JANUARY 2019

Key Concepts and Course Overview

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Introduction

MLD-280 is grounded in experiential learning involving deliberate, focused, and reflective practice. The central pedagogical goal is to close the "Knowing-Doing Performance Gap" and navigate the skill-building transition from basic competency to mastery. The exercises in MLD-280 provide many opportunities for practicing the various advanced micro-skill competencies of the multi-party negotiator and mediator's skill craft. Exercises follow one another in rapid succession, allowing for a deliberate, reinforcing cycle of progressive familiarity with the specific clusters of skills and behaviors we are trying to master. By internalizing these skills through repeated practice, we can then learn to compare and use them across a wide variety of contingencies and domains.

Key Point:

Making Best Use of the Binder

Keep it with you: The binder will not serve you if it sits on your bookshelf at home. **Prepare Effectively:** Use the binder to support your completion of each Green Prep Sheet and for writing your journal entries and strategy memos.

How to use the binder:

As the course moves closer to the real world via intensity, fatigue, and complexity, **this binder aims to help you traverse a steep skill-building learning curve in a rigorous, systematic manner**. It serves as a descriptive **reference tool** to promote your understanding of negotiation "micro-skills." Taken as a whole, the binder serves as a complementary companion to class lectures, negotiation exercises, and debriefs.

The binder is divided into two main components:

1. Expectations & explanation of materials used in MLD-280
2. Exploration of concepts introduced in MLD-280 (TKI, Feedback, Mediation)

The binder is a negotiation resource guide for your time in MLD-280, throughout your time at the Harvard Kennedy School, and afterward in your career.

MLD-280 Norms and Expectations

This is a fast-paced, intensive course that requires students to manage stress and fatigue both inside and outside the classroom. MLD-280 unfolds over the course of two weeks, often starting very early and ending very late. Despite the long hours, it is expected that students adhere to a high standard of professionalism and commitment.

The workshop must be your only time commitment during these two weeks. You cannot be enrolled in any other courses at Harvard, MIT, Tufts, or any other institution during these two weeks. Other extracurricular and personal commitments should be kept to a minimum.

Additionally, you should:

Course Coach Hotline

(859) 913-0301

1. **Be committed to your own learning and the learning of your classmates.** Focus on peer feedback and self-evaluation, engage with your colleagues in meaningful hot debriefs, and record thoughtful, analytic, and reflective journals daily.

2. **Be on time each morning** and follow the schedule for each segment throughout the day. There are no unexcused absences. The teaching team and your classmates depend on you to be present and engaged.

3. **Arrive ready to negotiate**. The better prepared you are for the exercises, the better the learning experience will be for everyone.

4. **Come prepared for a long day**. Bring snacks, drinks, and anything else that you need to get you through the day.

5. **Do not ask to switch roles or groups.** With this many exercises it is impossible to ensure that you will be with new people each time. We do our best to rotate people through groups, but please be understanding!

6. **Engage in daily reflection and capture key insights in your journal entries.** Responding to the questions distributed at the end of each day will help your learning immensely and will be a valuable resource for your final assignment. You will submit a total of five journal entries, one to three in the first week (out of four days) and two to four journal entries in the second week (out of six days). You will compile all journals in hard copy for submission with your final memo.

7. **Actively incorporate your TKI** as you prepare for, participate in, and debrief the exercises. TKI conflict modes are tools that a negotiator uses within a negotiation or mediation to facilitate more effective interactions with the other parties. Use your personal judgment in deciding how much to share about your TKI with others but refer regularly to it in your journal entries, memos, and the final assignment.

Key Point:

Tips for Deriving Maximum Benefits from Multi-Party Negotiation Exercises

- ✓ **Play the Exercises Faithfully** as they are written and in a way that maximizes the intended learning for you and your counterpart(s).

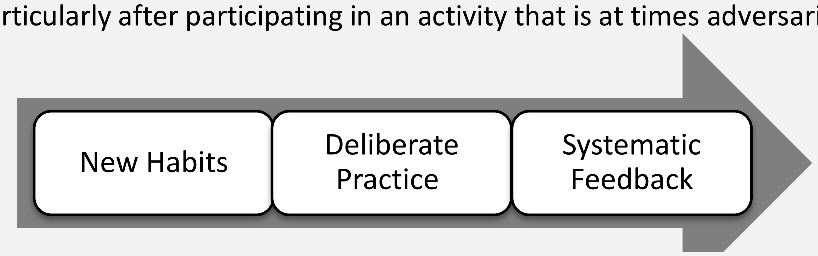
- ✓ **Focus On Your Skill-Building Objectives** as listed on your Green Prep Sheet.

- ✓ **Negotiate with others as you would want them to negotiate with you**. Take your role seriously and work to fulfill the interests of your assigned role. You are taking on a role with a specific portfolio of interests, to which you should adhere. However, the role descriptions should not supplant your better judgment or be treated solely as a character. Remember, you are trying to develop your own negotiation style that fits well with the broader dimensions of your personality.

- ✓ **Manage Your Emotions**. Even in simulations, there are opportunities for real disagreement and conflict escalation. Maintaining emotional control and composure as tensions arise is a vital negotiation skill.

- ✓ **Manage Your Reputation**. Your reputation as a fair and reasonable negotiator is based on how you treat your classmates throughout your negotiation.

- ✓ **Dedicate Sufficient Time to the Hot Debrief.** Don't rush your learning! Be prepared to give and receive constructive feedback. Very rarely do we get the chance to receive honest feedback in the moment from our peers, particularly after participating in an activity that is at times adversarial.



Daily Procedures

Start of Day

- ✓ Journal entries (from the day before) should be submitted electronically via Canvas **<u>before</u>** the start of class.
- ✓ If applicable, hand in (hard copy) strategy memos to the teaching team upon arrival to class.
- ✓ Pay close attention to whether we are beginning the day in the workshop's main lecture hall or a negotiation room. Exercises begin promptly at the time given. Do not be late!
- ✓ Road map for the day will be presented in the workshop's main lecture hall during the beginning of the day.
- ✓ Lecture and introduction of new skills and concepts will occur in the workshop's main lecture hall.

Preparing/Negotiating the Exercises

- ✓ Individual preparation, prep-by-role, and/or prep-by-team as instructed. Full preparation includes comprehensive use of the general and role-specific preparation materials provided. (*If instructions were distributed at the end of the previous day, individual preparation should be completed at home.*)
- ✓ Keep all role-specific information **confidential**!
- ✓ Designate one person to hand in results promptly at the end of the exercise. Collect any additional materials or instructions from CAs *before taking a break*.
- ✓ Conduct the hot debrief. Be sure to focus feedback on skill development.
- ✓ Return to workshop's main lecture hall for the plenary debrief.

End of Day

- ✓ If applicable, pick up exercise instructions and role assignment matrix for the following day.

Homework

- ✓ Write and submit journal entries before class the following morning.
- ✓ Read and prepare role; write strategy memo or goal memo update as required.

Where Is My Room?

Littauer Building

Inside the HKS Library Commons
LG21-A
LG21-B
LG24-A
LG24-B

1st, 2nd, and 3rd Floors of Littauer
L130
L230
L237
L239
L280
L330
L380
L382
L384 A,B,C – study alcoves open to the forum
L386 A,B,C – study alcoves open to the forum

Rubenstein Building

Basement of Rubenstein. *Rooms are located in the hallway between the HKS cafeteria and Taubman building*
RG-04
RG-06
RG-08
RG-10
RG-12

RG-21 - Basement of Rubenstein. *Go through the doors in the back corner of the Winter Garden, turn right. Room is visible through windows in the Winter Garden.*

R302 – 3rd floor of Rubenstein, team room close to Taubman

R411 – 4th floor of Rubenstein

Taubman Building

2nd, 3rd, and 4th Floors of Taubman
T-202
T-301
T-401

Taubman Study Carrels 1, 2, 3, 4, 5 - The carrels are along the spiral stairway.

Wexner Building

Classrooms on 3rd floor of Wexner
WEX-330
WEX-332

Team Rooms on 3rd and 4th floors of Wexner
WEX-331
WEX-333
WEX-335
WEX-438
WEX-440

WEX-102 – Conference Room. Walk through airport lounge.

Hauser Conference Room – First floor of the Belfer building; room number is BL-4

Carr Conference Room – 2nd floor of Rubenstein; room number is R-229

Bell Hall – 5th floor of the Belfer building; room number is B-500

Malkin Penthouse – top floor of Littauer; enter from the 3rd floor staircase near Fainsod (L-324)

Fainsod – 3rd floor of Littauer; room number is L-324

FDR (Faculty Dining Room) – room number is L-163, just off the IOP in Littauer or past the water station off of the Forum.

Allison Dining Room – 5th floor of Taubman, take the elevator to the 5th floor.

NYE A,B,C – 5th floor of Taubman, take the elevator to the 5th floor.

Be sure to clean up after yourselves after you've finished using a space; throw out extra papers, food containers, etc.

The Negotiator Checklist

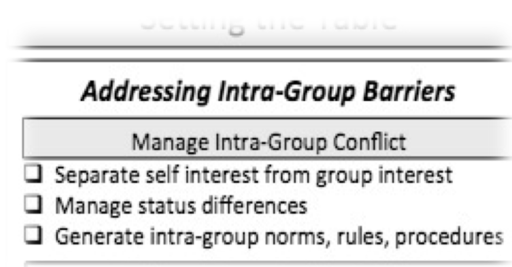
Negotiations unfold in stages or turning points and involve a series of intentional, sequenced steps. In MLD-280, you will use a multi-party negotiation checklist that identifies a set of discrete steps or "micro-skills" as well as three clusters of negotiation competencies.

The MLD-280 checklist builds upon the Negotiator Checklist: Moves and Micro-Skills foundational worksheet (See Appendix I & II for reference). It introduces and expands on skills relevant in a multi-party context and serves as a navigational tool for helping you manage complexity. Equally important, it provides a common language that will help you generate effective feedback.

Each cluster occupies a column of the checklist:

Setting the Table	Managing the Process	Closing the Deal
Negotiators exercise micro-skills in this first competency cluster to ensure they are negotiating with the right parties, about the right issues, with the right conditions to generate a deal. *(This cluster appears in the checklist's left-hand column.)*	The second competency cluster of micro-skills *(middle column)* addresses the bulk of at-the-table negotiation, when negotiators develop relationships, propose options, and design deals.	The micro-skills in the third cluster *(right-hand column)* focus on ensuring that an agreement adequately addresses a negotiator's full set of interests and is specifically robust and sustainable.

How to Interpret the Checklist



The Negotiator Checklist breaks negotiation down into **set**, **manage**, and **close** clusters, which are then further disaggregated into some nine "moves." A move is the recognizable execution of a bundle of micro-skills. For example, the move "Manage Intra-Group Conflict" consists of a bundle of three micro-skills: *separate self from group interest*, *manage status differences*, and *generate intra-group norms, rules, and procedures*. Negotiators execute moves both at and away from the table, and they do so iteratively. While the checklist is broadly sequential, the moves themselves are not strictly ordered and are best understood as being iterative.

A Culture of Planning, Feedback, and Reflection

The intensive use of exercises and debriefs helps to internalize learning. However, the very intensive nature of the pedagogy may mean that we miss or forget important insights concerning our skill craft development. In order to improve your interpersonal skills and in-the-moment tactical negotiating behavior, MLD-280 encourages you to routinely identify your own ingrained habits in negotiation, practice new behaviors to support skill development, and engage in a practice of planning, feedback, and reflection. As the course leads you through an iterative cycle, you will have opportunities to absorb the behavior and make it part of your own professional practice. This is supported by four pen-to-paper tools, a structured conversation after each exercise, and coaching sessions with a member of the teaching team:

- "Green Prep Sheet" for preparation
- "Party & Issue Matrix" for preparation
- "Coalitional Mapping" for preparation
- "Journals" and "Goal-Setting Memos" for further self-reflection and preparation
- "Hot Debrief" sessions for in-the-moment feedback
- Individual coaching sessions with your Course Coach after exercise observations

Effective Structured Preparation: Green Prep Sheet

The Green Prep Sheet will guide you through an analysis of your interests and the intensity of your preferences. This will help you plan your negotiation strategy, recognizing that you may need to recalibrate your strategy at the table.

Guide to Completing Green Prep Sheets
The Green Prep Sheet (also known as the Negotiator's Preparation Template) is a tool designed to help the negotiator prepare systematically for a negotiation before sitting down at the table. By mapping one's alternatives, interests, and priorities—as well as those of the other party/parties—negotiators are in a much better position to advocate for their interests, adapt to changing information in the moment, and avoid the pitfalls associated with poor preparation.

Green Prep Sheets are structured to help students address the key elements of a negotiation: **Alternatives, Interests, Relationships, Communication, Options, Fairness Standards, and Micro-Skill Tracking & Development.** They require a deliberate and intentional focus on skill-building.

- **Alternatives.** Crucial to any negotiation exercise is being clear on one's own *best alternative to a negotiated agreement* (BATNA) and estimating the BATNA of the other parties. Remember, the BATNA is the best unilateral option that a party may exercise <u>if</u> there is either a suboptimal agreement or no agreement reached in the present negotiation. Be creative when thinking about how to improve your BATNA *and/or* weaken the other party's BATNA. This may be an advantageous source of leverage to use in the negotiation.

- **Interests.** When listing interests, focus as well on how issues may be evaluated and prioritized by the other side. Be very clear on what is most important to you (and what is less so), as this will help you to recalibrate the degree and scope of concessions you need to offer. Be clear about which interests are shared, opposed, and tradable in order to find opportunities for joint value creation. Even when the *zone of possible agreement* (ZOPA) may initially be unclear, do your best to <u>estimate</u> it based on the available information. Always be open to new learning at the table.
    - The ***reservation point*** is the absolute minimum point at which you will accept a deal.
    - The ***target point*** is your realistically optimal goal for a final deal.

- **Relationship.** Your strategy should account for whether the negotiation is largely a one-time transaction or has potential to form the basis for a longer-term relationship. Your counterpart(s) may have a different understanding of present and future relationship opportunities than you do.

- **Communication.** The first moments of a negotiation frequently set the tone and pace of subsequent interactions, so preparing the "First 180" (first 3 minutes, or 180 seconds, of a negotiation) is critical. Note not only what signals you want to send early on, but *how* you plan to get that message across—is it more advantageous to be the first mover or to listen for more information? Are you initially setting a more cooperative or competitive tone? How do you intend to signal your intentions?

- **Options.** The options you are able to generate will usually be a function of your analysis of the shared, opposed, and tradable interests (SOTs). Although it may be difficult to think of joint-value or "win-win" options, focus on creativity, feasibility, and bundling or packaging issues. Having several unique options can help break deadlock, build goodwill with a counterpart, and allow you to reach solutions that may not be obvious in the early stages of negotiation.

- **Fairness Standards.** Examples might include: existing domestic or international laws, contracts, previously agreed upon rules, precedents, or other criteria that you deem to be applicable. Such standards are essential to ensure deal sustainability and compliance by the parties involved. Do not forget to anticipate *how* you will defend your proposed fair process and outcome standards.

- **Targeted Micro-Skill Tracking & Development.** Based on your own observations as well as the feedback received from colleagues in other exercises identify one micro-skill from a move within each competency cluster that you would like to focus on in this exercise; for example, "Prevent Group Polarization" is a micro-skill of the broader "Facilitate Group Problem Solving" move within the "Setting" competency cluster.

Effective Preparation: Party & Issue Matrix

In order to become a sophisticated 3-D negotiator you need to be able to think through the full set of parties, interests, and issues that are relevant to the negotiation. A key component of this is understanding both *your* and *the other parties'* interests. Very often, negotiators don't have a strong grasp of their own interests and are unable to clearly articulate where there is room for flexibility and value creation. In order to negotiate more effectively, filling out a Party & Issue matrix allows you to identify what interests are your and the other parties' top and low priorities. The best negotiators are clear on their ultimate interests, know their tradeoffs among lesser interests, and are flexible and creative on the means of advancing those interests.[1]

Party & Issue Prep Matrix

Parties / Issues	YOU	Party 2	Party 3	Party 4	Party 5	Party 6
Issue 1						
Issue 2						
Issue 3						
Issue 4						
Issue 5						
Ally, Adversary, or Recruitable:						

EXAMPLE ONLY

Scale: 1 (least important) to **5** (most important)

Guide to Completing the Party & Issue Matrix

The Party & Issue Matrix is a tool designed to help you prepare systematically for a multi-party, multi-issue negotiation. By comparing your interests along alternatives and priorities, you are in a much better position to advocate for your interests, adapt to changing information in the moment, and avoid the pitfalls associated with poor preparation.

In each party/issue box, there is space to write a number from 1 (least important) to 5 (most important) for each party and issue. For example, *Issue 2* may be very important to you and therefore you may choose to write the number 5 in that box. However, *Issue 4* may be less important so you may choose to write a number 1 or 2. After you complete your column, use the scale and available information to write in a number for the other parties.

It is important to note that this matrix **does not** represent permanent positions. As the negotiation exercise progresses, shifts may occur that change both your high priority issues as well as your counterparts'. A good negotiator is committed to continually using the Party & Issue Matrix throughout the negotiation.[2]

The final component of the Party & Issue Matrix is the space to write whether each party is an *ally*, *adversary*, or *recruitable*. While these relationships will be further explored on the coalitional mapping worksheet (referenced below), this is a good space for you to begin thinking through what your relationship is relative to the other parties.

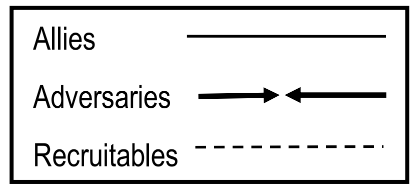
[1&2] Lax, D., & Sebenius, J. (2006). *3-D Negotiation: Powerful Tools to Change the Game in Your Most Important Deals*. Boston, MA. Harvard Business School Press. pp. 70

Effective Preparation: Coalitional Mapping

An essential component of negotiation preparation is mapping the parties and their relationship to you and to others. This can help you identify above-the-line and below-the-line players as well as potential deal-breakers or spoilers.[3]

Guide to Completing Coalitional Mapping

The Coalitional Map will guide you through an analysis of basic connections to consider as you plan your negotiation strategy. **Allies, adversaries,** and **recruitables** are important to identify 'away from the table' when preparing for a negotiation.



- **Allies**. Parties that have similar interests to you are allies. They are important for coalition building and can be used to help advocate for shared interests on a particular issue.
- **Adversaries.** Parties that have opposed interests that may or may not be able to be reconciled. If possible, form counter-coalitions with these parties, or find ways to "expand the pie" in a way that turns an adversary into an ally.
- **Recruitables**. Parties that may share some similar interests but may also have some tradable interests are recruitables. These are key players to recruit if you want to be able to create a coalition and create value in an agreement. If successfully recruited, they can become an important advocate for your interests since they likely share interests with your adversaries.

Giving and Receiving Feedback: Hot Debrief

At the conclusion of every negotiation exercise, you and your counterpart(s) will participate in a "hot debrief" session in which you give and receive in-the-moment feedback about each other's negotiation techniques. This debrief presents the rare opportunity for you to receive immediate, honest feedback from your peers. It also helps you close a feedback loop, given the reality that a message you intended to send may not have been what was heard. Was your intended message the same message your counterpart received? Avoid providing evaluative feedback during the hot debrief. Whatever your prior experience as a negotiator, be circumspect about your ability to direct or evaluate your peers effectively.

> "Message intended is not always message received."

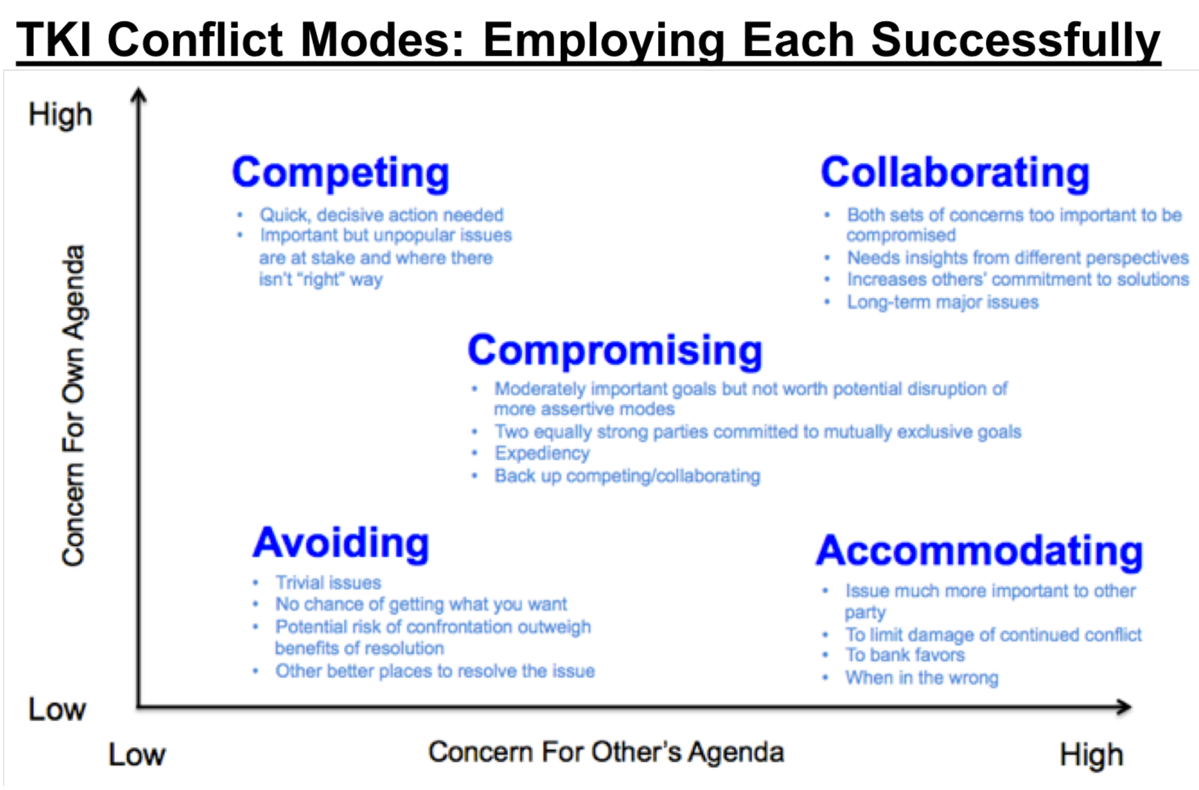
[3] Lax, D., & Sebenius, J. (2006). *3-D Negotiation: Powerful Tools to Change the Game in Your Most Important Deals*. Boston, MA. Harvard Business School Press. pp. 54

Thomas-Kilmann Conflict Indicator (TKI) and Dominant Conflcit Mode (DCM)

In MLD-280 you will use your results from the TKI Dominant Conflict Mode assessment as a way to frame your thinking about how you **tend to respond to** certain conflict[4] situations. TKI is **not a personality test** and can change over time. It is an assessment of your natural approach to dealing with conflict, so that you can decide how to use of other conflict modes to strengthen your skills as a negotiator. It is useful tool for you to think critically about your own approach to different situations and to try working from different conflict lenses. It uses two scales, cooperativeness[5] and assertiveness[6] to yield five dominant conflict modes (DCM):

1. Competing
2. Avoiding
3. Compromising
4. Collaborating
5. Accommodating

Each conflict mode has its own strengths and weaknesses, and a conscious negotiator is able to operationalize different modes under different circumstances. The chart below highlights when each conflict mode is most advantageous to a negotiator:



[4] **Conflict** is defined here to mean situations in which the concerns of two people appear to be incompatible.
[5] **Cooperativeness** – the concern for OTHERS' agenda.
[6] **Assertiveness** – the concern for one's OWN agenda.

Since you and your counter-part will approach conflict differently based on your DCM, personality, and the set of issues being discussed, it important to use the TKI as a way to frame the feedback conversation. The Hot Debrief session is a good opportunity for you to reflect on how you used (or did not use) different DCMs in the exercise.

Use your workbook to record the feedback you receive. The feedback you write down can serve as a reference and starting point for later in the evening when you begin to write your reflection journal entry *(see Journal Logistics page also included in your workbook)*.

Key Point:
TKI: Fact or Fiction

- TKI scores can change over time.
    - **Fact.** TKI scores are a function of the time, the place one fills out the instrument, and one's recent conflict experiences. If one has recently been taken advantage of in a tough negotiation, then one's TKI scores might reflect a desire to correct this by selecting more competitive statements than would ordinarily be true.

- TKI is a personality test.
    - **Fiction.** TKI lets you know what your current tendencies are for using each conflict mode, so that you can decide whether and how to make use of other conflict modes.

- Some DCMs are better than others.
    - **Fiction.** All conflict modes have pros and cons. Understanding the conflict modes and your own tendencies will help you understand better which conflict mode to employ in each situation and how you can make sure you switch to using the right conflict mode at the right time.

- You can "highly prefer" more than one style.
    - **Fact.** You can "highly prefer" more than one style. Your preference or aversion to each style can be either a strength or weakness, depending on the type of negotiation in which you are engaged and depending on the conflict styles of other parties. When you think of the many different negotiation situations that exist, we will naturally become aware of whether our most preferred style is appropriate. When it is not, we then are able to turn to our other preferred styles.

- You can't use other DCMs.
    - **Fiction.** Anyone can, will, and should employ all 5 conflict modes. It just depends on the situational circumstances.

Hot Debrief Pointers

Manage the process and your expectations

- Do your best to make sure everyone gets ***equal time*** for feedback.
- Appoint a ***"process cop"*** to facilitate, pay attention to time, and keep the group on track.
- ***Do not rehash*** the details of a negotiation, exciting moments, great moves, or the point structure of each party. Use this time to focus on the micro-skills you observed being used by your counterparts and those you used.

Receiving feedback

- ***Assume the best intentions*** of your classmates, in the exercise and the debrief.
- ***Take responsibility for your impact.*** You may get feedback that your actions impacted classmates in a way you weren't intending or expecting. Acknowledging that the impact was real, even if it wasn't your intention, may help you better anticipate how those actions or tactics are received in the future.
- ***Be ready for contradictory feedback.*** Different counterparts will perceive your behavior differently – that's the nature of social interaction! Nevertheless, listen to all feedback, strive to understand it, and adjust accordingly.

- ***Digest and revisit feedback.*** Give yourself time to take in shared feedback, at least over the course of the next day, whether or not the feedback strikes you as constructive. Feedback that feels like a personal attack on Tuesday may feel constructive on Wednesday. Alternatively, you may sleep on it and decide the next day that the feedback was less constructive than it originally seemed.
- ***Be open and curious*** about receiving feedback that surprises you. After the hot debrief, follow up: *"Can you describe what I was saying or doing that made you feel that way?" – "Did you have any ideas for how I may have phrased that differently?" – "Tell me a little bit more about that."*
- ***Ask yourself, "Why?"*** When you struggle with feedback or have a negative reaction, ask yourself why this may be so. Common triggers cause people to respond negatively. Try to label the trigger when you push back against feedback. Simply recognizing the challenge can help you unpack which pieces of your response are rational and how to move forward. See the "Feedback Triggers" section (on the next page) for a more detailed discussion.

Giving feedback

- ***Find out which micro-skills are in focus for your counterpart(s)*** and check for a shared understanding of the micro-skill. When giving feedback, ask your counterparts to recall a point in the negotiation when they felt they had exercised the micro-skill.
- ***Describe behaviors*** instead of evaluating: *"I heard you anchor with $150 but then I didn't hear an explanation for why that was a reasonable price."*
- ***Use "I" statements:*** *"When I heard the anchor of $150 it made me want to withdraw from the negotiation because I felt insulted; I thought we had a positive working relationship, but your anchor made me feel that our relationship didn't matter."*

Thanks for the Feedback: Feedback Triggers

Sometimes, in the process of sharing feedback, you may discern negative reactions in yourself or your counterpart(s) that seem disproportionate to the matter at hand. Douglas Stone and Sheila Heen identify three types of triggers that may explain these reactions, and they suggest some effective ways to respond.[7]

Truth Triggers:

When a negative reaction is set off by the substance or content of feedback, a truth trigger may be in play. You disagree with what happened or think your counterpart does not have the necessary information.

- *Example:* Your boss takes you to task for missing a deadline because your co-worker told her that you had been late submitting material. In reality, however, your co-worker was the one who finished things late. You react negatively to the reprimand.
- *Suggested responses:* If it is just a case of missing information, make sure to share relevant information. If you think the other party has incorrectly interpreted your actions, ask questions to try to uncover your own blind spots. Do others perceive you differently from how you perceive yourself?

Relationship Triggers:

Some triggers relate specifically to the person giving you the feedback. Most of us receive feedback differently depending on the individual delivering it.

- *Example:* Your mother (who was absent for most of your childhood and whose actions have cost you thousands of dollars in therapy) starts giving you parenting advice. You react negatively to hearing her advice.
- *Suggested responses:* Ask yourself "Would I respond differently if someone else were telling me this?" If this is the case, take in the feedback that is helpful to you and discard what remains.

Identity Triggers:

Some feedback makes us question our self-identity, vocation, or self-worth.

- *Example:* As a teacher you have always thought of yourself as a champion of diversity and have made an effort to get to know your students and their families. Your principal gives you a "needs improvement" on cultural sensitivity, accompanied by students' and families' complaints about you. You react negatively to the teaching feedback.
- *Suggested responses:* Stone and Heen advise, "See the feedback at its actual size." When something triggers your identity and/or self-worth it is easy to see it as larger than it needs to be. Try to re-orient yourself toward a growth identity; while there are pieces of your identity that are important to you, a growth mindset can allow you to integrate feedback and improve yourself.

[7] Douglas Stone and Sheila Heen, Thanks for the Feedback (New York, NY: Viking, 2014), pp. 1-30.

The Mediator's Handbook

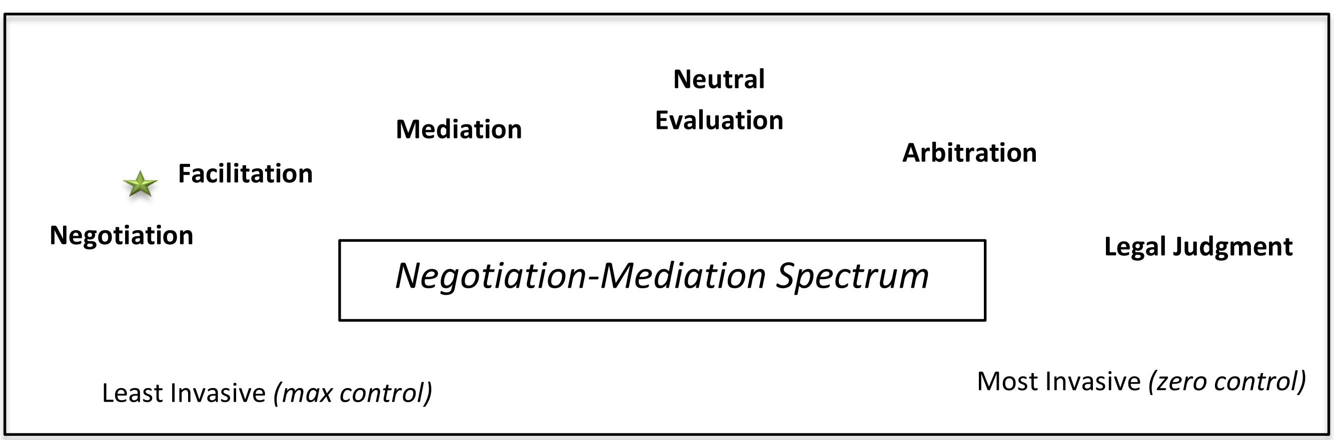
THE MEDIATOR TOOLKIT

Toolkits are about *what* to say (about framing, paraphrasing, parroting) and *how* to say it. They are about managing transitions (timing, *when* to say it) and building momentum (trust and confidence building) in the direction of an agreement. The purpose of this toolkit is to provide you with the tools necessary to effectively manage the flow of the mediation process. Flow is about understanding pacing, management, and implementation of the process.

As a facilitative mediator you are attempting to take control over the process of the mediation and leave the majority of outcome control *in the hands* of the parties. To better understand this dynamic, you are given a list of advantages and challenges for controlling the process as you learn to not control the outcome. You will then be guided through the stages of mediation, identifying specific action steps you should take at each stage and giving you sample language that you can use.

In addition to shaping and orchestrating the mediation process, an effective mediator must build the capacity to transform positions into interests, build collaborative problem-solving momentum, and manage emotions and create space to have difficult conversations. We will expand upon some basic tools such as: active listening, asking open-ended & clarifying questions, and summarizing.

Mediation is contingent upon managing and transforming conflict. We will take a deeper look at how you can leverage your knowledge of TKI to become a more effective mediator.



While not everyone may become a professional mediator, the skills used in mediation are equally relevant in negotiation, particularly process leadership, active listening, and re-framing options. Therefore, learning basic mediation skills not only makes you more effective in your negotiations, but also provides you with a stronger repertoire of conflict resolution processes.

Types of Third-Party Intervention[8]

As seen in the negotiation-mediation spectrum above, there are many types of third-party interventions. Most fall into two categories: informal and formal. Formal interventions follow a set of rules or standards and tend to be used by judges, labor arbitrators, referees, and group facilitators. Informal interventions are more incidental and involve using a friend or concerned third party who may become involved in someone else's dispute.

Both informal and formal interventions involve a degree of process and outcome control depending on the situation. The table below categorizes the differences between different types of intervention and the level of control for each one.

		Level of Negotiator Control over Outcome	
		Low	**High**
Level of Negotiator Control over Procedure	**Low**	Autocracy	Mediation
	High	Arbitration	Negotiation

Notes:

[8] Lewicki, R. (2014). Negotiation: Readings, Exercises, and Cases: 7th Revised: Edition. London: McGraw Hill Higher Education. pp. 565.

Mediation Action Steps	
Mediator Prep	– Review the case beforehand and fill out the Mediator Prep Sheet – Identify any working assumptions and biases you may have about the conflict, parties, and issues – Diagnose the perceived party relationship (Is it in complete stalemate or are they still speaking?) – Identify and <u>prioritize</u> potential substantive and relationship issues – Develop strategies for responding to anticipated conflict, impasse, or high emotions – Identify potential elements for a sustainable agreement *that already exist*
Pre-Mediation	– Determine the seating arrangement (should parties sit side by side or across from each other?) – Introduce yourself to the parties and introduce the parties to each other – Explain the mediation process and the principles of mediation – Explain your role as a mediator and the role of parties – Describe the structure of the mediation – Confirm that the parties have decision-making authority – Gain consent from the parties to participate – Set a positive and relaxed tone
Joint Session	– Let each party tell their story (start with the disputant/moving party) – <u>Always</u> thank the waiting party for their patience and <u>reinforce</u> that they will have a chance to speak – Use clarifying questions and active listening to identify underlying interests and needs – Summarize stated interests and needs – <u>especially shared interests</u> – Empower parties to set ground rules necessary for productive discussion (i.e. no interrupting) – If possible generate and evaluate options for resolution – Maintain eye contact and use appropriate body language to show <u>attentiveness</u>
Mediator Caucus	– Decide whom to take to private session first and why – Re-adjust seating arrangements if necessary – Identify if there is a real or perceived power imbalance – List interests of both parties – identifying shared, opposed, and tradable interests – Reinforce any and ALL progress made thus far!
Private Sessions	– Diffuse unmanageable hostility – Clarify facts or interests that the parties may have been unwilling to share in the joint session – Challenge a party's assumptions without causing embarrassment or compromising your neutrality – Encourage one party to see the other's perspective without risk of commitment by using hypotheticals
2nd Joint Session	– Ask questions to help the parties brainstorm options – Promote collaboration by pointing out mutual interests and areas of agreement – Use diplomacy and tact to explore reasons for impasse and help parties face difficult realities – Play devil's advocate to challenge parties' understanding of their counterpart's perspective or to digest new information – Engage in BATNA and option reality-testing – Use hypotheticals to generate new options for agreement – Act as a negotiation coach to help them prepare for direct discussions
Finalize the Agreement	– Give the parties ownership; let them talk it out – Intervene only to keep them on track – Consider not writing down agreements on people issues but having implementation occur on the spot – Use simple and straightforward language – Strive for parallel structure (i.e. balance) in wording the agreement: • CORY agrees to shine Mandell's shoes • JEFF agrees to iron Mandell's ties – Focus on progress and forward momentum – the agreement should not be a record of guilt

Mediation Action Steps

The stages of mediation are flexible and can be used in various combinations. For instance, after pre-mediation, if the situation warrants it, you may decide to begin with a private caucus rather than the joint caucus or vice versa etc.

Stage I: *Pre-Mediation*

- Know where, with whom, and how you'll be mediating. Make sure the mediation room is set up appropriately. Bring a calculator and calendar (useful for setting deadlines and commitment dates), tissues, and any relevant documents.
- Don't forget to review your mediator prep sheet and bring something to take notes.

If working with a co-mediator, take a few minutes to do the following:

- Divide tasks
    - Will one person read the entire opening statement or will you divide it among yourselves?
    - Who will write out the agreement?
    - Plan stage by stage who will begin/facilitate each stage.
    - Who will ask Party 1 questions and summarize, etc. for other parties?

- Discuss your personal mediation styles and conflict modes
    - What do you do well? What do you need help improving on? (i.e. do you find yourself pushing parties to an agreement before they are ready?)
    - What skills are you working on today?
    - What assumptions and biases do have about the conflict, parties, and issues?
    - What is the objective for each stage? What information do you need to know from the parties?
    - How do you react or interact with different conflict modes? What TKI negotiation strengths do you bring to the table? How can you leverage those in the mediation?

Stage II: *Joint Session – Let the Mediation Begin!*

Part 1: Opening

The first 180 seconds of mediation is crucial to projecting mediator credibility and process legitimacy. This is your opportunity to set a ***positive, encouraging tone*** *and* ***win <u>party buy-in</u>****. Mediators usually begin with what is called the "Mediator's Opening Statement." This consists of the following elements:*

- Welcome and introductions (name preferences)
- Explanation of the mediation process
- Principles of mediation
- Role of the mediator and the parties
- The structure of the mediation (what are the stages)
- Confirmation of parties' decision-making authority and consent to participate

Below is a sample "Mediator's Opening Statement." You are encouraged to develop a personally tailored version of this statement so that it flows naturally and can be said rather quickly.

Elements	Sample Language
Welcome & Introduction	"Welcome everyone. My name is ABC and I will be conducting the mediation today." (If you have co-mediators, allow them to introduce themselves) Ask parties: "Do you have a preference for how you would like to be addressed?" (first or last name, etc.)
Explain Process	"Mediation is a voluntary form of dispute resolution designed to help parties reach their own mutually acceptable agreement. We would like you to see mediation as an opportunity to discuss and address the issues that brought you here today."
Principles of Mediation	***Voluntary***: "Mediation is a voluntary process. You, the parties, retain the right to freely enter both the mediation process and any agreement reached in that process. If you feel at any point that mediation is not working for you, please let me know the reason why and I will work to remedy the issue. You have a right to withdraw from mediation at any time." ***Neutrality***: "Mediation is a process that seeks to serve all parties fairly and equally. As a mediator, I will strive to be perceived as neutral by all parties. If at any time, you feel I am facilitating this mediation in a biased or unfair manner, please let me know immediately and I will work to remedy this issue." ***Confidentiality***: "As a mediator I will not disclose information you share with me unless explicitly asked to do so. This is to protect your right to openly discuss issues, feelings, concerns, and possible solutions."
Role of the Mediator	"My role as mediator is to facilitate a process of principled negotiation; I will oversee the structure of the mediation in the effort to allow you to play a direct and active role in determining the issues and developing mutually satisfactory outcomes."
Role of the Parties	"You are responsible for defining your issues, needs, options, and the possible outcomes. You have the final say over the terms of any agreement reached in mediation."
Mediation Structure	Describe the stages of mediation, but be sure to inform them that this is an adaptive and flexible process that is meant to meet their needs. **Stage 1:** Joint Session – "This is when I, the mediator, will meet with all parties at the same time." **Stage 2:** Mediator(s) Caucus (optional) – "I may take a few minutes to organize what I have heard." **Stage 3:** Private Sessions with each party – "I meet privately with each party, one at a time." **Stage 4:** Second Joint Session – "I meet again with all parties at the same time." **Stage 5:** Finalizing the agreement – "If you reach an agreement, the terms will be written down. If you like, I can assist with transforming the agreement into writing." **Note taking* – "Throughout the mediation I will be taking notes. I encourage you to do the same, especially if a thought or comment you would like to share comes to mind when someone else is speaking."
Participation & Authority Confirmation	"Before we begin the mediation, do you all possess full decision-making authority? Do any of you have to check in with someone else before signing an agreement?" "Are there any questions before we begin?" *Possible questions:* 1. How long will this take? 2. What happens if we don't reach agreement? 3. What if the agreement is broken? **Hint:* If someone is asking about how long the process will take, this may be a sign that "saving time" is one of their desired interests.

Part 2: Start the Mediation
This is the first time the parties will speak, so trust building is critical. Encourage parties to identify ground rules that will allow them to express themselves freely. Be sure that whenever a ground rule is set that all parties acknowledge and agree to abide. The general purpose of the joint session is information gathering, the facilitation of communication between parties, and trust building:

- Allow each party to give their perspective on the events that led to the dispute.
    - "Why are you here?" and/or
    - "If this mediation was successful today, what would the outcome look like for you?"
- Once a party concludes be sure to reframe what you heard in terms of interests.
    - "Let me make sure I've understood what you've said…" or "So, what I hear you saying is…"
- Always ask for confirmation that what you heard is what they actually meant.
    - "Is that correct? Is there anything else you would like me to understand?"
- Thank the waiting party for their patience and ensure they will also have "uninterrupted" time to share their perspective.

Tip: Encourage listening and point out that they are likely to hear information they may not have heard before, which may improve their understanding of the dispute. (The more direct communication between parties, the better.)

Stage III: *Mediators' Caucus*
This step is designed to let the mediator(s) check in and ensure they have caught all the relevant interests expressed. It also gives you time to recalibrate your strategy and tactics for both the process and dealing with parties. You may have learned new information that changes the way you must approach the mediation. This stage can usually be done in five minutes. If it takes longer, be sure to check in with the parties. Nothing is worse than waiting.

1. How are you doing? – "Are there any challenges, biases, tension, or anger building up? How can I help?"
2. How are we doing as team? – "Can we improve communication and division of tasks?"
3. What issues or options have you heard from each party? – Write them down!
4. How should we proceed? – "Who should we speak to first in private session. Why?"

Logistically: Stepping out of the room may make the parties suspicious or uneasy. Counter these feelings by explaining the purpose of the caucus.

- "Now that I (we) have heard both your perspectives, I (we) will take a moment to ensure that I (we) have accurately captured your interests. This should only take a few minutes."
- Anytime you leave parties alone, give them something to do.

Stage IV: *Private Session*

Always have a purpose for the session (i.e., diffusing tension, clarifying facts hidden by discomfort or embarrassment, or encouraging a party to explore the other's side without risk of commitment).

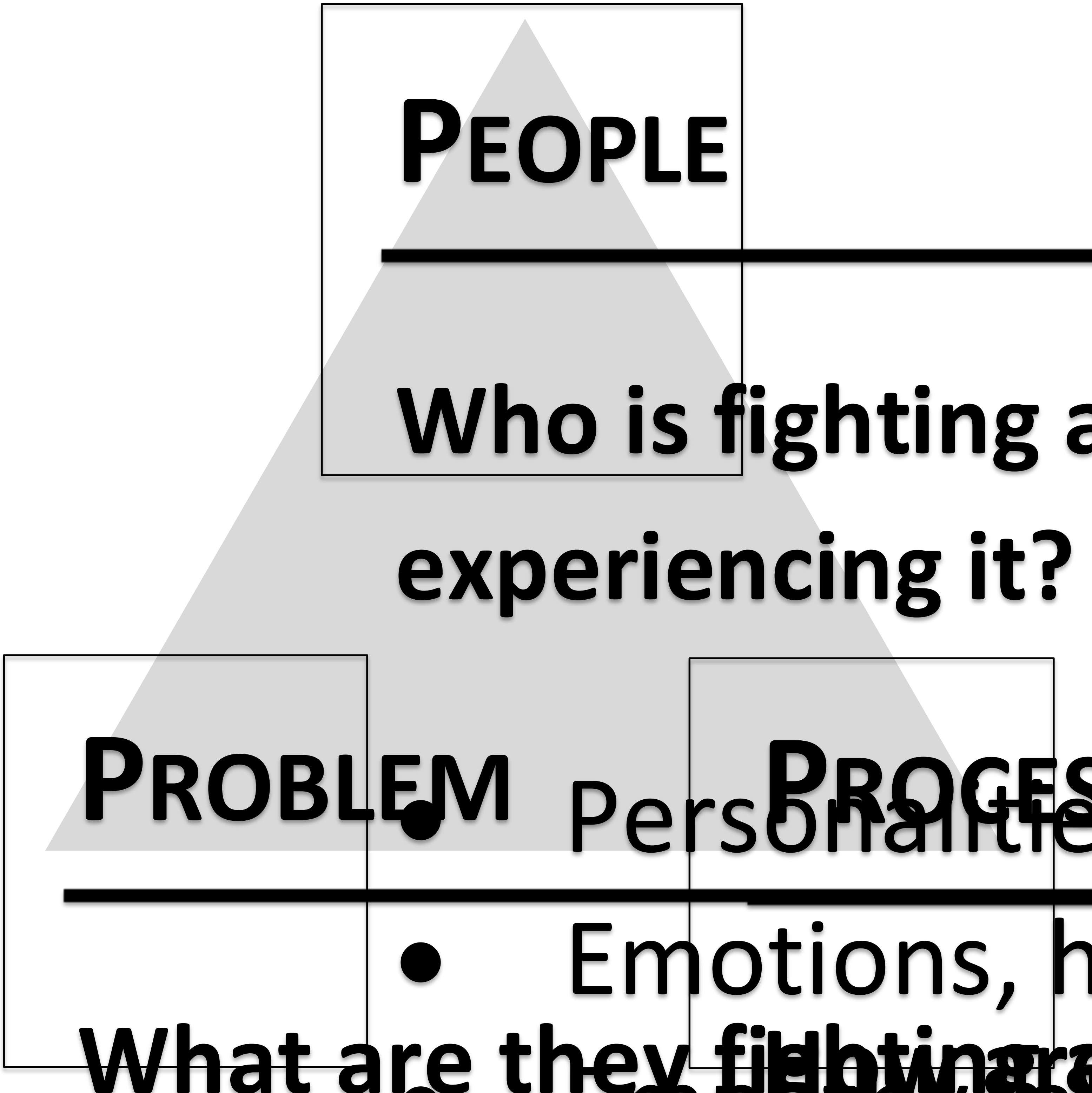
Remind party of confidentiality	"If anything comes up that you do not want me to share with (other party's name), please let me know and I will keep it confidential." Or, "Is there anything you would like me to convey to the other party?"
Open discussion, allow venting	"What else would you like to share?"
Ask and listen for interests	"What else is important to you?" Or, "What does a successful outcome mean for you?"
Ask and listen for options	"Given that you are interested in x, y, z, what ideas do you have about how to get there?"
Summarize	Sum up interests, options, and other relevant points
Give homework	"While I meet with the other party, please think about other ways to meet the goals you outlined in this session."

Stage V: *Second Joint Session*

The purpose of this session is to get the parties to communicate directly and start deciding which options and possible solutions they are willing to commit to.

Setting the stage	Welcome parties back and express optimism and appreciation for progress that they have made.
Focus on shared and individual interests	State the shared interests. "Both/All of you have expressed that you want…" State individual interests next. "In addition to these shared interests, there are goals that each of you have as individuals…"
Encourage collaboration	Invite parties to communicate potential options directly to one another. "Each of you has come up with ideas to accomplish your goals. Who would like to begin discussing these options?"
Problem-solve remaining differences	Step in to address problems or to prevent impasse from derailing negotiations. "It sounds like that won't work. What's missing "You've tackled the major issues and reached agreement on all of those – and they were difficult. Now you're stuck on this one issue. How come?"

The Conflict Triangle[9]



[9] Beer, J. & Packard, C. (2012). *The Mediator's Handbook Revised & Expanded Fourth Edition*. Gabriola Island: New Society. pp. 2

The Three Mediator Relationships
As a mediator there are three unique relationships you must manage:

Relationship I: *TKI – Self Knowledge*
The first relationship you must manage is with yourself. This refers to understanding how to tap into and maximize your internal processes and systems for understanding, analyzing, and reacting to conflict. Understanding your Dominant Conflict Mode (DCM) can help you adjust what your natural reaction may be in a conflict situation.

Relationship II: *Mediator – Mediator*
The second relationship is with other mediators; how you interact with co-mediators can be a strong contributing factor in measuring your effectiveness as a mediator. Working with someone else adds a layer of complexity that must carefully be examined and addressed. If done effectively, you and your co-mediator should serve as an example of collaborative problem-solving.

Relationship III: *Mediator – Party*
The third and most visible relationship is with the parties you are mediating. **Your goal as a facilitative mediator is to assist the parties reach their own mutually acceptable agreement**. To do so, it is imperative that you are perceived as neutral, competent, and empathetic to their needs and concerns. Your ability to successfully mediate is a component of managing these three relationships. In order to manage these relationships, we have developed a set of competency clusters that outline general skill-sets and specific micro-skills that you can focus on acquiring and mastering throughout this workshop.

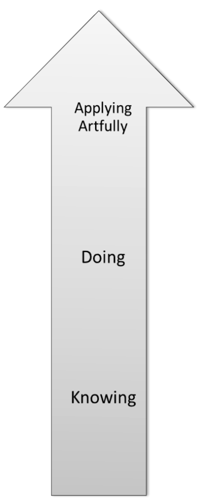
Appendices

Appendix I: Micro-Skill Guide

Micro-Skill Rating Scale

This guide represents a cumulative progression of steps to which a negotiator should aspire, ranked from Awareness to Proficiency (scale 1 to 5). Progress should be measured by the relative success of the implementation of the micro-skill, and not necessarily be tied to the final outcome of the negotiation.

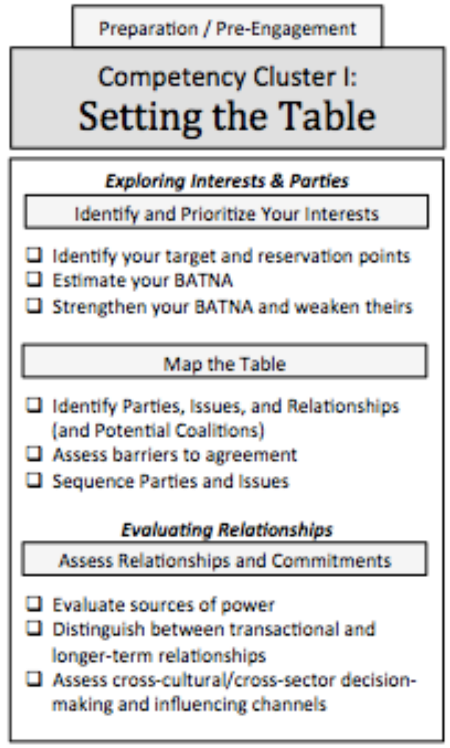
Closing the Knowing / Doing Gap



Master/Expert	5	Has internalized the micro-skill and can employ it in a way that is automatic and skillful.
Fluent	4	Is able to recalibrate and employ micro-skill during shifts in the negotiation to take advantage of opportunities.
Proficient	3	Can use the micro-skill at planned points in the course of a negotiation to claim value, create value, or prevent value destruction.
Competent	2	Can identify and practice the appropriate micro-skill in a particular negotiation context.
Novice	1	Is cognizant of the micro-skill and can deliberately plan to employ it in a negotiation.

Micro-Skill Competency Clusters

<u>Competency Cluster 1: Setting the Table</u>



Identify your target and reservation points: Analyze your own situation – context, goals, expectations, consequences of no deal – to understand what you should aim for, what factors would cause you to walk away from a negotiation, and what the shorter and longer-term consequences would be of failing to reach agreement.

Estimate your BATNA: Apply a value to your "BATNA" (Best Alternative to a Negotiated Agreement). The BATNA is the most favorable option available to a negotiator if an agreement is not reached.

Strengthen your BATNA and weaken theirs: Moves that improve a negotiator's alternatives to a deal while demonstrating the weakness of his or her counterpart's alternatives.

Identify parties, issues, and relationships (and potential coalitions): Map relevant concerns and anticipate likely coalition dynamics in a negotiation.

Assess barriers to agreement: Appropriately identify barriers to reaching an agreement. A barrier is any structural, strategic, psychological, institutional, or cultural component of a negotiation that inhibits agreement.

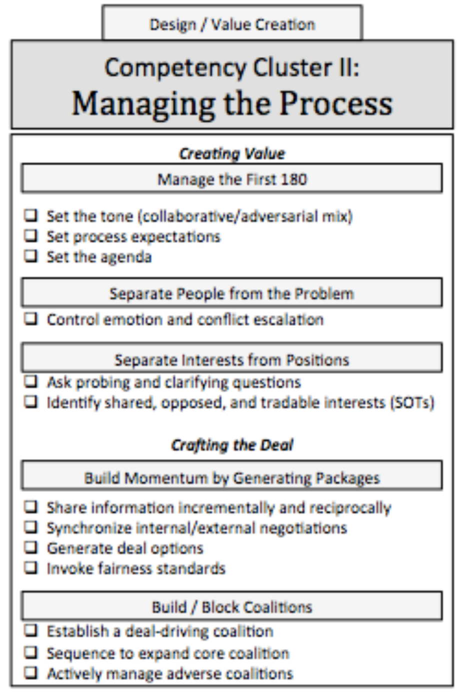
Sequence parties and issues: Approach parties and discuss issues in a deliberate and systematic order to build leverage and momentum toward a favorable agreement.

Evaluate sources of power: above/below the line: Determine which parties have potential structural and process advantages, resources, and leverage.

Distinguish between transactional and longer-term relationships: Determine how likely it is that one or more parties will interact again in the future in order to establish a negotiation strategy.

Assess cross-cultural/cross-sector decision-making and influencing channels: Understand how value differences in cross-cultural negotiations influence parties' decision-making strategy, priorities, and style in negotiations.

<u>**Competency Cluster 2: Managing the Process**</u>



Set the tone (collaborative/competitive mix): Use verbal and non-verbal cues to signal a competitive or collaborative approach to a particular negotiation.

Set process expectations, ground rules, and norms: Determine decision-making rules, voting procedure, and norms for the negotiation given its structure, context, and parties.

Set the agenda: Decide the full range of issues to be considered, in what order, and by whom.

Control emotions and conflict escalation: Manage emotional responses and control competitive arousal.

Ask probing and clarifying questions: Test assumptions by asking strategic questions that generate new information.

Identify shared, opposed, and tradable interests (SOTs): Determine points of alignment, disagreement, and compromise in order to create value and better understand party interests.

Share information incrementally and reciprocally: Strategically share information in order to build trust, signal preferences, understand priorities, and elicit information from counterparts.

Synchronize internal/external negotiations: Advance your interests by engaging in mutual problem-solving with both your own team members and with counterparts across the table in order to trade on differences and thereby shape the form and substance of the final agreement.

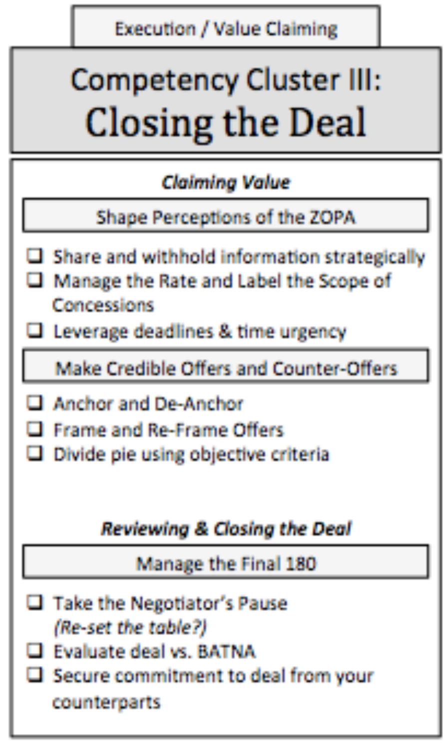
Generate deal options: Propose a series of viable options by testing various packages and deal designs.

Invoke fairness standards: Use commonly accepted concepts of fairness to ensure sustainable outcomes.

Establish a deal-driving coalition: Use the interests and relationships among parties to build momentum toward an agreement and protect against potential spoilers.

Sequence to expand core coalition: Approach parties in a deliberate and systematic manner to build momentum and leverage.

Actively manage adverse, blocking coalitions: Prevent spoilers from dominating or derailing an agreement.



Competency Cluster 3: Closing the deal

Share and withhold information strategically: Strategically manage information to shape parties' perceptions of target points, reservation points, and the ZOPA.

Manage the rate and label the scope of concessions: Make *incremental and reciprocal trades* as the parties come closer to an agreement. Clearly articulate and label the magnitude of concessions made. *Concessions* are incremental moves or steps that decrease the value of a deal based on a party's core interests. Concessions move parties further from their target point in the direction of their reservation point.

Leverage deadlines and time urgency: Strategically use time in a negotiation.

Anchor and de-anchor: Consider the "anchoring" effect" that a first offer has on a negotiation. An anchor is a number, figure, or value that becomes a salient point of reference in a negotiation. De-anchoring moves the conversation away from that point of reference.

Frame and re-frame offers: Use different narratives to make offers appear more or less attractive to one's counterpart(s).

Divide the pie using objective criteria: Distribute value based on accepted group norms and expectations.

Take the Negotiator's Pause: Take time to re-assess the rate and scope of your concessions or to reconsider an offer before coming to an agreement.

Evaluate deal versus BATNA: Determine if the proposed agreement is superior to your BATNA.

Limit gratuitous bargaining: Know when to stop negotiating.

Write their victory speech: Frame the deal to meet the interests of stakeholders away from the table who are influencing parties at the table.

Secure commitment to deal from your counterparts: Ensure that commitments made at the table will be implemented after the negotiation.

Appendix II: The Negotiator Checklist

The Negotiator Checklist: Moves & Micro-Skills

Preparation / Pre-Engagement
Competency Cluster 1: Setting the Table

Exploring Interests & Parties

Identify and Prioritize Your Interests

- ❑ Identify your target and reservation points
- ❑ Estimate your BATNA
- ❑ Strengthen your BATNA and weaken theirs

Map the Table

- ❑ Identify parties, issues, and relationships (and potential coalitions)
- ❑ Assess barriers to negotiated agreement
- ❑ Sequence parties and issues

Evaluating Relationships

Assess Relationships and Commitments

- ❑ Evaluate sources of power: above/below the line
- ❑ Distinguish between transactional and longer-term relationships
- ❑ Assess cross-cultural/cross-sector decision-making and influencing channels

Design / Value Creation
Competency Cluster 2: Managing the Process

Creating Value

Manage the First 180

- ❑ Set the tone (collaborative/competitive mix)
- ❑ Set process expectations, ground rules, and norms
- ❑ Set the agenda

Separate People from the Problem

- ❑ Control emotions and conflict escalation

Separate Interests from Positions

- ❑ Ask probing and clarifying questions
- ❑ Identify shared, opposed, and tradable interests (SOTs)

Crafting the Deal

Build Momentum by Generating Packages

- ❑ Share information incrementally and reciprocally
- ❑ Synchronize internal/external negotiations
- ❑ Generate deal options
- ❑ Invoke fairness standards

Build / Block Coalitions

- ❑ Establish a deal-driving coalition
- ❑ Sequence to expand core coalition
- ❑ Actively manage adverse, blocking coalitions

Execution / Value Claiming
Competency Cluster 3: Closing the Deal

Claiming Value

Shape Perceptions of the ZOPA

- ❑ Share and withhold information strategically
- ❑ Manage the rate and label the scope of concessions
- ❑ Leverage deadlines and time urgency

Make Credible Offers and Counter-Offers

- ❑ Anchor and de-anchor
- ❑ Frame and re-frame offers
- ❑ Divide the pie using objective criteria

Reviewing & Closing the Deal

Manage the Final 180

- ❑ Take the Negotiator's Pause
- ❑ Evaluate deal versus BATNA
- ❑ Limit gratuitous bargaining
- ❑ Write their victory speech
- ❑ Secure commitment to deal from your counterparts

Away from the Table Moves

At the Table Moves

Appendix III: Multi-party Negotiation Micro-Skill Guide

Competency Cluster 1: Setting the Table

1. *Separate self-interest from group interest:* Know when to advocate for yourself or for the group; recognize which issues/interests serve you through the benefit to other members.
2. *Manage status differences*: Leverage sources of formal and informal authority. Know the power and weakness in your own role and adjust accordingly.
3. *Generate intra-group norms, rules, procedures*: Establish process for sharing information, bargaining, communicating, etc. based on the goals of the group and parties at the table.
4. *Prescribe group member roles*: Anticipate procedural needs (scribing, timekeeping, "bad cop," devil's advocate, etc.) and determine roles.
5. *Mitigate groupthink and conformity bias*: Prevent selective interpretation of information and other biases in decision-making.
6. *Manage competitive arousal*: Keep emotions under control; remain calm and rational throughout negotiation.
7. *Prevent group polarization*: Work with parties to listen and communicate effectively across coalitional, personal, or ideological barriers.
8. *Conduct backward mapping analysis:* Identify key lynchpins at the table and who you will need to say "yes" at different points in a negotiation.
9. *Devise multiplex approach toward other parties:* Recognize that different parties will need distinct messages from different people at the table.
10. *Assess potential value gaps, non-negotiables, and sacred issues*: Use probing and clarifying questions to understand the types of issues at hand and how people prioritize them rationally and emotionally.
11. *Navigate preconditions to negotiation*: Identify and address the interests of groups that refuse to come to the table.

Competency Cluster 2: Managing the Process

1. *Design inclusive process and voting procedures:* Structure and conduct negotiation in way that all voices at the table know they can speak and will be heard; choose voting procedures and sufficient consensus rules as appropriate
2. *Exercise convening power and process opportunism*: Find opportunities, given your role and relationships, to shape the scope and sequence of negotiation (e.g., sidebars, back table meetings, circulation of drafts).
3. *Identify and respond to distracting behaviors*: When parties are spoiling, slowing down, or otherwise obstructing agreement, find ways to bring in or work around the party.

4. *Drive momentum toward package generation*: Know when to stop talking details, and manage the process of shifting from relationship building/information sharing to designing agreement.
5. *Capture and interpret thin slices of information*: Maintain a detail-oriented listening stance and retain information in ways that allow you to update your strategy and recognize potential for value creation.
6. *Balance firm and flexible commitments*: Strategically choose when to commit to a party and when to keep options open while still maintaining relationships; do not make firm promises that you cannot keep.
7. *Confront and manage cognitive flooding*: Practice thorough preparation and create tools for yourself that allow you to absorb new information and adjust efficiently. Take moments to step back and consider the bigger picture.
8. *Adopt zoom in/zoom out/360 perspectives*: Take time to observe your negotiation from multiple perspectives.
9. *Exercise circular log-rolling:* Trade favors with multiple parties to build trust, trade, and support each other's interests (e.g., A trades with B, B with C, C with A)
10. *Synchronize internal/external actions*: Ensure that your actions at the table align with actions taken by constituencies and other negotiators away from the table, including concessions, information sharing, coalition building, etc.
11. *Exercise influence from less well-resourced stance*: Be creative in getting your interests and messages on the table and look for alternative sources of leverage, even when starting off from a position that is easily ignored.

Competency Cluster 3: Closing the Deal

1. *Mobilize counter coalitions*: Identify allies that will block deals unfavorable to you.
2. *Confront holdouts*: Strategically manage parties that refuse to sign a deal or are obstructing progress.
3. *Employ threats prudently and effectively*: Mitigate risks of alienating parties or losing credibility at the table by only making threats when absolutely necessary and within your authority.
4. *Manage parasitic integration*: Identify parties that could be future threats and seek to resolve issues, meet their interests, or otherwise ensure that they will not seek retaliation.
5. *Clarify terms and conditions*: Question assumptions and clarify commitments as agreements are formed.
6. *Use single-text procedure:* Work from one document to write agreement.
7. *Shift from bargaining to ratification*: Know when to shift from deal design to ratification; facilitate process shift at the table.
8. *Generate commitment to implementation*: Ensure that the necessary parties have the desire, capacity, and commitment to implement the agreement and hold them accountable given their buy-in throughout the negotiation.

Appendix IV: Multi-party Negotiation Checklist

Multiparty Negotiation Checklist: Moves & Micro-Skills

Preparation / Pre-Engagement

Competency Cluster I: Setting the Table

Addressing Intra-Group Barriers

Manage Intra-Group Conflict

- ❑ Separate self interest from group interest
- ❑ Manage status differences
- ❑ Generate intra-group norms, rules, procedures

Facilitate Group Problem Solving

- ❑ Prescribe group member roles
- ❑ Mitigate groupthink and conformity bias
- ❑ Manage competitive arousal
- ❑ Prevent group polarization

Anticipating Barriers to Agreement

Evaluate Coalitional Parties and Interests

- ❑ Conduct backward mapping analysis
- ❑ Devise multiplex approach toward other parties

Anticipate Adverse Interests and Parties

- ❑ Assess potential value gaps, non-negotiables, and sacred issues
- ❑ Navigate preconditions to negotiation

Design / Value Creation

Competency Cluster II: Managing the Process

Creating Value

Establish Process Leadership

- ❑ Design inclusive process and voting procedures
- ❑ Exercise convening power and process opportunism
- ❑ Identify and respond to distracting behaviors
- ❑ Drive momentum toward package generation

Build Productive Rapport and Momentum

- ❑ Capture and interpret thin slices of information
- ❑ Balance firm and flexible commitments

Navigate Multiparty System Effects

- ❑ Confront and manage cognitive flooding
- ❑ Adopt zoom in/zoom out/360° perspectives
- ❑ Exercise circular log-rolling
- ❑ Synchronize internal/external actions

- ❑ Exercising influence from less well-resourced stance

Execution / Value Claiming

Competency Cluster III: Closing the Deal

Claiming Value

Shape Perceptions of the Multiparty ZOPA

- ❑ Mobilize counter coalitions
- ❑ Confront hold-outs
- ❑ Employ threats prudently and effectively
- ❑ Manage parasitic integration (reduce incentives for future spoilers)

Reviewing and Closing the Deal

Ensure Sustainability

- ❑ Clarify terms and conditions
- ❑ Use single-text procedure
- ❑ Shift from bargaining to ratification
- ❑ Generate commitment to implementation

Appendix V: Mediator Checklist

The Mediator Checklist: Moves & Micro-Skills

An Introduction to Facilitative Mediation

Competency Cluster I: Setting the Table

Establishing Mediator Credibility

Generate Trust & Rapport

- ❑ Set the tone for productive discussion
- ❑ Establish and maintain conditional confidentiality
- ❑ Demonstrate impartiality, empathy, and respect for disputants
- ❑ Control nonverbal cues

Establish Process Legitimacy

- ❑ Educate disputants about the process
- ❑ Encourage parties to identify standards of fairness and set ground rules
- ❑ Shape disputants' expectations of opportunities and limitations of mediation

Develop an Action Agenda

- ❑ Map the disputants' conflict system
- ❑ Identify broad topic areas of concern to the parties
- ❑ Obtain agreement on the issues to be discussed
- ❑ Identify S/O/Ts and toxic issues
- ❑ Determine the sequence for handling the issues

Competency Cluster II: Managing the Process

Exercising Process Leadership

Shape & Orchestrate the Process

- ❑ Make opening statements (mediator and disputants
- ❑ Ask open-ended and clarifying questions
- ❑ Model active listening
- ❑ Paraphrase and summarize disputants' statements
- ❑ Clarify, add and/or subtract issues

Build Problem Solving Momentum Through Private & Joint Caucuses

- ❑ Engage in brainstorming
- ❑ Bundle/unbundle issues
- ❑ Facilitate option generation
- ❑ Track and summarize issues, options, and areas of agreement as they are identified

Anticipate & Navigate Impasse

- ❑ Strategically bracket or engage toxic issues
- ❑ Identify TKI conflict styles and interpersonal dynamics that impede the process
- ❑ Adjust the operational tempo to individual levels of acceptance/resistance

Competency Cluster III: Closing the Deal

Crafting Sustainable Agreements

Narrow Options for Settlement

- ❑ Summarize progress toward agreement
- ❑ Keep disputants focused on underlying interests
- ❑ Assess tradeoffs and short/long-term consequences of options on the table
- ❑ Reduce disputants' commitment to positions or single alternatives
- ❑ Use hypotheticals to test settlement proposals
- ❑ Engage in reality testing of parties' BATNAs

Generate Final Agreement

- ❑ Build agreement through:
  - ➢ Establishment of neutral decision making process
  - ➢ Incremental convergence of disputants' interests
  - ➢ Balancing rights and responsibilities
- ❑ Identify procedural steps to operationalize the agreement
- ❑ Establish an evaluation and monitoring procedure for implementation
- ❑ Provide opportunities to "save face"
- ❑ Ensure disputant ownership of the outcome

Appendix VI: Mediation References

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Appendix VII: Building, Maintaining, and Blocking Coalitions

Building Winning Coalitions

- ❑ Distinguish underlying shared interests from shared positions (marriage of convenience)
- ❑ Exploit prior commitments and obligations (consistency principle)
- ❑ Find a partner and exercise indirect influence to inoculate oneself against potential spoilers and overcome vulnerability to exclusion
- ❑ Identify issue-specific resources and leverage them as sources of value creation
- ❑ Manage complexity by anticipating personality interactions and potential deal drivers

Maintaining Coalitions

- ❑ Generate credible firm/flex commitments
- ❑ Frame/Re-frame strategic rationale for the coalition
- ❑ Actively manage intra-group conflicts and dynamics
- ❑ Focus on mutual gains, cost of disengagement, reputation, and integrative agreements
- ❑ Continuously scan the periphery for wedge issues and disruptive, game-changing moves
- ❑ Exercise process opportunism (e.g. vetoes and voting procedures)
- ❑ Manage cognitive flooding – Take the Negotiator's Pause
- ❑ Be wary of moral-suasion traps
- ❑ Track players' shifting BATNAs
- ❑ Provide carrots to "uncertain"/less committed players
- ❑ Leverage deadlines and time urgency
- ❑ Exercise party-issue arithmetic to exploit information asymmetries across players and issues
- ❑ Focus on generating multiple packages of roughly equivalent value
- ❑ Focus on your preferred deal

Blocking Adverse Coalitions

- ❑ Recognize and move early to recruit known and potential adversaries and spoilers
- ❑ Divide and conquer
- ❑ Discourage multiple separate, side-bar meetings
- ❑ Monitor both verbal and non-verbal communication – Shifts happen!
- ❑ Anticipate and frame analytic and emotional BATNA-weakening arguments
- ❑ Utilize impasse to highlight costs of non-agreement

Appendix VIII: Backward Mapping and Sequencing

BACKWARD MAPPING AND SEQUENCING

1. You start with the endpoint and work back to the present to develop a timeline and critical path. With a good sense of the parties and their relationships, you can estimate the difficulty and cost of gaining agreement with each party as well as the value of having it on board.

2. Next, you focus on the most-difficult-to-persuade player, who is either the ultimate target or is otherwise critical to the deal. You ask "which prior agreements among which set of the other plays would maximize the chances of the target saying yes?" Phrased differently, whom would you ideally like to have on board when you initiate negotiations with the target? As the answer to this question becomes clear, you have identified the next target.

3. Now that you have identified the next-to-last target, ask the same question. How will you get that party on board? What would make it easier for him or her to say yes? Whom would you ideally like to have already on board to maximize the chances of this next-to-last player saying "yes?"

4. Finally, continue mapping backward in this fashion until you have found the most promising path through the cloud of possibilities.