

# WOMEN

Our  
19th  
year  
of  
service

IN HIGHER EDUCATION

NOVEMBER 2010

Volume 19, No. 11

## Negotiate to Get What You Want, So Everybody Wins

When attorney and mediator **Ellen Kandell** spoke about negotiation at the Purdue University First Annual Conference for Pre-Tenure Women in September, she was struck by the participants' thirst for information and lack of negotiating skills. From their first job search until they come up for tenure and beyond, negotiation will affect their careers and lifetime earnings—and nothing in graduate school taught them how to do it.

In her follow-up negotiation workshop at the conference, role plays of scenarios in several small groups reached very different results. "These differences show the importance of personality and life experience," Kandell told *WIHE*.

Negotiation skills are especially important for women because of cultural assumptions that women nurture and defer. Assertive women are more likely than men to be considered bitchy, so it's important to be able to stand up for yourself respectfully. Win-win solutions get you what you want and are also good for the college or department.

Alternative Resolutions, Kandell's alternative dispute resolution firm in Silver Spring MD, grew out of her preference for solving conflict as a neutral mediator instead of as an advocate or adversary. "Many come to this field because they get sick of fighting," she said.

With a law degree from Temple University PA, she worked for the only woman in the Pennsylvania senate and then in a Philadelphia litigation firm. A few moves later she was employed at the Environmental Protection Agency. "The EPA was in the forefront of mediation work in the federal government in the early 1990s. I was in the right place at the right time," she told *WIHE*.

Kandell trained in mediation at Harvard, based on the methods developed by Roger Fisher and William L. Ury of the Harvard Negotiating Project (*Getting to Yes: Negotiating Agreement Without Giving In*, 1981). Then she brought in and trained others at the EPA to mediate environmental disputes. After nine years at the EPA she left to start Alternative Resolutions, dedicated to solving conflicts without destroying relationships.



Ellen Kandell

Why worry about relationships? Any agreement you manage to negotiate on campus may mean you'll be working with these people for years to come. Permanent parting of the ways usually means negotiations have failed.

That doesn't mean you have to give in on everything to keep the other side happy. It means that instead of putting all your energy into convincing them to accept your ideas, you'll put energy into understanding their point of view. Through mutual discussion you can work toward terms that are agreeable to both sides, paving the way to work together well for years to come.

### Five ways to handle conflict

Picture a graph with two axes. On one axis is "Cooperativeness: Concern for others." The other axis is labeled "Assertiveness: Concern for self." The Thomas-Kilmann Conflict Mode Instrument uses this model to graph five different strategies for managing conflict. Each strategy is sometimes appropriate.

- **Compromise.** "Let's make a deal." This splits the difference between concern for others and for self; all parties give up something and get something. Both your kids want the orange that's in the refrigerator, so you cut it and give them each half. It's a relatively quick way to find middle ground without going into depth.

- **Accommodation.** "It would be my pleasure." This is high on cooperation and low on assertiveness. Your mother wants her birthday dinner at a restaurant that isn't your favorite, or your boss gives a direct order that's not up for discussion. You'll likely decide to go along.

- **Avoidance.** "I'll think about it tomorrow." This is low on both scales on the graph; it sidesteps all concerns. It's occasionally useful when the stakes are low. A woman on her crew team said something that irked her but she decided to let it slide. Diplomats and politicians use avoidance to postpone an issue until the time is right.

- **Competition.** "My way or the highway." High on assertiveness and low on cooperation, standing your ground isn't just for bullies. Sometimes there's an issue of principle for which you'll want to bring all your power to bear.

- **Collaboration.** "Two heads are better than one." Both assertive and cooperative, this is the approach most likely

Through  
mutual discussion  
you can work toward terms  
that are agreeable to both  
sides, paving the way to work  
together well for years to  
come.

to reach lasting, mutually satisfying results. If you explore in more depth why both your kids want the orange, you might find that one wants the juice and the other wants the rind; both can have all they wanted instead of just half.

“A collaborative consensus-based process takes a lot of time,” Kandell said. Not every issue is worth it. Suppose the only coffeepot in the two-story office is on the second floor. When it wears out, which floor will get the new pot? Designate someone to decide, or better yet buy a second pot.

When the building is on fire, there’s no time to seek consensus; someone orders everyone out of the building *now*. Collaboration is most useful when time is available and the stakes are high. If the issue is not a coffeepot or a fire but moving the office to a different city, it may be important to give everyone a voice.

#### Four steps toward agreement

Conflict begins with incompatible positions: You want A and I want B. If we each believe that ours is the only solution, I can only get my way by persuading you of my position. You can win only by persuading me.

We may both take a hard position and butt heads as adversaries, or one of us can take a soft position and let go of our needs for friendship’s sake. Strategies of competition, accommodation and avoidance rest on the belief that the conflict has only one right solution.

Negotiation is different from persuasion. It starts from the belief that many solutions are possible. Exploring possibilities together can lead to compromise or collaboration.

Interest-based negotiation, a collaborative problem-solving approach based on *Getting to Yes*, involves four steps:

**1. Distinguish positions from interests.** You want A and I want B. Those are our *positions* or demands, what we want to happen, what we will or won’t do. The first step is to look beyond our positions to our reasons for them. Why do we want what we want?

Your motivations, needs, concerns, fears and aspirations are your *interests*. Your interests and mine don’t necessarily conflict; we may even have interests in common. By focusing on interests instead of positions, we improve the chance of finding a solution that will meet both our needs.

**2. Separate the people from the problem.** “Be soft on people issues and hard on the problem,” she said. *People* issues include trust, communication, understanding and balancing emotion and reason. The *problem* is a matter of terms, conditions and practical needs.

Suppose a new mom comes back to work after time away with her infant. She’s a competent, well-regarded employee whose work involves a lot of travel, and now she’s distracted by concerns about leaving the child. It’s possible to understand the human element and also recognize that certain work needs to get done.

**3. Brainstorm options for meeting both sets of interests.** “Brainstorming is like thinking outside the box,” Kandell said. When brainstorming, follow these rules:

*Don’t:*

- Evaluate or judge.
- Decide or commit.
- Talk *at* people.
- Focus on the past.
- Talk about who’s right.

*Do:*

- Generate ideas.
- Suspend judgment.
- Talk *with* people.
- Focus on the future.
- Tackle the issue jointly.
- Discuss what’s to be done.

#### Negotiating Advice from the Pros

- Be a good listener.
- Shrug off insults.
- Always show respect.
- Know what makes the other party tick.
- Respect the other point of view.
- Prepare your negotiation.
- Put your request in terms of campus needs.
- Anticipate objections.
- Be creative.
- Have a goal in mind.

Brainstorming often begins with a lot of energy. Ideas flow. After a while the ideas slow to a trickle and the energy slows down. “Then let silence fill the room,” she said.

If you’re facilitating someone else’s negotiation, resist the temptation to suggest solutions; let the ideas come from them. Another idea may come up to break the silence. “It’s their solution and they need to live with it,” she said.

**4. Identify criteria for evaluation.** Agree on how you’re going to weigh the brainstormed options. What are other schools doing? Are there AAUP policies and recommendations? Budget and the bottom line?

Move toward agreement gradually. Write a draft, then fill in the details. Make sure it’s all in writing before you commit.

#### Preparing to negotiate

Think it through before negotiations begin. You don’t need to answer every single question below, but these are key points to consider:

• **Issues and interests.** What issues are under negotiation? Avoid tunnel vision on salary alone; not all salaries are negotiable. As an adjunct professor at the University of Maryland University College and Catholic University of America, Kandell said she has no negotiating power; the question is simply “How badly do you want this gig?”

Other negotiable aspects of a job offer besides salary might include workload, childcare and employment for your partner. You can ask for almost anything so long as it’s cordial, respectful and reasonably justifiable. Which issues matter most to you? Are the issues separate or intertwined?

Define your interests—not a fixed position but your needs, concerns, hopes and fears. Which interests take priority? What tradeoffs might you consider? Try to attach a dollar value to each need. If they ask how big a salary boost you’d need to offset an unmet concern, you should have the answer ready.

Try to figure out the other party’s interests and priorities too; it will help you decide where to push and where to expect to give. Talk to people who know them and find out what makes them tick.

• **BATNA.** The best alternative to a negotiated agreement (BATNA) is what will best satisfy your interests if the negotiations fail. What are you going to do if you walk away? How attractive is that?

Identifying and evaluating your BATNA in advance will help you judge how much to yield and when to walk away. It also helps with distance and perspective. “If all your eggs are in the basket of this contract, you may wind up signing a

deal that's not such a good deal," Kandell said.

Try to figure out the other side's BATNA too. What is their alternative if this doesn't work out?

- **Openers and targets.** How will you start out? Research what's a reasonable salary expectation and decide the range you might accept, but don't start the discussion with salary. Build a relationship first, and then state your interests and needs up front.

When the discussion gets to salary, start by assuming it's negotiable. Request a specific higher figure if you can justify it with a concrete rationale grounded in circumstances. Bargaining will follow within that range. If salary proves non-negotiable, frame your acceptance as a concession and request something else in return.

- **The people factor.** Who are your allies? Who are the other side's allies, and whom will they have to satisfy (besides

you) in this negotiation? Are they accountable to a dean or a board of regents or trustees?

Relationships matter—before, during and after the negotiation. The person you're negotiating with now is someone you may see a lot of in the future. Even if the negotiation fails, they may later come back into your life. Don't burn your bridges!

Negotiations succeed when everybody wins. Learn to negotiate well to lay the groundwork for a long, strong relationship while getting what you want. ■

—SGC

Contact Kandell at [ek@alternativeresolutions.net](mailto:ek@alternativeresolutions.net) or 301.588.5390 or at [www.alternativeresolutions.net](http://www.alternativeresolutions.net)