



Modules 3 & 4

Negotiation Workshop

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Strategic Thinking Workshop



Negotiation Workshop

Objectives:

- **To increase awareness about when to use negotiation, and the mindset required for successful negotiation.**
- **To learn and practice a negotiation method.**

	<u>Program</u>	<u>Time</u>
	Welcome, introductions, and overview of the workshop	20 minutes
	Group brainstorm: Characteristics of successful negotiation	10 minutes
	What is negotiation, and when is it effective to choose to negotiate?	60 minutes
	<i>Break</i>	<i>10 minutes</i>
	Review: Characteristics of the mindset you need for successful collaboration	5 minutes
	A Step-by-Step Negotiation Method	40 minutes
	Assess a Negotiation: Case Study	20 minutes
	Evaluation and closing – one idea you gained from this workshop and one idea you are going to use right away.	15 minutes

This curriculum is part of the *Building Comprehensive Solutions to Domestic Violence* initiative of the National Resource Center on Domestic Violence, funded by the Ford Foundation.



MODULE #3

Negotiation Workshop

Trainer Instructions

Preparation

Prerequisite Modules: Collaborative Mindset Workshop

Number of participants: 5 minimum
30 maximum

Time requirements: 3 hours

Room arrangements:

Fewer than 20 participants: arrange tables in a horseshoe with chairs on the outside of the horseshoe and flip chart and easel in the open space.

20-30 participants: Use separate tables – 5-6 participants per table. Arrange tables so that all participants can see the flip chart and easel in the front of the room.

Materials:

- Flip chart & easel
- Markers
- Masking tape
- Extra pens (for participants)
- Name tents (for participants)
- Name tents for role-play (1 per participant)
- Registration form
- Participant packets

Participant packets:

- Handouts #3-1 through #3-7
- Workshop evaluation form (Handout #3-8)



❖ WELCOME, INTRODUCTIONS, AND WORKSHOP OVERVIEW

Time: 20 MINUTES

The 20 minutes is based on starting 10 minutes late. If you start on time, you will have some flexibility with time during the workshop.

Welcome everyone.

Ask participants to introduce themselves, describe their work in domestic violence, and note briefly an example of a successful negotiation in their personal or professional life.

Review the objectives for the workshop and the program (Handout #3-1) and deal with any housekeeping items.

❖ GROUP BRAINSTORM: CHARACTERISTICS OF SUCCESSFUL NEGOTIATION

Time: 10 MINUTES

Ask participants to turn to Handout #3-2. Let's take 5-10 minutes to brainstorm ideas about what makes negotiations successful. Negotiation is creating a mutually acceptable agreement. Thinking about the examples you gave, let's brainstorm a list of characteristics of successful negotiations.

This is a brainstorm, so all ideas are welcome. Jokingly explain that there will be no eye rolling, boos, applause, or interruptions. Ask that each person suggest one idea at a time (not 2 or 3) and that no one speak a second time until everyone has had a chance to suggest an idea.

Groups with fewer than 20 participants: This is a large group brainstorm. Ask for a volunteer to tape flip chart sheets to the wall as you write. Record all ideas.

Groups with 20-30 participants: Brainstorm at individual tables – give them 3 minutes. Then ask for a volunteer to tape flip chart sheets to the wall as you write. Create a list on flip chart sheets by taking one different idea from each table until all ideas are recorded. This will create one list of ideas.

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Do not stop to ask for clarification or to discuss any items. This fast-paced brainstorm exercise is designed to engage participants in thinking about negotiation and to create safe space for all ideas. The list does not have to be complete. If you see that something major is missing, just say you're taking a turn during the brainstorming and add it (do not do this more than 2-3 times).

After the ideas are recorded, ask if anyone disagrees with any of the ideas. If so (including any the trainer disagrees with), bracket these ideas with red marker. Tell participants that we will address these points as we go through the workshop. Don't allow debate to sidetrack the program. Keep moving. Later on in the workshop, participants also may want to add items to the list, so keep the lists posted throughout the workshop. Remember to come back to any red bracketed items before the end of the workshop – ideally, with information from the workshop that clarifies whether the idea is appropriate for the successful negotiation list.

Ideas about successful negotiations

- ✓ People know their interests and needs and what they want.
- ✓ You negotiate with the person/people who has/have the power to decide and implement what is decided.
- ✓ Openness exists to finding a solution – to coming up with an agreement.
- ✓ People engage in direct communication rather than complaining to someone else.
- ✓ People are willing to be influenced by each other.
- ✓ All parties feel heard.
- ✓ Effective listening occurs.
- ✓ Absence of blaming and personal attack.
- ✓ Civil behavior toward each other.
- ✓ Mutual respect exists.
- ✓ Win/win is the mindset.
- ✓ You come up with an agreement.
- ✓ Outcome is clear.
- ✓ Terms are specific – everyone knows what he or she agreed to.
- ✓ You have a way to follow up to see if the agreement is carried out.
- ✓ All parties are committed to implementing the agreement after you complete the negotiation.
- ✓ When you are finished, everyone is still speaking to each other and wants to work together.



Characteristics of Successful Negotiation

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❖ **WHAT IS NEGOTIATION, AND WHEN IS IT EFFECTIVE TO CHOOSE TO NEGOTIATE?**
Time: 60 MINUTES

This section includes presentation and discussion of Handout #3-3 and the case studies (Handout #3-4).

Conduct a mini-lecture about the role of negotiation. Explain points on Handout #3-3.

Points from Handout #3-3:

- ✍ When you create referral networks or work with others to coordinate services, you negotiate.
- ✍ When you work in collaboration, you negotiate.
- ✍ Alternatively, when you don't have the power to negotiate an acceptable agreement, you may choose another strategy. The strategy might be to make demands, confront someone, picket or demonstrate, or engage in community organizing.
- ✍ Sometimes, in order to gain the power to negotiate, or to make progress when negotiation fails, you may use litigation, mediation, or arbitration. This calls in another level of power – mediators, arbitrators, judges, and juries.
- ✍ It is important to know how much power you have in any situation, so that you can select the appropriate response.
- ✍ Always start with a negotiation strategy, so that you can find out what is possible as a starting point. Be sure that the people who have the power to make a decision and implement it are at the table.
- ✍ Always include a way to monitor progress and assess implementation.

Then ask them to pull out Handout #3-4 (case studies).

Ask for a volunteer to read Case Study #1. Discuss how participants would respond now if they were the local domestic violence program. There is no one right answer. The point is to think through the role of negotiation in working collaboratively with others.



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Ask for a volunteer to read Case Study #2. In the discussion, ask participants to review their brainstorm list of successful negotiations. Ask them, “What would you need to know to determine whether negotiation is an appropriate strategy in this case study situation?”

Ask for a volunteer to read Case Study #3. Discuss what you would recommend to the local domestic violence program and why. If necessary, remind participants that the goal is to meet battered women’s needs; that means we need to work with others outside of the domestic violence arena – we can’t do it all ourselves. We have to find the bridges – others may not know, understand, or want to work with us. We need them to accomplish our goals.

❖ BREAK**Time: 10 MINUTES**

After case study discussion, take a break.



NEGOTIATION WORKSHOP – HANDOUT #3-3

The Role of Negotiation

- When you create referral networks or work with others to coordinate services, you negotiate.
- When you work in collaboration, you negotiate.
- Alternatively, when you don't have the power to negotiate an acceptable agreement, you may choose another strategy. The strategy might be to make demands, confront someone, picket or demonstrate, and/or engage in community organizing.
- Sometimes, in order to gain the power to negotiate, or to make progress when negotiation fails, you may use litigation, mediation, or arbitration. This calls in another level of power – mediators, arbitrators, judges, and juries.
- It is important to know how much power you have in any situation, so that you can select the appropriate response.
- Always start with a negotiation strategy, so that you can find out what is possible as a starting point. Be sure that the people who have the power to make a decision and implement it are at the table.
- Always include a way to monitor progress and assess implementation.



Case Studies

Case Study #1

The Victim Witness Coordinator in the County Attorney’s office is given the authority to create a law enforcement committee of the local community coalition on domestic violence. The local domestic violence program is not invited to be a member. When they ask, they are told this is just for law enforcement.

How would you respond now if you were the local domestic violence program?

Case Study #2

The Department of Children and Families comes to the local domestic violence program with a proposal that you work together to improve integration of domestic violence and child welfare services.

What information would you need in order to decide whether negotiation is an appropriate strategy?

Case Study #3

The only transitional housing program in the community does not accept children. It frequently has openings due to turnover. The local domestic violence program has met with the executive director of the housing program numerous times to request a change in the policy to open the doors to battered women and their children. The executive director says that she understands the concern but they just aren’t equipped to handle children. In addition, she is very concerned about the potential for violence if a battered woman lived there and her abuser came after her. She really must think about the safety of other residents in the transitional housing program.

What would you recommend to the local domestic violence program as a next step?



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❖ **REVIEW: CHARACTERISTICS OF THE MINDSET YOU NEED FOR SUCCESSFUL COLLABORATION**

Time: 5 MINUTES

While participants are on break, write keywords on the flipchart that refer to the seven characteristics of the collaborative mindset. Ask participants to guess the characteristic without looking at their hand-out. (Mindset characteristics is Handout #3-5)

Sample key words

- ◆ **Vision.** Define your vision and goals – what you want to accomplish to achieve a successful outcome.
- ◆ **Positive Attitude.** Focus on possibilities – what you can do together – while understanding limitations that may exist. Avoid being cynical – don’t decide in advance that nothing can work.
- ◆ **Willingness.** Be willing to create a recommendation, agreement, and/or plan of action with the other parties involved.
- ◆ **Openness.** Be open to being influenced by others. There may be more than one right way. Be neither doormat nor immovable object.
- ◆ **Curiosity.** Maintain a curious/investigating attitude about others’ needs, power, mandates, mission, barriers, and opportunities to move forward. Avoid blaming, “shoulding,” and/or making assumptions about others’ motives and meaning.
- ◆ **Connections.** Look for connections rather than differences – the “fit,” meeting your needs and others’ needs.
- ◆ **Confidence.** See yourself as a significant partner with confidence in your ability to “hold your own” when situations are confusing and complex.

Remind participants that a collaborative mindset is a prerequisite for successful negotiation.



❖ A STEP-BY-STEP NEGOTIATION METHOD

Time: 40 MINUTES

Ask participants to turn to Handout #3-6. Briefly describe the negotiation steps using this simple example. Describe the situation:

Francine and Pat are working together on a project. Francine is routinely 15-20 minutes late for their meetings. Pat wants to start the meetings on time. She has a busy schedule and feels that Francine is disrespecting her time by being late. Pat is meeting with Francine.

Ask for a volunteer to be Francine. You, the trainer, will be Pat.

Sample of the negotiation method

Ask participants to turn to Handout #3-6 and follow the steps as they watch the role play. If you feel unsure about doing this spontaneously with a participant, prepare a script, and ask a participant to read the part of Francine while you read Pat's part.

1. The question – The question focuses the discussion and is a way to create an initial agreement about what you are going to discuss.

Pat: Francine, here's my question – how can we start meetings on time?

Francine: Why is that a question? I'm never late.

2. The situation – Describe, don't judge.

Pat: (shifting to the situation) We have started the past 5 meetings at least 15 minutes late.

Francine: So what's the big deal?

3. What each wants/needs

Pat: I want to be able to start the meetings on time.

Francine: Oh, Pat, you're such a perfectionist – everything has to happen just so. We get the work done, don't we? What's the big deal?

Pat: I'm very busy right now and I want to be able to plan my time.

Francine: I am so busy. I just need flexibility here.

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Pat: I'm so busy that I don't want to waste time waiting for you.

Francine: I don't have control over my schedule like you do – I get called away and there's nothing I can do about it. (more information about the situation).

4. The answer/solution

Francine: The only thing I can suggest is that we meet in your office. Then, at least, you can keep working on other things and I won't be holding you up.

Pat: Would a different time of day be better – like first thing in the morning?

Francine: Hm, that might be worth a try – how about meeting at the coffee shop downstairs before we come into the office?

5. The action plan

Pat: I'd like to create a schedule for the next couple of weeks so that we'll both know what's coming up and when we need to meet.

Francine: Great. And then maybe we can see if we can combine some meetings or just do something via e-mail or through the computer network – for drafts.

They develop the plan.

6. How and when you will assess outcome

Pat: I'd like to assess this each time we meet to see how we're doing.

Francine: That's fine with me.

After you demonstrate the method, use Handout #3-6, p. 1, to explain each step of the process you just demonstrated. Suggest that they make notes on the handout from your explanation of the demonstration role play – to prepare for their participation in the next role play.

Ask participants to work in pairs for the role play. When everyone is seated in pairs, turn to Handout #3-4, Case Studies. Explain that we will use Case Study #3 for the role play, and review the case study.



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One person will be the executive director of the transitional housing program and one will be from the domestic violence program. Decide who will play each role. Now turn to Handout #3-6, p. 2 – the negotiation process. Put the overhead with the process on the screen for reference during the role play.

Explain that you are going to use a stilted form to demonstrate the method. You will go step by step through the process, one step at a time, and each pair of participants will make notes on page 2 of the handout. You (trainer) will use start/stop action as they role play each step using Case Study #3.

Define the question and discuss the situation.

The domestic violence program person will initiate the negotiation. Give participants some examples of questions, and point out that the way you define the question determines the direction the conversation will move. See the differences in these sample questions:

- What is needed to change your policy of excluding children?
- What would it take for you to be able to expand services to battered women?
- How can we work together to increase transitional housing for battered women and their children?

Explain that in the first part of the role play, the domestic violence person will define a question and share it with the executive director of the transitional housing program. After you have discussed the question together, proceed to explore the situation surrounding the question – describe this, don't judge/blame or criticize. Stop after you have completed the situation step. **Do not define the answer yet.**

Explain that negotiation is a process. Frequently, we move immediately from the question to the answer without allowing any time for a process that would increase the possibility of a successful negotiation. Stay with the question and the situation.

Stop the action when participants finish the question and situation.

Ask what has happened thus far. Ask participants to share the question they came up with. What was the response? Answer any



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questions about the process. Ask who already is at the solution and ask them to back up.

Explain that the next part of the process is a discussion of wants and needs.

This is NOT the solution/the answer. Focus on each organization's wants and needs in this specific situation. This is a challenging part of negotiation. By now, everyone always wants to get to the solution. However, when you use the full process, you will come up with a better solution and one that is likely to have better buy-in by all parties. Give participants some suggestions about this step:

The domestic violence program (since it is the initiator of the negotiation) describes what it wants and needs. For example, "We need housing referrals. When we don't have them, women are more likely to return to an abusive home. A majority of the women who participate in our program have children. When we can't make referrals, they have nowhere else to go."

The housing program might respond: "We need safety for our residents. We're worried that if we allow battered women to live here, even if we could figure out how to handle children, batterers will come here and attack the woman and our residents."

Ask participants to proceed with a discussion of wants and needs and to stop after completing this part.

When participants have completed the wants and needs, ask for examples.

Ask whether an answer/solution "popped out" as you explored wants and needs. Ask if anyone is stuck – no common ground has been established. Ask them to describe what is contributing to their stuck place.

Now move to the answer to your question – the solution.

Remind participants that just because it's a negotiation doesn't mean you will be successful. The question, situation, and wants and needs discussions all lay the groundwork and build a relationship with the other person(s). These steps give you a lot of information about what may be possible and whether a negotiated solution can be attained.



If you reach a solution, continue with development of at least one idea for an action plan and discuss how and when you will assess your commitments and the results.

Questions for debriefing:

- ?? If you reached a negotiated agreement, what was the agreement?
- ?? What is your action plan?
- ?? How will you assess outcome/commitments/progress?
- ?? If you didn't reach an agreement, what contributed to that?
- ?? What was the easiest part of the process? The hardest part?

Explain to participants that you (trainer) have used this stilted start-stop through the process to demonstrate the method. If you are new to negotiation, it's useful to continue using this step-by-step method until you have greater confidence. You can use this method even if those you are negotiating with are not familiar with it.

If participants have many questions, you may need to eliminate the next section – “Assess a Negotiation: Case Study.”

❖ ASSESS A NEGOTIATION: CASE STUDY (HANDOUT #3-7)

Time: 20 MINUTES

Let's examine someone else's negotiation. Ask participants to turn to Handout #3-7. Ask for a volunteer to read the case study.

Discussion:

- Refer to the list of characteristics for successful negotiations that participants brainstormed at the beginning of the workshop. Which of these characteristics apply to this case study?
- Refer to Handout #3-5. What evidence is there for using a collaborative mindset?
- Refer to Handout #3-6. What were the steps in this negotiation?



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❖ **EVALUATION AND CLOSING**

Time: 15 MINUTES

(Be sure that you have addressed all of the red-bracketed items in the list of successful negotiation characteristics which resulted from the initial group brainstorm.)

Ask participants to complete evaluation forms and to select one idea from the workshop that was especially meaningful and one idea that they are going to use right away. Explain that after evaluations are completed, the closing will be a go around with each person sharing these two ideas.

Closing exercise – Ask for a volunteer to go first and then go around the room. When everyone has shared ideas, add your own, and thank everyone for coming.

If you are conducting a second module in the afternoon, use the same go around and then close with information about lunch and the starting time for the afternoon session.



Characteristics of the Mindset You Need for Successful Collaboration

- ◆ **Vision.** Define your vision and goals – what you want to accomplish to achieve a successful outcome.

- ◆ **Positive Attitude.** Focus on possibilities – what you can do together – while understanding limitations that may exist. Avoid being cynical – don’t decide in advance that nothing can work.

- ◆ **Willingness.** Be willing to create a recommendation, agreement, and/or plan of action with the other parties involved.

- ◆ **Openness.** Be open to being influenced by others. There may be more than one right way. Be neither doormat nor immovable object.

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- ◆ **Connections.** Look for connections rather than differences – the “fit,” meeting your needs and others’ needs.

- ◆ **Confidence.** See yourself as a significant partner with confidence in your ability to “hold your own” when situations are confusing and complex.



A Step-by-Step Negotiation Method

Q The question – frame the issue/problem as a question
?? *How can we.....*
?? *How do we...*
?? *What is the best way to...*

S The situation – describe, don't judge

W What each wants/needs – NOT the solution

A The answer/solution

A The action plan: What will be done, by whom, by when

A How and when you will assess outcome/commitments/progress



A Step-by-Step Negotiation Method

- Q** The question – frame the issue/problem as a question
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- S** The situation – describe, don't judge
- W** What each wants/needs – NOT the solution
- A** The answer/solution
- A** The action plan: What will be done, by whom, by when
- A** How and when you will assess outcome/commitments/progress



Negotiation Case Study

A group of attorneys has agreed to hold pre-hearing information sessions so that victims of domestic violence will know what to expect in protection order hearings. The Victim Services Committee of your local community domestic violence coalition is discussing where to hold the information sessions.

Committee members have agreed that they need a separate meeting room with babysitting available, a convenient location that is near public transportation. Someone suggests the public library as a meeting place. The domestic violence program advocate reminds the committee that the meeting rooms at the library are a public space. You can't keep anyone out. Perpetrators will be free to come in and that won't be safe for the women.

Someone else says, "You can't keep perpetrators out – an information session must be fair and impartial."

The Child Protection Services worker says, "I also feel it's a problem. We have the same issue of safety in our office. I would like to add to the list of criteria that the location must be safe for victims and that we must uphold the fairness of the judicial process in selecting the place and conducting the information session."

The discussion then focuses on criteria for the meeting place, and the group then selects a location that everyone is comfortable using.

What contributed to the successful negotiation about the meeting place?



Evaluation Form Negotiation Workshop

1. What was the most useful part of the workshop for your work?
2. Please rate the following using a scale of 0-5 (5 = very helpful and useful)
Presentations _____
Relevance/usefulness of case studies _____
Handouts _____
Role plays, if used _____
Other comments/ratings:
3. Please rate trainer's teaching/coaching on a scale of 0-5 (5 = excellent)
Rating: _____
Comments:
4. How can the workshop be improved?
5. What is one idea you will begin using immediately?
6. **Other comments.** (Please use the other side of the page for additional comments.)

Thanks!



