

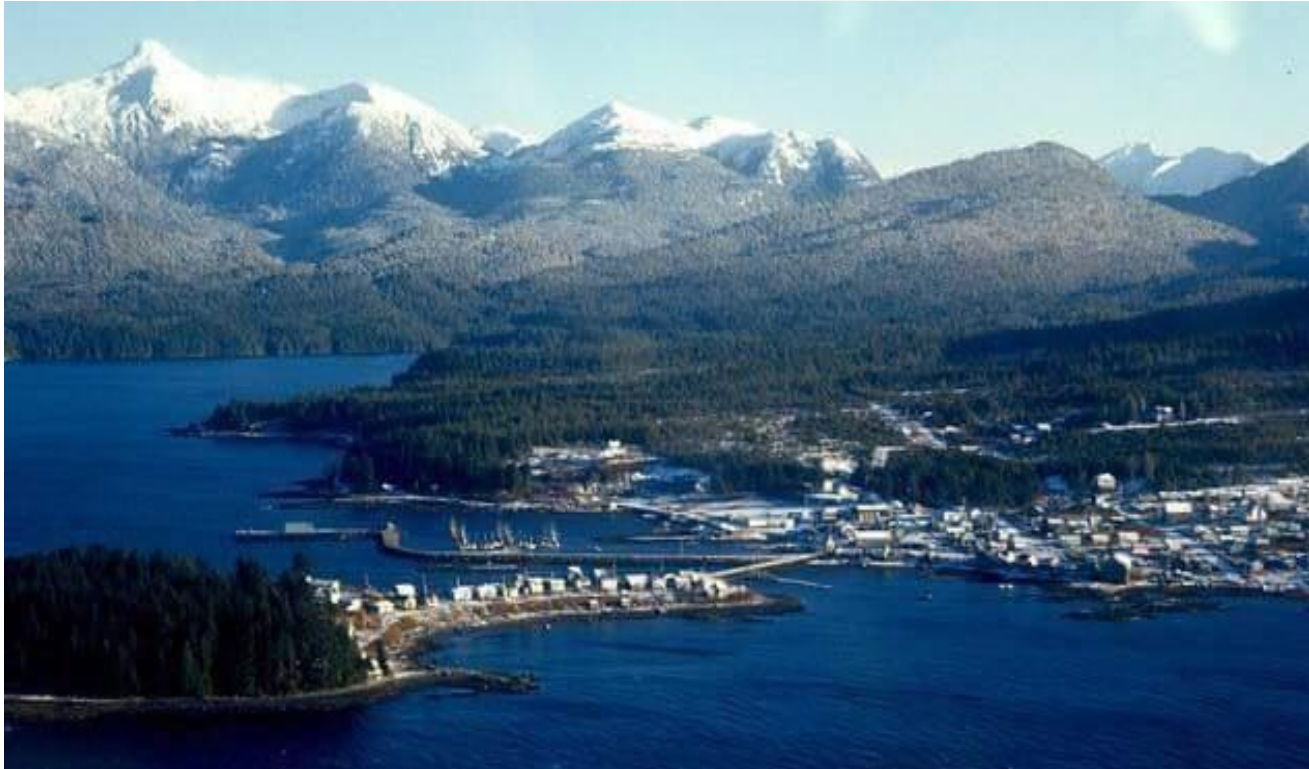


Welcome to Negotiation & Contract Management - NVIT

By: Gayle Bedard

Lax Kw'Alaams





N.V.I.T.

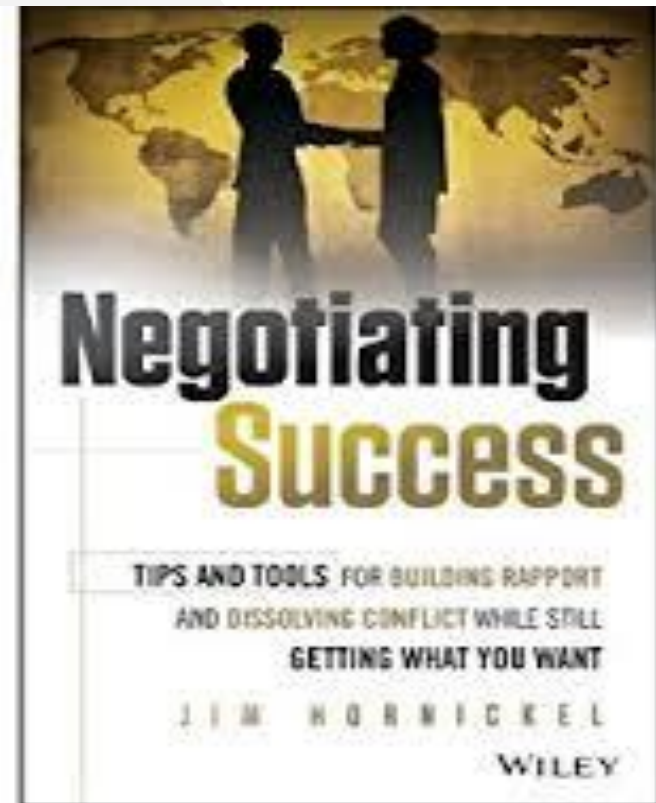
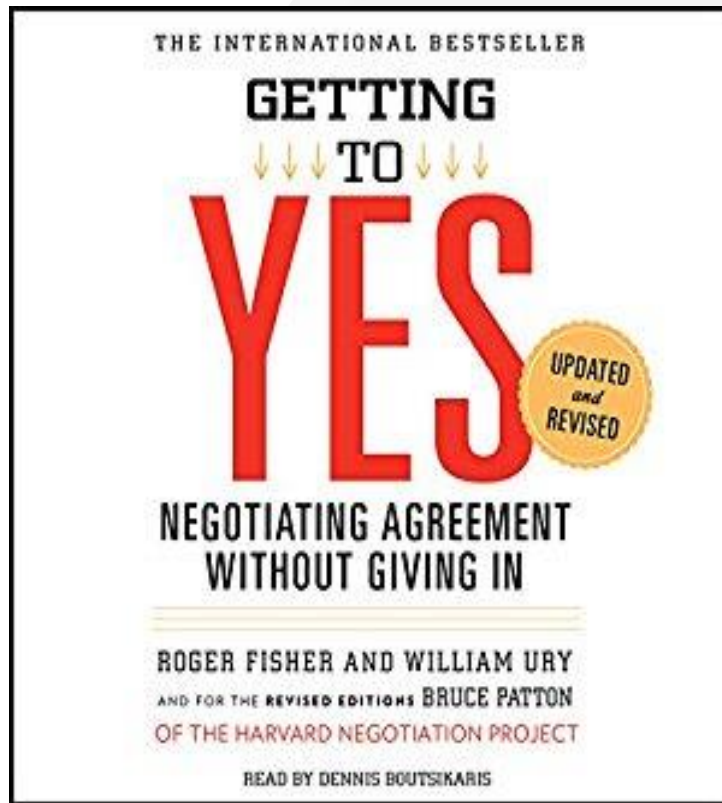
(Nicola Valley Institute of Technology)

- Negotiation and Contract Management – 3 credit course
- Both negotiations and contract management are examined in this course through experiential models and practices, focusing particularly on applications with a First Nations setting.
- The learning process is based on a combination of lecture inputs to introduce core concepts, individual and class exercises organizational skills, and allows students to monitor their own progress in the course.
- The students will be introduced to the concept of anchoring their learning with S.M.A.R.T. goal setting.
- This course is targeted for those who are employed and/or have administrative experience.

Course Summary

This course deals with negotiation and bargaining as methods of advancing and protecting your own interests, and of resolving disagreements and conflicts. Throughout the week, students will have the opportunity to learn terms and concepts, acquire information, and develop skills, which experienced negotiators have found to be useful. These opportunities will be presented in at least five different ways.

Resources for Course



Negotiations

Table Talk – What do we understand by the term “negotiation”?



Negotiation Means . . .

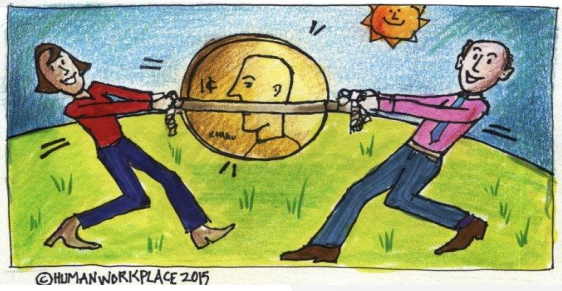
“Negotiation involves two (or more) parties with competing or conflicting interests or needs, working towards an agreement on how they will co-operate”

Dr. Gregory Tillett **Resolving Conflict** (Sydney: Sydney University Press, 1991) p. 46.



Recent Negotiations . . .

Think of some recent negotiations in which you have been involved. What are they?



We Negotiate For . . .

- Buying a car, a house or an appliance
- Negotiating salary
- Negotiating different roles & responsibilities at work
- Arranging a fair division of household chores
- Making divorce settlements and custody arrangements
- Agreeing with child on video games, etc.



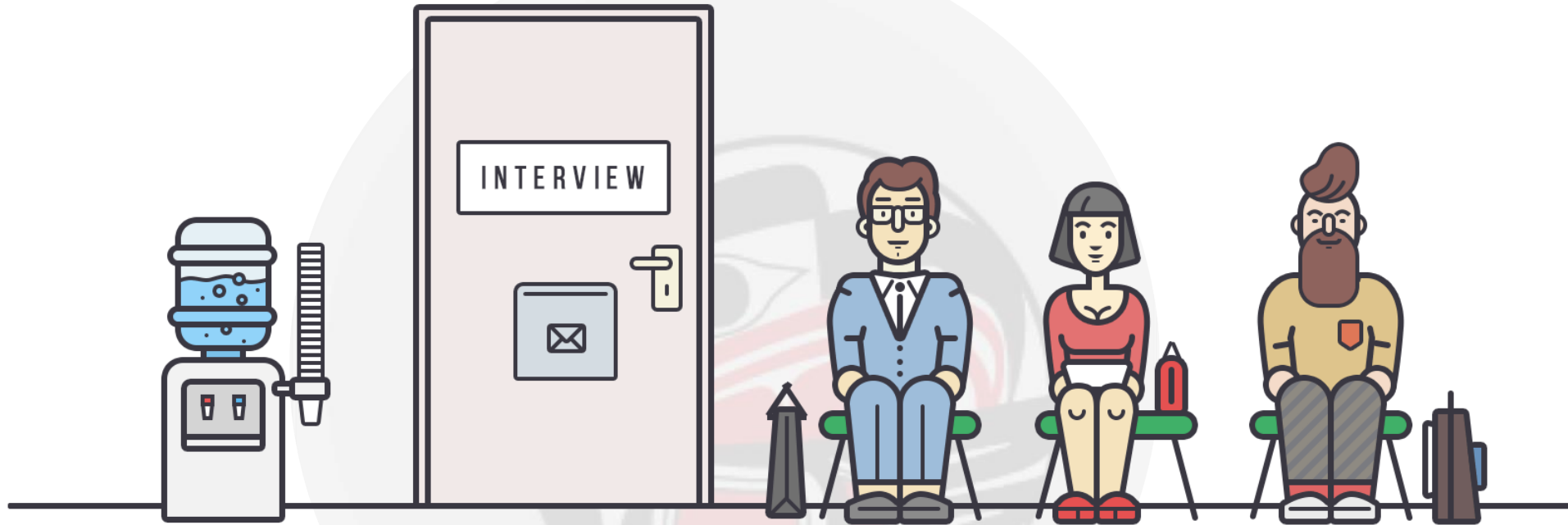
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Why Do We Negotiate In These Settings?

- Variety of reasons depending on the situation
- There seems to be no alternative (people may not otherwise be willing to shift)
- To reach an agreement
- To maintain or strengthen the relationship
- To be fair: to take account of both parties' perspectives, needs and concerns
- To get the best deal possible



Simulation Activity



- Human Resources Director / Prospective Employee
- **Position:** Computer Programmer Position

Negotiation Practise . . .

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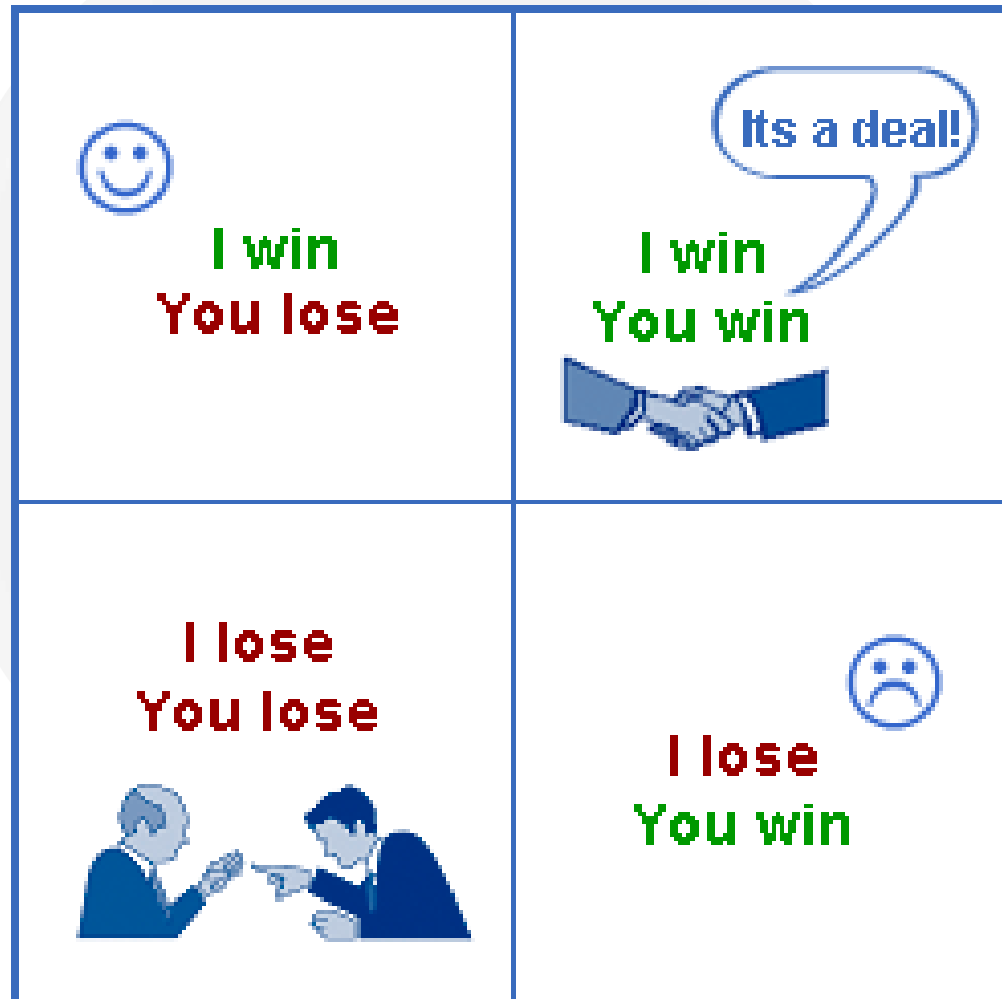


**“Instead of a pay raise, I’m adding you
to my friends list on Facebook.”**

Negotiation / Conflict



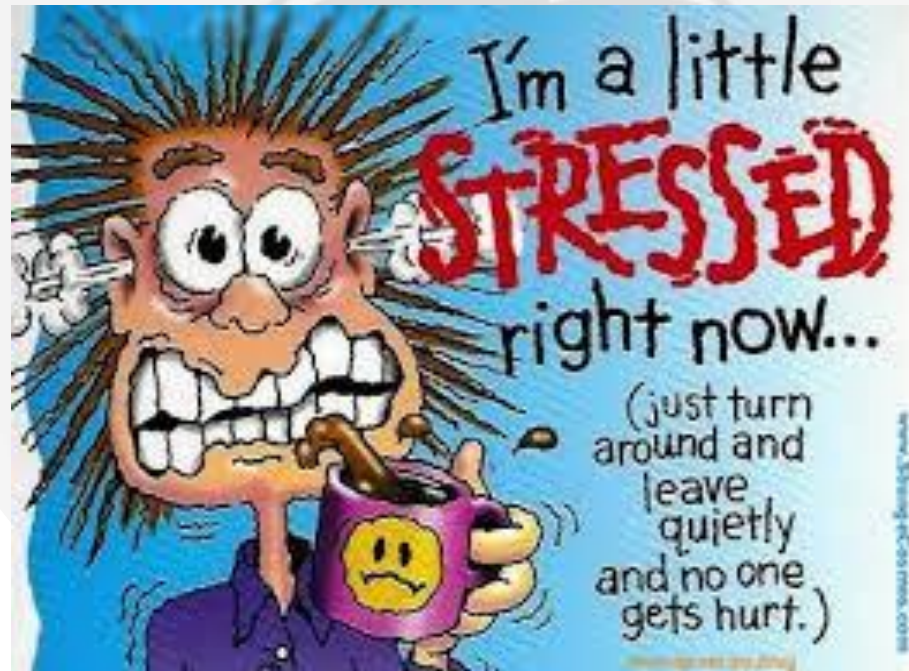
Negotiation styles . . .



Negotiation / Conflict

- Negotiation often involves some degree of conflict, whether you're hashing out a potentially profitable deal or trying to resolve a nasty dispute.
- By nipping in the bud the impulse to become agitated, rapport between negotiators works as a kind of social tranquilizer.
- Rapport determines whether negotiators develop the trust necessary to understand each other's interests and reach a strong agreement.

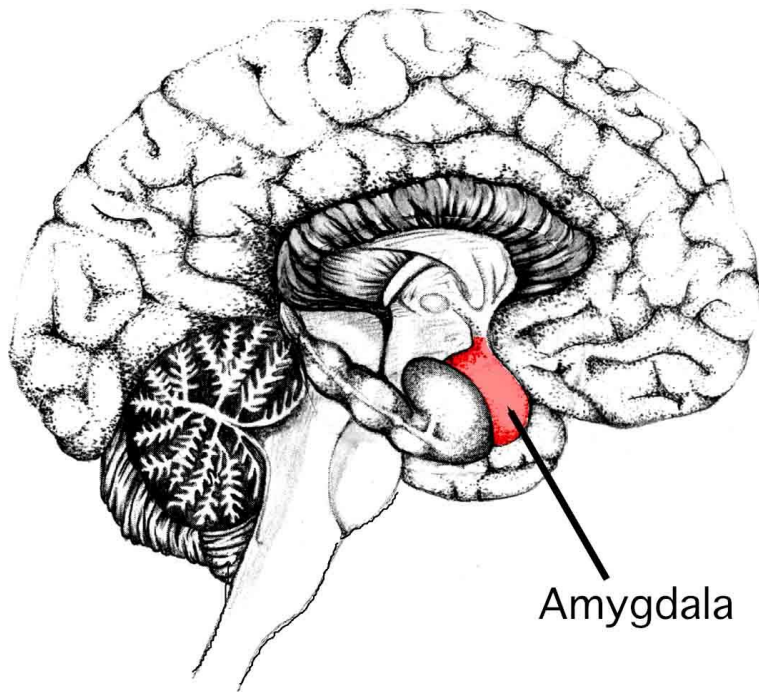
How the Body Responds to Stress / Conflict



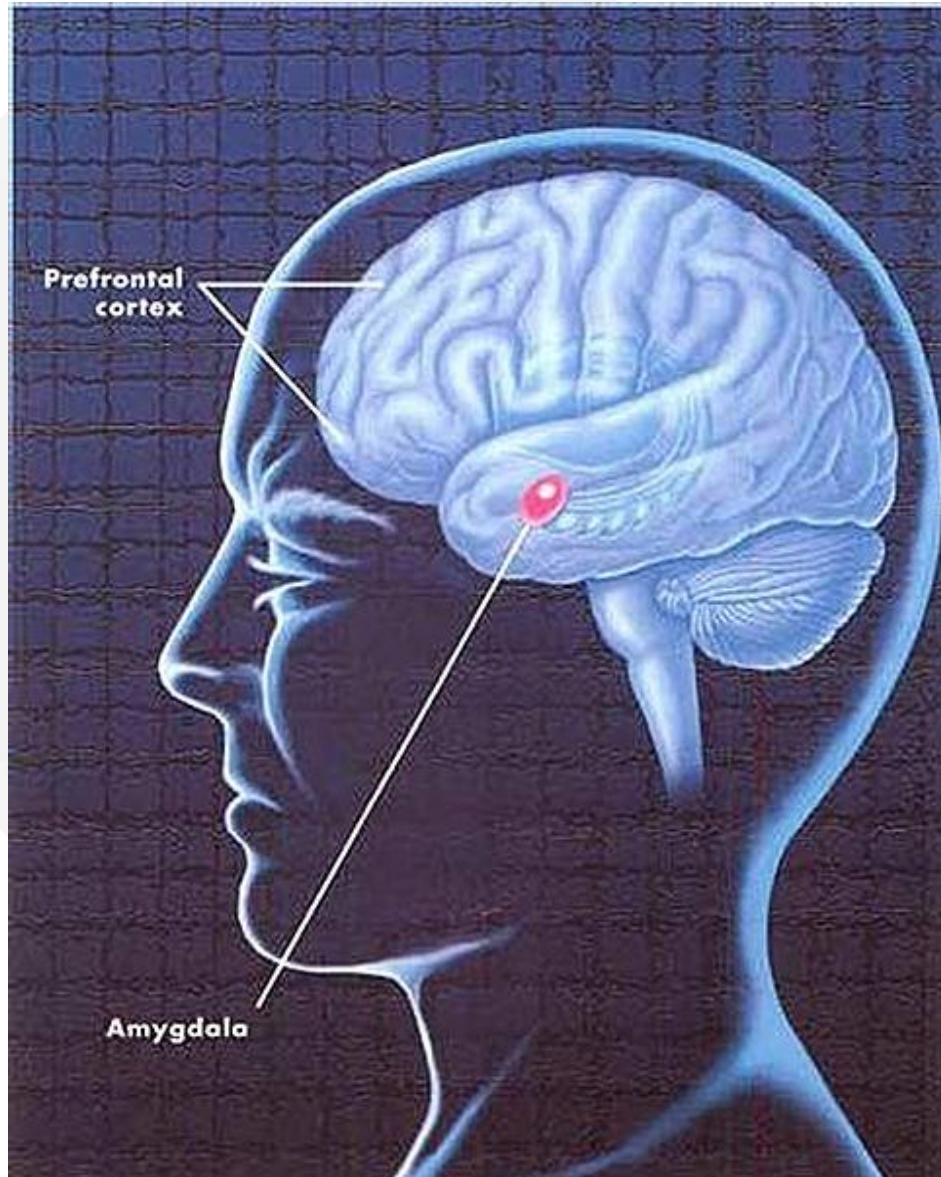
The Brain's response . . .



Neuroscience and the Brain



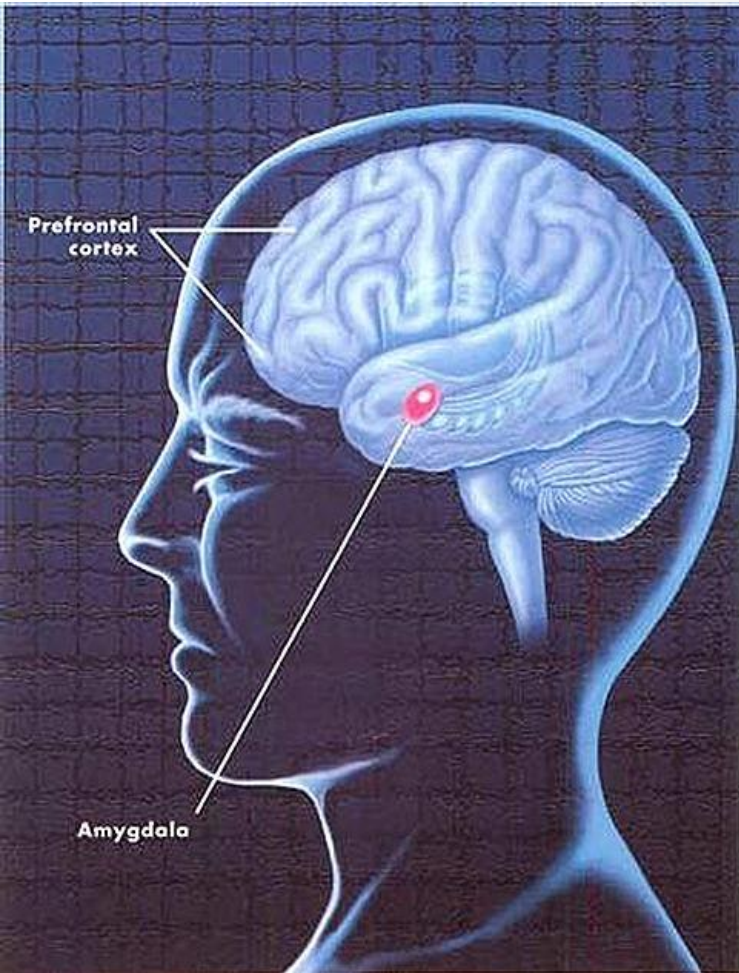
The Brain



Trauma / Stress & Brain Development

- The brain develops from brainstem to the cortex.
- Infancy and childhood extremely important in brain development – use it or lose it.
- By shaping the developing brain, experiences of childhood define the adult.
- **Simply stated, children reflect the world in which they are raised. If that world is characterized by threat, chaos, unpredictability, fear and trauma, the brain will reflect that by altering the development.**
- **With the history of Aboriginal peoples of Canada – how effective are we at negotiations?**

When stressed...



- The Amygdala acts as the brains **“security guard”**, protecting us from threats.
- This blocks the ability to use the highest, reflective brain to determine behavior and decision making.
- The behavioral responses are limited to
- **fight/flight/freeze (acting out or zoning out)**.



What is conflict?
How would you describe it?



4 Classifications

- **Intrapersonal conflict** - a **conflict** that occurs solely in the psychological dynamics of the person's own mind.
- **Interpersonal conflict** refers to a conflict between two individuals.
- **Intragroup conflict** is a type of conflict that happens among individuals within a team. The incompatibilities and misunderstandings among these individuals lead to an intragroup conflict.
- **Intergroup conflict** takes place when a misunderstanding arises among different teams within an organization.

What is CONFLICT ?



Conflict may be defined as a disagreement or struggle between people with opposing needs, ideas, beliefs, values or goals.

How do people deal with conflict?

(individual / group / community)



How do you or people around you deal with conflict?

How do you respond to conflict . . . ?



Describe a conflict situation and end result . . .



Describe a successful conflict situation - end result . . .



YOU DON'T HAVE
TO ATTEND
EVERY ARGUMENT
YOU'RE INVITED TO.

thingsweforget.blogspot.com

Reflection . . .

- How often do I face conflict?
- When conflict occurs, do I prefer to avoid dealing with it or give in to others?
- Do I come off too aggressively at times?
- Do I take time to listen to other people's thoughts on an issue?
- When conflict emerges, am I aware of my feelings and those of others?
- Do I rush to solve problems before I'm sure of what the issues are?
- Do I collaborate with others to come up with solutions, or do I make most of the decisions on my own?

Discovering your conflict styles . . .

in relationships

WHAT'S Your CONFLICT STYLE?



I avoid conflict, and do not like unnecessary tension.



I just want to maintain the relationship and not hurt the other person's feelings.



I like to meet in the middle, and am willing to sacrifice some things.

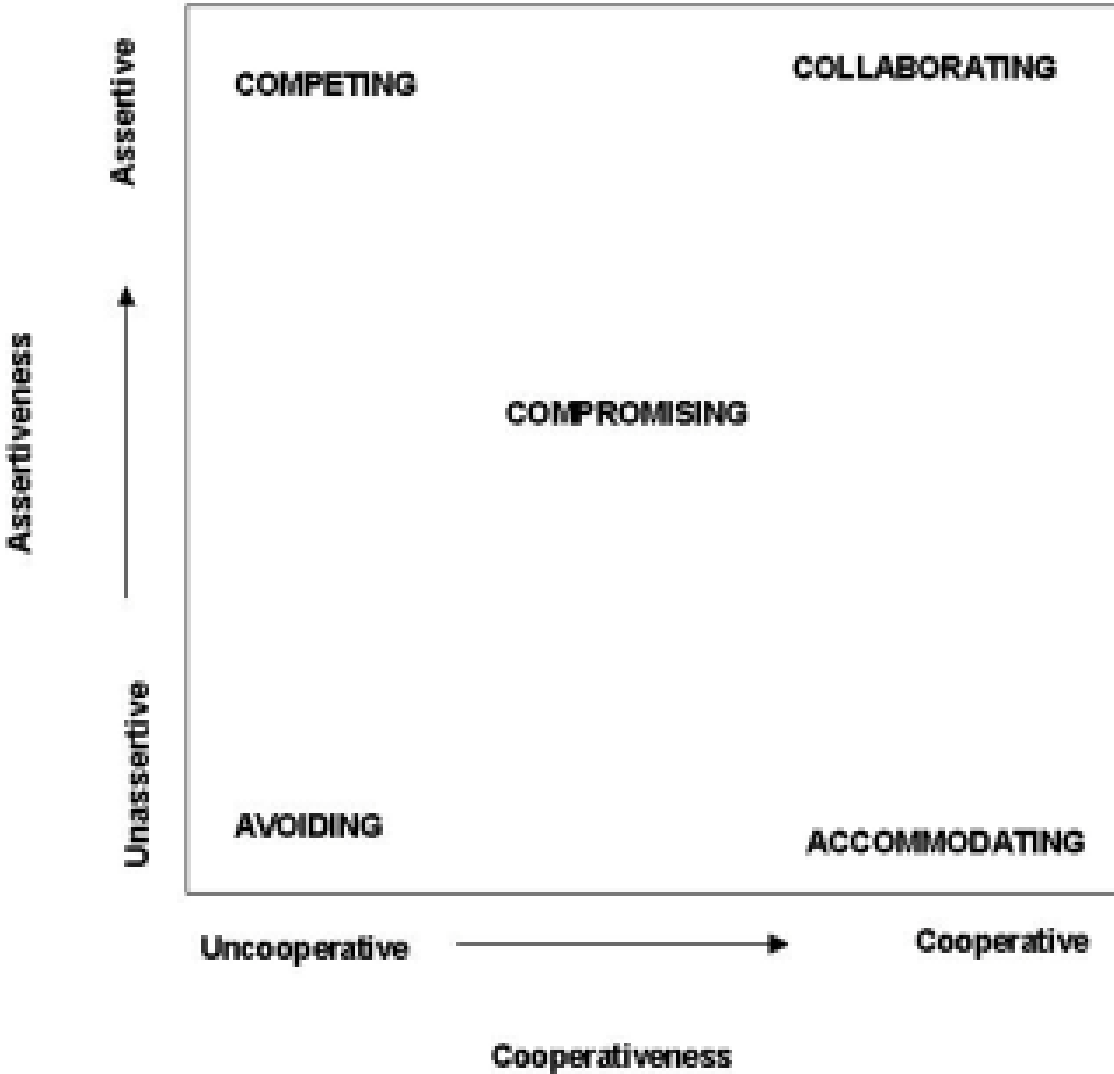


I take a strong stance and use logic to change my opponent's perspective.



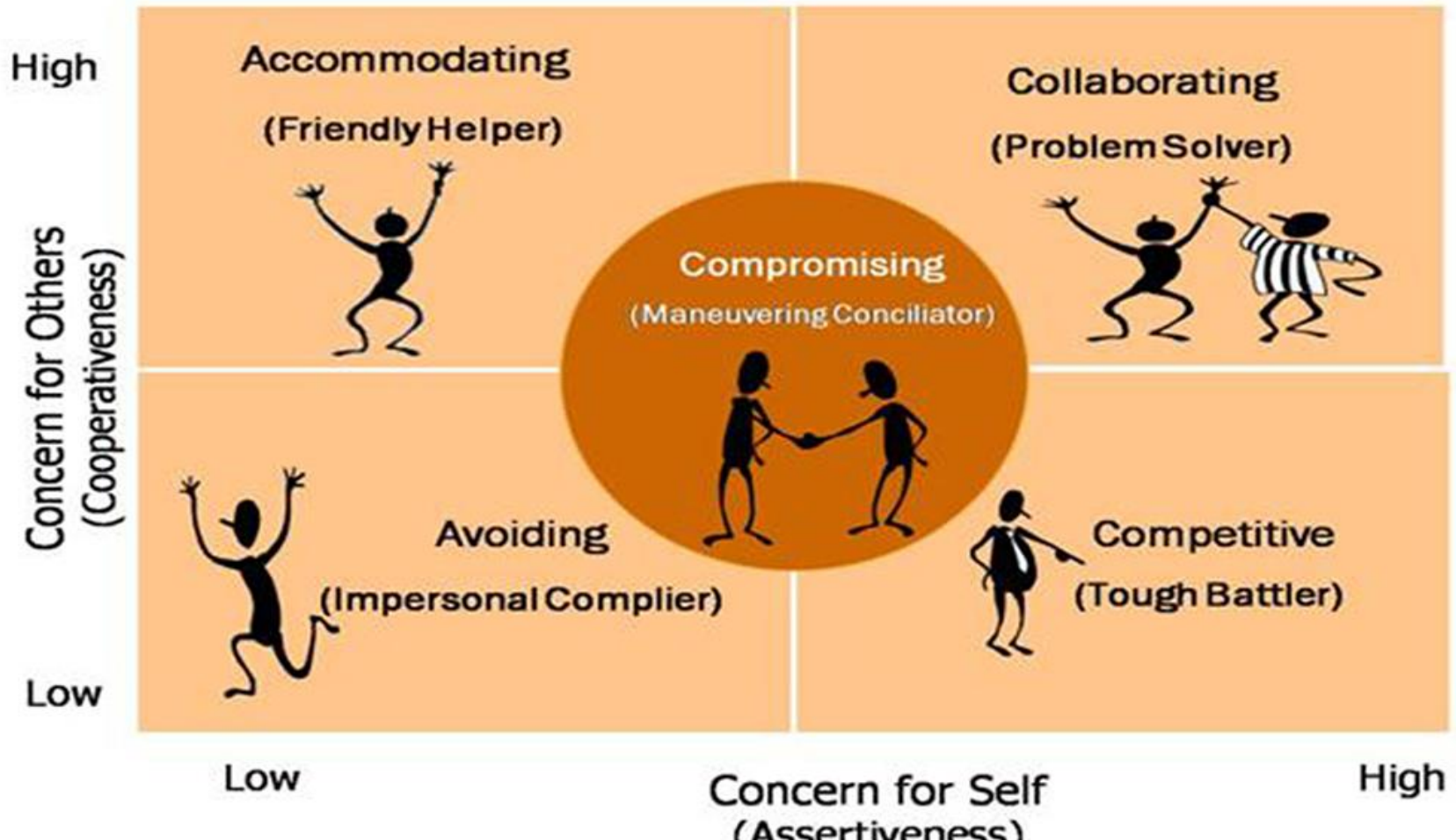
I ask advice from others to try to solve a problem and strive to work together to find mutually beneficial solutions.

THOMAS KILLMANN CONFLICT INSTRUMENT DIAGRAM



Complete the Thomas Killman Instrument Questionnaire

CONFLICT HANDLING INTENTIONS

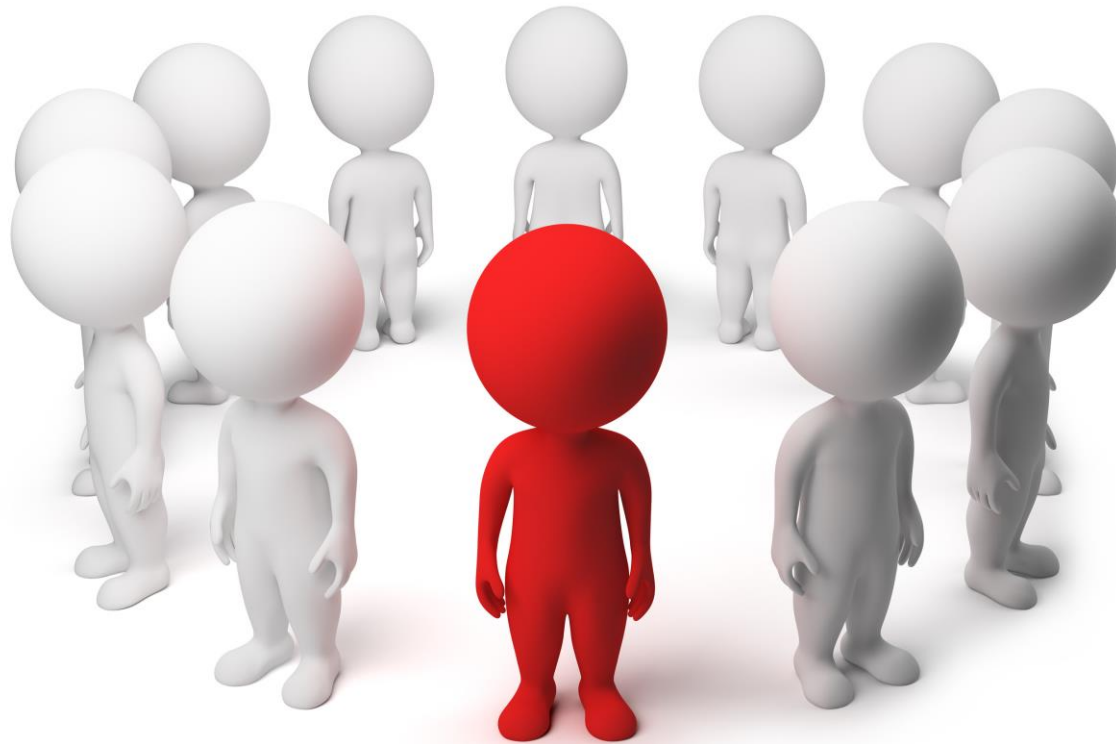


What is your style?

Advantages / Disadvantages



Score your conflict assessment . . .



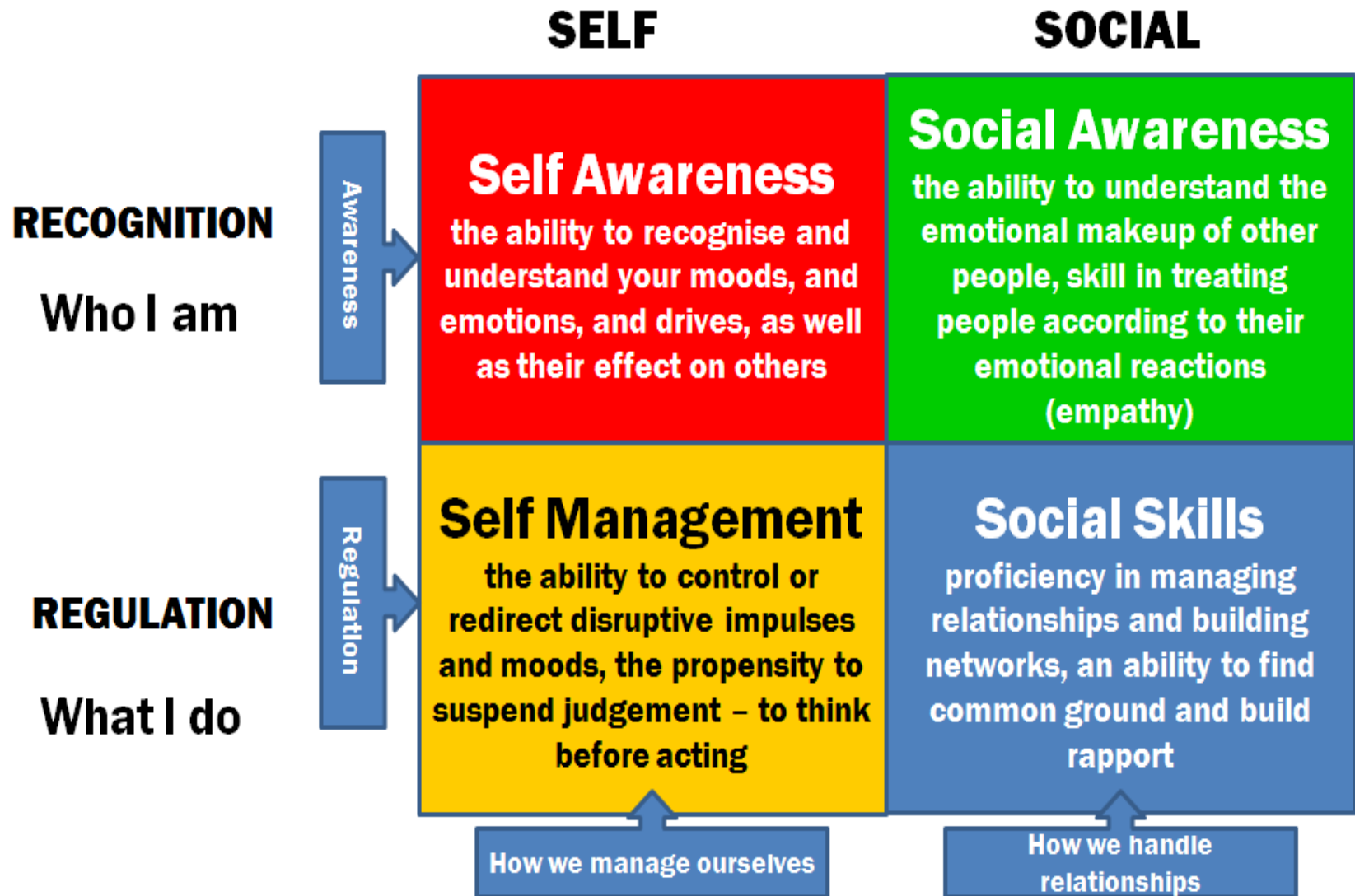
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Whenever you're in conflict with someone, there is one factor that can make the difference between damaging your relationship and deepening it. The factor is **ATTITUDE.**

- [WILLIAM JAMES](#)

”

Emotional Intelligence

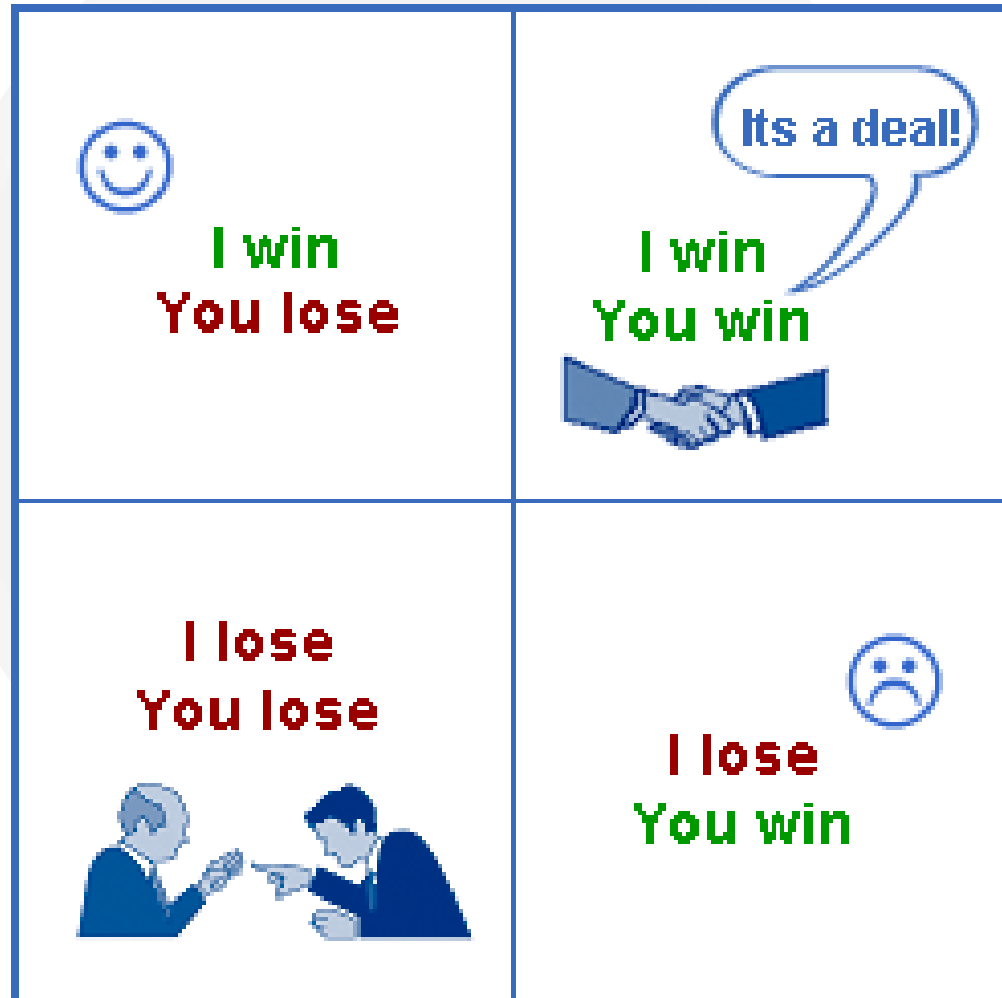




Take the hot buttons assessment . . .



Negotiation styles . . .



When do you negotiate?



The problem with negotiation . . .

Don't bargain over positions



Positional bargaining:

Each side takes a position, argues for it and it alone

Regardless of any underlying issues.

Share an experience of . . .

Positional Negotiations



lose/lose outcomes...

Positional bargaining consequences:

- Arguing over positions produce unwise outcomes – your ego becomes identified with the position.
- Arguing over positions is inefficient.
- Arguing over positions endangers an ongoing relationship.
- When they are many parties, positional bargaining is even worse.
- Being nice is no answer.

Positional Bargaining: What game should you play?



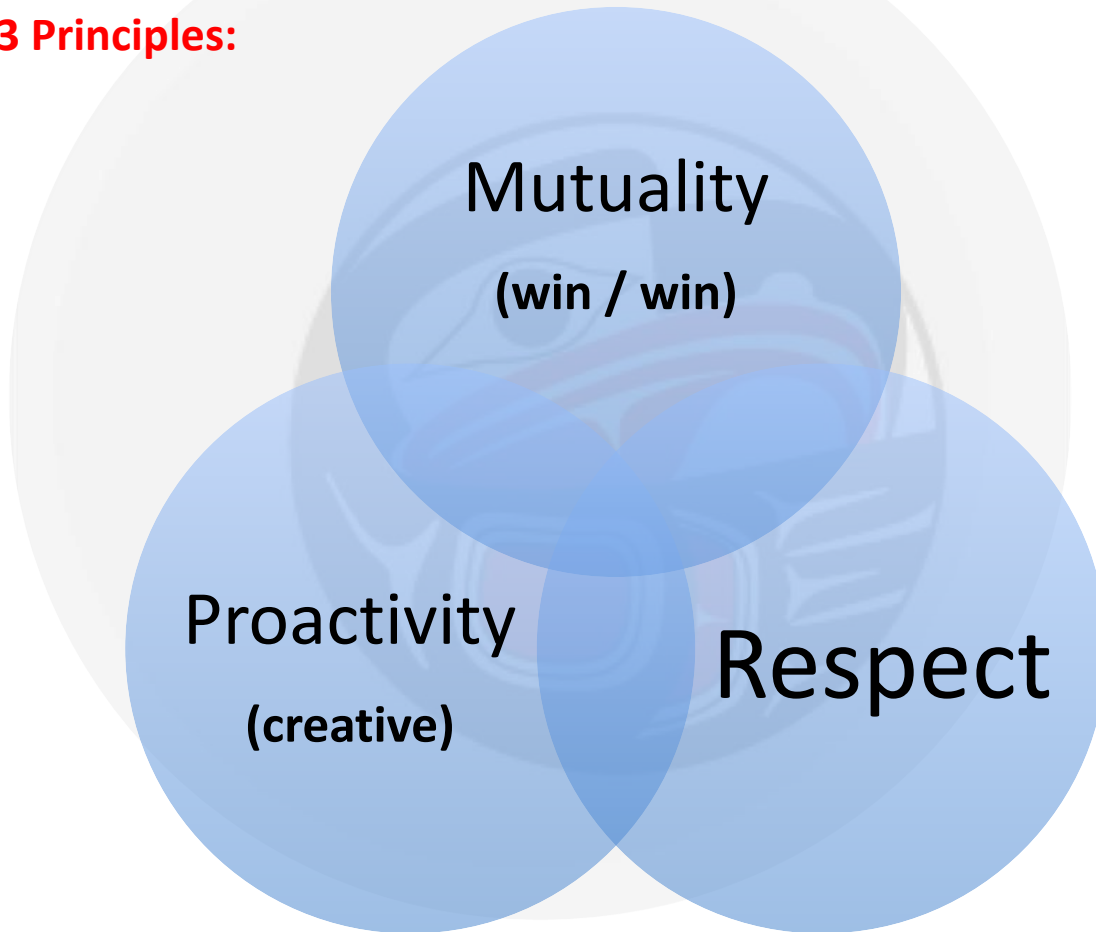
Soft	Hard
Participants are friends	Participants are adversaries
The goal is agreement	The goal is victory
Make concessions to cultivate a relationship	Demand concessions as a condition of the relationship
Be soft on the people and problem	Be hard on the problem and the people
Trust others	Distrust others
Change your position easily	Dig in your position
Make offers	Make threats
Disclose your bottom line	Mislead as your bottom line
Accept one sided offers to reach agreement	Demand one-sided gains as the price of agreement
Search for single answers: one they will accept	Search for the single answer: the one you will accept
Insist on agreement	Insist on your position
Try to avoid contest of wills	Try to win a contest of will
Yield to pressure	Apply pressure

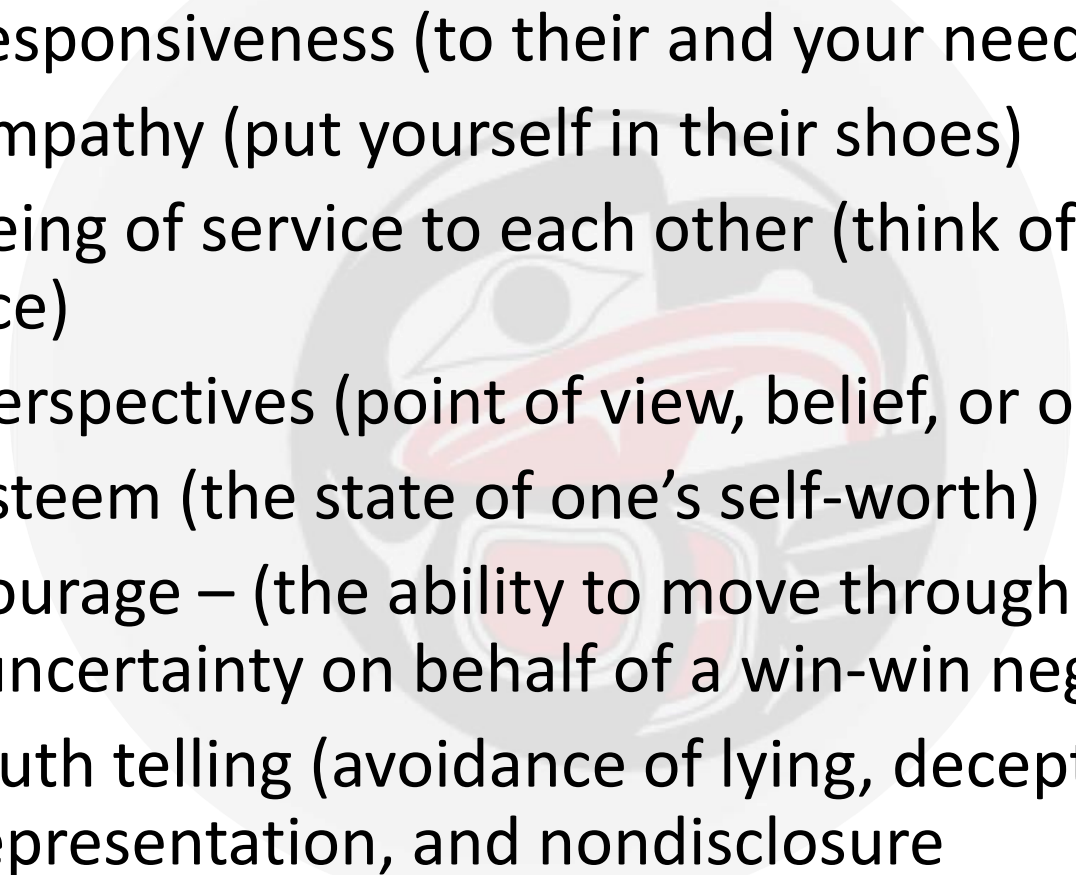
Soft	Hard	Principled
Participants are friends	Participants are adversaries	Participants are problem solvers
The goal is agreement	The goal is victory	The goal is a wise outcome
Make concessions to cultivate a relationship	Demand concessions as a condition of the relationship	Separate people from the problem
Be soft on the people and problem	Be hard on the problem and the people	Be soft on the people; hard on the problem
Trust others	Distrust others	Proceed independent of trust
Change your position easily	Dig in your position	Focus on interests not positions
Make offers	Make threats	Explore interests
Disclose your bottom line	Mislead as your bottom line	Avoid having a bottom line
Accept one sided offers to reach agreement	Demand one-sided gains as the price of agreement	Invent options for mutual gain
Search for single answers: one they will accept	Search for the single answer: the one you will accept	Develop multiple options to choose from, decide later
Insist on agreement	Insist on your position	Insist on using objective criteria
Try to avoid contest of wills	Try to win a contest of will	Try to reach a result based on standards independent of will
Yield to pressure	Apply pressure	Reason and be open to reasons; yield to principle not pressure

Negotiating Success Model

(Jim Hornickel)

Based on 3 Principles:



- 
- **R** – responsiveness (to their and your needs)
 - **E** – empathy (put yourself in their shoes)
 - **S** – being of service to each other (think of customer service)
 - **P** – perspectives (point of view, belief, or opinion)
 - **E** – esteem (the state of one's self-worth)
 - **C** – courage – (the ability to move through discomfort and uncertainty on behalf of a win-win negotiation)
 - **T** – truth telling (avoidance of lying, deception, misrepresentation, and nondisclosure)

S

- **SPECIFIC**
- Define the goal as much as possible with no unclear language
- **Who** is involved, **WHAT** do I want to accomplish, **WHERE** will it be done, **WHY** am I doing this – reasons, purpose, **WHICH** constraints and/or requirements do I have?

M

- **MEASURABLE**
- Can you track the progress and measure the outcome?
- How much, how many, how will I know when my goal is accomplished?

A

- **ATTAINABLE/ACHIEVABLE**
- Is the goal reasonable enough to be accomplished? How so?
- Make sure the goal is not out or reach or below standard performance.

R

- **RELEVANT**
- Is the goal worthwhile and will it meet your needs?
- Is each goal consistent with the other goals you have established and fits with your immediate and long term plans?

T

- **TIMELY**
- Your objective should include a time limit. Ex: I will complete this step by month/day/year.
- It will establish a sense of urgency and prompt you to have better time management.

Activity

- Using the S.M.A.R.T. acronym – develop a goal.
 - **S**pecific
 - **M**easurable
 - **A**ttainable / **A**chievable
 - » **R**elevant
 - **T**imely

There is an alternative to positional bargaining . . .

Stu's Views

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No,
No,
NO!

I wish I
could take you
with me for my
negotiations.



Separate the people from the problem

Avoid Positional Bargaining

Positional bargaining deals with a negotiator's interests; both in substance and in a good relationship by trading one off against the other.

Substance

Relationship



You can't have them both!

Separate people from the problem . . .

- Negotiators are people first
- They have emotions, deeply held values, and different backgrounds and viewpoints; and they are unpredictable.
- Every negotiator wants to reach an agreement that satisfies his substantive interests.
- A negotiator wants to maintain a working relationship good enough to produce an acceptable agreement.

1. Separate the people from the problem

Separating the people from the problem means separating relationship issues (or "people problems") from substantive issues, and dealing with them independently. Face the problem, not the people

1. Try to see the situation from your opponent's perspective
2. Don't deduce your opponent's intentions from your own fears
3. Avoid blaming your opponent for the problem
4. Discuss each other's perceptions
5. Seek opportunities to act inconsistently with your opponent's misperceptions
6. Give your opponent a stake in the outcome by making sure they participate in the negotiation process
7. Make your proposals consistent with the principles and self-image of your opponent
8. Recognize , understand and acknowledge emotions: theirs and yours
9. Don't react to emotional outbursts and allow to let off steam
10. Listen actively and speak to be understood
11. Speak about yourself, not about them
12. Build a working relationship

How Good Are Your Listening Skills?



The Power of Listening – Ury

<https://www.youtube.com/watch?v=saXfavo10Qo>



*When you Talk
you are only Repeating
what you know;
but when Listen,
you may Learn
Something New.*

Dalai Lama

INCREASING ACCURACY IN INTERPERSONAL PERCEPTION



- ▶ Analyze Perceptions
- ▶ Check Perceptions
- ▶ Reduce Uncertainty
- ▶ Increase Cultural Sensitivity

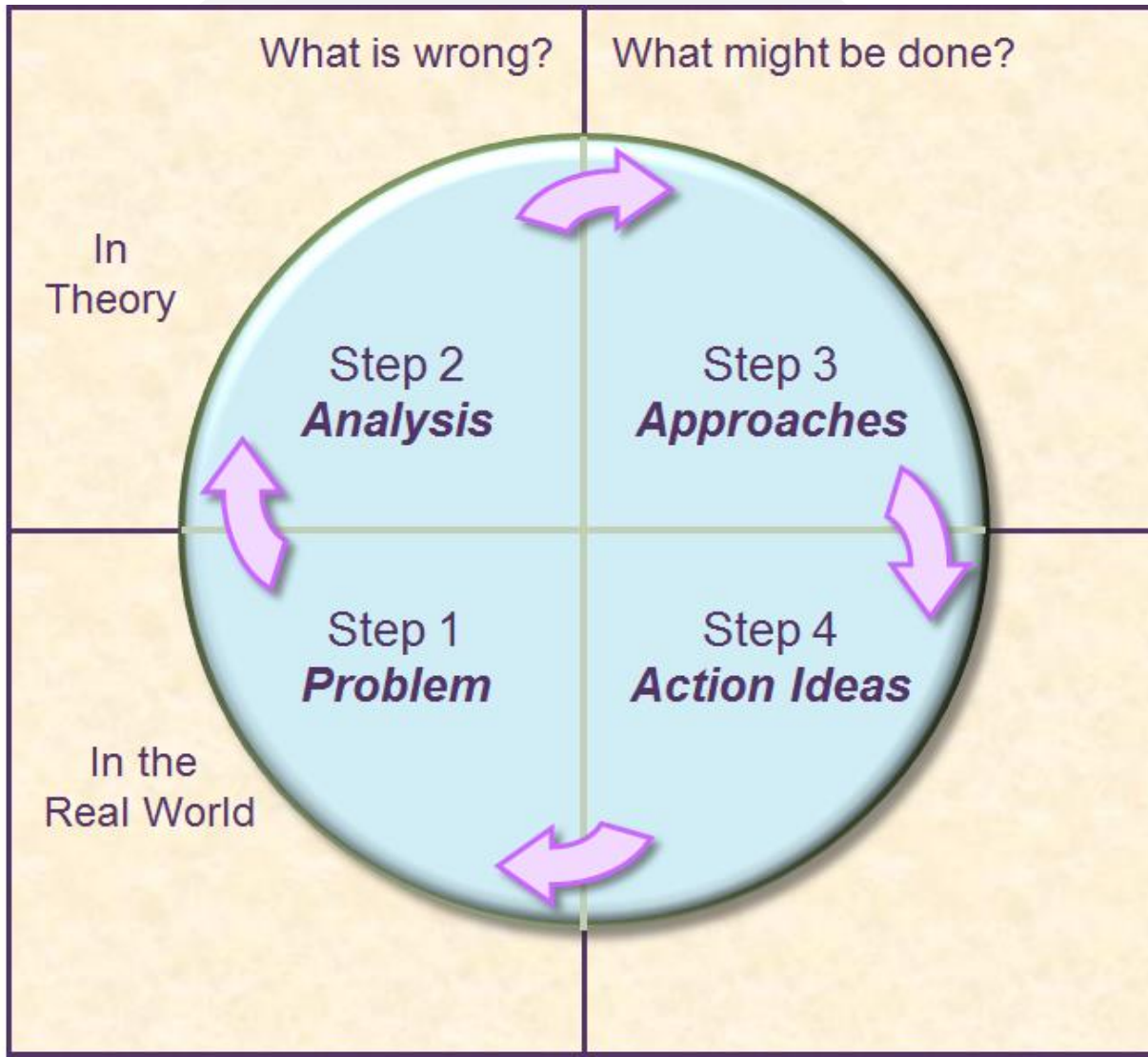
Analyze Their Perceptions

- Understand the other person's thinking – because their thinking is the problem.
- Put yourself in their shoes.
- The ability to see the situation as the other side sees it, as difficult as it may be, is one of the most important skills a negotiator can possess!
- Don't blame them for your problem.
- Discuss each other's perceptions.
- Effective communication

Focus on interests, not positions

- Interests define the problem.
- The basic problem in a negotiation lies not in the conflicting positions, but in the conflict between each sides needs, desires, concerns, and fears.
- Behind opposed positions lie shared and compatible interests, as well as conflicting ones.
- How do you identify interests?

Invent multiple options . . .



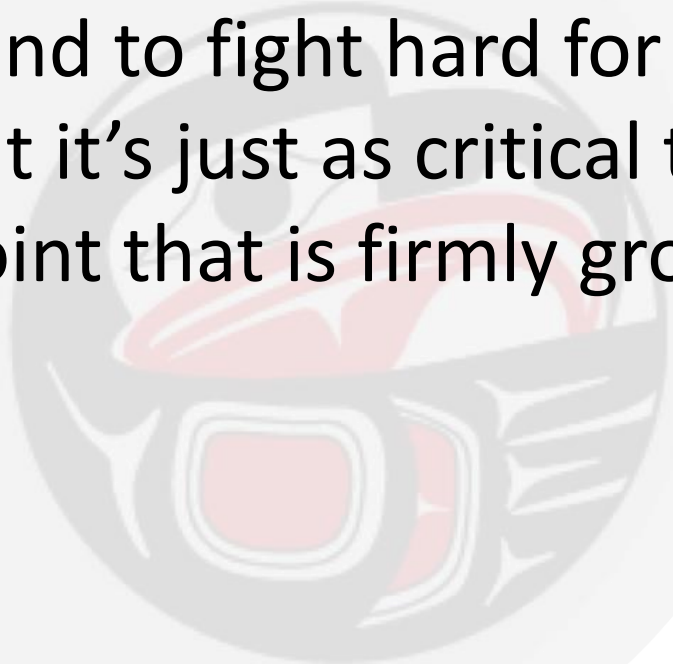
Insist that the result . . .

- Be based on some objective standard.
- Principled negotiation produces wise agreements amicably and efficiently.
- The more you bring standards of fairness and efficiency, the more likely you will reach a fair and acceptable agreement.

BATNA

- Best
 - Alternative
 - To
 - A
 - Negotiated
 - Agreement
-
- This is the only standard that can protect you from both accepting terms that are unfavorable.

- In negotiation, it's important to have high aspirations and to fight hard for a good outcome. But it's just as critical to establish a walkaway point that is firmly grounded in reality.

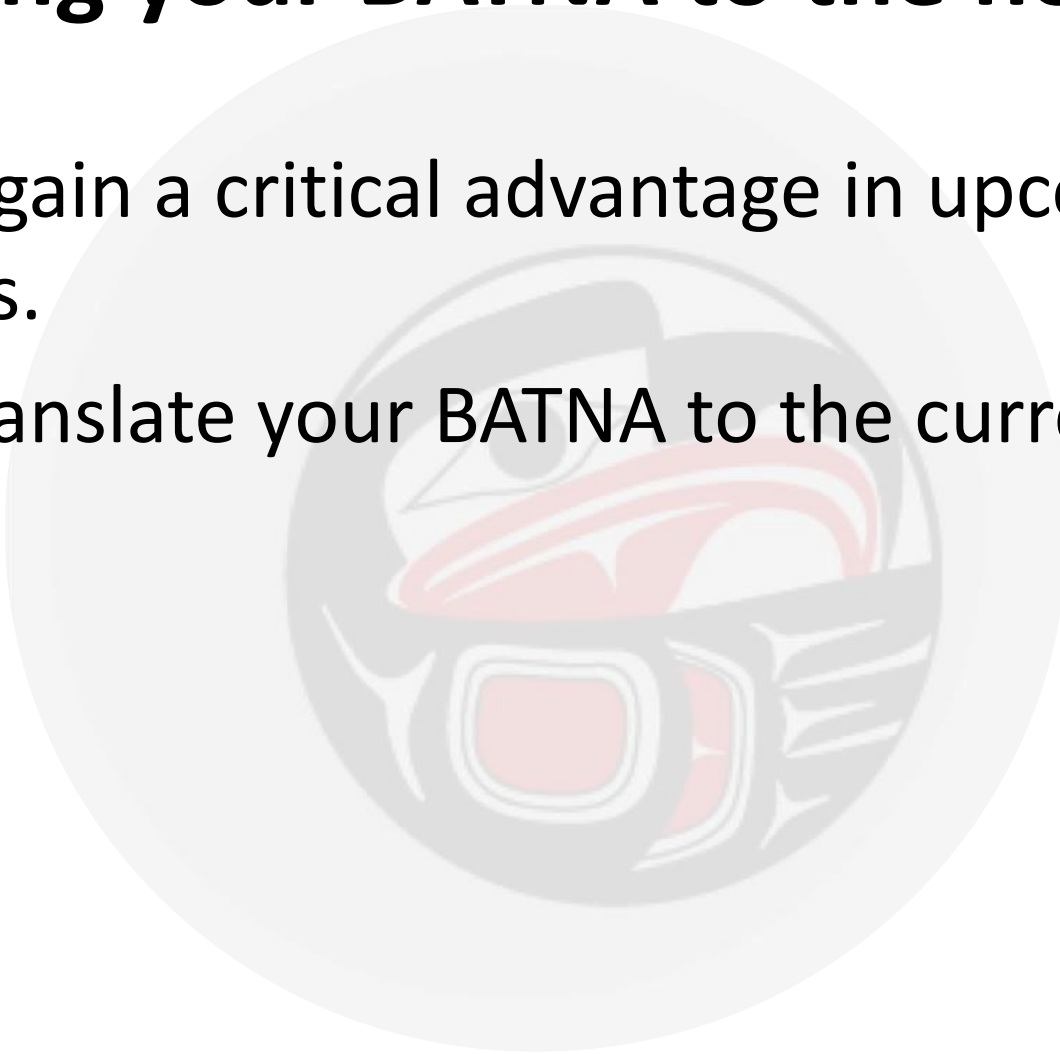


- **Assessing your BATNA.** To determine your BATNA in a given negotiation, follow these four steps:
- **List your alternatives.** Think about all the alternatives available to you if the current negotiation ends in an impasse. What are your no-deal options?
- **Evaluate your alternatives.** Examine each option and calculate the value of pursuing each one.
- **Establish your BATNA.** Choose a course of action that would have the highest expected value for you. This is your BATNA—the course you should pursue if the current negotiation fails.

- **Calculate your reservation value.** Now that you know your BATNA, calculate your *reservation value*—the lowest-valued deal you are willing to accept.
- If the value of the deal proposed to you is lower than your reservation value, you'll be better off rejecting the offer and pursuing your BATNA.
- If the final offer is higher than your reservation value, you should accept it.

Taking your BATNA to the next level

- and gain a critical advantage in upcoming deals.
- 1. Translate your BATNA to the current deal.



Generating BATNA's

- Inventing a list of actions you might conceivably take if no agreement is reached.
- Improving some of the more promising ideas and converting them into practical alternatives; and
- Selecting, tentatively, the one alternative that seems best.

Summary of today's class . . .

- How does the body respond to conflict?
- The definition of conflict?
- Why is it important for self-awareness in conflict?
- The 5 conflict styles of Thomas Killman are . . .
- Negotiation means . . .
- Positional bargaining means
- What does BATNA mean?

Covey – One of the 7 Habits of Highly Effective People

- **“Seek first to understand”**: We (as educators) typically seek first to be understood. Most people do not listen with the intent to understand; they listen with the intent to reply.” They’re either speaking or preparing to speak. They’re filtering everything through their own paradigms, reading their own autobiography into other people’s lives.”
- **Empathic listening** (the highest form of listening). Listening with intent to understand. I mean seeking first to understand; to really understand.