



UNIVERSITY OF  
SOUTH DAKOTA

# Conflict Negotiation

ASBSD/SASD Joint Convention

Sioux Falls, SD

August 9, 2024

# Conflict Dynamics

*The existence of conflict is neither good nor bad. What makes a conflict good or bad is how we deal with it and what results from it, not whether conflict occurs.*

# Conflict Dynamics

The question is what distinguishes successful from unsuccessful efforts to resolve conflict?

Commitment to proceed in a principled manner

Skills to proceed in a principled manner

Practice, Practice, Practice

# Principled Negotiation

This brings us to Fisher and Ury's Principled Negotiation<sup>1</sup>

1. Separate the People from the Problem
2. Focus on Interests, Not Positions
3. Brainstorm Options For Mutual Gain
4. Use Objective Criteria When Available

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1. From, *Getting to Yes: Negotiating Agreement Without Giving In*, Second Edition, Penguin Books, 2006.

# Pre-Negotiation Conflict Analysis

Pre-Negotiation work is required for Principled Negotiation.

*We must overcome the barriers  
of subjective information AND limited information.*

# Limitation of Subjective Information

*When thinking about conflict with incomplete information we tend, as humans, to focus on worst-case scenarios; escalating our fight, flight or freeze response.*



# Pre-Negotiation Conflict Analysis

We need to find more complete understandings of a conflict to maximize the potential for “win/win” outcomes.

The win/win outcome is the objective of principled negotiation

This takes an investment of time and discipline to develop an effective process.

*Slow down to speed up.*

# Pre-Negotiation Conflict Analysis

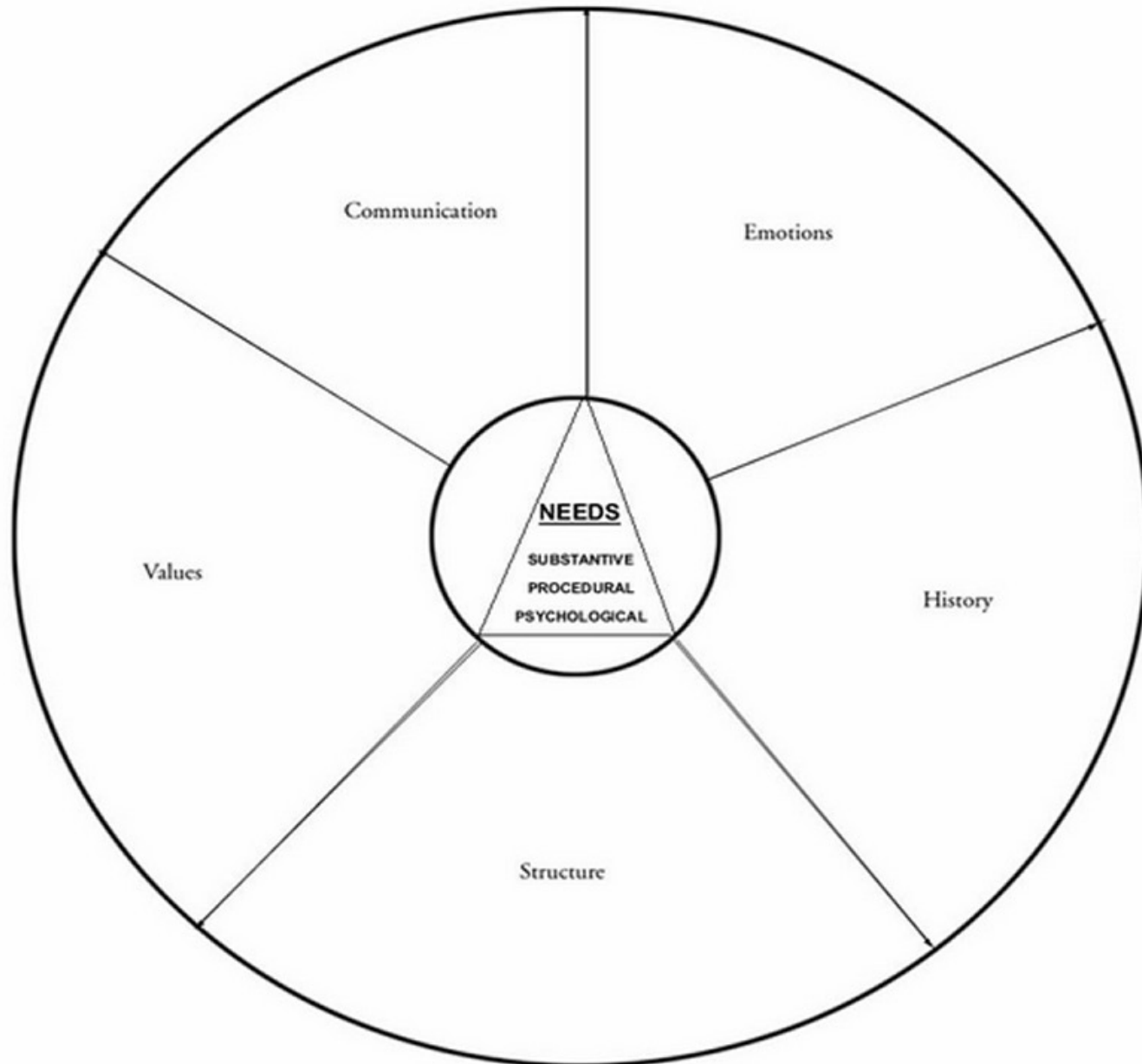


There are 'four sides' of a lantern  
(Dr. Michael Roche).

We must walk all the way around the  
lantern before fully seeing the light.



# Conflict Analysis



# Conflict Analysis

To complete a conflict analysis, we must communicate.

Must ask essential questions when taking a conflict history.

# Principled Negotiation

This brings us to the first principle in Fisher and Ury's Principled Negotiation<sup>1</sup>

1. Separate the People from the Problem

# 1. Separate the people from the problem

Principled negotiation is a **non-adversarial** approach to conflict negotiation.

## **Requires A Change in World View**

- Solving their problems is no longer “**their** problem.”
- Solving their problems is “**my** problem.”

# 1. Separate the people from the problem

In order to separate the people from the problem you must

*be easy on the people and hard on the problem;*

*hard on issues but soft on people.*

At this point in the negotiation, you are no longer an adversary.

Instead, you are a collaborator seeking the win/win outcome.

# GETTING BACK TO Conflict Analysis

To complete a conflict analysis, we must ask essential questions when taking a conflict history.

When asking “what, when, how, and why questions” we must engage in active listening to guide the negotiation toward productive outcomes.



# Dialogue Techniques

## 1. Active Listening

**Active Listening:** A communication skill in which a listener hears and feeds back accurately the substantive and emotional content of a speaker's message.

- A. Substantive content = what is being said.
- B. Emotional content = how it is being said and what meaning it has to the speaker.

The goal of active listening is to gain trust and competence => both deescalate conflict and result in more rational responses (avoiding fight/flight/freeze responses).

With knowledge of what is at issue, we can begin to frame and reframe {experiences, needs, frustrations} into interests.

## 2. Reject Positions – Focus on Interests

Fisher and Ury's second principle:

***2. Focus on the interests. Ignore positions.***

This has become known as interest-based bargaining.

# Dialogue Techniques:

## 2. Reframing

Dialogue technique for the interest-based approach: Reframing!

***Reframing:*** Transform unproductive statements into statements we can respond to productively (according to Fisher and Ury, interests are easier to satisfy than positions).

- Initial frames are often positional -- overrun with emotion – flight, fight or freeze.
- Potential results of positional statements:
  - Toxic (hurtful)
  - Overstated (not accurate)
  - Offense (distasteful in words or implications)

# Interest-Based Dialogue Techniques

## Active Listening and Reframing

Reframing (cont.)

### Characteristics of effective reframing:

1. Affirmative/Optimistic language **rather than** pessimistic, cynical, defensive, combative, or sarcastic language.
2. Future-oriented **rather than** focused on the past.
3. Neutral to parties **rather than** judgmental or apologetic.

# Reframing Example

## Professional Context

“You obviously think you are superior to the rest of us...  
You never give decent directions or a straight  
answer.... I can't take it anymore!”

**Try to reframe this positional statement into an interest-based statement.**

**Positions are hard to satisfy => win/lose outcomes.**

**Interests are more productive/accessible => win/win outcomes.**

# Interest-Based Dialogue Techniques

## Active Listening and Reframing

Once you have reframed party positions into interests, you can begin the effort to identify solutions.

The next step, brainstorming, requires a narrow focus on brainstorming ideas to maximize interests.

**State the following:** *“So, now that we know the interests we are trying to satisfy, what {practices, policies, procedures, decisions, accommodations} can we develop to meet our combined interests?”*



## 3. Brainstorm Options For Mutual Gain

Fisher and Ury's third principle:

### **3. Brainstorm Options For Mutual Gain.**

This requires discipline.

Don't be in a rush!

***Slow down to speed up.***

### 3. Brainstorm Options For Mutual Gain

There are four keys to effective brainstorming:

1. Separate the invention process from the evaluation stage.
2. Brainstorm for all possible solutions, even impractical or unlikely solutions – be creative.
3. Only after the creative process is exhausted can evaluation begin.
4. Prior to evaluation, parties can refine, combine, or improve options generated.

## 4. Evaluate using objective criteria

Fisher and Ury's fourth principle:

### **4. Use objective criteria whenever possible.**

This is consistent with rejecting positions, as positions are based on subjective interests unsuited for mutual gain.

Objective criteria include:

- Industry standards
- Facts (e.g., how courts treat a concept or behavior)
- Quantitative analysis

# Matrix Evaluation

(Rank satisfaction on a scale of 5-1)

Party	Substantive Needs	Psychological Needs	Efficiency	Sustainability	Compliance	Sum
P1 Option A	2	4	1	2	4	13
P1 Option B	1	2	4	1	1	9
P1 Option C	5	5	3	5	5	23
P2 Option A	3	2	2	2	3	12
P2 Option B	2	1	5	1	1	10
P2 Option C	4	4	2	4	4	14

With this approach, each option can be ranked by the sum of scores for that option.

Highest score is not necessarily “the best option” though...

# Matrix Evaluation

The summary score is not the final answer.

- It may produce an agreement in principle, but the generation of options can continue after initial scores are in.
- Return to brainstorming to examine how to combine the best elements of the options can continue after scoring
  - Option C scores are high, but the efficiency component scores are low.
  - Option B has the highest efficiency component scores, but low scores in other areas.



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# Questions?