- **Avoid Yes/No questions** that are easily answered and dismissed



How do I overcome their positionality?

Don't reject; reframe

2. Go around stone walls:

- Test their seriousness: Ignore ultimatums, positions and continue discussing the interests at hand
- Reinterpret the wall as an aspiration
- Test it for flexibility

Always be respectful and work in good faith.
Don't let your reactions get the best of you .

How do I overcome their positionality?

Don't reject; reframe

3. Deflect Attacks:

- Ignore the attack and continue discussing the interests at hand
- Reframe the attack on you as an attack on the problem
- Reframe blame as a desire to do things differently in the future

How do I overcome their positionality?

Don't reject; reframe

4. Expose Tricks:

- Act as though the other side is operating in good faith
- Always be respectful
- Ask clarifying questions
- Make a reasonable request
- Turn the trick to your advantage

Danger: if you use these tactics without good faith and respect for others, the incongruity with your tone and body language will give you away.

Check-in Question: Their Positions



Ignoring an ultimatum in order to continue to focus on interests is an example of which of the following:

- a) Exposing tricks
- b) Deflecting attacks
- c) Going around a stone wall
- d) Don't know/Not sure

Check-in Question: Review



When might interest-based negotiation not be the best strategy?

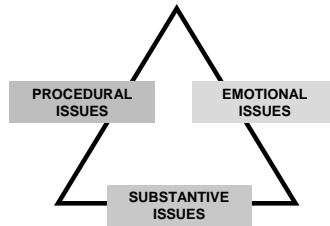
- a) When cost is involved
- b) When the problem is very complex
- c) When there are multiple parties
- d) When there is a threat of violence
- e) Don't know/Not sure

Obstacle #4: Their Dissatisfaction

Build your opponent a golden bridge
to retreat across
- Sun Tzu

How does dissatisfaction impact negotiations?

Until negotiators have met their needs and satisfied their interests, no agreement can be made (without force). Three types of issues must be addressed in a successful negotiation.



Indigenous Facilitation and Mediation Project, 2004, The Satisfaction Triangle: A Simple Measure for Negotiations and Decision Making. (Unpublished).
http://nru.aiatsis.gov.au/famp/practice/pdfs/satisfaction_triangle.pdf

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INSTRUCTOR INFORMATION

Lesson: Interest Based Negotiation

Topic: Interests – Needs t

Method: Lecture

DELIVERY

The instructor covers the following

The three kinds of needs can form a triangle. This triangle was developed by Chris Moore and others. It shows the interaction of the three kinds of needs – how one kind of need influences how other needs may affect a person's perceptions and ways of approaching negotiation or problem solving. These needs are also sources of conflict (motion towards the Causes of Conflict Wheel on the laminated poster) This triangle uses these causes and demonstrates the interaction among the causes.

Your materials (Tab 6) include a really good paper from Australia that explains this triangle in understandable discussion.

Starting with Substantive needs – these are the WHAT – the items or things we need. Most people, can list what they want, and with a little thought can begin paring these wants (positions) down to what things they actually need.

Rarely can humans achieve their needs so simply – procedural issues and emotional issues intervene and can affect each other and how substantive needs are expressed and achieved.

Procedural needs (we discussed these also in the causes of conflict) affect how we interact with others in achieving our substantive needs. If we feel we are treated respectfully, fairly, in a timely manner with regard to our interactions with others in the problem, we can move forward with solving the problem. If we feel that we are treated unfairly, are ignored or disrespected, then it affects our EMOTIONAL needs and affects whether we feel satisfied with the resolution of our substantive needs.

Think about the argument between siblings regarding the orange. If a parent had intervened early in the discussion and “ruled” on behalf of one or the other of the siblings before hearing both of the siblings out – do you think the other person would have accepted the decision – even if it had been the one they wanted? Maybe not.

Emotional needs – respect is also an emotional need. If a person is disrespected or treated badly or emotionally abused, even if they get what they need, will they feel satisfied? Or will they keep trying to have their emotional need met in addition to their substantive need.

How does dissatisfaction impact negotiations?

Emotional

Issues:

- They are afraid of losing face.
- It is too much too fast, and they feel pressured or overwhelmed.
- They dislike the idea of accepting their opponent's proposal.

Procedural

Issues:

- They believe the process isn't fair.
- People involved don't have the authority to make commitments.
- Lack of familiarity with Superfund processes.
- Questions of agency: who speaks for whom.

Substantive

Issues:

- They have other interests that are unmet.
- They might have made ill advised commitments to higher ups.
- There are institutional problems that block the way.
- Questions about the science.

How do I overcome their dissatisfaction?

Emotional

Solutions:

- Listen actively
- Ask for more input
- Ask questions about what a joint solution would look like
- Let them vent

Procedural

Solutions:

- Agree on ground rules, and use them
- Make sure the right people are at the table (or the site, or the lawn chair)
- Take a break, give them time to think
- Use a mediator

Substantive

Solutions:

- Identifying interests and meeting them
- Generating options based on interests
- Using objective criteria to evaluate proposals
- Facing problems as a team

Check-in Question: Their Dissatisfaction



An elderly property owner is upset with the speed at which things are moving. He is afraid to sign any more papers and has refused to agree to sampling on his property.

This is an example of:

- a) A substantive issue
- b) A procedural issue
- c) An emotional issue
- d) Don't know/Not sure

Check-in Question: Their Dissatisfaction



An elderly property owner is upset with the speed at which things are moving. He is afraid to sign any more papers and has refused to agree to sampling on his property.

Because you have no time to waste, but you don't want to upset the man further, you decide to bring in a mediator to facilitate discussion.

This is an example of:

- a) A substantive solution
- b) A procedural solution
- c) An emotional solution
- d) Don't know/Not sure

Check-in Question: Review



Community member: “Nobody tells us anything and we demand that you stop sneaking around until we have an opportunity to review what you’re doing and why.”

OSC: “It sounds like we’re not getting enough information to everyone. What would you like to see?”

This is an example of:

- a) Active listening
- b) Asking good questions
- c) Reframing
- d) All of the above
- e) Don’t know/Not sure

Questions? Thoughts?

Thanks!

Resources & Feedback

- To view a complete list of resources for this seminar, please visit the **Additional Resources**
- Please complete the **Feedback Form** to help ensure events like this are offered in the future

The screenshot shows a web form titled "U.S. EPA Technical Support Project Engineering Forum Green Remediation: Opening the Door to Field Use Session C (Green Remediation Tools and Examples) Seminar Feedback Form". The form includes a sidebar with navigation links: "Go to Seminar", "Links", "Feedback", "Home", and "CLL-IN Studio". The main content area contains a message: "We would like to receive any feedback you might have that would make this service more valuable. Please take the time to fill out this form before leaving the site." Below this message are input fields for "First Name:", "Last Name:", "Email Address:", and "Date of Seminar:". The "Date of Seminar:" field has a radio button selected for "December 15, 2009". At the bottom of the form, there is a checkbox labeled "Please send a copy of my feedback confirmation as a record of my participation to this address." An arrow points from the text on the right to this checkbox.

Need confirmation of your participation today?

Fill out the feedback form and check box for confirmation email.