

Interest-Based Problem Solving

An Overview of Terms and Behaviors



An interest-based strategy is a principled process that relies on a series of steps, commitments and behaviors that help groups seek a good solution, not just an agreement. The ultimate outcome is improved relationships.



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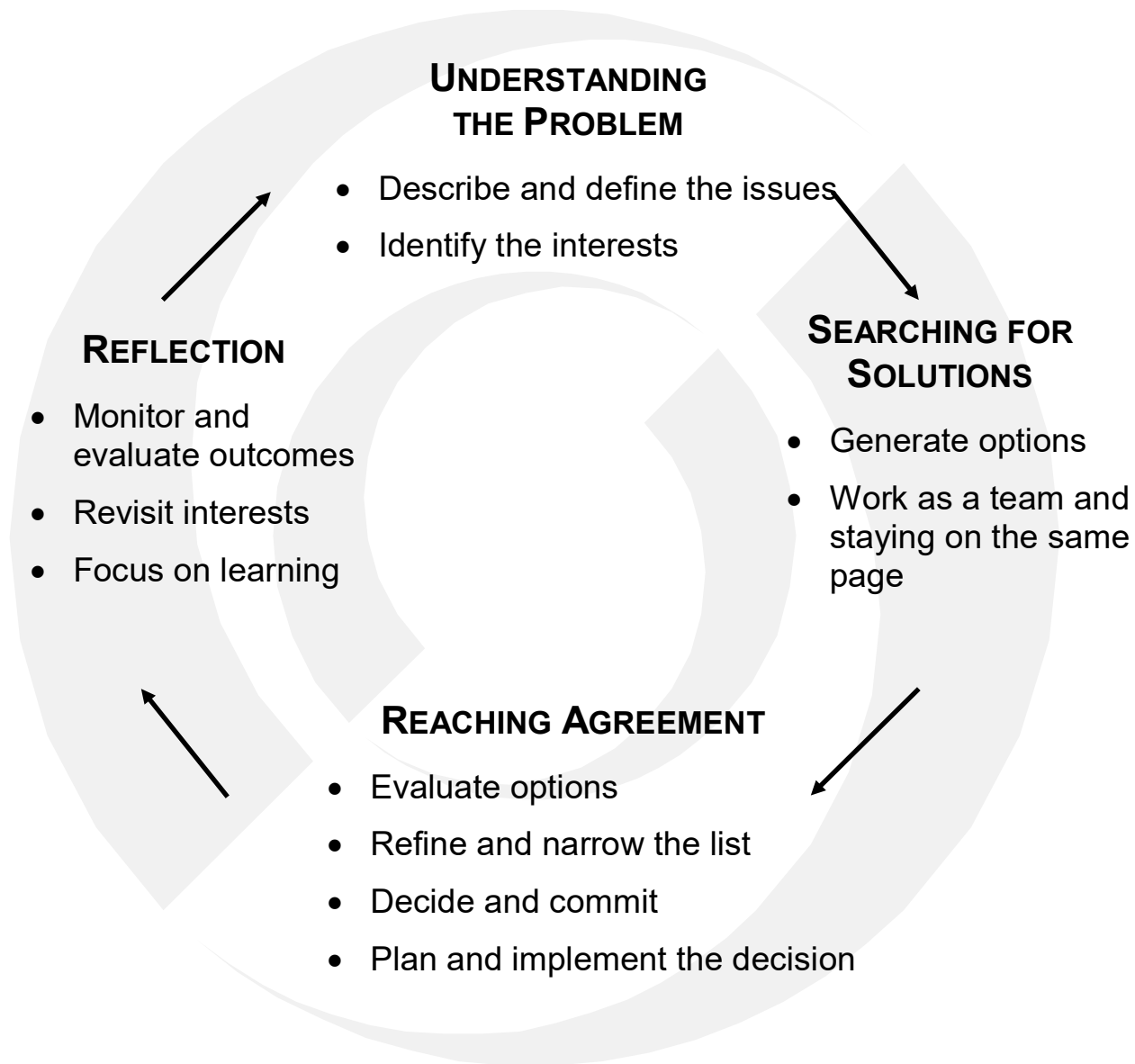
Entry Point - Convene

What is our purpose?

Who are we as stakeholders?

What is our Outcome? Or Charge?

SPIRAL NATURE OF PROBLEM SOLVING



THE NATURAL PROBLEM SOLVING PROCESS

- Understand the problem
- Recognize underlying concerns
- Think of possible ways to solve
- Evaluate possible solutions
- Decide on a specific solution
-

Our minds naturally solve problems by using these steps, but not necessarily in sequence.

What are some examples of problem-solving *or* negotiating in your everyday life?

List of Situations

Which Position do you use?

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

Reprinted from *Getting to Yes*

CONTENT PROCESS RELATIONSHIPS

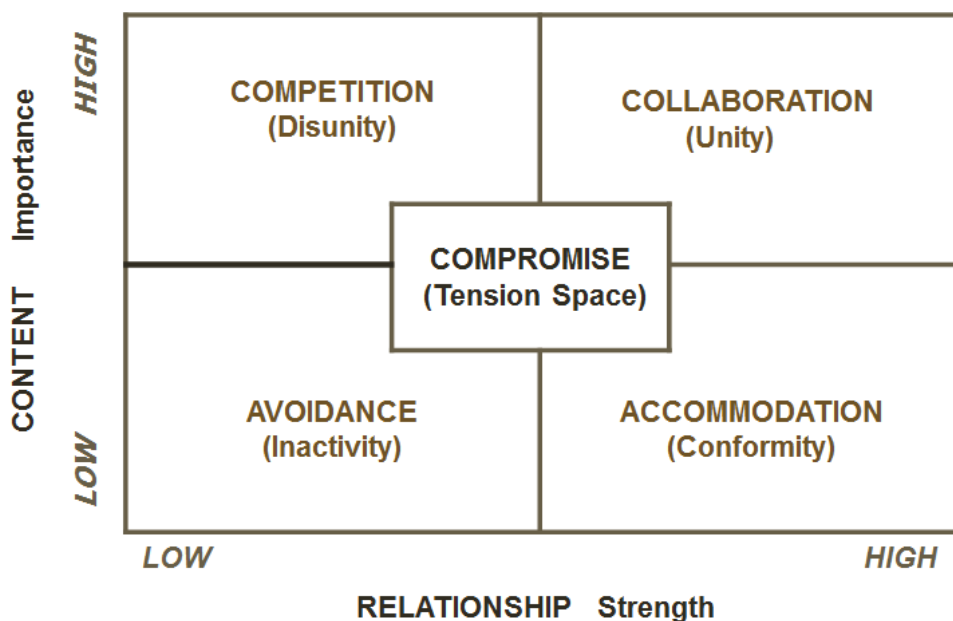
When people make decisions together or negotiate, the subject matter is not the only issue. There are often underlying process or relationship issues as well.

- **CONTENT** issues concern the **subject matter**.
- **PROCESS** issues concern **how the parties interact**.
- **RELATIONSHIP** issues concern **how the parties treat each other**.

The resolution of content issues often depends on the successful resolution of the process and relationship issues as well.

Content/Relationship Matrix in problem solving

The choice of problem solving strategy depends, in part, on the parties' perceptions of the importance of the content of the problem and the relationship between/among the parties. When the parties focus on . . .

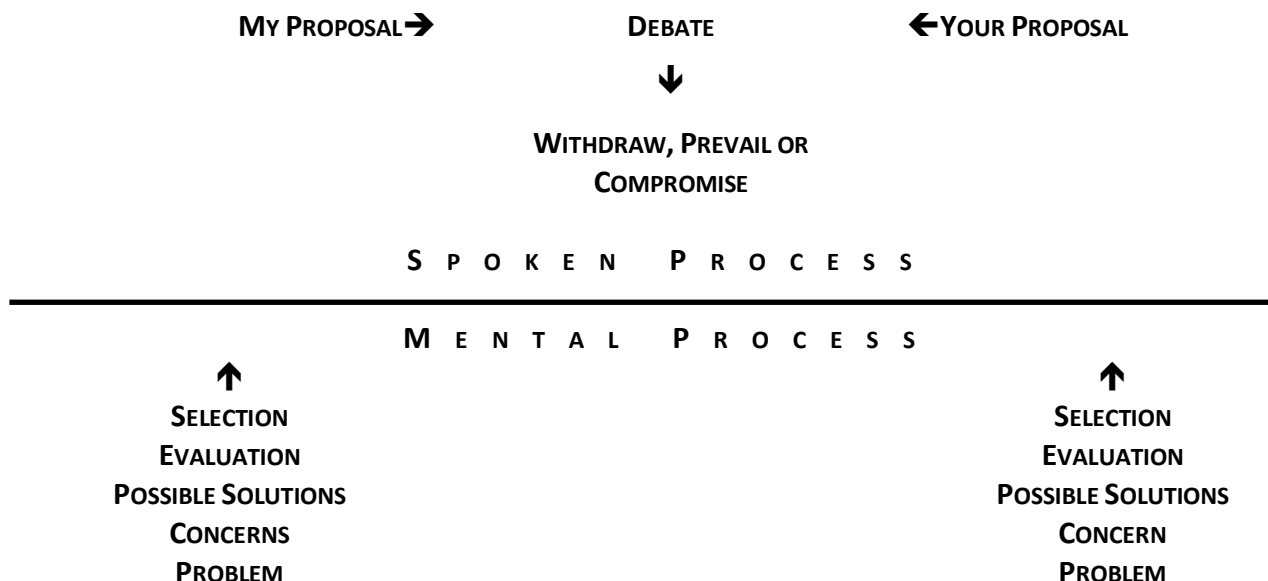


There is a fundamental tension in managing conflict between getting our needs met and preserving our relationships with others. Each of us tends to resolve that tension in different ways depending on how we managed conflict growing up and how conflict management was modeled for us. We often perceive that we have to sacrifice our own needs to preserve the relationship or vice versa. If we typically put needs before the relationship, we tend to be **competitive**. If we typically put relationships before our needs, we tend to **accommodate**. If we trade off some of each, we tend to **compromise**. Some of us are so adverse to conflict that we simply **avoid** dealing with issues. As a result we neither get our needs met nor preserve the relationship. The goal is to manage conflict in a way that both meets our needs and preserves the relationship — to **collaborate**.

THE POSITION-BASED APPROACH

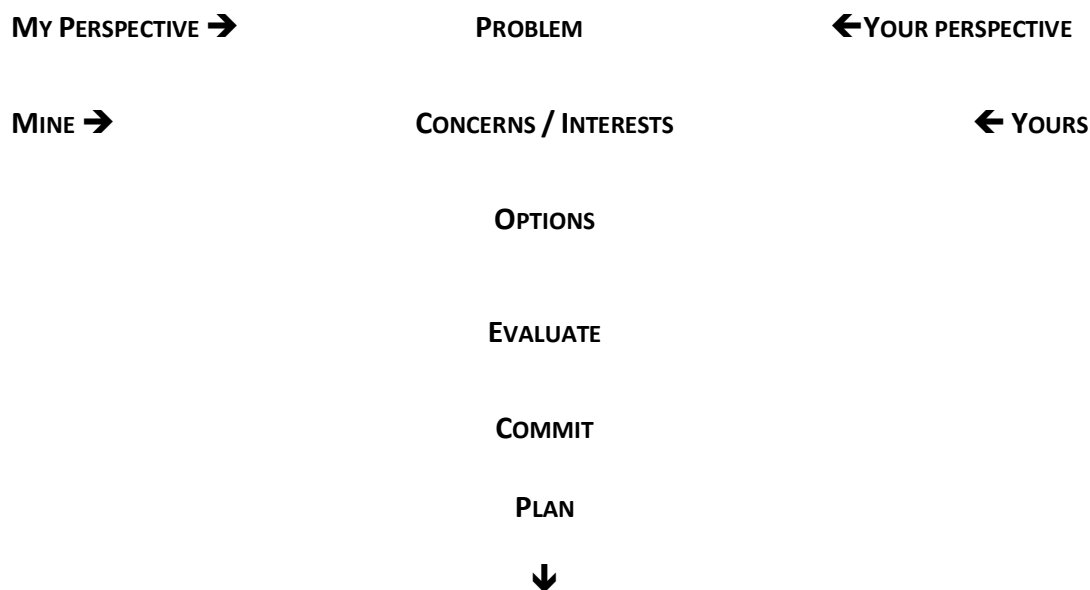
In a position-based approach

- We do our own problem solving before discussion with others
- We start with proposals—solutions to which we are already attached



THE INTEREST-BASED APPROACH

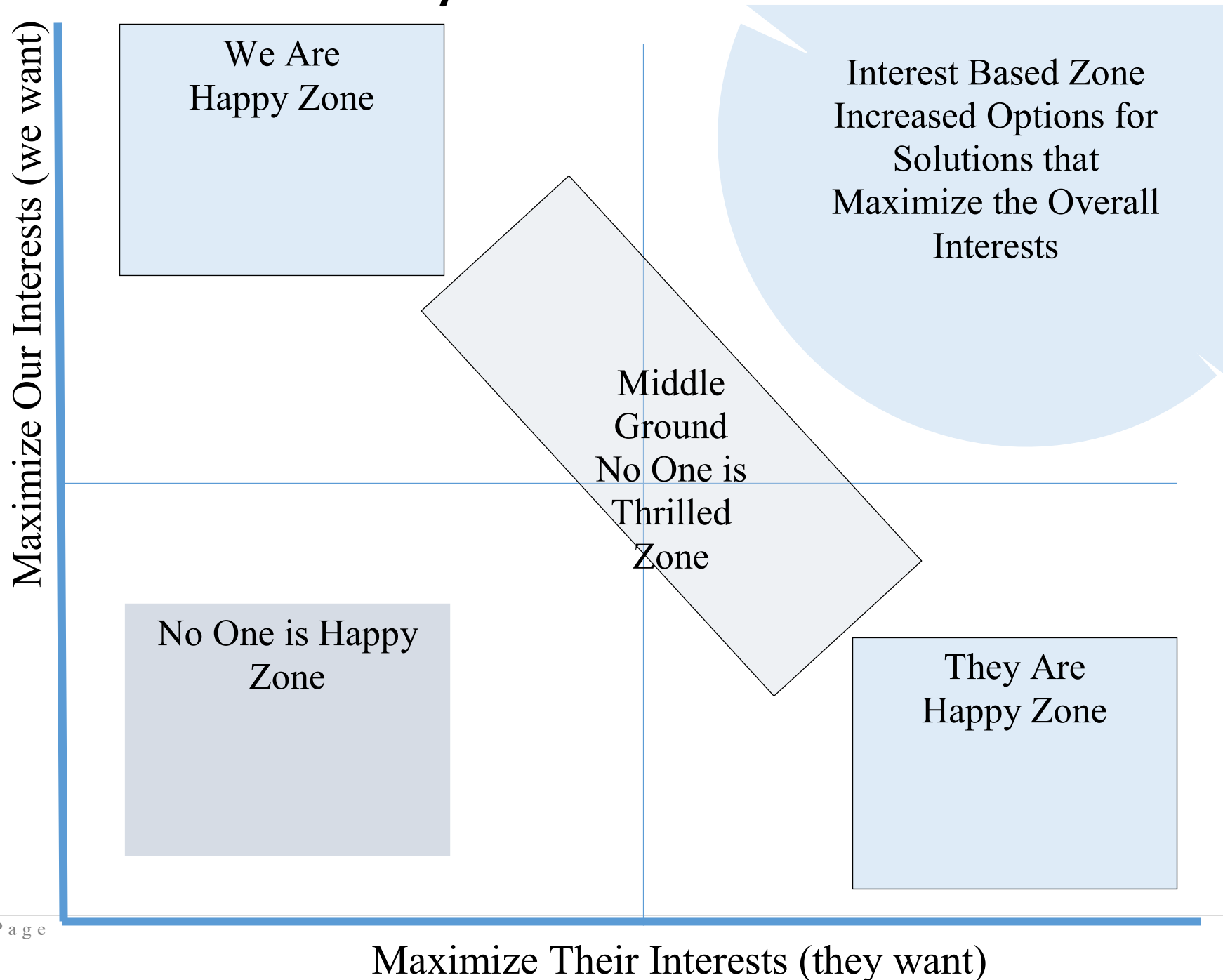
In an interest-based approach, we resolve issues together



CONTRASTING PRINCIPLES

Position-Based Approach	Interest-Based Approach
Use or withhold information tactically	Be candid & fully disclose
Commit to our own solution at the beginning	Defer commitment until the end
Focus on positions	Focus on interests
Focus on our preferred solution	Explore many possible solutions
Do what it takes to prevail	Ask questions to understand—make our thinking visible
Try to convince, but if not, use leverage (coerce)	Rationally persuade
Decide separately (in caucuses)	Decide together by consensus
Connect relationship & content issues	Separate relationship issues from content issues
Decide separately how to treat others	Agree on how to treat each other

Why Focus on Interests?



ELEMENTS OF THE INTEREST-BASED PROCESS

1. **DEFINE** the issues
2. **IDENTIFY** stakeholders & interests
3. **CREATE** options
4. **EVALUATE** options
5. **COMMIT** to solutions
6. **AGREE** on a plan of action

ELEMENT 1 DEFINE THE ISSUES



The Steps

1. Agree on the topic
2. Tell the story

Possible questions

- What is the current situation?
 - Why is the current situation an issue?
 - What is working—what is not working?
 - What is causing these results?
 - What assumptions do we need to test?
 - What other information do we need to fully understand the situation?
3. Identify the issues (what needs to be resolved)
 4. Frame the issues as open-ended questions



Tips

- ▲ The goal is understanding rather than agreement
- ▲ Everyone's piece of the story does not have to match with others

OPEN-ENDED QUESTIONS

- Cannot be answered with "yes" or "no"
- Should not suggest or restrict the possible solutions
- Focus on the future, not the past

Open-Ended Question Examples:

How can we increase attendance?
How should we distribute overtime?

How should be handle complaints from parents?

Close-Ended Question Examples:

Should we increase discipline for poor attendance?
Should we give first opportunity for overtime to senior employees?

Should we ask parents to put their complaints in writing?

ELEMENT 2 IDENTIFY STAKEHOLDERS & INTERESTS



Definitions

Stakeholders

- Who is directly affected by the problem?
- Who could be directly affected by the solution?

Interests

- Interests are the underlying motivations for what we want— needs, desires, fears and concerns.
- Interests answer the question, "What is important?" or "Why?"



The Steps

- Identify the immediate stakeholders
- Identify their interests
- Seek to understand others interests
- Identify which interests are separate, mutual and interdependent



Tips

- Look for deeper interests—ask "why?" several times
- If someone offers a potential solution, ask "why?" to discover the underlying interest

ELEMENT 3 CREATE OPTIONS



Definitions

- Options are possible solutions
- Options should be future oriented
- Options answer the question "How?"



The Steps

- Separate inventing from judging
- Use free-flowing brainstorming
 - No criticism or evaluation
 - No one "owns" an option
 - No one has to defend any option, but may need to explain it
 - Invent as many options as possible
 - Look for options that address all interests
- Encourage creativity and participation
- Options do **not** require agreement

BARRIERS TO CREATIVITY

2 critical barriers to creativity are:

- We judge ideas prematurely
- We are unable to think of ideas outside the typical range of solutions (i.e., outside the box)

2 helpful concepts in being creative are:

- Recognize which type of thinking we are using—suspend judgment
- Use brainstorming and other creative techniques

ELEMENT 4 EVALUATE OPTIONS



Principles

- Evaluate before choosing
- Evaluate based on interests



The Steps

- Clarify options
- Eliminate duplicates
- Cluster related options
- Compare the options to all interests
- Modify options to better meet interests
- Eliminate options by consensus



Tips

- Watch for unexpressed interests
- Check and challenge assumptions about what works
- Use evaluation tools, when helpful
- If no option meets all the interests, prioritize the interests to assure the most critical interests are met

ELEMENT 5 COMMIT TO SOLUTIONS



The Steps

- Create a “straw design” (a combination of options that meet the participants’ interests)
- Refine the “straw design”
- When all agree that the “straw design” adequately meets all interests, explicitly commit
- Put the agreement in writing



Tips

- Solutions can be multi-faceted
- Check your assumptions about what agreement means and will look like in practice
- Think about unintended consequences

ELEMENT 6 AGREE ON AN ACTION PLAN



The Steps

- Determine roles and responsibilities
- Establish timelines
- Put the plan in writing
- Draft and review contract language, when appropriate
- Communicate the outcome to constituents
- Develop a process to monitor implementation and evaluate effectiveness

ONE PAGE PROCESS GUIDE

DEFINE the issues

- Agree on the topic.
- Tell the story.
- Identify the issues
- Frame the issues as open-ended questions.

IDENTIFY stakeholders and interests

- Identify who has a stake in this issue
- Identify their interests
- Check which interests are shared or interdependent

CREATE options

- Brainstorm possible solutions.

EVALUATE options

- Clarify and cluster.
- Evaluate the options based on interests.

COMMIT to a set of solutions

- Choose based on your evaluation.
- If no option meets all interests, prioritize them.
- Commit.

AGREE on a plan of action

- Determine roles and responsibilities.
- Establish timelines.
- Set follow-up if necessary.

The Basics on One Page

What is Interest Based Problem Solving?

“A problem solving process conducted in a principled way that creates effective solutions while improving the relationship”

Key Outcomes

- Creative solutions that benefit the organization as a whole
- Durable solutions that everyone is motivated to uphold
- An improved relationship between the parties

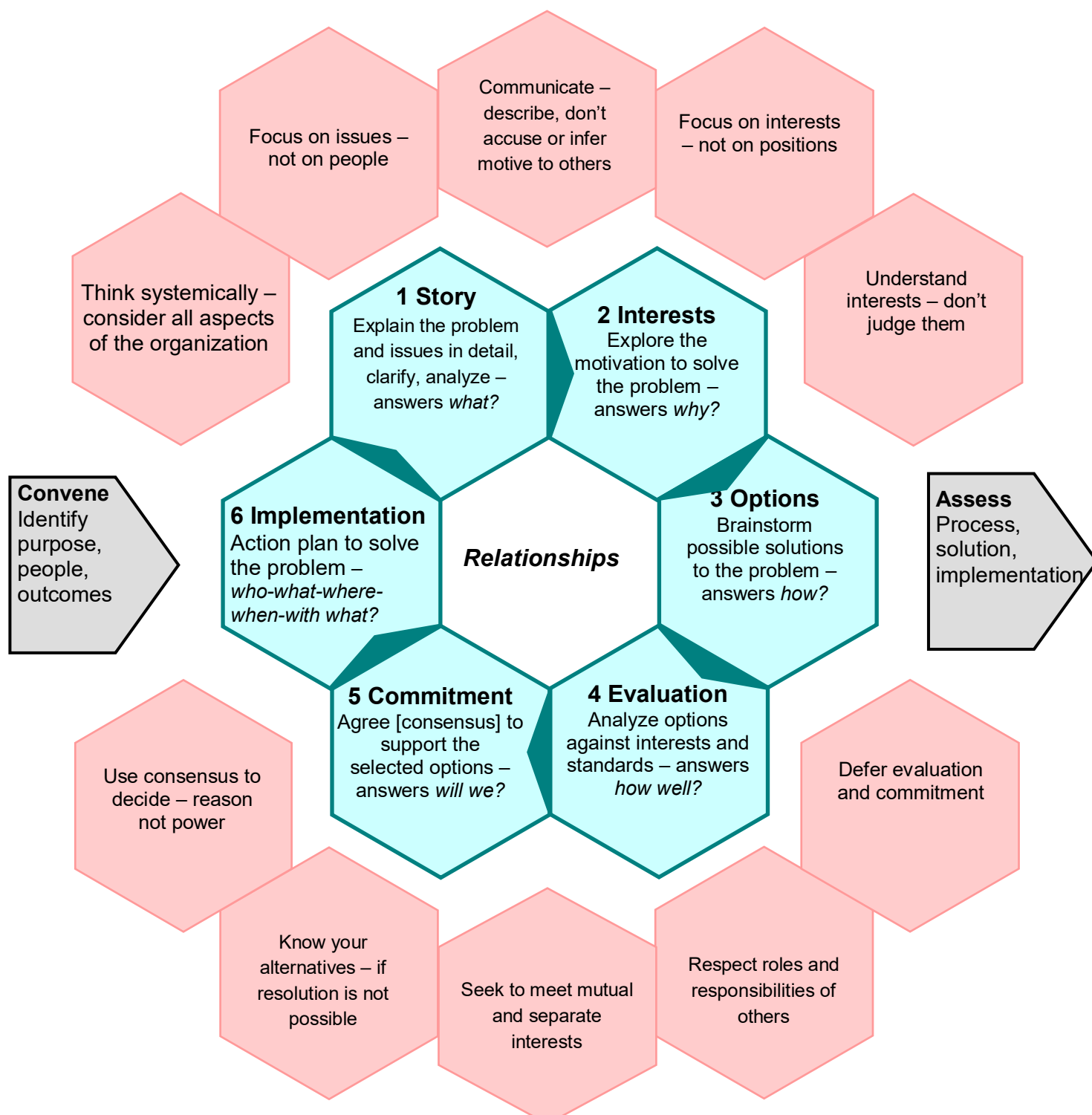
Definition of Terms

- **Issue** - a subject of discussion. The “what; the problem to be solved.
- **Interest** – one party’s concern, need or desire behind an issue. The “why” the issue is being raised. (*Interests can be shared or separate*)
- **Position** – one party’s preferred solution to an issue. The “how”.
- **Option** – a potential, often partial, solution to meet one or more interests.
- **Standard** – agreed upon qualities of an acceptable solution.

An Interest Based Problem Solving Process

1. Identify and define the issue (maybe Standards)
2. Enlist those that are closest to the issue and implementation of any solution and identify interests
3. Generate options - *Brainstorm, do not evaluate*
4. Evaluate each option against the standards
5. Commit to a solution that satisfies both sides interests
6. Agree on a plan of action

Interest-Based Strategy: Attitudes, Behaviors and Components



An interest-based strategy for problem solving, negotiations and communications involves the six *components* in the inner hexagons plus the *Convening* and *Assessing* components, and relies on the ten key *attitudes* and *behaviors* identified in the outer hexagons. *Relationships* are the context in which all problem solving,

THE ROLE OF THE FACILITATOR

The facilitator is responsible for walking the group through the process and keeping it on task. With good facilitation, the group is free to focus its energy on the issues.

A neutral facilitator is responsible for the process, not the content, and creating a safe environment by:

- Jointly developing a set of ground rules for the process.
- Assisting the group to surface and resolve relationship issues.
- Protecting individuals and their ideas from attack.

Keep the group focused on its task.

- Help the group to build an agenda for the meeting.
- Pull them back when they wander off track from the issue at hand.
- Use process checks when the process starts to falter.
- Protect the group from domination by a few individuals.
- Encourage silent members to participate.
- Identify when the group reaches consensus on anything.

Be sensitive to the physical needs of individuals and the group.

- Honor the group's decisions on starting/ending times, breaks and meal times.
- Call for breaks when necessary.

THE ROLE OF THE RECORDER

Group respects recorders who

- Act impartially
- Record accurately and legibly

Generally limit your comments to asking clarifying questions or raising a process check.

Check for understanding with the speaker.

- If the language is not clear or accurate, cross it out and re-write
- Ask whether you have accurately captured the statement

Capture the essence in the speaker's own words.

- Condense statements if necessary or ask the speaker to help rephrase
- Better too much than too little

Ask the participants to point out when you have not correctly understood and recorded what they intended to say.

- Do not be defensive when they do so

When possible, use an LCD to project as record

- Number and date the pages
- Use colors to indicate different ideas
- Use symbols or warm colors to highlight key decisions and commitments

ROLE OF GROUP MEMORY

The Group Memory Process

- Supports the interest-based approach by focusing the group's attention on the issues rather than the people
- Gives an instant record of meeting - tracks process and agreements
- Allows participants to check whether they have been correctly understood
- Avoids the issue of whose notes are more accurate
- Encourages participation by individual group members
- Let everyone know they have been heard
- Prevents repetition
- Gives group members the opportunity to own the record
- Makes agreements clear
- Promotes accountability - each individual knows who will do what by when

TOOLS FOR BUILDING EFFECTIVE PRINCIPLED RELATIONSHIPS

1. Develop norms

Decide how to treat each other and capture those norms in written ground rules or relationship agreements.

2. Reflect as a group

Improve your understanding and commitment to your chosen norms by periodically reflecting as a group.

Useful questions are:

- What worked?
- What could we improve on?
- What have we learned?

3. Surface relationship issues

Raise relationship concerns as they occur, separate from the subject matter of discussion. Describe what happened and its impact without ascribing intent to another person or group. When people fail to surface discuss relationship issues, distrust builds. When they deal with relationship conflict constructively, they can deepen trust and strengthen the relationship.

THE ROLE OF NORMS

Norms are our **expectations** or assumptions about what behaviors are appropriate—or how people **should** act. Our norms reflect our values. Norms can be either stated or operative.

For example:

Value: **Punctuality**

Norm: **Be on time**

Behavior: **I am on time when:**

- **Stated** norms are our **expressed** standards of behavior -- our "talk".
- **Operative** norms are the standards **reflected** in our behavior – our "walk."
- Operative norms are usually subconscious and unexamined.

Three kinds of relationship conflict occur because of conflict of norms:

- 1 **Conflict of stated norms** -- we simply do not share the same values or expressed norms.
- 2 **Conflict of operative norms** – we say the same thing, but do not mean the same thing.
- 3 **Conflict between stated norms and behavior** – our “walk” does not match our “talk.”

What are the 5 big norms you need to be effective?

1. Treat each other with dignity and respect.
2. Transparency: avoid hidden agendas.
3. Be genuine with each other about ideas, challenges, and feelings.
4. Trust each other. Have confidence that the issues discussed will be kept in confidence.
5. Create a space in which people have information and comfortable asking for what they need.
6. Team members will practice a consistent commitment to sharing all the information they have. Share the complete information that you have upfront.
7. Listen first to understand and don't be dismissive of the input received when you listen.
8. Practice being open-minded.
9. Don't be defensive with your colleagues.
10. Rather than searching for the guilty, give your colleagues the benefit of the doubt, have a clean slate process.
11. Support each other—don't throw each other under the bus.
12. Avoid territoriality; think instead of the overall good for the company, your employees, and your customers.
13. The discussion of issues, ideas and direction will not become a personal attack or return to haunt you in the future.
14. Be open, communicative, and authentic with each other.
15. It's okay to not know the right answer and to admit it. The team can find the answer.
16. Problems are presented in a way that promotes mutual discussion and resolution.
17. It is safe to be wrong no matter your role outside the room. Thoughtful decision-making is expected. Honesty is cherished.
18. You must own the whole implementation of the product, not just your little piece; recognize that you are part of something larger than yourself. Be responsible to own the whole picture.
19. Practice and experience humility—each of the team members may not have all the answers.
20. If you commit to doing something—do it. Be accountable and responsible for the team and to the team.
21. It is okay to be the messenger with bad news. You can expect a problem-solving approach, not recrimination.
22. Promise to come prepared for your meetings and projects so that you demonstrate value and respect for the time and convenience of others.
23. Strive to continuously improve and achieve the team's strategic goals. Don't let ineffective relationships and interactions sabotage the team's work.
24. Be aware of how your unconscious biases (race, gender, class, role, etc.) may be showing up in your discussions and actions.

EXAMPLE OF NORMS

- ☐ One person speak at a time.
- ☐ Put cell phones and beepers on vibrate.
- ☐ Speak up so others can hear.
- ☐ Stay on task. No side conversations or “bird walks.”
- ☐ Focus on the problem, not the person.
- ☐ Use a posted agenda, agreed on by the group.
- ☐ Start and end meetings and breaks on time.
- ☐ Develop a group memory.
- ☐ The group memory will be the official record of the meeting.
- ☐ No attribution of comments outside the room.
- ☐ Listen openly and respectfully.
- ☐ Any person may call for a process check at any time.
- ☐ Relationship issues take precedence over substantive issues.
- ☐ No surprises. Inform each other if we anticipate any change in previously agreed upon ideas, procedures, etc.

RULE OF THE DOUBLE STANDARD

We are **understanding and forgiving** of our **own conduct**, because we know our **intent** and understand our culture

We are **less forgiving** of the **others' conduct**, because we judge only by their conduct and its **impact** on us and we do not understand their culture

In relationship conflict, the **critical assumptions** are always about **intent** and **impact**

Perceptions Exercise

How old is the person in this portrait?



Which direction is the person in this picture facing?



From Conflict Management Inc. 1998.

The Concept of Partisan Perceptions

People tend unconsciously to interpret information pertaining to their own side in a strongly self-serving way...

While we systematically err in processing information critical to our own side, we are even worse at assessing the other side...

Extensive research has documented an unconscious mechanism that enhances one's own side, "portraying it as more talented, honest, and morally upright," while simultaneously vilifying the opposition. This often leads to exaggerated perceptions of the other side's position and overestimates of the actual substantive conflict.

To an outsider, those caught up in disintegrating partnerships or marriages often appear to hold exaggerated views of each other. Such partisan perceptions can become even more virulent among people on each side of divides, such as Israelis and Palestinians, Bosnian Muslims and the Serbs, or Catholics and Protestants in Northern Ireland.

Partisan perceptions can easily become self-fulfilling prophecies. Experiments testing the effects of teachers' expectations of students, psychiatrists' diagnoses of mental patients, and platoon leaders' expectations of their trainees confirm the notion that partisan perceptions often shape behavior. At the negotiating table, clinging firmly to the idea that one's counterpart is stubborn or extreme, for example, is likely to trigger just that behavior, sharply reducing the possibility of reaching a constructive agreement.

Excerpted from "*Six Habits of Merely Effective Negotiators*,"
Harvard Business Review, Vol. 79, No. 4, April 2001

BLUE/GREEN GAME: AN EXERCISE IN WINNING

THE OBJECTIVE OF THE GAME IS TO WIN AS MANY POINTS AS YOU CAN

Instructions:

1. Participants pair off. One of each pair chooses to be BLUE; the other becomes GREEN. After determining who is BLUE and who is GREEN, participants may not talk to each other.
2. Each participant has four 'cards.' BLUE moves first.
3. FIRST MOVE. BLUE takes his/her 'card' marked EXCHANGE #1 and X's out the left half or the right half of the card, then shows it to GREEN.
4. GREEN then X's out the top or bottom portion of the unmarked side, then shows it to BLUE.
5. The remaining score is recorded on the scorecard on line #1 by BLUE and GREEN. Note: Each participant should mark scores for BLUE and GREEN. Also, some scores are positive (+), some are negative (-).
6. SECOND MOVE. GREEN takes his/her 'card' marked EXCHANGE #2 and X's out the left half or the right half of the card, then shows it to BLUE.
7. BLUE then X's out the top or bottom portion of the unmarked side, then shows it to GREEN.
8. The remaining score is recorded on the scorecard on line #2 by BLUE and GREEN. Note: Each participant should mark scores for BLUE and GREEN at the end of each move.
9. Repeat MOVEs, taking turns, until a total of eight transactions are completed.
10. To determine final score, total (separately) the columns marked BLUE and GREEN on the scorecard. Each person will have a separate final score. Be sure to consider positive and negative numbers when adding.

BLUE/GREEN GAME BOARD AND SCORECARD

BLUE Cards

BLUE EXCHANGE #1			
B	G	B	G
+9	+9	+10	-10
B	G	B	G
-10	+10	-9	-9

BLUE EXCHANGE #3			
B	G	B	G
+9	+9	+10	-10
B	G	B	G
-10	+10	-9	-9

BLUE EXCHANGE #5			
B	G	B	G
+9	+9	+10	-10
B	G	B	G
-10	+10	-9	-9

BLUE EXCHANGE #7			
B	G	B	G
+9	+9	+10	-10
B	G	B	G
-10	+10	-9	-9

GREEN Cards

GREEN EXCHANGE #2			
B	G	B	G
+9	+9	-10	+10
B	G	B	G
+10	-10	-9	-9

GREEN EXCHANGE #4			
B	G	B	G
+9	+9	-10	+10
B	G	B	G
+10	-10	-9	-9

GREEN EXCHANGE #6			
B	G	B	G
+9	+9	-10	+10
B	G	B	G
+10	-10	-9	-9

GREEN EXCHANGE #8			
B	G	B	G
+9	+9	-10	+10
B	G	B	G
+10	-10	-9	-9

SCORECARD		
	BLUE	GREEN
#1		
#2		
#3		
#4		
#5		
#6		
#7		
#8		
T		

OBSERVATIONS:

THE DYNAMICS OF TRUST IN A RELATIONSHIP

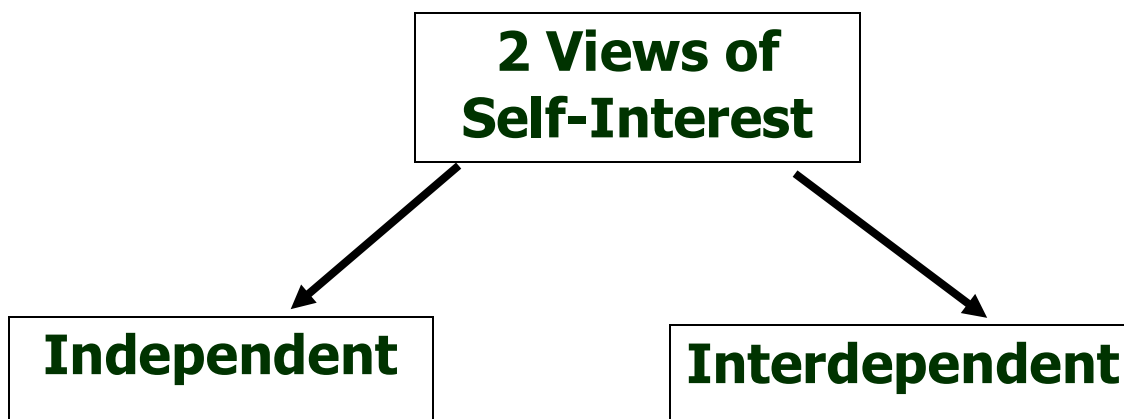
- A window of opportunity exists where either party will risk cooperation in a relationship.
- If that risk is not rewarded, each will likely "defect" from the relationship out of self-protection.
- Either party might risk "opening the window" in an untrusting relationship, if adequately protected against the potential harmful effects of untrustworthy behavior.

	You "defect"↓	You cooperate↓
I "defect"→	<u>You lose</u> I lose 	<u>I benefit</u> You lose big
I cooperate→	<u>You benefit</u> I lose big	<u>You benefit</u> I benefit 

TWO VIEWS OF SELF-INTEREST

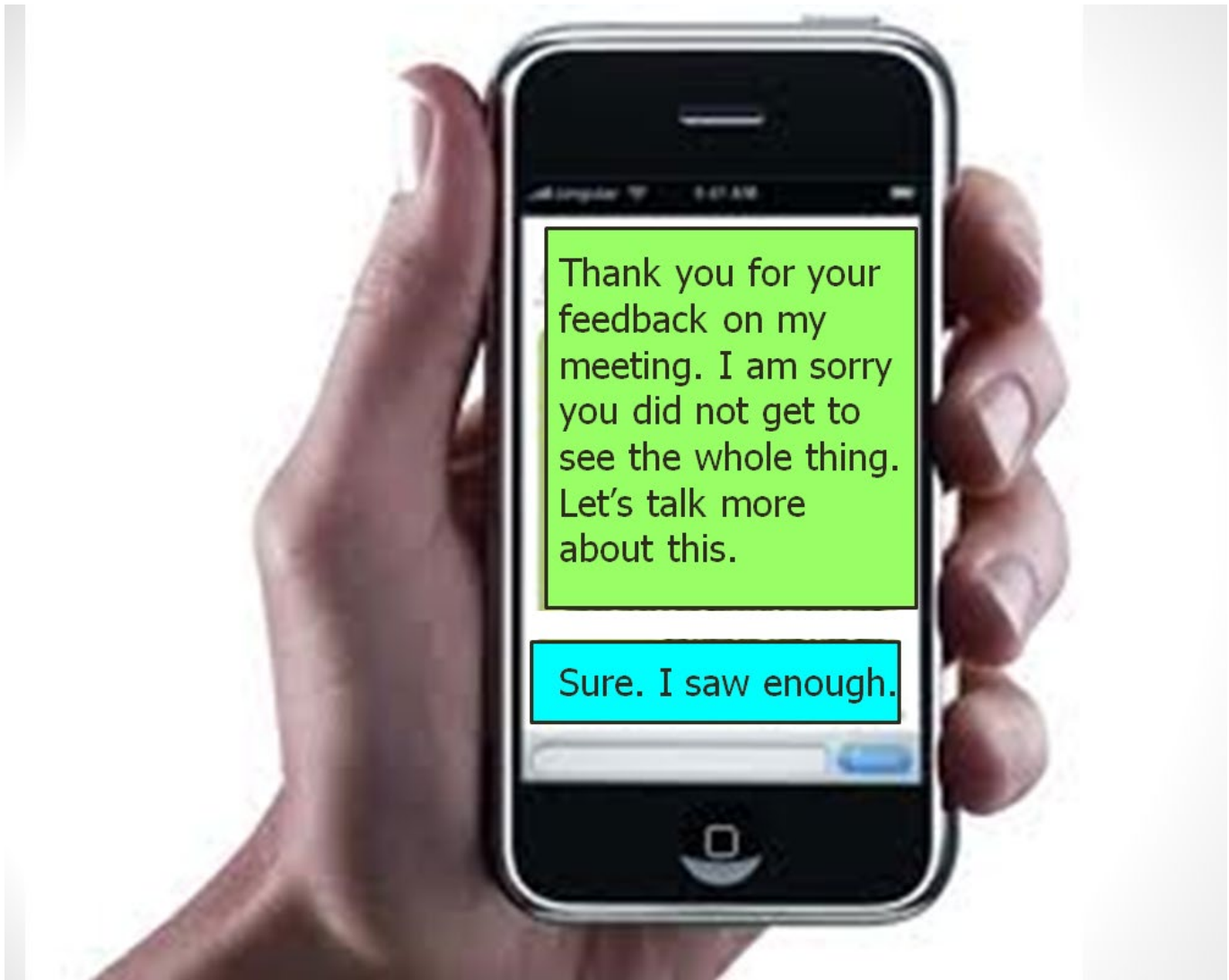
We can see ourselves (or our group) in relationship to other people (or groups) in two basic ways:

1. **We are independent and autonomous.** We can enter into a relationship with others or withdraw, as we see fit. We can choose to pursue our self-interest while ignoring the others' needs or at their expense without harming ourselves.
2. **We are inherently interdependent.** We cannot meet our needs in the long run without meeting the needs of others and vice versa. Harm done to others eventually harms us.



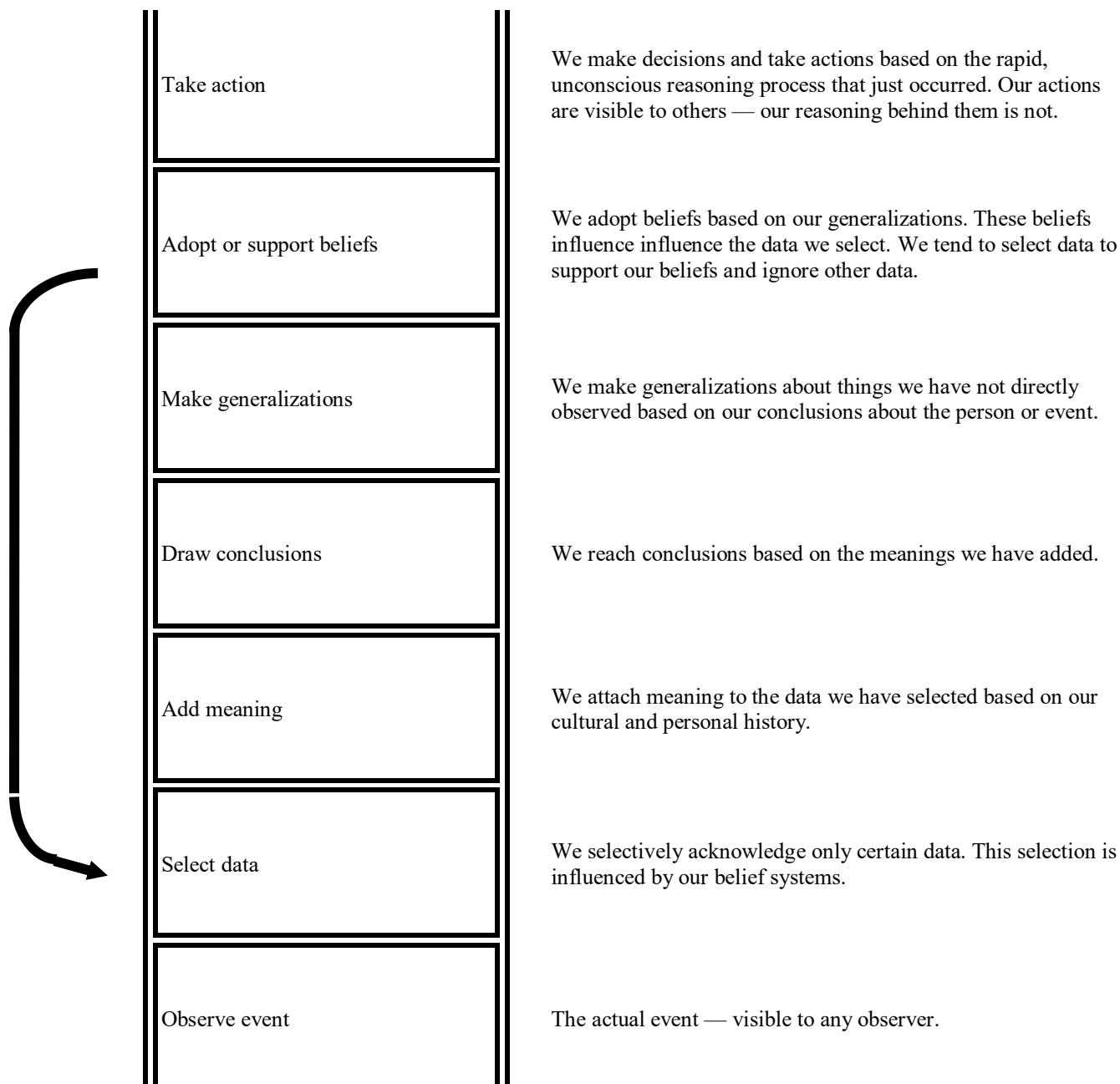
In each relationship, we need to realistically assess whether we are inherently interdependent or not.
If we are, we should act like it.

What are you reading into the message?



Ladder of Inference

The automatic and unconscious process of forming beliefs



3 TOOLS FOR WORKING WITH THE LADDER OF INFERENCE

We usually operate on the assumptions that:

- Our beliefs are “the truth.”
- The truth is obvious.
- Our beliefs are based on real data.
- The data we pay attention to is the only real data.

When people believe their personal experiences and conclusions are “the truth,” conflict is inevitable.

Conflict can be reduced and communication improved by dealing with the ladder of inference in three ways:

Reflecting	Becoming more aware of our own thinking and reasoning
Asking	Inquiring into others' thinking and reasoning
Telling	Making our own thinking and reasoning visible to others

REFLECTING

The most **critical** tasks are to:

- Slow down our thinking process to become more aware of how we form our mental models
- Separate what we actually know from what we assume
- Examine the experiences from which we draw our conclusions and test them

To do so, we need to

- ▶ Become more aware of the limitations of our own thinking and reasoning
- ▶ Recognize that our knowledge is always incomplete and, therefore, tentative
- ▶ Surface our mental models and test them
- ▶ Be open to new information
- ▶ Be open to new ways of looking at experience
- ▶ Seek to expand both our knowledge (data) and understanding (analysis)
- ▶ Be curious and continuous learners

ASKING

The **purpose** of inquiry or asking is to

- understand other people's experience and perspectives
- make the others' thinking visible
- open our minds to other ways to interpret our own experience
- question our mental models

By asking questions, we walk people back **down** their ladders of inference

To better understand others' thinking, we can ask them:

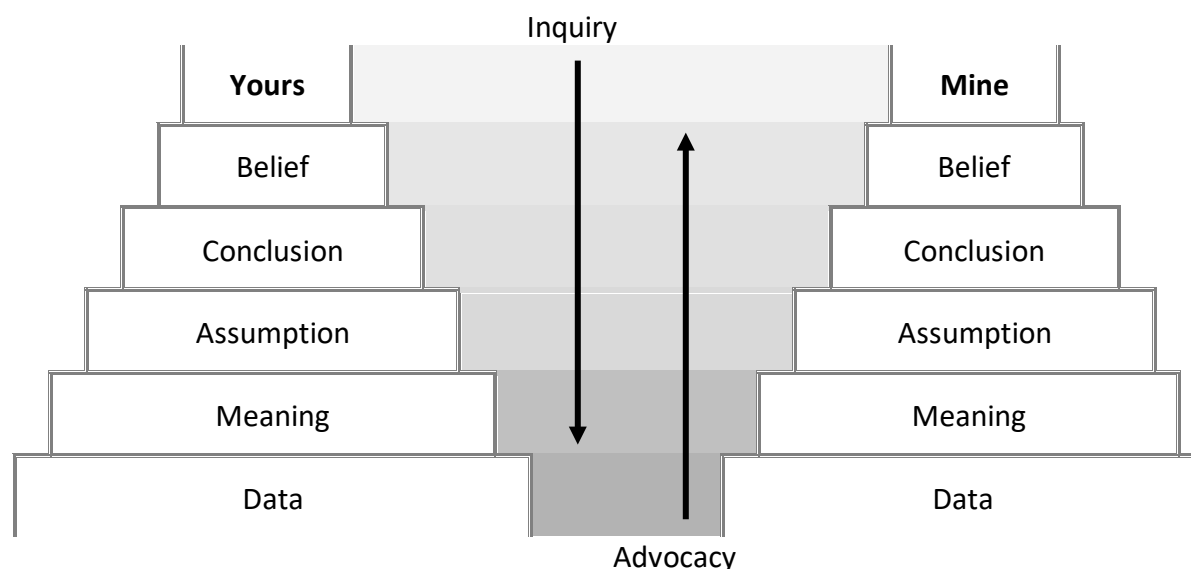
- **What did you observe?** What did you actually see and hear?
- **What conclusions did you draw?** How did you reach those conclusions?
- **What did you assume** in reaching those conclusions?
- **What did you feel** based on your conclusions?

TELLING

We usually think **telling** other people means **explaining** our conclusions and beliefs and why they are **correct**.

People who understand the ladder of inference recognize that **we cannot impose our conclusions on each other**. People need to understand how we reached our conclusions and then reach their own insights. Through the art of effective advocacy, we walk others **up** our ladder of inference. We make our own thinking visible **with the willingness to change our minds**.

Effective communication requires a **conscious balancing** of inquiry and advocacy.



THE 8 ATTITUDES OF PRINCIPLED RELATIONSHIP BUILDERS

- 1** Be wholly trustworthy, not wholly trusting
- 2** Always consult before deciding
- 3** Accept the other person
- 4** Separate relationship issues from process and content issues
- 5** Choose rather than react in kind
- 6** Describe rather than characterize
- 7** Assume the other person's good will
- 8** Be unconditionally constructive

1 Be wholly trustworthy, not wholly trusting

- Tell the truth and keep your word
- Model the behavior you want from others
- Act with integrity; be trustworthy irrespective of how others act
- Be trustworthy in order to build mutual trust
- Reward honesty
- Admit and fix your own mistakes
- Base trust on analysis of risk, not on moral judgment
 - Weigh their "track record" vs. what is at stake
 - Test your perceptions and assumptions about their "track record"

2 Always consult before deciding (ACBD)

- Consult before deciding on an issue that affects other people
- Surprise
 - damages relationships
 - fosters negative assumptions about motive
- Feedback prevents mistakes
- Check your assumptions about others' reactions

3 Accept the other person

- Accept that other people are essential to solving mutual problems
- Unconditionally accept the other people's right to
 - be part of the solution
 - have their interests met
- We need not accept other people's perceptions, values, norms or conduct as correct, appropriate or complete
- Lack of acceptance fosters closed mindedness and distrust

4 Separate relationship issues from substantive and process issues

- Focus on a "healthy relationship" as a separate goal
- Do not hold the relationship hostage
 - by making the quality of relationship contingent upon the outcomes of decision making or negotiation
- Do not trade substantive concessions for a good relationship
- Do so irrespective of others' action
- Both "eye for an eye" and "give to get" can be dangerous

5 Choose rather than react in kind

- Do not escalate conflict by reacting in kind
- Notice when your frustration arises from relationship or process issue rather than a substantive issue
- Identify the type of issue before describing it
- Do not "blow off." Choose your reaction.
- Check your assumptions, especially about the other's intent
- Avoid personal attacks—name-calling, put-downs, and sarcastic humor
- Avoid unsolicited judgments and criticism

6 Describe rather than characterize

- You are responsible for your own emotions
 - Express your anger responsibly
 - Take a time-out for an emotional check
- Describe what you heard and saw
- Describe how it affected you
- Avoid attacking and conclusionary statements
 - Damages the relationship
 - Causes others to immediately put up defensive shields

7 Assume the other person's good will

- Everyone's perceptions are legitimate
- Everyone's perceptions are limited, even your own
- People react based on their experience, culture and perceptions
- Most people believe that they are doing the "right thing," given their experience, culture and perceptions
- Assume their good will - Appeal to the "best part" of them
- Judge their behavior, not their motives
- Do not confuse "not judging" the other person's motives with being wholly trusting of his/her behavior

8 Be unconditionally constructive

- The purpose of negotiation is to come to a mutually satisfactory solution
- Negotiation is the art of persuasion - You cannot persuade someone you choose to offend
- Take responsibility for the success of the process
- Choose how to act or react in the best way to move the process forward to a successful conclusion

What is the story?



What is the story?
What is the problem about? What is the current situation?
Why is the problem or current situation an issue?
How might we? How can we? How shall we? - Solve this.

Developing the Story (AKA – What’s the problem?)

Identify and Define the Problems Checklist

Discuss the problem and develop a question that...

- ☐ Includes the subject (What is the problem about?)
- ☐ Identifies the issue regarding the subject (What is the issue?)
- ☐ Seeks information (How might we? How can we? What shall we?)
 - Cannot be answered with Yes or No
 - Contains no solutions
 - Contains no accusations or inflammatory wording
 - Reach consensus on the form, wording and substance of the question

Defining the Problem and Issues Example

Issue Statement: Employees are claiming that caseloads of students are being improperly allocated based on favoritism and are demanding that this practice be stopped immediately and that a standard pupil to counselor ratio be used by administration.

- ☐ Separate the solution from the problem
 - Result: Employees are claiming that caseloads of students are being improperly allocated based on favoritism.
- ☐ Separate the people from the problem
 - Result: Students are being improperly allocated based on favoritism
- ☐ Present the issue as a question:
 - Result: Can administration stop the favoritism in the allocation of students?
- ☐ Frame as a Joint Problem
 - Result: Can we stop favoritism in the allocation of students?
- ☐ Open to multiple solutions
 - Result: What can we do to stop favoritism in the allocation of students?
- ☐ Frame objectively
 - Result: What will we do to address the standards for allocation of students?

OPEN-ENDED QUESTIONS

- Cannot be answered with "yes" or "no"
- Should not suggest or restrict the possible solutions
- Focus on the future, not the past

Open-Ended Question Examples:

How can we increase attendance?

How should we distribute overtime?

How should be handle complaints from parents?

Close-Ended Question Examples:

Should we increase discipline for poor attendance?

Should we give first opportunity for overtime to senior employees?

Should we ask parents to put their complaints in writing?

Developing the Story Workspace

What is the problem about? What is the current situation?

Why is the problem or current situation an issue?

How might we? How can we? How shall we?

Why is this important? What issues will be addressed? Which issues may be shared?

What is/are the open-ended question(s) you have developed

Move from Positions to Interests (AKA Why are you here?)

-  “Tell me more about the situation from your perspective.”
-  “So if I understand what you are saying...”
-  “Can you tell me what you are most concerned about in this situation?”
-  “If I’ve got it right, you are concerned that...”
-  “If we could do ___, would that help?”
-  “What is it that is important to you about ___?”

Identify the Interests Checklist

- ☐ Look for underlying motivations
- ☐ Ask yourself:
 - Why is this important?
 - What conditions will be addressed?
- ☐ Discover your interests and their interests – which are shared or interdependent?
- ☐ Use a framework of interests NOT positions
- ☐ Remember – it is easier to reconcile interests than positions
- ☐ Challenge the assumptions
- ☐ Prioritize – which are most important to address through an interest-based process?

KEY POINT: Interests are NOT actions, activities or programs BUT the impact of the actions, activities or programs

Sorting out Actions, Activities and Programs Checklist of Questions

- ☐ If this action, activity or program is implemented, what needs would be addressed?
- ☐ Why is a decision on this topic important?
- ☐ What would be the results or consequences?
- ☐ How will this decision impact the topic that you are addressing?

Identify Your Interests

PREPARING FOR OPTIONS ALTERNATIVES AND BATNA

Definitions:

Alternatives are what you can do without the agreement of the other party

BATNA is the **B**est **A**lternative **T**o a **N**egotiated **A**greement

Purpose

- To develop a **realistic picture** of what may happen if you fail to agree
- To compare **options** to what you can realistically do on your own

Process

1. Brainstorm “alternatives” during the preparation
2. Evaluate the alternatives based on your interests & practicality
3. Select the best alternative — the BATNA
4. Consider others’ alternatives
5. Consider what will be the impact and who will be impacted if you fail to agree

Active Listening Techniques

1. Finding out more information

Examples:

- ☐ “What are you concerned about?”
- ☐ “When did this begin?”
- ☐ “How long have you known each other?”
- ☐ “Where did you last see your books?”
- ☐ “How much money do you think it was worth?”

2. Repeating back the information

Examples:

- ☐ “So you would like her to stop giving you dirty looks.”
- ☐ “You’re saying that you don’t know when you first noticed it happening.”
- ☐ “So you feel like he owes you \$9.00.”
- ☐ “So you would still like to be her friend if she wants to be yours.”

3. Repeating back the feelings

Examples:

- ☐ “You seem angry about all of this.”
- ☐ “I get the feeling that you are sad about what has taken place.”
- ☐ “You seem frightened about what is going to happen.”
- ☐ “You seem mad about the situation.”

4. Encourage the other party to speak

Examples:

- ☐ “Please go on.”
- ☐ “Thanks for taking the time to explain this. I appreciate your patience.”
- ☐ “Tell me more, I really want to make sure that I understand what you want.”
- ☐ “You are really working hard to resolve this. Thanks.”

5. Summarize what the other party says

Examples:

- ☐ “So you are saying you are concerned about these three things: the money, your friendship, and getting your books back.”
- ☐ “So overall you seem to be saying that you like her, but you don’t really want to be friends anymore...”
- ☐ “The things you want from him are....”
- ☐ “You’re saying that the problems you want to talk about here today are...”

Adapted from Conflict Resolution: A Secondary School Curriculum,
by the Community Board Program Inc., 1987.

THE MEANING OF CONSENSUS

Everyone in the group supports, agrees to, and can live with the decision

In the end everyone can say, "I believe you understand my point of view. I believe I understand your point of view. Whether or not I prefer this decision above all others, I will support it because it was reached fairly and openly."

-- William Ouchi

HOW TO USE CONSENSUS DECISION-MAKING

- No commitment until all agree.
- Agree when you can at least live with the solution.
- If you cannot agree:
 - **EXPLAIN** which interests are not being met
 - **OFFER** alternative solution(s) which meet those interests as well as the interests which are already being met

QUESTIONS FOR REACHING CONSENSUS

- ? What about this solution is acceptable?
- ? What about this solution is unacceptable?
- ? What are your concerns about this solution?
- ? What interests are not being met?
- ? What change would make this option acceptable?
- ? What other option might meet everyone's interests?

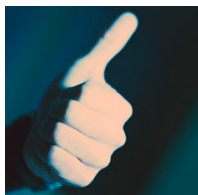
WHEN TO USE CONSENSUS DECISION-MAKING

Consensus is MOST beneficial when...
The decision is important
Diverse interests will be impacted
The decision must be widely understood
Ownership is important
Implementation requires cooperation

Consensus is LEAST beneficial when...
The issue is of little importance
Stakeholders have already identified an alternative process
The value does not outweigh the time required
Speed is critical

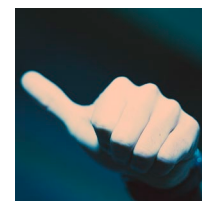
USE OF THUMBS

A way for the group to express commitment to an option is through the use of thumbs:



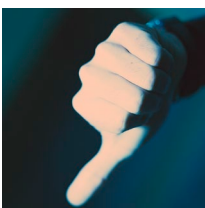
Thumb up means

I think this option adequately meets all interests.



Thumb sideways means

I think this option might work because it may meet all interests, but I have concerns I need to discuss.*



Thumb down means

I think this option does not meet the interests of the parties.

If you put your thumb sideways or down, explain which interests you think the option does not meet. *Note: When checking for consensus and commitment in the final step, a sideways thumb means, "I can live with the decision or solution."*

RECORDING THUMBING

One of the most important aspects of the interest-based process is the transparent recording of each member of the group's commitment to the decision. Each time an option is going to be "thumbed" the recorder will need to create a table that includes a column for options and a column for recording Up Side and Down thumbs. There will also need to be a "thumb counter" whose role is to say, "Show me up" – a count is taken. Then, "Show me side," and a count is taken. Then, "Show me down," and a count is taken. These counts are recorded in the table. We record this "thumbing" to help the group keep moving.

If there are NO thumbs up for an option, then it can be removed from consideration. If all thumbs are up, then there is no need for further discussion or development. If there is a strong mix of Up, Side and Down – then these are the options that require discussion and further work. See the example for recording below. It is based on the premise that there is a group of 25 people thumbing the options. The numbers are recorded in order of Up, Side, and Down.

Options for Interest Statement: Some teachers need additional funds to meet student needs.	Thumbing 1/7/2020
The establishment of a fund accessible by teachers who work in high needs schools and have a documented need for more supplies.	20 4 1
The development of a grant application system that allows any teacher to apply for small grants in the amount of \$250 once a year.	0 5 20

FURTHER THOUGHTS ON CONSENSUS

Consensus decision-making has a better chance of success than other means of decision-making because it ensures that all stakeholders have been heard and that each view is understood before a joint commitment is made to a solution. Therefore, ownership and support for the decision is greater, which then leads to smoother implementation than might be expected using more traditional models of problem solving. Any additional time spent in consensus building will usually be made up during the implementation stage.

In addition, the quality of a consensus decision is usually greater because it was made with the increased knowledge and experience provided by the group. This is one reason why consensus decision-making is the preferred method of high performing teams that strive to utilize each person's talents, knowledge and experience to the fullest.

So why then, would some groups choose not to use the consensus model? Common reasons usually relate to the perceived need to do what is quickest or easiest. Typically, this means taking a vote where the majority "wins" and the minority "loses," or agreeing on the first option that seems to have support, which confuses speed with efficiency. Sometimes groups do not take the time to involve the less vocal members to learn what they think, or discover what creative ideas they may have. And, all too often, group members argue their position without listening to others. They are afraid of looking "weak" if they change their minds.

A consensus approach requires discussion by all, which will allow individuals to remain open to learning from others. In the end, we want participants to be able to say that they feel their interests have been heard, that they understand the other points of view, and that they can support the decision because it was reached fairly and openly and was the best decision for the group at that time.

Questions to Ask When Consensus is Difficult

- 1** Do we have a complete understanding of the problem? Have we adequately explored the causes? Have we tested our assumptions?
- 2** Have we identified all the relevant stakeholders?
- 3** Have we identified the deeper interests of the stakeholders? Have we explored the interdependency of our interests?
- 4** Are there unexpressed interests affecting our evaluation of the options?
- 5** Are we advocating strongly for our interests or are we taking positions about options?
- 6** Are we using the same set of criteria (explicit or unexpressed) for evaluation?
- 7** Have we explored all the possible options for solving the problem? Engaged in lateral thinking? Kept creating while evaluating?
- 8** Are we being proactive and creative? Are we looking for options that meet everyone's interests instead of simply being critical? Have we identified our common ground?
- 9** Are process or relationship issues interfering with our ability to reach consensus?
- 10** Why can't we agree? Go to the balcony and discuss as a group.

USE OF CRITERIA OR STANDARDS (MAY BE USED WITH INTERESTS)

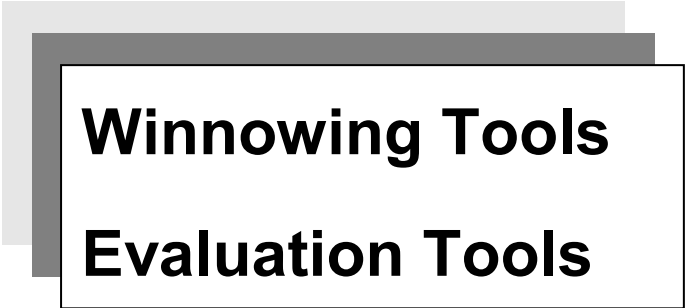
- What?** Criteria are **objective, measurable** and **external** standards by which **measure** interests. For example,
When negotiating about the purchase of a used car, a commonly used external standard is Kelly's Blue Book.
- When?** Criteria are useful when interests can be interpreted many ways and are difficult to apply without a means of measuring whether the interest is met. For example,
To attract & retain quality employees, how can you measure "attract"? One method is to do a comparability study of the compensation of like agencies or companies in the same geographic area.
- Why?** Negotiations are often based on leverage or power. We seek to "win" by forcing the other party to accept our position.
We can make negotiations more legitimate by using rational persuasion rather than coercion. Criteria help the parties evaluate more rationally.
- How?** **Brainstorm** criteria for the core interests.
Explore whether you can agree on the criteria.
Jointly collect the data or agree on a process for doing so.

EVALUATION (WILL BE USED WITH OPTIONS)

After you have created a list of options, you should

- Clarify the options
- Eliminate duplicates
- Cluster related options
- Compare the options to the interests

These tools can help you to evaluate the options and reach closure. They can be used in any order or not at all.



Winnowing Tools Evaluation Tools

TOOLS FOR THE EVALUATION PROCESS

Winnowing tools: methods to make a large list more manageable by reducing the list to more viable options

1. Winnowing the List
2. Weighted Polling

Evaluation tools: methods for consciously & rationally comparing options based on interests

3. Improving Options
4. Pluses and Deltas
5. Straw Design ("One Text")

1. WINNOWING THE LIST

"Winnowing" means to "separate the wheat from the chaff." Here it means to **separate** viable options from those that are unworkable. Winnowing gives the group a **general sense** of each other's view on each option.

The steps:

1. Thoroughly discuss and clarify each option.
2. Then people decide whether they think the option meets the **interests** of the stakeholders—not whether they personally **like** it.
3. Each person shows **thumbs** on that option.
4. If all thumbs are **down**, the group decides whether to remove the option from the list. If **any member** of the group wants to keep the option for further discussion, it stays on the list.

The purpose of this tool is to achieve a **better understanding** of each option, eliminate those that are not workable and gain a sense of which are **most viable** and **intriguing**.

Recording Tip: As the group moves through the list of options, mark them by crossing out "discardable" options, and putting stars (★) by the unanimous items.

2. WEIGHTED POLLING

This tool provides a **snapshot** of the group's thinking by showing which options are **most attractive** based on the **interests of the stakeholders**.

The steps:

1. Number the options.
2. Decide the number of preferred options each person may choose—three to five, depending on the number of options.
3. Each person puts "sticky dots" or checkmarks on the option sheets or writes his or her preferences down & then the results are tallied.
4. They may not mark an option more than once.

The group can then agree by consensus to **delete** options that no one prefers. If anyone wants to hold the option for further discussion, it **stays** on the list.

Example of Weighted Polling

Your group is deciding what to have for lunch.

Your interests are taste, nutrition and economy.

- 
1. Tacos****
 2. Sausage Pizza**
 3. Chinese Food*****
 4. Deli Sandwiches*****
 5. Salad Bar*****

3. IMPROVING OPTIONS

This is a simple tool for evaluating and improving the remaining options to work towards consensus. This tool is designed to **explore interests more deeply** and to **stimulate creativity** to find common ground.

The steps:

1. Take one option at time.
2. Discuss whether the option meet the stakeholders' interests.
3. If people believe the option does **not** meet an interest or interests, they explain
 - **which interests** are not being met, and
 - **what they would change** (or combine with another option) to make it acceptable.
4. The rest of the group also suggests ways to modify the option or create new options to better meet the interests.

Recording Tip: *Write modifications on the chart as they are suggested, and continue to do so until the the option has been improved as much as possible*

4. PLUSES & DELTAS

This process is particularly useful for making people's thinking about specific options clearer and more visible **before** expressing preferences. It provides an opportunity for people to examine and rethink their opinions and judgments.

The steps:

1. Take one option at a time.
2. Discuss and record the pluses (advantages and strengths) and the deltas (disadvantages and weaknesses) of each option.
3. The evaluation should reflect how well the option meets all interests and whether it will work.
4. Capture any new interests that surface during the discussion.
5. Modify options if new ideas to overcome deltas come up.
6. Then discuss which options make the most sense based on the review of the pluses and deltas.

Recording Tip: *Separate a chart into 2 columns—one for pluses and one for deltas. Then list the number of each option and fill in the columns.*

5. STRAW DESIGN

Building a “straw design” is the last step in the evaluation process. A “straw design” is a single document that combines the remaining viable options. The combined options should be written out in full sentences.

The steps

1. The straw design can be created:
 - jointly during the group process,
 - by an individual during a break, or
 - by a work group
2. The straw design draft should
 - address all the identified interests,
 - consider all ideas and group feedback, and
 - any agreed upon criteria
3. Even if the group agrees to a specific set of options, it should still create a straw design to make sure that
 - everyone understands the options,
 - all the options fit together, and
 - no interest or aspect of the problem has been overlooked
4. If the straw design is created outside the meeting, bring the draft back to the full group for review
 - A straw design is **not a recommendation**
 - No one owns or has to defend a straw design
5. Evaluate and refine the straw design. When there are no more revisions, check for consensus.
6. The group can send the design back to the workgroup for further drafting based on the feedback, if needed