

***Overview of Training on  
How to Become  
Effective Disability Policy  
Change Agents***

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# The Need for Effective Disability Policy Change Agents

Historically, people with disabilities have been subjected to degradation, exclusion, segregation, and denial of appropriate services and supports. They have been treated as “defective” and in need of “fixing.”

# **The Need for Effective Disability Policy Change Agents (Continued)**

Our nation's policy makers have slowly begun to reject this old approach and adopted a new approach that recognizes that disability is a natural and normal part of the human experience that in no way diminishes a person's right to fully participate in all aspects of society.

# **The Need for Effective Disability Policy Change Agents (Continued)**

Policy makers are also beginning to recognize that in order for people with disabilities to fully participate in all aspects of society, our nation's policies must ensure that society "fixes the natural, constructed, cultural, and social environment.

# **The Need for Effective Disability Policy Change Agents (Continued)**

These changes in policy affecting persons with disabilities did not occur by happenstance; they were the result of advocacy by effective disability policy change agents.

# What is Policy?

Policy includes the formulation of solutions to problems of general concern to the public. Policy often sets forth rights. Policy also prescribes appropriate behavior and proscribes inappropriate behavior by covered entities.

## **What is Policy? (Continued)**

Policies are included in laws enacted by the legislative branch. Policy is also included in regulations, guidelines, handbooks and interpretations adopted by executive agencies. Policy interpretations also appear in judicial decisions.



# What is Disability Policy?

Disability policy includes policy specifically targeted at addressing the needs of persons with disabilities and their families. Examples include the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act.

## **What is Disability Policy? (Continued)**

Disability policy also includes generic laws that address the needs of nondisabled persons as well as persons with disabilities. Examples include Medicaid and the Workforce Investment Act (WIA) (establishing One-Stop career centers).

# Who Makes Public Policy? Where is Public Policy Made?

Policy makers make public policy. Policy makers include members of the legislative branch (e.g., Congress, state legislature, city council), the executive branch (e.g., agencies, school boards and schools), and the judicial branch (justices, judges and administrative law judges).

# **Who Makes Public Policy? Where is Public Policy Made? (Continued)**

Public policy is proposed, debated, modified and adopted in a political environment where politics, power, self-interest, and compromise are the standard “tools of the trade.”

# **Change in Public Policy is the Exception Not the Rule.**

The public policy process is complex and uncertain. Tens of thousands of ideas are competing for a place on the policy agenda. Most ideas go nowhere for various reasons e.g., competing interests favor the status quo, limited time, or the press of others matters.

# People Make a Difference.

It takes people to bring about change. Every public policy has its champions and advocates. Everyone can make a difference in the process—each in his or her own way. Some people may choose to share a problem with a policy maker; others may join an organization; still others may conduct research or lobby or run for office.

# Characteristics of Effective Disability Policy Change Agents.

Passion, anger, frustration and commitment are often necessary but not sufficient characteristics of effective disability policy change agents. In order to advance progressive disability policy, an effective disability policy change agent must channel these emotions and beliefs and develop appropriate skills to exercise **POWER**.

# Knowledge is Power.

Often times, policy is adopted because of the effective use of power. One component of power is knowledge. Effective disability policy change agents must possess knowledge about:

- \* The historical treatment of people with disabilities;



# Knowledge is Power. (Continued)

- \* The values and guiding principles of disability policy;
- \* The subject matter e.g., education, health care, job training;
- \* The legislative and administrative process;

# Knowledge is Power. (Continued)

- \* Organized coalitions and strategic plans;
- \* Approaches for interacting with policy makers;
- \* Negotiation and communication techniques and skills.

***Emerging Disability Policy  
Framework: A Guidepost for  
Analyzing Public Policy***

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# I. Uses of Disability Policy Framework

- How do policy makers view/treat people with disabilities?

- The disability policy framework can be used:

**\*As a lens, guidepost, benchmark to assess social policy from the viewpoint of persons with disabilities**

# Uses of Disability Policy Framework (Continued)

- \* To look at how persons with disabilities and their families are addressed in public policy
- \* As a measure for expanding and improving public policy for persons with disabilities

# Uses of Disability Policy Framework (Continued)

The disability policy framework can be used to look at all types of public policy such as:

- \* **Generic programs** and policies that include people with and without disabilities
- \* **Disability-specific** programs and policies focused solely on persons with disabilities and their families



## II. Old and New Paradigm

### A. Old Paradigm

1. View/treat people with disabilities as “defective and in need of “fixing”
2. Disability connotes “unable” and “incapable”
3. Approach: out of sight, out of mind

## Examples:

- \* **Ugly laws** - state laws which stated that persons with specified disabilities are “unfit for citizenship”
- \* State laws that required **sterilization** of the “feebleminded” with the aim of “extinguishing their race”

## Examples: (Continued)

\* States laws that permitted school districts to **exclude** children with disabilities when school officials determined that it was too much of a burden or “inexpedient” to serve them or because they produced a “nauseating” effect on others

## Examples: (Continued)

- \* **Forced institutionalization** -- state laws that required persons with disabilities to be placed in institutions because they were a “menace to society”

## B. New Paradigm

1. Disability is a physical or mental condition that affects a person's ability to function
2. Focus on how a person with a disability interacts with the world

## New Paradigm (Continued)

3. New core precept—disability is a natural part of the human experience that in now way diminishes a person's right to fully participate in all aspects of American life

4. Goal of public policy is determine how society can “fix” the environment to provide effective and meaningful opportunities

# **III. Goals, Core Policies, Methods of Administration and Support Program Constituting the Disability Policy Framework**

## A. Goals of Disability Policy

1. Equality of Opportunity
2. Full Participation
3. Independent Living
4. Economic Self-Sufficiency



## B. Core Policies

### 1. Equality of Opportunity

\* **Individualization** (treat people on the basis of facts and objective evidence, not generalizations, stereotypes, or fear ignorance and prejudice)

## Equality of Opportunity (Continued)

- \* Genuine, effective and **meaningful opportunity** (provide reasonable accommodations, make programs accessible, and make reasonable modifications to policies)
- \* **Inclusion and integration** (guarantee contact with nondisabled persons, avoid unnecessary and unfair separation and segregation)

## 2. Full Participation

- \* Involvement in decision-making by persons with disabilities and their families at the individual and systems levels
- \* Ensure **informed choice**

## Full Participation (Continued)

- \* Provide for **self-determination** and **empowerment**
- \* Recognize **self-advocacy**

### 3. Independent Living

- \* Recognize independent living as a **legitimate outcome** of public policy
- \* Provide for independent living **skills** development

## Independent Living (Continued)

- \* Provide for **long-term services and supports**, including personal assistant services and assistive technology devices and services
- \* Provide **cash assistance**

## 4. Economic Self-Sufficiency

- \* Recognize economic self-sufficiency as a **legitimate outcome** of public policy
- \* **Support systems** providing employment-related services

## Economic Self-Sufficiency (Continued)

- \* Provide **cash assistance** with work incentives and other forms of assistance
- \* Devise a tax policy providing **work incentives** to employers and employees



## C. Methods of Administration

1. Methods of Administration, In General

2. State and Local Plans, Applications, and Waivers

3. Monitoring and Enforcement by Government Agencies

## Methods of Administration (Continued)

4. Procedural Safeguards

5. Accountability for Results (Outcome Measures)

6. Representation at the Individual and Systems Level

# Methods of Administration (Continued)

7. Single Line of Responsibility/Coordination and Collaboration Among Agencies

8. Service Coordination

9. Financing Service Delivery

10. Privacy, Confidentiality, Access to Records, and Informed Consent

# Methods of Administration (Continued)

11. Comprehensive System of Personnel Development and Personnel Standards

12. Racial, Ethnic, and Linguistic Diversity

13. Fiscal Provisions

# Methods of Administration (Continued)

## 14. Financial Management and Reporting Provisions

## D. Program Supports

1. Systems Change Initiatives
2. Technical Assistance
3. Research

***Top Ten Tips for Disability Policy  
Change Agents on How to  
Influence Policy Makers and the  
Policy Making Process***

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# 1. Understand Historical and Policy Context

- Research **treatment of persons with disabilities** (such as exclusion, segregation, and automatic referral by generic system to disability system).
- Become knowledgeable about **current policy** framework and its strengths and inadequacies.

## Understand Historical and Policy Context (Continued)

- Use understanding of **historical and policy context** to explain why change is necessary and the nature and scope of **needed changes** to current policy.
- Recognize **intensity of feelings** by persons with disabilities regarding why critical to develop new or modify existing policy based on historical treatment.

## 2. Articulate Values, Principles, and Goals of Disability Policy

- Recognize the difference between the **old v. new paradigm** of disability policy (old paradigm—need to “**fix**” “defective” disabled person v. new paradigm—recognize that disability is a **natural part of the human experience** and the responsibility of society to **fix** the natural, build, social and political **environment** by

# Articulate Values, Principles, and Goals of Disability Policy (Continued)

providing necessary supports, services, and accommodations (civil rights model).

- **Recognize the goals of disability policy**-equality of opportunity, full participation, independent living, and economic self-sufficiency.

# Articulate Values, Principles, and Goals of Disability Policy (Continued)

- **Equality of opportunity**  
(individualization, inclusion, meaningful opportunity).
- **Full participation** (empowerment, self-determination, informed choice at individual and systems level).

# Articulate Values, Principles, and Goals of Disability Policy (Continued)

- **Independent living** (skills, services, and supports).
- **Economic self-sufficiency** (training, education, assistance and supports).

### **3. Understand That Policy is Made in a Political Context**

- Public policy is proposed, debated, modified and adopted in a political environment
- “Tools of the Trade” include use of:
  - \*Politics
  - \*Power
  - \*Self-Interest
  - \*Compromise of Positions, Not Principles

## 4. Understand the Needs of Policy Makers

- **Self-Interest** (re-election, power, status among peers and interest groups).
- **Balancing Priorities** (Time Pressures).
- **Political Implications.**
- **Dependent** on Others for Advice.



## 5. Understand the Needs of Staff

- **Promote and protect boss**
- Help in sorting through avalanche of inputs to determine what is **real** and what is **posturing**.
- Help develop assumptions and present **fiscal** and program **estimates**.

# Understand the Needs of Staff (Continued)

- Help in identifying **key players**.
- Help in **developing** viable **policy options**, drafting bills, report language, floor statements, speeches.
- Help in developing **political strategy**.

## 6. Understand the Need for and Role of An Organized Coalition in Exercising Power Over the Policymaking Process

- **Need for a coalition** (policy makers demand it, source of power, and helps provide support/assistance to policy makers and their staff).
- **Composition** of the coalition (cross-disability, consumers and providers), and nontraditional groups (reaching beyond the disability community).

# Understand the Need for and Role of An Organized Coalition in Exercising Power Over the Policymaking Process (Cont.)

- **Cohesion** (keep the disability community together).
- **Synergy.**
- **Skilled individuals** performing varied tasks working together.

# **Understand the Need for and Role of An Organized Coalition in Exercising Power Over the Policymaking Process (Continued)**

- **Leadership** (policy entrepreneur).
- **Responsibility** (carrying out agreed on tasks).

## 7. Understand the Need for a Strategic Plan

- **Planned Spontaneity** (need to think strategically and act on basis of a plan; importance of pre-meetings).
- **Reality Check** (macro issues, past advocacy efforts and why change now possible, constraints on achieving success, capacities of coalition, and degree of opposition).
- Identify the **Prize** (focus on principles and major concerns, not positions).

# Understand the Need for a Strategic Plan (Continued)

- Decide on **overall strategy**
  - \*Determine the nature and **degree of controversy/opposition**.
  - \*Decide on **appropriate vehicle** such as modifying a statute, regulation, or guideline.
  - \*Identify the **key policy makers** who will assume leadership roles.

# Understand the Need for a Strategic Plan (Continued)

- \* **Frame the issue and decide on the message.**
- \* **Control the dynamics of the debate** to create an aura of inevitability.
- \* **Determine how a particular tactic** (such as direct action or a meeting with a policy maker) fits in.



# Understand the Need for a Strategic Plan (Continued)

\*Develop favorable **program** and **fiscal estimates**.

\*Present **viable policy options** based on research and program and fiscal estimates.

- Assess effectiveness of strategies.

## 8. Understand the Power of Personal Stories Tied to Policy Objectives

- **Telling personal stories in isolation doesn't work.**
- **Need to decide policy objective and how to frame the issue and then tie personal story to policy objectives and policy options.**

# Understand the Power of Personal Stories Tied to Policy Objectives (Continued)

- **Best personal stories** demonstrate positive impact of proposed intervention/change in policy (describe circumstances **before and after intervention**).

## **9. Understand the Importance of Long-Term Relationships and that Who Delivers the Message Is Often More Important Than the Message**

- **Develop long-term trust relationships** to maximize influence.
- Strategically **select the spokespersons** who will have maximum influence over policymakers.

# **Understand the Importance of Long-Term Relationships and that Who Delivers the Message Is Often More Important Than the Message (Continued)**

- **Personalize the Message**--Ensure that message is presented in manner that recognizes the needs of particular policy makers/staff.

## 10. Recognize Your Strengths and Limitations

- **Keep your eye on the prize**—put ego aside.
- Don't agree to a policy option when **not fully knowledgeable**.
- Don't agree to a policy option on behalf of others who you don't represent.
  - \* **Lack of Authority.**

# ***Guidelines for Meeting with a Policy Maker***

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# 1. Prepare for Meeting

\* Get ready to meet with a policy maker by following the guidelines contained in the *Top Ten Tips on How to Influence Policy Makers and the Policy Making Process* Prepared by Bobby Silverstein

## 2. Beware of Filibusters

\*Don't be sidetracked by long introductions and chit chat because before you know it the meeting will be over

\* Goal is to control the agenda (policy maker would prefer chit chat about mutual friends back home in the district and you prefer to accomplish your agenda)

## **Beware of Filibusters (Continued)**

- \* Ask for picture at the end of meeting if possible (so doesn't interfere with advocacy objectives)

### **3. Describe Purpose of Meeting/Topic Area**

- \* Limit time period for introductions but use opportunity to demonstrate the status of participants (e.g., part of a disability group with 5,000 members which has a newsletter, go to same church)
- \* Limit agenda items

# **Describe Purpose of Meeting/Topic Area (Continued)**

- \* Explain the subject matter of the meeting

## **4. Share Personal Stories and Explain How Personal Stories Relate to Policy Objectives and Policy Options**

- \* Strategically select who will make the presentations
- \* Get to policy maker's heart before get to his/her head

# Share Personal Stories and Explain How Personal Stories Relate to Policy Objectives and Policy Options (Continued)

- \* After get to policy maker's heart, get to his/her head
- \* Frame the issue—explain why personal story is important by explaining how it impacts others (i.e., it is an issue of general applicability)

# **Share Personal Stories and Explain How Personal Stories Relate to Policy Objectives and Policy Options (Continued)**

- \* Share policy options
- \* Share support for your position by opinion leaders the policy maker trusts/respects
- \* Explain the research bases for position



# **Share Personal Stories and Explain How Personal Stories Relate to Policy Objectives and Policy Options (Continued)**

- \* Offer to provide additional information for staff

## **5. Make Specific Requests of Policy Maker**

- \* Explain why it is important for policy maker to get involved
- \* Request specific action by policy maker (such as co-sponsor a bill, oppose a certain amendment, speak in support of or in opposition to an amendment, visit a program in the state, give a speech)

## **6. Ask Policy Maker to Articulate His/Her Position and Suggest Follow-Up Activities**

- \* Ask for the policy maker's position
- \* Solicit reasons/rationales for position
- \* Be aware of nonverbal communication of policy maker

# **Ask Policy Maker to Articulate His/Her Position and Suggest Follow-Up Activities (Continued)**

- \* Offer to provide additional information
- \* Propose a meeting or visit to program in home district

## 7. Take Picture

- \* Take picture
- \* Share with policy maker distribution strategy

## **8. Provide Feedback to Government Affairs (GA) Staff**

- \* What you said to the policy maker
- \* The policy maker's response/reaction/concerns
- \* The response/reactions/concerns of the policy maker's staff

# Provide Feedback to Government Affairs (GA) Staff (Continued)

- \* The nonverbal communications by the policy maker and staff
- \* What you promised to provide to policy maker and/or staff in response to issues raised

## 9. Write Thank You

\* Use thank you as excuse for summarizing the themes/major points raised at the meeting and your understanding of the policy maker's position or needs (e.g., more information)



## 10. Follow-Up

- \* Ask government affairs staff what follow-up is appropriate
- \* Take responsibility to carry out agreed on tasks

# ***Principled Negotiation: A Tool for Getting To Yes***

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# Acknowledgement

The presentation summarizes major points made by Roger Fisher and William Ury in ***Getting to Yes*** (Penguin Books, 1981) and William Ury in ***Getting Past No*** (Bantam Books, 1993). As a former congressional staffer, I used the approaches, strategies, and techniques described in these books for negotiating over 20 bills, including the Americans with Disabilities Act (ADA).

# The Purpose of Negotiations

- Negotiation is a means of getting what you want from others.
- It is designed to reach an agreement when you and the other side have some interests that are shared and others that are opposed.

# The Purpose of Negotiations (Continued)

- Negotiation is used to explore whether you can satisfy your interests better through the process of back and forth communication aimed at reaching an agreement than you can by pursuing your best alternative to a negotiated agreement (BATNA).

# Seven Criteria for Assessing the Success of a Negotiation

1. Better result than other alternatives available to you.
2. Satisfies legitimate interests and underlying concerns of the parties.
3. Options are viable and implementable.

# Seven Criteria for Assessing the Success of a Negotiation (Continued)

4. Neither side “taken.”
5. The agreement is durable and enjoys support of constituencies and the community.
6. The process is efficient.



## **Seven Criteria for Assessing the Success of a Negotiation (Continued)**

7. Process improves or at least does not damage the working relationship among the parties.

# **PROBLEM: POSITIONAL BARGAINING**

## **Which Game Should You Play?**

### **SOFT:**

- Participants Are Friends**
- Make Concessions to Cultivate the Relationship**
- Be Soft on the People and the Problem**
- Yield to Pressure**

### **HARD:**

- Participants Are Adversaries**
- Demand Concessions as a Condition of the Relationship**
- Be Hard on the Problem and the People**
- Apply Pressure**

# Problems with Positional Bargaining

1. See negotiation as a win-lose proposition.
2. Parties tend to lock themselves into their predetermined positions.

# Problems with Positional Bargaining (Continued)

3. Ego becomes identified with position and there is a need to save face.
4. Behind positions may be fear and distrust resulting in refusal to listen.

## **Problems with Positional Bargaining (Continued)**

5. Focus more on splitting differences than on addressing legitimate concerns of each party.
6. Inefficient—incentives to stall settlement.
7. Endangers ongoing relationships.

# PRINCIPLED NEGOTIATION NEGOTIATION ON THE MERITS

**PEOPLE:** Separate the people from the problem.

**INTEREST:** Focus on interests, not positions.

**OPTION:** Generate a variety of possibilities before deciding what to do.

**CRITERIA:** Insist that the result be based on some objective standard.

# Separate the People From the Problem

1. Attack the problem, without blaming the people.
2. Don't let desire to be conciliatory stop you from doing justice to your problem.
  - \* Never give in to improve a relationship.
  - \* Be hard on the problem, soft on the people.

# Separate the People From the Problem (Continued)

3. Put yourself in their shoes (step to their side).

\* Listen, hear, and acknowledge what they have to say in order to diffuse fears, distrust, and misunderstandings.



# Separate the People From the Problem (Continued)

- \* Let them know their points, feelings (fears and distrust), competencies, and status have been heard and acknowledged.

# Separate the People From the Problem (Continued)

For example, say:

- \* “Can I ask you a few questions to see whether my facts are correct.”
- \* “Let me see if I understand what you are saying.”

# Separate the People From the Problem (Continued)

4. Understanding their point of view is not the same as agreeing with it; rather it means you accept it as a valid point.
5. Recognize and understand emotions, theirs and yours.
  - \* Allow the other side to let off steam.

# Separate the People From the Problem (Continued)

- \* Don't try to control the other side's behavior, control your own. Go to the Balcony—step back collect your wits, keep your eye on the prize.

# Separate the People From the Problem (Continued)

6. Speak about yourself, not about them.  
“I” statements describe the impact of the problem on you, i.e., your needs, not the other person’s shortcomings and therefore are less likely to provoke the other side.

# Separate the People From the Problem (Continued)

7. Don't react to a personal attack with an escalating attack. Recast an attack on you as an attack on the problem.
8. Warn don't threaten.
  - \* A threat comes across as what you will do to them if they do not agree.

# Separate the People From the Problem (Continued)

- \* A warning comes across as what will happen if agreement is not reached.

# Separate the People From the Problem (Continued)

9. Acknowledge differences with optimism.

\* Agree with the other side whenever possible to build a positive momentum, even if you are simply acknowledging what they are saying.



# Separate the People From the Problem (Continued)

For example, say:

- “I understand what you are saying”
- “I understand your concerns and...”

# Separate the People From the Problem (Continued)

10. Find opportunities to act inconsistent with their perceptions of you.

# Focus on Interests, Not Positions

1. Focus on interests, not positions. Share your interests and reasoning first and your conclusions and proposals later.
2. A position is something you have decided on. Positions are the concrete things that you want e.g., terms and conditions.

# Focus on Interests, Not Positions (Continued)

3. Interests define the problem—they are what caused you to decide. They are the intangible motivations that lead you to take the positions—concerns, needs, fears, desires, and aspirations that underlie and motivate positions.

# **Focus on Interests, Not Positions (Continued)**

4. Behind opposed positions lie shared and compatible interests as well as conflicting ones.
5. Realize that each side has multiple interests.

# Focus on Interests, Not Positions (Continued)

6. Techniques for switching from positions to interests and for identifying interests:
  - \* Treat the other side like a partner; instead of rejecting a position; reframe it as an informative contribution to the discussion.
    - “Why do you want that?”

# Focus on Interests, Not Positions (Continued)

- “Help me understand the problem you are trying to solve.”

The moment they answer, the focus of the conversation shifts from positions to interests.

# Focus on Interests, Not Positions (Continued)

- \* Ask the other side for advice: “How would you advise me to respond to my colleague’s concerns?”

- \* Ask them open-ended questions (statements of fact are sometimes threatening):

- “What are your concerns?”



# Focus on Interests, Not Positions (Continued)

- “Help me understand why this is important to you.”
- “What is the policy you are trying to achieve?”

Ask: “Why not” or “What if”

# Focus on Interests, Not Positions (Continued)

- \* Ask clarifying question: “I’m afraid I don’t understand. Can you explain how this relates to what you said before?”

- \* Treat stonewalls as aspirations.

7. Reframe an attack on you as an attack on the problem.

# Invent Options for Mutual Gain

1. Go slow to go fast.

- \* Generate options for addressing interests that are advantageous to both sides.

# Invent Options for Mutual Gain (Continued)

- \* Separate inventing (brainstorming) from deciding (discussing options differs radically from taking positions).
- \* Develop multiple options to choose from, decide later.

## **Invent Options for Mutual Gain (Continued)**

2. To meet one's own needs, must develop solutions that also appeal to the self-interest of the other party.
3. Look for options that are low cost to you and high benefit to them (face-saving) and vice versa.

# Invent Options for Mutual Gain (Continued)

4. Make the other side's decision easy  
(build them a golden bridge).

\* Actively involve the other side in  
devising a solution so that it  
becomes their idea, not yours.

# Invent Options for Mutual Gain (Continued)

- \* Show the other side how your option stems from or relates to one of their ideas.

# Invent Options for Mutual Gain (Continued)

5. Reframe a retreat from their position as an advance toward a better solution.



# Insist on Using Objective Criteria

1. Reach results based on objective standards independent of will and that are also legitimate and practical.
2. Never yield to pressure, only to principle.

# Insist on Using Objective Criteria (Continued)

3. Frame each issue as a joint search for objective criteria (fair standards and fair procedures). Say: “We would like to settle this on the basis of independent standards, not on who can do what to whom.”

# Insist on Using Objective Criteria (Continued)

## 4. Objective standards include:

- \* Precedent
- \* Equal Treatment (parity)
- \* Tradition
- \* Reciprocity
- \* Efficiency

# **Insist on Using Objective Criteria (Continued)**

- \* Costs**
- \* Scientific Judgment**
- \* Market Value**

# Preparations for Negotiations (Checklist)

## 1. Alternatives

- \* Develop your Best Alternative to a Negotiated Agreement (BATNA) and estimate theirs.
- \* The better your alternatives, the greater your power.

# Preparations for Negotiations (Checklist) (Continued)

- \* If their BATNA is so good they don't see any need to negotiate on the merits, see what you can do to change it.
- \* The more easily and happily you can walk away from a negotiation, the greater your capacity to affect its outcome.

# Preparations for Negotiations (Checklist) (Continued)

- \* Reaching agreement depends on the attractiveness to you and them of viable alternatives.
- \* Don't expect success unless you make an offer that is more attractive than their viable alternative.

# Preparations for Negotiations (Checklist) (Continued)

## 2. Interests

- \* Clarify your interests and estimate theirs.
- \* Explore priorities and trade-offs.



# Preparations for Negotiations (Checklist) (Continued)

## 3. Options

- \* Brainstorm possible agreements.
- \* Prepare options that reflect proposed external criteria.

# Preparations for Negotiations (Checklist) (Continued)

## 4. Legitimacy

- \* Generate external criteria that are favorable to you and potentially persuasive to them.

# Preparations for Negotiations (Checklist) (Continued)

5. Communication (have I thought about how to speak to others in a way that makes them want to listen).

- \* Identify what you want to learn and say.

- \* Develop possible ways to communicate.

# Preparations for Negotiations (Checklist) (Continued)

6. Relationship (ongoing, past, present, and future)

\* Assess the relationship and plan what is needed.

# Preparations for Negotiations (Checklist) (Continued)

## 7. Commitments

- \* Draft possible products.
- \* Draft a framework for agreement.
- \* Draft good commitment language (authority).

# Conducting Negotiations (Checklist)

## 1. Alternatives

- \* Disclose Best Alternative to Negotiated Agreement.
- \* Lower their estimate of theirs.

# Conducting Negotiations (Checklist) (Continued)

## 2. Interests

- \* Look behind positions for underlying interests.
- \* Acknowledge legitimate interests.

# Conducting Negotiations (Checklist) (Continued)

## 3. Options

- \* Separate inventing from evaluating and from deciding.
- \* Jointly brainstorm without commitment.



# Conducting Negotiations (Checklist) (Continued)

## 4. Legitimacy

\* Use external standards of fairness as a shield against deception and coercion and as a sword to persuade.

# Conducting Negotiations (Checklist) (Continued)

## 5. Communication

- \* Speak for ourselves, not for them.
- \* Listen actively, acknowledge legitimate points.

# Conducting Negotiations (Checklist) (Continued)

## 6. Relationship

- \* Disentangle relationship from substance.
- \* Deal with relationship on its own merits.
- \* Establish a side-by-side approach.

# Conducting Negotiations (Checklist) (Continued)

## 7. Commitments

- \* Clarify authority and quality of commitments.
- \* Avoid negative commitments.
- \* Commit carefully after negotiating.

# Conducting Negotiations (Outline of Process)

1. Make introductions.
2. Clarify expectations on length of meeting.
3. Clarify purpose of meeting.

# Conducting Negotiations (Outline of Process) (Continued)

4. Nominate substantive issues to be dealt with.
5. Reach tentative agreement on an agenda.
6. Clarify interests on each point.

# Conducting Negotiations (Outline of Process) (Continued)

7. Discuss objective criteria of fairness.
8. Generate options to meet the interests of all.
9. Turn promising options into yesable propositions.

# **Conducting Negotiations (Outline of Process) (Continued)**

10. Generate a framework agreement.

11. Make tentative or contingent offers.

12. Clarify next steps to be taken.