

**BARRIERS TO DIVORCE RESOLUTION:
LEARNING TO THINK LIKE A NEGOTIATOR**
Instructor Notes



Scene One—Getting Started: “Hot emotions”

Scene Two—Heightened Emotions

Scene Two—Replayed

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Preface

BARRIERS TO DIVORCE RESOLUTION is a three-scene DVD depicting one couple's efforts to negotiate a divorce-related matter. It is designed for use in negotiation training with mental health and legal professionals as well as with divorced and divorcing parents who want to improve their co-parenting working relationship or who are preparing to mediate or engage in collaborative divorce.

In keeping with the finding that the combination of instruction, demonstration and practice are key elements of adult learning, the scenes dramatized in **BARRIERS TO DIVORCE RESOLUTION** put the viewer in the position of a negotiator asked to help a couple, Robert and Helen, resolve divorce related matters. Alongside didactic instruction about the elements of negotiation, communication, and conflict escalation, discussion following the scenes encourages the viewers to participate actively as negotiators – that is, to “Think like negotiators” – rather than sitting passively as material is presented.

The scenes are short (three to nine minutes) so as not to frustrate the viewers' attention but present sufficiently complex issues for extended follow-up discussion. The accompanying instructor notes suggest various discussion topics and identify significant issues to be covered.

The material can be used in three ways:

1. To introduce negotiation theory and skills to divorced or divorcing parents.
2. To supplement negotiation training of legal, mental health and financial professionals involved in family law matters.
3. As “warm up” exercises immediately prior to the start of collaborative law joint sessions or mediation.

BARRIERS TO DIVORCE RESOLUTION: LEARNING TO THINK LIKE A NEGOTIATOR

Instructor Notes

Scene One Getting Started: “Hot emotions”

Introduction

“*Hot Emotions*” is a nine-minute vignette illustrating one couple’s difficulties knowing how to begin discussing the terms of their divorce. The vignette places the viewer in the position of a third-party negotiator who has been asked to help the couple, Robert and Helen. The vignette dramatizes a problem and, at the end, asks viewers to consider ways to help the couple start a constructive negotiation process. Through subsequent discussion and analysis, the vignette is intended to help viewers begin to “think like negotiators.” This vignette and the ones that follow are intended to supplement negotiation training for individuals involved in family law matters. Instructors can use it several ways:

1. As a discussion tool for training legal, financial and mental health professionals in the theory and practice of negotiation.
2. As a discussion tool for training parents in the theory and practice of negotiation.
3. As a “warm up” exercise for professionals and couples about to start a mediation or collaborative law session.

Vignette Summary

The vignette places the viewer in the position of a negotiator working for a private agency that helps couples and small businesses negotiate various matters. The viewer is told that the success of the agency hinges upon the negotiators’ success in helping clients successfully resolve their difficulties. The vignette starts as two of the agency’s clients, Robert and Helen, seek help negotiating their divorce.

Robert and Helen are married with two teenage children and a jointly owned business, Learning Environments, which manufactures and sells school furniture. Helen recently decided to initiate a divorce after learning that Robert did not tell her that he was consulting with another business owner, Chad. During subsequent discussions, both expressed multiple sources of marital frustration. They then appear in the office of the viewer, asking for help making plans for a divorce and dissolving their business partnership.

Four sources of tension and possible impasse to negotiation emerge in this initial discussion:

1. *Helen views Robert’s side-work as more of a problem than Robert.* Helen feels betrayed by Robert’s failure to tell her about his consultative work. She perceives that Robert deceived her and reduced his commitment to the success of Learning Environments. No longer trusting him, she perceives that they can no longer work

- as business partners. In contrast, Robert, regrets his behavior, has apologized, and wants to repair their relationship. He does not believe this incident has to be a deal breaker.
2. *Helen and Robert have opposite goals, at least at the outset.* Helen wants to divorce and to sever their business relationship. Robert, however, wants to maintain both the marriage and their business partnership.
 3. *Helen and Robert want to move at different paces.* Whereas Helen wants to resolve these matters quickly and move on to separate lives, Robert wants to go at a more deliberate pace – considering various options before making a final set of decisions.
 4. *They blame one another for their marital difficulties.* Whereas Robert feels that Helen acted unilaterally without considering or valuing his input, Helen feels that Robert withdrew from a true working partnership, essentially abandoning her to manage the children and the business on her own.

During the discussion, Helen emphasizes her wish to divorce and to buy Robert out of their business. She wants to move quickly and expresses impatience with Robert's resistance to making quick decisions. She suggests that if he can't see things her way, she will take the matter to a judge for a favorable resolution. Angry and hurt, she emphasizes several times how betrayed she feels and how much she mistrusts him. Robert states that he is not convinced that either divorce or dissolution of their business partnership is necessary. He wants to repair their relationship rather than to end it. At times their communication is snippy and blaming. It is apparent that neither one feels appreciated by the other – both hint that they feel relationally as well as practically abandoned by the other. After a frustrating conversation that seems to be covering familiar unpleasant subjects with no better result than on prior occasions, they turn to the viewer and ask for help finding solutions to their impasse.

Potential teaching objectives

It is not necessary to address each of the following objectives. Depending upon the experience of the participants and the goals of the particular training, the instructor may elect to focus on just one or two objectives, choosing ones that are relevant to the participants' needs.

1. Understanding the role of a third party to help resolve a conflict.
2. Understanding how to manage feelings of betrayal and mistrust while negotiating an agreement.
3. Understanding how to move an argument about positions to a discussion about interests.
4. Recognizing the role of apology in seeking understanding and reaching agreements.
5. Recognizing the importance of pace and learning how to manage it.
6. Learning to recognize and modify communication barriers to understanding and agreement.

Discussion topics

1. As the vignette concludes, remind the participants that they are the third party negotiator and that their task is to consider different ways of helping Helen and Robert begin to deal with their problem. Ask the following questions to start discussion:
 - a. Do you think this will be an easy or difficult couple to help? Why?
 - b. Do you think Helen or Robert will be more difficult to help? Why?
 - c. What would be your immediate first answer to their question: “So where do we go from here?”
 - d. From your initial impression, what do you guess will be the most difficult source of tension for Helen and Robert to manage? How can you help them manage that tension?

2. Encourage the participants to analyze the nature and sources of this couple’s conflict before they begin considering ways to intervene.
 - a. What sources of tension contribute to their impasse? (e.g., betrayal, pace, goals, different perceptions of responsibility).
 - b. How is Helen contributing to their disagreement? (e.g., taking a position rather than exploring interests, cutting off discussion of various options, not considering Robert’s perspective, using a contemptuous tone).
 - c. What are Helen’s interests? Are they opposed to Robert’s interests? Which of her interests align with his?
 - d. Identify her communication problems (e.g., criticizing, not listening, avoiding).
 - e. How is Robert contributing to the impasse? (resisting discussing realistic alternatives, not talking about interests, rarely showing curiosity about her interests).
 - f. What are Robert’s interests? Which ones are aligned with Helen’s? Which ones seemed opposed to Helen’s?
 - g. Identify Robert’s communication difficulties (avoiding, criticizing, not listening).
 - h. What is their *Best Alternative To a Negotiated Agreement*? How could you help them explore their *BATNA* further without heightening their conflict? Does it appear that Helen and Robert have a good understanding as to the strengths and weaknesses of their *BATNA*?
 - i. Have they researched the pros and cons of ending their partnership? Do they have solid, legitimate ideas about what they can and cannot do? Do they sufficient information about the business, financial, and tax implications?

3. Now turn the participants’ attention to the negotiator’s interests (e.g., to achieve high rate of settlements, to maintain neutrality).
 - a. What impact will the negotiator’s interests have upon the negotiation?

- b. What potential sources of bias must the negotiator manage to avoid appearing to side with Helen or Robert?
 - c. What is the possible effect of the negotiator taking an arbitrator role?
- 4. Now turn the participants' attention to Helen's feeling of betrayal.
 - a. Do the participants think there will be value in discussing her feelings further? Will doing so help or hinder an agreement?
 - b. Do some participants think her outrage is unjustified?
 - c. What do the participants think of her suggestion that Robert should "pay a penalty" for allegedly violating their partnership agreements?
 - d. Robert seems to underestimate the extent of Helen's hurt. How can you help him develop additional empathy for her feelings of betrayal?
 - e. What is the role of apology in this situation? Should Robert be encouraged to apologize further? Does apology have a place in negotiation?
- 5. After considering the role of apology, ask the participants to consider how the negotiator can help the couple make progress when one is decidedly interested in divorce and the other wants to reconcile. Some participants may be sympathetic to Robert's wish to reconcile; others may view him as being naively unrealistic. Similarly some may perceive that Helen is reacting prematurely, not giving enough consideration to the possibility of reconciling the marriage.
 - a. How will Robert's interest in reconciling versus Helen's interest in divorcing affect the dynamic of the negotiation?
 - b. How can the negotiator help Robert and Helen manage this source of tension so that it does not become a barrier to a resolution?
 - c. Does a discussion of Helen's sense of betrayal have a place in a negotiation? If so, what place?
- 6. Turn the participants' attention to the matter of pace: Helen wants to move fast; Robert wants to move cautiously. Discuss the frustration that parties feel when their negotiating partner has a different pace.
 - a. How can the negotiator help Helen and Robert manage the tensions around pace? (e.g., encouraging Helen to give Robert time to "catch up" with the idea that a divorce is inevitable).
- 7. Ask the participants to consider ways to help Robert and Helen turn their attention from positions to underlying interests.
 - a. Helen has taken a position that she wants to buy out Robert. What ideas do the participants have about helping her begin to consider their respective interests rather than remaining focused upon one alternative?
 - b. How can Helen and Robert be helped to understand that discussing their interests will be a more productive way to start than bargaining a buyout price?

8. Throughout the discussion, the participants will likely introduce various process concerns and suggestions. At appropriate points during the discussion, ask the participants to consider:
 - a. Might there be value in meeting individually with Robert and Helen?
 - b. Should the negotiator take some time to explain one's interests to the other?
 - c. Will Robert and Helen benefit from some coaching and education about the negotiating process?
 - d. Might Robert and Helen benefit from additional consultation? (e.g., financial consultant, business planner).
 - e. Will it be helpful for the negotiator to offer up options to be considered? (e.g., different ways to restructure the business).
 - f. What can the negotiator do to inject a note of optimism and hope into the discussion? (e.g., commenting upon their passion for their work, noting the success they have had working together in the past, pointing out their common interest in not hurting the business or their children, the opportunities this crisis presents for important life transitions).

9. To help the participants develop a working knowledge of the Seven Elements of Negotiation (Appendix A), have them diagnose the sources of Robert and Helen's difficulties using the seven elements:
 - a. Which elements are in play?
 - b. Which elements are contributing to their impasse?
 - c. If you were going to intervene with Robert and Helen, where would the participants start? Which element (s) would they address first?

10. To end the discussion, the instructor might ask one of the following questions:
 - a. How would you respond now to Helen's question: "Where do we go from here?"
 - b. How could you help Robert and Helen begin brainstorming ways to resolve their impasse much like the discussion that just occurred here?
 - c. Has your view changed over the course of the discussion about how easy or difficult it will be to help Robert and Helen?

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BARRIERS TO DIVORCE RESOLUTION: LEARNING TO THINK LIKE A NEGOTIATOR

Instructor Notes

Scene Two Heightened conflict

And

Scene Two Replayed

Introduction

“*Heightened conflict*” is a three-minute vignette illustrating how a couples’ discussion about settling divorce related matters can escalate to overt conflict and abrupt termination of further efforts to negotiate. The scene places the viewer in the position of a third-party negotiator who has been helping the couple, Robert and Helen, negotiate the terms of their divorce. By dramatizing the problem of heightened conflict, the vignette is intended to stimulate further discussion and analysis amongst the viewers – in this way the viewer is encouraged to “think like a negotiator.” Following discussion of the first vignette, the instructor shows “*Scene Two – Replayed.*” In this second version, Robert and Helen continue to experience significant tensions and disagreements, but manage their discussion sufficiently well to avoid heightened conflict and abrupt termination. In this way, the viewer has the opportunity to see how negotiation tensions can be managed well enough to avoid overt conflict and summary withdrawal from the process.

The vignettes illustrate factors associated with heightened conflict identified in the social science literature. When the vignettes are used in conjunction with instruction about these factors, viewers learn to identify and modify the factors that contribute to conflict escalation. See Appendix A for brief descriptions of these factors and references to additional resource material.

The instructor can also use the vignettes to help viewers recognize and label communication patterns that create or break down barriers to conflict resolution. Specifically, the instructor may choose to use the A-E-I-O-U schema (A-attacking, E-evading, I-informing, O-opening, U-uniting) to reinforce communication awareness. See Appendix B for a brief description of this schema and a reference to additional resource material.

These vignettes are intended to supplement negotiation training for individuals involved in family law matters. Instructors can use it in several ways:

1. As a discussion tool for training legal, financial, and mental health professionals in the theory and practice of negotiation.

2. As a discussion tool for training parents in the theory and practice of negotiation.
3. As a “warm up” exercise for professionals and couples about to start a mediation or collaborative law session.

Vignette summary

Scene II - Heightened Conflict places the viewer in the position as a negotiator working for a private agency that helps couples and small businesses negotiate various matters. Robert and Helen have agreed upon a parenting plan for their children and are now turning their attention to property matters. Specifically, they start to talk about a recent appraisal of the house. The tone of their conversation quickly becomes contentious as they bring up other disputed issues, disparage one another’s families, threaten legal action, and criticize one another’s actions and character. After a few minutes of this, Robert leaves in disgust as Helen calls out angrily after him.

Scene II – Replayed dramatizes the same problem, again placing the viewer in the position of a negotiator consulting with Robert and Helen. In this enactment, Robert and Helen continue to evidence tensions and occasional snippety communications, but they manage their tensions sufficiently well to reach a tentative plan about valuing the house and moving forward towards an agreement.

Potential teaching objectives

1. Understanding and recognizing the primary factors associated with conflict escalation.
2. Understanding and recognizing communication patterns that contribute to heightened conflict.
3. Understanding how to use knowledge of these factors to de-escalate or avoid conflict.
4. Understanding how to use negotiation theory and practice to diagnose and intervene when a couple’s escalating conflict threatens to create an impenetrable impasse.

Show “Scene Two: Heightened Conflict”

Introduce the vignette as an example of a couple experiencing heightened conflict in the midst of a divorce negotiation.

Discussion topics for “Scene Two: Heightened Conflict”

Discuss “Vignette Two: Heightened Conflict” before showing “Vignette Two – Replayed.”

1. As the vignette concludes, remind the participants that they are the third party negotiator and that their task is to consider different ways of helping Robert and Helen begin to deal with their current impasse.
2. *Introduce the idea that the participants’ emotional response to Robert and Helen may affect their ability to intervene effectively. Ask:*

- a. How did you feel during Robert and Helen’s discussion?
 - b. How did you feel about them?
 - c. Do you think your reactions to them will make it easier or more difficult to help them?
 - d. Introduce the concept of “**going to the balcony**” to manage one’s emotional responses to Robert and Helen and to maintain an objective perspective.
 - e. Discuss ways that Robert and Helen could be taught to “**go to the balcony.**”
3. *Encourage the participants to consider how easy or difficult it will be to help Robert and Helen.*
- a. In light of the session having concluded unproductively, how might Helen and Robert feel about you now?
 - b. How can you help them re-develop confidence in your ability to be helpful?
 - c. Are there occasions when a negotiator should withdraw?
4. *Identify the elements associated with conflict escalation that are evident during their discussion.*
- a. **Handout copies of Appendix B** to familiarize the participants with the factors associated with conflict escalation. Ask the participants to identify which factors Robert and Helen brought into play.
 - b. **Expanding the issues:** A discussion about a house appraisal expands to other specific issues (the 401K, the furniture, Robert’s sister’s operation, loans to the business) and to general criticisms of one another’s character (e.g., “the Robert way”).
 - c. They threaten to **increase the number of participants** in the dispute (e.g., bringing in other family members to testify).
 - d. They threaten **heavier legal tactics** (court and litigation) and use **heavier communication tactics** during the session. (They adopt an attacking, blaming posture towards one another rather than presenting their concerns in neutral terms and listening objectively to the other’s point of view.)
 - e. The tone of the discussion indicates that their goals are shifting to wanting to **punish** one another (e.g., “minus a penalty for breaking our agreement”) rather than striving for a mutually beneficial outcome.
5. *Encourage the participants to identify what communication strategies Robert and Helen are using – and not using.*
- a. Using the **AEIOU** schema (**Appendix C**), have the participants pick out specific examples of each.
 - b. Ask the participants to suggest alternatives to specific statements.
6. *Ask them to consider ways of helping Robert and Helen get back on track.*
- a. How would you get Robert to re-engage?

- b. What advice or suggestions would you make to them?
 - c. If Robert and Helen began to escalate in a subsequent session, how would help them maintain their composure and a constructive tack?
 - d. Do you think there would be value in seeing them apart?
 - e. Would you consider withdrawing and advising them to let a judge handle matters?
 - f. Will it help to note that financial matters often trigger such conflicts?
7. *Encourage the participants to consider ways to reframe this unpleasant interaction for Robert and Helen.*
- a. With a more benign frame of reference, Robert and Helen may be willing to re-engage in the negotiation. For example, the negotiator might point out that the intensity of their reactions may be due to the anxiety and uncertainty that both feel as they consider their financial circumstances. Their reactions are understandable in light of their mutual concerns about security.
8. *Re-introduce the concept of interpersonal repair and apology.*
- a. Ask the participants whether it might be helpful to explain to Robert and Helen that such moments, while unfortunate, are not unexpected in complicated negotiations involving matters so personal as children and financial security and personal businesses.
 - b. Introduce the concept of interpersonal repair. Note that the two key qualities of a good working relationship are: 1. The ability to manage tensions and differences well, and 2. The ability to repair breaks in the relationship.
 - c. Ask the participants to discuss the role of apology in a negotiation. Will it be helpful for Robert and/or Helen to apologize for their conduct? Should the negotiator help them initiate an apology to one another?

Show “Scene Two-Replayed”

Ask the participants to note the ways that Robert and Helen avoided heightened conflict despite their obvious tensions and disagreements as they “replay” the scene.

Discussion: “Scene Two: Replayed”

1. *Help the participants recognize that managing tensions does not necessarily mean “making nice.”*
 - a. In Vignette II – Replayed, Robert and Helen continue to experience significant tensions. They evidence irritation, impatience, occasional snippety behavior, and several instances of defensiveness and condescension.

- b. Using the AEIOU schema, focus the participants on how Robert and Helen respond to one another's snippety remarks or criticisms. Note how they respond less defensively and dismissively, even when criticized. Note how Robert deflects Helen's attacking communications rather than responding defensively.
2. *Note how Robert and Helen managed the elements that contribute to conflict escalation more constructively.* Examples:
 - a. **Participants:** There was less reference to bringing family members into the conflict to strengthen their position or add weight to their arguments.
 - b. **Expanding the issues:** They remained more focused on the specific issues at hand, blocked or deflected one another's efforts to open up other issues, and did not resort to general character criticisms.
 - c. **Threatening heavier tactics:** Helen brought up the matter of court again, but Robert did not counter. He acknowledged this was one way to solve the problem and then brought them back to the task at hand.
 - d. **Goals:** They focused less upon "beating" one another or prevailing over the other's perspective and more upon finding common ground for compromise.
3. *Observe whether Robert and Helen engage in effective self-assertion.*
 - a. **Handout copies of Appendix D – Saying No to Get to Yes.** Explain the Yes-No-Yes sequence and illustrate with examples.
 - b. **Replay Scene II,** stopping the scene at various points to illustrate how Robert effectively uses the Yes-No-Yes sequence to respond to Robin's protests and concerns.
4. *To end the discussion, consider asking some final questions:*
 - a. Do you feel more or less confident that you could help Robert and Helen than you did after you saw the vignette the first time?
 - b. Did your feelings or attitudes about Robert and Helen shift over the course of the discussion?
 - c. Would Robert and Helen benefit from the kind of training that you are having here?

Appendix A

THE SEVEN ELEMENTS OF NEGOTIATION

(To negotiate: When people discuss a problem with the goal of reaching an agreement about how to solve it.)

1. **Alternatives:** What you will do if you do not reach an agreement. In general, you should not agree to something that is worse than your “**BATNA**” – your **B**est **A**lternative **T**o a **N**egotiated **A**greement.
2. **Interests:** What it is that you want: underlying needs, concerns, desires, hopes and fears. An agreement is better to the extent that it meets the interests of both parties.
3. **Options:** The full range of possible solutions on which two parties might reach agreement. Generating options is often a creative step: brainstorming and reaching for solutions that address both sets of interests. In general, an agreement is better if it is the best of many options.
4. **Legitimacy:** External standards of fairness. External standards include legal precedent or law, third party appraisals, market prices, and research findings.
5. **Commitment:** An agreement to a particular course of action. In general, an agreement is better to the extent that the commitments are well planned: practical, durable, and easily understood. Future agreements are reached more easily when current commitments are honored reliably.
6. **Communication:** Efficient and effective negotiation requires effective two way communication: Expressing yourself in a way that encourages others to listen; listening in ways that encourages others to speak.
7. **Working relationship:** When parties solve problems efficiently and effectively without excessive rancor and hostility.

(Adapted from: Program On Negotiation, Harvard Law School)

Appendix B

Factors associated with conflict escalation

The following five factors are associated with and contribute to conflict escalation:

I. Tactics: Light to heavy

Definition: Initially light influence attempts, such as persuasion and pleasant overtures are gradually replaced by heavy influence attempts, such as threats and coercive actions.

Example: A 13-year-old moved from trying to persuade his friend to lend him his skateboard to threats to withhold returning his friend's favorite CD and eventually to threatening to tell his friend's mother about a school indiscretion.

II. Issues: Small to large and specific to general.

Definition: One or two complaints mushroom into a litany of complaints. Over time, the concern about specific issues gives way to overarching concerns about general issues. One complaint evolves into an all-encompassing position that is intolerant of the other side.

Example: A neighborhood's concern about one frat house incident at the local college changed rapidly into a general criticism of the college as a whole. The college was now seen as a hedonistic threat to the entire community's wellbeing.

III. Resources: Few to many.

Definition: As conflict escalates and the parties perceive more issues at stake, they become increasingly absorbed in the struggle and commit additional resources in order to succeed.

Example: A husband and wife, caught in a tit-for-tat divorce process, pour increasing amounts of money, time, and emotional energy into the litigation.

IV. Goal: Doing well to winning to hurting the other party.

Definition: In the early stages, each party is generally motivated by self-interest: to do well without regard to the other's success. If conflict emerges, the parties' orientation may become competitive – now wanting to outdo the other. If conflict escalates further and costs mount, resentment may prompt one or both parties to shift their orientation from winning to hurting the other party.

Example: At the start of a negotiation exercise, each workshop group simply wanted to do well without regard to how well or poorly the other group fared. As disagreement emerged, one group's interest in doing well evolved to a competitive outlook, wanting to outdo the other. As the competition intensified, the second group took offense – their goal shifted to punishing the first group by throwing paper wads at them across the room.

V. Participants: Few to many.

Definition: In the event of ongoing conflict, a dispute that initially involved a small number of participants grows into a collective effort.

Example: A verbal dispute between two opposing hockey players is joined by several other players, then both teams' benches, then the crowd, followed by the league office when a brawl occurs on the ice, and finally dueling journalists in the home cities.

Adapted from:

Social Conflict: Escalation, Stalemate, and Settlement – Third Edition by Dean G. Pruitt and Sung Hee Kim. New York: McGraw Hill, 2004.

Appendix C

The A-E-I-O-U of communication behaviors

Attacking – Behaviors that the other party perceives as hostile, demeaning, or condescending such as criticizing, blaming, threatening, interrupting, minimizing the other's ideas, or insulting. Attacking includes nonverbal behaviors such as tone of voice, eye rolls, hostile gestures, pointing fingers, and facial expressions.

Evading – When one or all parties avoid dealing with a specific issue or aspect to a problem. Evading may be done in a hostile manner by ignoring a question, failing to fulfill a commitment to meet, abruptly leaving, or deliberately changing the subject. It can also be done in a friendlier fashion by asking for a timeout or delay in further discussions or a conscious decision to avoid difficult topics while some easier ones are discussed first.

Informing – When one shares information or one's perspective with the other in a nonattacking way. The information shared can include one's feelings, thoughts, beliefs, or opinions.

Opening – Any communication that invites the other party to share information. One can invite the other's communication by listening attentively, asking non-leading or neutral questions, and reflecting back one's understanding of the other's perspective for additional feedback.

Uniting – Communications that emphasize the relationship and shared interests of the different parties. One can promote cooperation by building rapport, identifying shared perspectives, framing conflict issues in neutral terms, and linking tangible proposals to stated needs.

For further information:

Raider, E., Coleman, S., and Gerson J. *Teaching conflict resolution skills in a workshop*. The handbook of conflict resolution edited by M. Deutsch and PT Coleman. San Francisco: Jossey-Bass, 2000.

Appendix D

Self-Assertion Saying No to get to Yes

Overview: Knowing how to say *No* is one of the most effective ways to assert a point-of-view and to protect one's interests. An exceptionally powerful way to do so has been described by William Ury, one of the world's topmost negotiators. Quite simply, a Positive No begins with a positive statement (*Yes*), then sets a boundary (*No*), and concludes with a plan of action, a request, or a suggestion (*Yes*) (Ury, W. The power of a positive no. New York: Bantam Books, 2007).

The first Yes is an acknowledgment:

- Yes to identifying and asserting one's interests, needs, values and beliefs.
- Yes to naming mutual interests.
- Yes to listening to understand, not to refute.
- Yes to speaking respectfully.
- Yes to self-respect and resolve.
- Yes to recognizing the other's legitimate needs, beliefs, values.
- Yes to preparing, preparing, preparing.
 1. Empower one's No by developing a Plan B – Turn fear to confidence.
 2. Reassess: *Should one say No?*
 - Does saying No advance one's interests?
 - Do I have the power to say No?
 - Do I have the right to say No?

The No sets a boundary

- "I will be hard on the problem, but soft on the person."
- No to unacceptable offers, requests.
- No to violating one's own integrity, morals, values.
- No to disrespectful, discourteous behavior.
- No to unacceptable demands.
- Use tact to say No:
 1. "That is not the way we do things; it is not our policy."
 2. "We've made other plans; we are going in a different direction."
 3. "This is not a good time."
 4. "I would rather say No than say Yes and not be able to come through."
 5. "At this point in time, we are not ready to discuss that matter further."

The second Yes makes a proposal:

- Make a proposal
- Suggest additional options.
- Suggest a new way to solve the problem (E.g., "lets flip a coin").
- Make a request (E.g., ask for time to consider, ask for more information).

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