Influencing and Negotiation

Tanya Madison Cunningham
Privacy and Regulatory Compliance Attorney

Let us never negotiate out of fear.
But let us never fear to negotiate.

John F. Kennedy

Today's Discussion

- What is a negotiation and what are the basic types?
- How to prepare for a negotiation
- What is a BATNA?
- Common mistakes in negotiations
- Common barriers to negotiations
- The role of emotion in negotiations
- Attributes of an effective negotiator
- Summary

Negotiation Basics

Negotiation is the means by which people deal with their differences.

~ Harvard Business Essentials: Negotiations

- **Soft/ Friendly:** negotiation with a focus on peacekeeping
- **Hard/Positional:** adversarial with a focus on "winning"
- **Principled:**
  - Separates people from the problem
  - Focuses on interests not positions
  - Uses objective criteria to judge a proposed solution
  - Invents options for mutual gain

From Getting To Yes: Negotiating Agreement Without Giving In by Roger Fisher and William Ury

BATNA – What is it?

- "Best Alternative to a Negotiated Agreement"

From Getting To Yes: Negotiating Agreement Without Giving In by Roger Fisher and William Ury

How to Prepare for a Negotiation

One

Evaluate your own negotiating style

Two

List your goals

Three

List your expectations

Four

Consider the relationships

Five

Calculate your leverage

From Harvard Business Essentials - Negotiation by Harvard Business School Press

Role Reversal

One
Evaluate their negotiating style

Two
List their goals

Three
List their expectations

Four
Consider how they view relationships

Five
Calculate their leverage

Assess these elements for the other party

From Harvard Business Essentials - Negotiation by Harvard Business School Press

BATNA – How To Assess the Other Side's

- "Best Alternative to a Negotiated Agreement"

From Harvard Business Essentials - Negotiation by Harvard Business School Press

Common Mistakes in Negotiations

- Assuming shared values or goals
- Assuming similar communication styles or preferences
- Expecting reciprocity or your version of fair
- Avoiding conflict
- Making the negotiation personal
- Trying to prove how smart or "right" you are by talking
- Not listening carefully

From Harvard Business Essentials - Negotiation by Harvard Business School Press

Common Barriers in Negotiations

What barriers to negotiations have you experienced?

Common Barriers in Negotiations

- Lack of trust
- Irrational expectations
- Partisan mindset
- Spoilers
- Not listening carefully
- Overconfidence, irrationality, ego and emotion

From Harvard Business Essentials - Negotiation by Harvard Business School Press

Common Barriers in Negotiations

- Absence of key decision makers
- Differing levels of urgency/timing
- Lack of information

From Harvard Business Essentials - Negotiation by Harvard Business School Press

Dealing Effectively with Spoilers

- Identify those with something to lose
- Explain why
- Emphasize the benefits
- Find them a new way to exercise control or contribute
- Build a coalition

From Harvard Business Essentials - Negotiation by Harvard Business School Press

The Role of Emotion in Negotiation

Negative

- Infuses tension and distrust
- Limits communication and increases confrontation
- Creates fear of losing/being taken advantage of
- Fosters "my way or the highway" thinking
- Limits agreement or agreements tend to be unworkable

From Beyond Reason - Using Emotions as You Negotiate by Roger Fisher and Daniel Shapiro

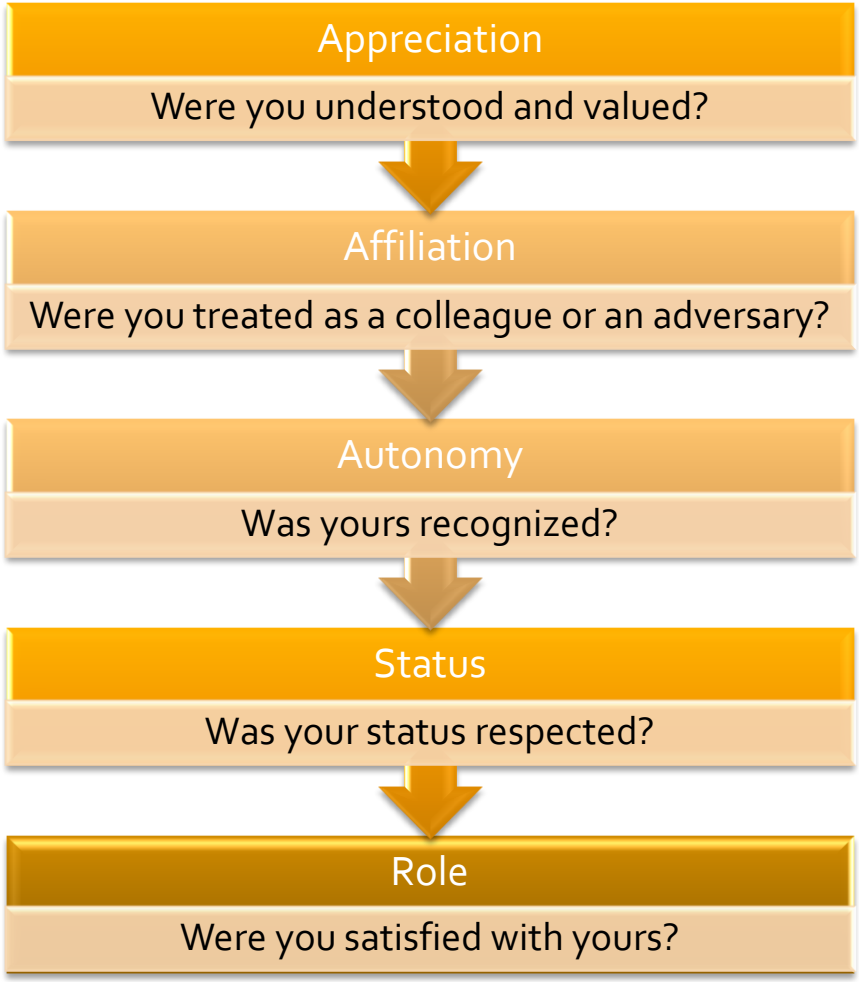
The Role of Emotion in Negotiation

Positive

- Builds trust
- Improves communication
- Fosters a sense of fairness
- Support for final agreement
- Creates investment in positive outcome

From Beyond Reason - Using Emotions as You Negotiate by Roger Fisher and Daniel Shapiro

Addressing Core Concerns



- Once you answer these questions for yourself, ask yourself how the other side would answer these as well.
- What role did you play in how they might respond?
- What could you do to impact their answers?

From Beyond Reason - Using Emotions as You Negotiate by Roger Fisher and Daniel Shapiro

Attributes of an Effective Negotiator

Rate Your Negotiation Effectiveness	1= Novice to 5 = Confident				
	1	2	3	4	5
Aligns negotiation goals with organization's goals					
Prepares thoroughly					
Uses negotiation as a chance to learn					
Demonstrates flexibility					
Thinks creatively					
Separates personal from the negotiation					
Foresees potential barriers to an agreement					
Forms coalitions					
Develops a reputation of trustworthiness and reliability					
Learns from prior negotiations					
Subtotal					
Total					

From Harvard Business Essentials - Negotiation by Harvard Business School Press

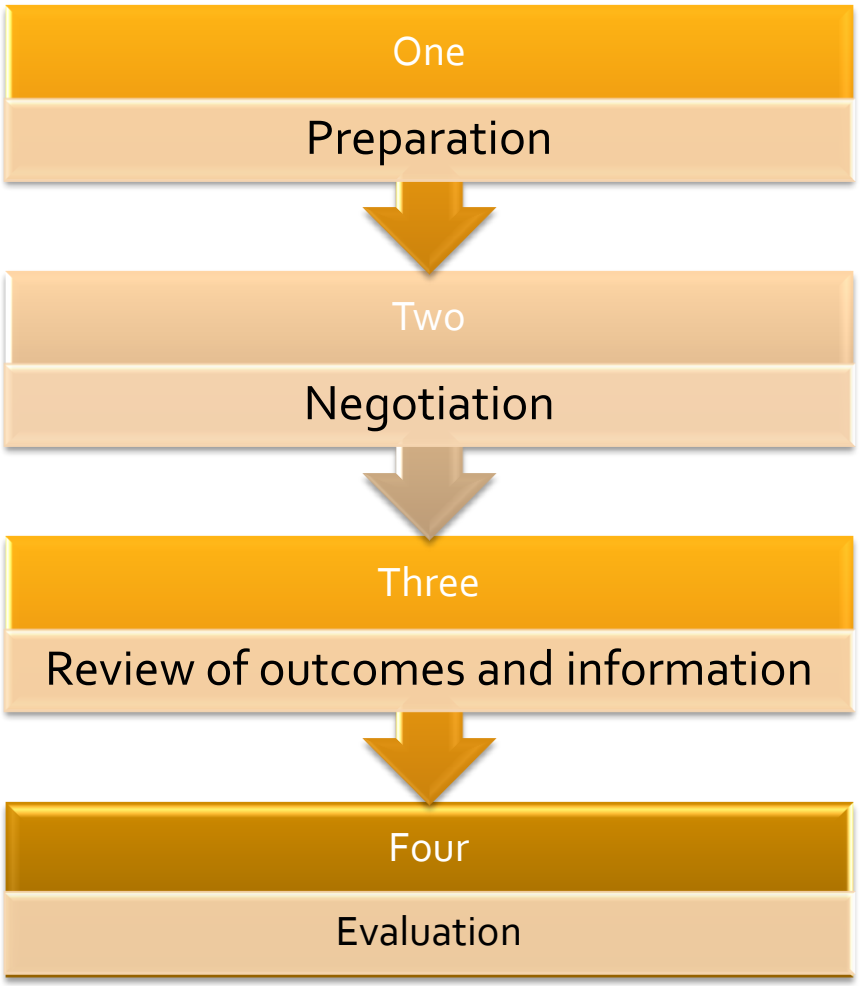
How Did You Score?

- 40-50 Prepare your BATNA and commence negotiations
- 30-39 Enter into negotiations with a colleague who complements your soft skills
- 20-29 Seek a mentor to further develop your negotiation skills
- 0-19 Begin developing your negotiation skills with a friendly audiences with low stakes

Listen. Listen. Really Listen.

1. Take notes
2. Focus
3. Don't think about your response while the person is speaking
4. Notice body language
5. Ask questions
6. Repeat back what you understand in your own words

Negotiation is a process not an act



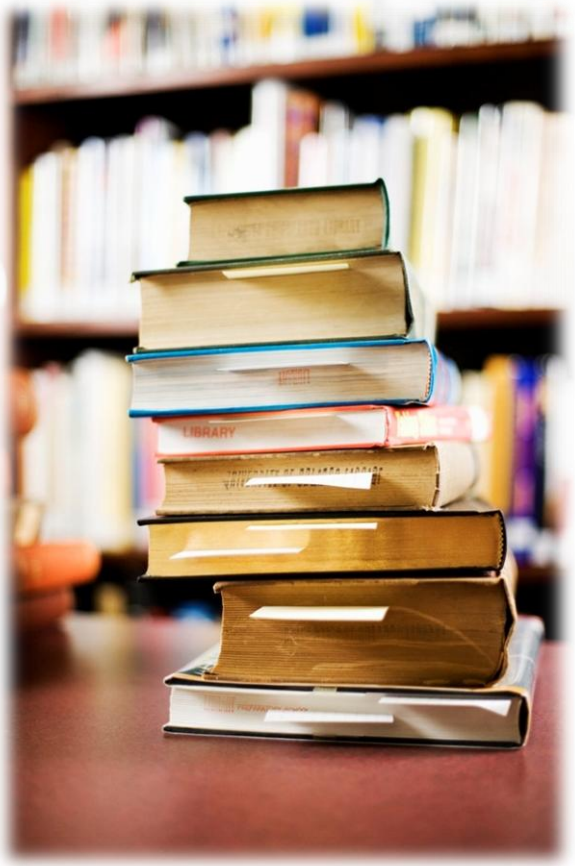
1. How did you prepare?
2. What happened in the negotiation?
3. What did you learn and what was the outcome?
4. What went well and what would you do differently?

From Harvard Business Essentials - Negotiation by Harvard Business School Press

Summary

- Do your homework – preparation is key
- Know your BATNA
- Be creative and flexible
- Listen more. Talk less.
- Separate the personal from the negotiation and recognize the role of emotion
- Conduct a post mortem – gain the benefit of your negotiation experience

Questions?

Recommended Reading

- **Harvard Business Essentials: Negotiations** by Harvard Business School Press
- **Harvard Business Essentials: Power, Influence and Persuasion** by Harvard Business School Press
- **Getting To Yes: Negotiating Agreement Without Giving In** by Roger Fisher and William Ury
- **A Whack on the Side of the Head: How You Can Be More Creative** by Roger von Oech
- **Beyond Reason: Using Emotions As You Negotiate** by Roger Fisher and Daniel Shapiro
- **Bargaining for Advantage: Negotiation Strategies for Reasonable People** by G. Richard Shell
- **Negotiation Strategies** – by Damona Doyle and Ross O. Love Division of Agricultural Sciences and Natural Resources at Oklahoma State University