

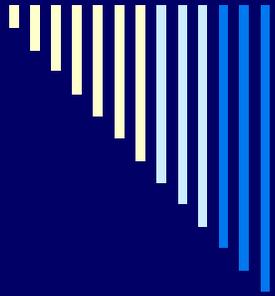
Interest Based Negotiation Workshop

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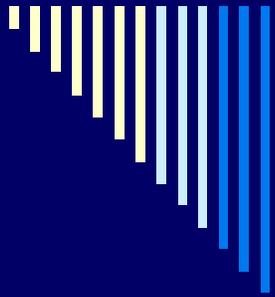
UCLA

September 15, 2010



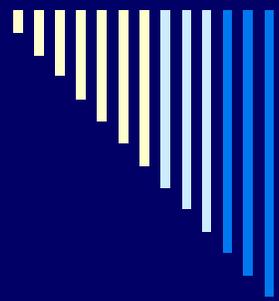
When are situations negotiable?

- Before faculty are hired there is an expectation that there will be a negotiation
- But what is negotiable once someone is on the job is much less clear
- Negotiations throughout the career:
 - Teaching load
 - University service
 - Compensation, space, computer upgrades



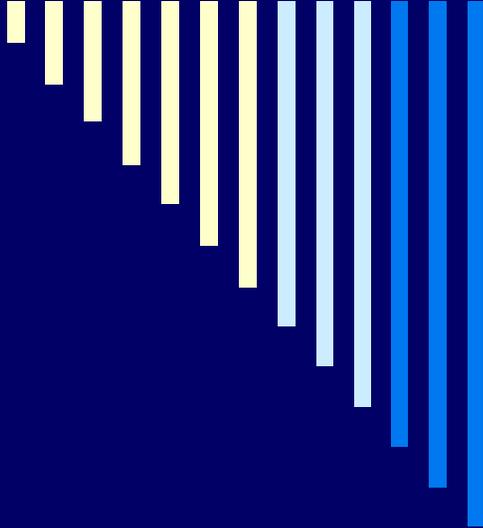
Negotiation Skills

- Critical skill when selecting your first position or when considering a new position
- Influences every day of your working life
 - Convincing your chair that it is in his/her best interests to have you *not* serve on that committee
 - Negotiating with funding agencies, colleagues, and collaborators



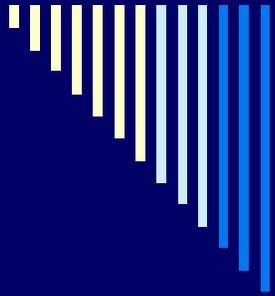
You should be negotiating all the time

- Making sure that your salary, space, and research infrastructure is adequate and fair
- Helping your patients accomplish behavioral change
- Motivating students to learn
- Convincing your 5 year old that eating breakfast before school is in her best interest



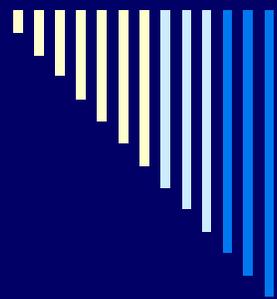
Interest Based Negotiations

***From Getting Past No: Negotiating In
Difficult Situations. W. Ury. Bantam
Books 2007.***



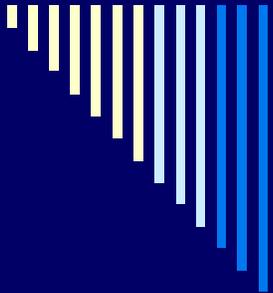
Glossary

- *Negotiation*: The process of back-and-forth communication aimed at reaching an agreement with others when some of your interests are shared and some are opposed.
- *Joint problem solving*: Instead of attacking each other you jointly attack the problem. Revolves around interests instead of positions. Face the problem not each other



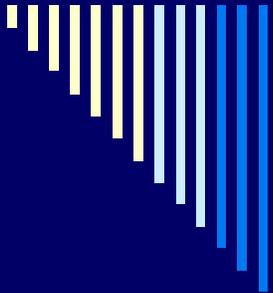
Joint Problem Solving

- Identify each sides interests, needs, concerns, and desires that motivate your opposing views. Try to come to a mutually acceptable solution
 - Example: 3 years into your job you find out that you are paid 10K less than another faculty member who was hired at the same time and now you are meeting with your chair for your annual salary negotiation.



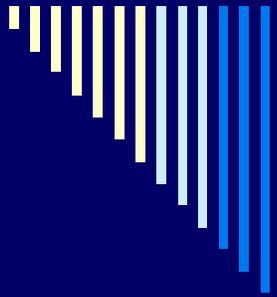
5 Barriers for Cooperation

- ❑ ***Your reaction:*** When you hear NO, you feel attacked, devalued and you may want to strike back!
 - ❑ ***Their emotion:*** Behind the attack may be negative emotions such as jealousy or hostility
 - ❑ ***Their position:*** In joint problem solving you try to face the problem together rather than taking opposite positions. The other side may have a long tradition of “digging in” and any outcome other than what they thought should happen before the conversation started is considered a failure on their part
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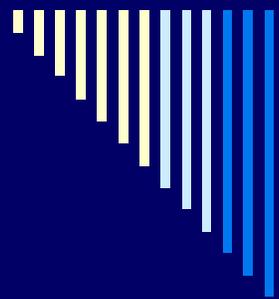
5 Barriers for Cooperation

- ***Their dissatisfaction:*** Your goal may be to reach a mutually acceptable solution, but the other side may not see *how* this will benefit them. Even if you satisfy their interests, they may fear losing face if they back down.
 - ***Their power:*** People in power are competitive and if they view this as a lose/win proposition they will be determined to get their way.
 - ***To be successful you need to breakthrough each of these barriers.***
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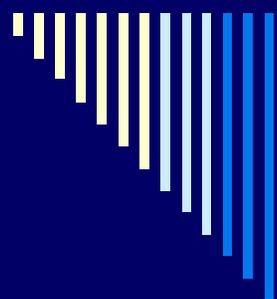
3 Natural Reactions

- *Striking back*: Leads to futile and costly confrontation. Rarely advances your interests and damages long-term relationships.
- *Giving In*: You appear weak and you reward the other side for bad behavior
- *Breaking off*: Usually a hasty reaction that you regret later.
- *Danger of reacting* : Lose site of our interests and objectivity



3 Unfair Tactics - recognition is the key to neutralization

- ❑ *Obstructive*: Stone walls, refusal to budge, leaves you with the impression that there is no flexibility
- ❑ *Offensive*: Attacks or pressure tactics designed to intimidate you and make you feel uncomfortable
- ❑ *Deception or tricks*: Ways to trick you into giving in. Takes advantage of the fact that you assume they are honest and acting in good faith



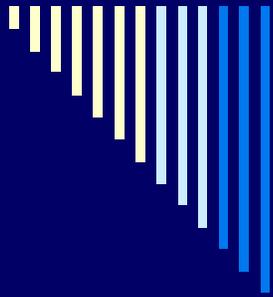
Strategies when you think you are under attack

- ❑ Put on your radar not your armor
- ❑ Make a mental note when you think there is a possible attack -- look for additional evidence, think about which of the 5 core concepts are involved (more on that later)
- ❑ Go to the balcony
- ❑ It may help to see the person as someone who doesn't know better
- ❑ Buy time to think, pause or rewind the tape: "Let me make sure that I understand what you are saying..."
Take a time out.



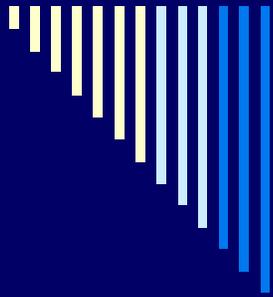
The Breakthrough Negotiation

- A five step strategy for breaking through each of these barriers.
 - *Indirect Action*: Requires you to do the opposite of what you feel like doing in difficult situations
 - confronted with hostility --- don't argue
 - confronted with unreasonable positions -- don't reject
 - Confronted with aggression --- don't escalate
 - ***Otherwise you are playing by their rules!***
 - ***Your single greatest opportunity as a negotiator is to change the game.***
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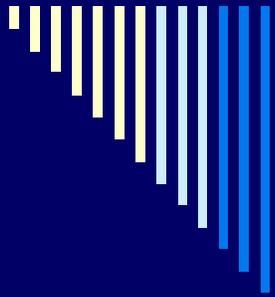
The Breakthrough Negotiation

- Rather than pounding your idea in, you encourage the person to reach for it from within.
- Rather than pressuring someone to change their mind, create an environment in which they can learn
- Only they can break through their own resistance, your job is to *help* them



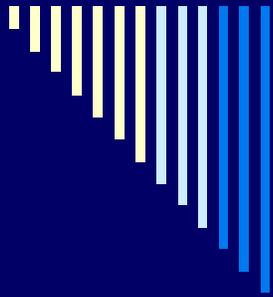
Prepare!

- Map out the way to an agreement
- Figure out your interests: needs, desires, concerns, aspirations. What problem are you trying to solve? Rank your interests and don't trade off an important one for a less important one
- Figure out their interests: Put yourself in the other person's shoes. Try to imagine what they care about most.



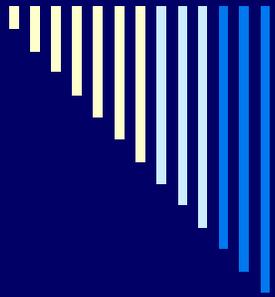
Prepare!

- The purpose of identifying interests is to see if you can devise options that satisfy them
- Don't dwell on a single solution
- Use "standards" -- a measuring stick that allow you to decide what a fair solution is
 - Your market value
 - Equal treatment
- Think ahead of time about the standards that you can appeal to in your negotiation



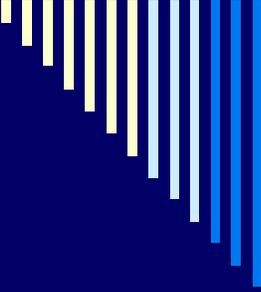
Alternatives

- Knowing what your alternatives are can determine your success in satisfying your interests
- Know your BATNA ...the walk away alternative
 - If you have a viable BATNA you have leverage!
 - The better your BATNA the more power you have



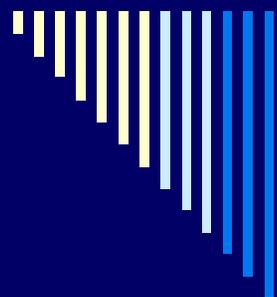
Identify your BATNA

- ❑ Keep your BATNA to yourself
- ❑ BATNAs don't exist they need to be developed...don't just threaten to go on the job market, get an outside offer
- ❑ Once you have a BATNA, decide if you want to negotiate
- ❑ Don't over-estimate how good your BATNA is!
- ❑ Don't agree unless it is better than your BATNA



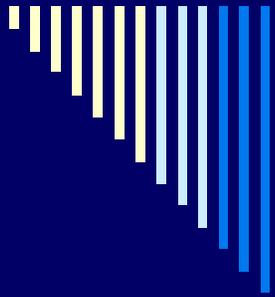
Have 3 proposals in mind

- What would satisfy my interests and at the same time meet enough of the other side's basic concerns that there is at least a chance that they would agree?
 - What agreement would satisfy my basic interests sufficiently that I would be content?
 - What would satisfy my interests marginally better than my BATNA?
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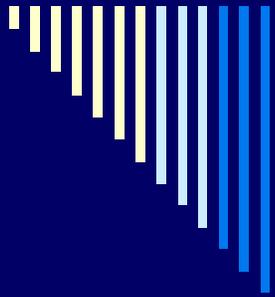
The Workshop: A chance to Practice and Rehearse

- Ask a colleague to role play the other side
- Focus on:
 - Interests
 - Options
 - Standards
- Debrief: What worked? What didn't?
- Anticipate the other sides tactics



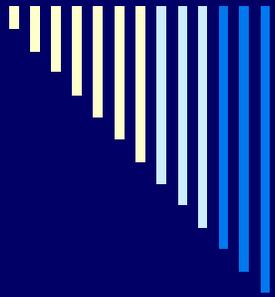
The 5 Steps

- The first barrier is your natural reaction -- suspend it! Regain your mental balance, don't lose sight of the goal. *Go to the balcony, distance yourself from your natural reaction*
- Overcome the other side's negative reaction -- don't get drawn into an argument. They expect you to be adversarial, instead try to listen, take their side, try to understand their position, be respectful. *Step to their side*



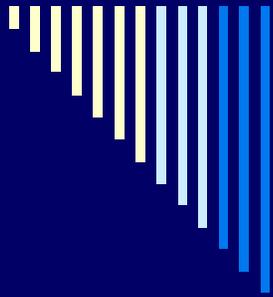
Step to their side

- Secret of disarming is surprise, do the opposite of what is expected
 - Listen - actively
 - Acknowledge - shows respect
 - Agree - even if only on small parts
 - Once the other side has been heard they will be less reactive
 - Project confidence, remain calm, make eye contact, accumulate “yesses”
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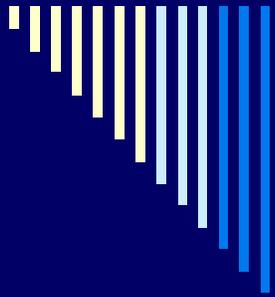
The 5 steps

- Try to tackle the problem together, this is hard if they are digging in. Accept what they say and *reframe it* as an attempt to deal with the problem. Ask questions about the problem. “Ok, I understand that the department is having financial problems this year and no one is getting raises, but this salary differential is not equitable, are there other sources for compensation that we could consider? ”
- Try to bridge the gap between their position and yours. Help them save face and make the outcome look like a victory for them. *Build a golden bridge*



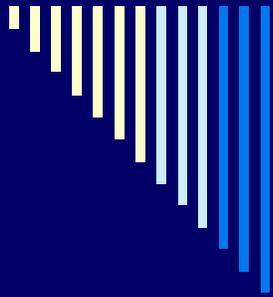
More on Reframing

- Don't reject -- change the game
- Redirect the other side's attention away from fixed positions toward the task of identifying interests, creating options, and discussing fair standards for selecting an option
- Ask problem solving questions
- How you ask is just as important as what you ask --- use "we"



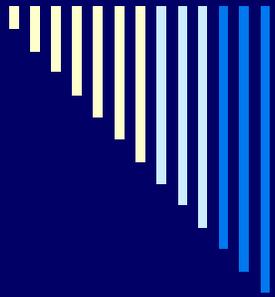
Build them a golden bridge

- Start from where they are and try to make it easy to get over the obstacles
- Involve the other side in finding a solution
- Ask for and build on their ideas
- Offer choices -- go slow
- Try to satisfy some unmet interests
- Help them save face



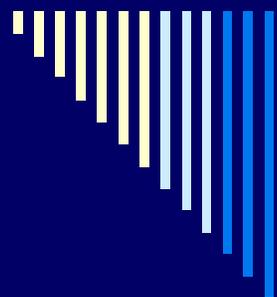
The 5 steps

- Despite your best efforts the other side may still refuse to cooperate believing that they can beat you at the power game. Use power not to escalate but to educate. Show them that they cannot win alone but only together and try to bring them back to the table.



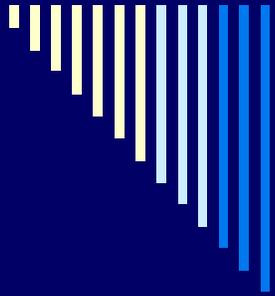
Power to educate

- Teach that the only way for them to win is to win together
 - Let them know the consequences of not reaching an agreement
 - Ask reality testing questions
 - What do you think I will do if we don't agree?
 - Warn, don't threaten ...threats can backfire
 - If it doesn't work you may need to demonstrate your BATNA
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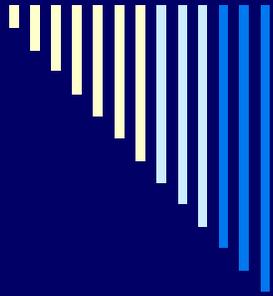
Breakthrough Strategy Crib Sheet

- Don't React: Go to the balcony
- Don't Argue: Step to their side
- Don't Reject: Reframe
- Don't Push: Build them a golden bridge
- Don't Escalate: Use power to educate



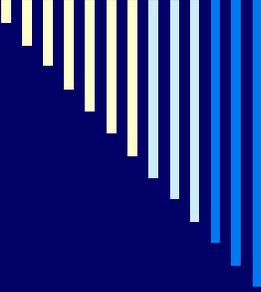
Workshop Set Up

- 8 tables, 8 per table
 - 3 Clinician Educators
 - 3 Research Educators
 - 2 Research, Clinician, Educators



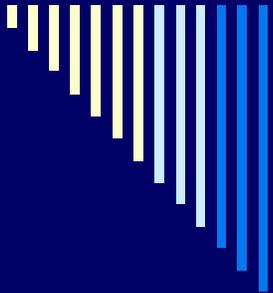
The 6 cases

- **Getting Credit When Credit is Due**
- **Salary Negotiation**
- **Negotiating for a fair allocation of protected time for research and a fair level of clinical responsibility**
- **Negotiating Part-time Work**
- **Negotiating for Space**
- **Negotiating Title and Series**



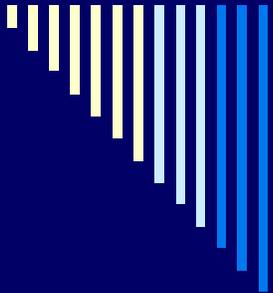
Our Great Facilitators!

- **Alison A. Moore MD**, Associate Professor of Medicine, Geriatrics
- **Art Gomez MD**, Professor of Clinical Medicine
- **Bevra Hahn MD**, Professor of Medicine, Division Chief, Rheumatology
- **Jonathan Braun, M.D., Ph.D**, Professor and Chair, Pathology and Laboratory Medicine, Molecular and Medical Pharmacology
- **Joyce Fried**, Assistant Dean, Co-Director, Continuing Medical Education
- **Lynn K. Gordon MD, PhD**, Associate Dean, Diversity Affairs, Professor of Ophthalmology
- **Margaret L. Stuber, M.D**, Professor of Psychiatry, Co-Chair of the Medical Education Committee
- **Mark S. Litwin, MD, MPH**, Professor of Health Services and Urology



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