

# Understanding **CONFLICT**

# A framework for negotiation

## Objective

- Develop an understanding of a seven-element framework for negotiation.
- Increase knowledge of one element to affect approach to negotiation.

## Audience

High school and above

## Time

45-70 minutes

## Supplies needed

- Flip chart
- Markers

## Do ahead

- Prepare handout on seven-element framework and the Coyotes' Dilemma
- Review definitions of elements

## Recommended reading

Fisher, Roger and W. Ury. 1991. *Getting to Yes*. New York: Penguin Books.

## Source

Adapted with permission from materials developed by Rob Ricigliano and Nancy Burrell, University of Wisconsin-Milwaukee

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## Background

A framework lends a foundation to a way of thinking about how we approach negotiation and conflict. A framework can provide a structure which allows us to move beyond reaction to a thoughtful response. The seven-element framework presented here was developed by the Harvard Negotiation Project at Harvard Law School. This lesson plan introduces the framework.

## What to do

Introduce the lesson material below, and then allow participants to explore the elements with an activity.

## Lesson material

### Introduction

We negotiate all the time, whether or not we are aware of it. Some negotiations may go unnoticed, such as the negotiation over where a couple goes out to eat supper or which movie to see at the theater.

When a person is emotionally, physically, or financially invested in the outcome of a negotiation, that person is likely to be more aware of the potential for conflict.

Ask the group for examples of situations where they knew they were negotiating.

### Some examples

- Can I buy this property for less?
- Why won't coach let me play forward?
- Should I take a new job and move my family?

Conflict Management, sometimes referred to as conflict resolution, is a strategy to consciously engage people to address the tensions that arise between parties. These tensions are created when people perceive that their interests are being ignored, discounted or are incompatible with what another is doing or promoting during a negotiation.

## Building a negotiation model

Many factors are at play in any negotiation, and we are going to explore some of them with a trip to Friendly Fred's used car lot, which you are visiting with the hope of buying a good used car.

What is going to affect your success in negotiating with Fred?

(Facilitator: Write all responses on a flip chart, pre-sorting them into the elements without identifying them as such.)

If all of the elements aren't supplied by the participants, ask targeted questions to get at the missing element. For instance,

if **relationship** hasn't been mentioned, ask: "How might the negotiation be affected if Fred is your sister's husband, or if Fred is an annoying, loud guy who does commercials?"

- **Communication**—How does it affect the negotiation if Fred finds words you commonly use offensive?
- **Options**—How does the negotiation go if you have your heart set on one particular car? What if Fred will consider only one way to finance your purchase?
- **Interests**—Why do you want a car? Why does Fred sell cars?
- **Criteria**—How do you judge whether or not to make a purchase?
- **Commitments**—How will you know that Fred will deliver? Does Fred know if you can come up with the money?
- **Alternatives**—Do you have anywhere else you can buy a car? Does Fred have other people interested in the same car?

## Teaching points

A seven-element Framework for Negotiation was developed by the Harvard Negotiation Project at Harvard Law School. The framework came out of the team working on a wide range of negotiations and conflicts and interviewing many experienced negotiators. The idea was to develop a relatively simple model to help organize the complexity of negotiation into a manageable number of critical factors.

(Hand out the page showing the framework.)

The diagram is very purposefully set up. **Relationship** and **communication** are the first elements because they are the first to play a part in a negotiation. People are always in a relationship, even if that relationship is that they have no relationship. People instantly communicate with each other, even if it is all non-verbal.

Based on the relationship and communication, people then start to problem-solve and engage the substance of the negotiation, the elements within the circle: interests, options, and criteria of fairness.

**Interests** are the needs, hopes, fears, and concerns that underlie the requests or demands that people put on the table. Interests motivate people to take a particular position; they are betting that the position they have taken will fulfill their interests.

**Options** are possible ways to satisfy interests through agreement with the other parties. The position each party takes may be only one of the options. Inventive brainstorming can help uncover options that satisfy people's interests.

**Criteria** are the means we use to ensure we are treated fairly and that we treat others fairly. Criteria measure if the agreement is wise and sensible; each party may have different ideas about how that gets measured.

Depending upon how the problem-solving goes, the parties will either reach an agreement (commitment) or, without agreement, pursue an alternative to a negotiated agreement, without the other party.

We can learn more about each of these elements with another example of a negotiation.

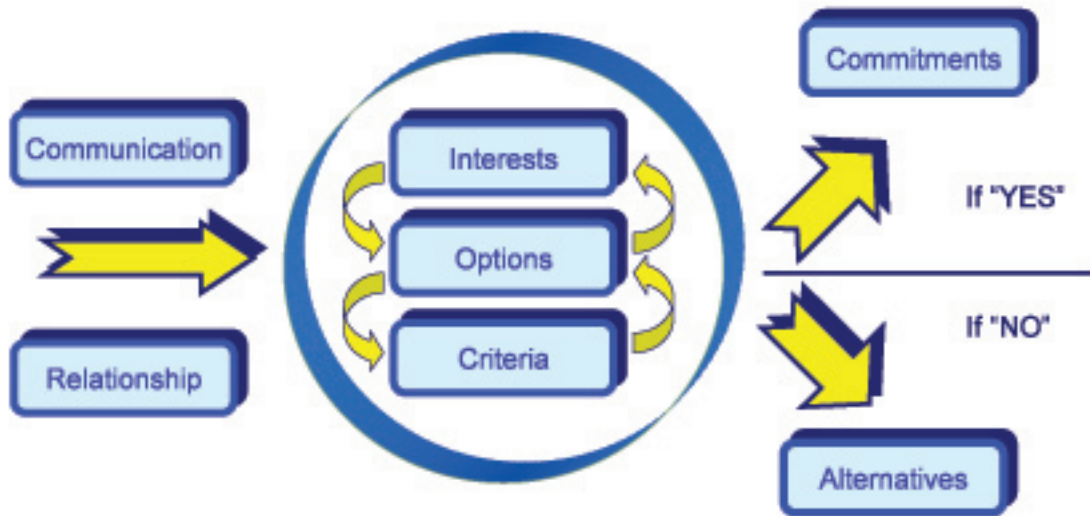
(Hand out the Coyotes' Dilemma scenario to each participant. Ask the participants to divide up into groups of 3-5 to discuss the scenario and answer the questions at the bottom of the page together. After about 20 minutes, lead a discussion of each element as a large group.)

## Summary

Using a framework can help us structure our assumptions about what success means in a negotiation, which affects the way we strategize (how we think) and affects the skills we develop and use (how we act).



# A seven-element framework



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## Coyotes' dilemma

**E**very year for the past 11 years, Dale Coyote has made a point to spend the third weekend of October with his former college roommates, and the group spends months planning each year's special event. They choose an activity and an appropriate destination, working out details of travel times, budgets, and responsibilities. This year's rendezvous is planned to be an entire weekend of dual tournaments of card games and pingpong at a backwoods resort. They got off-season rates for this trip.

Carrie Coyote is Dale's wife. As long as they've been married, Carrie has encouraged Dale to maintain these important friendships. Carrie also encourages many others in their community; this year she is volunteering on two non-profit boards, coaching the U8 Boys' Soccer Team, and mentoring two high school girls.

Three weeks before the scheduled dual tournament, Carrie receives an auspicious envelope in the mail. Carrie opens the decorated packet to discover that she has been nominated for the esteemed Community Conviviality Cup. Only three community members are nominated; the winner will be revealed at the banquet to be held the third weekend of October. The nomination alone is an honor. Carrie informs Dale that she would prefer that he accompany her to the banquet.

**Carrie:** I would really like to share this honor with you, Dale. I'm going to the banquet and you should attend with me, including the reception before the meal. I think we've been doing less and less as a couple.

**Dale:** It took us so long to plan this guys' weekend away with friends! It gets harder every year. And we work hard to keep the expense down. I

really still want to go away with the guys. The guys gave Mick such a hard time when he missed it two years ago.

**Carrie:** I don't care to sit there alone when all the other nominees' spouses are sure to attend.

Discuss the Coyotes' dilemma in terms of the seven-element framework for negotiation.

1. How are Dale and Carrie communicating with each other? How might that affect the progress in this negotiation? How might each want to change their communication?
2. What kind of relationship do you picture for this married couple? How do they want to maintain their relationship? What relationship do they want for the future?
3. Can you consider what Carrie's interests might be around the weekend conflict? What might Dale's interests be?
4. Do they have many options to consider? What can they do to meet the interests of both Carrie and Dale?
5. How would each of them decide whether or not they came up with a fair and livable resolution for this dilemma? What criteria will they use together to judge how reasonable it is?
6. For whom can each one make a commitment? To whom are they responsible for a commitment? How will they know they are committed?
7. Do they have alternatives, apart from coming to an agreement together? What are Dale's alternatives? What are Carrie's alternatives?





## Facilitator's notes

Discuss the Coyotes' dilemma in terms of the seven-element framework for negotiation.

**1. How are Dale and Carrie communicating with each other? How might that affect the progress in this negotiation? How might each want to change their communication?**

More probing questions: How would you imagine that Carrie "informs Dale" of her preference? Did she "put her foot down"? Did she ask him sweetly? What are her choices about how to communicate the event's importance to her? How do you imagine Dale reacted to Carrie's request? Did he blow up? Did he whine? Did he express empathy? How might each of their choices or reactions affect further communication?

**2. What kind of relationship do you picture for this married couple? How do they want to maintain their relationship? What relationship do they want for the future?**

Each person in the discussion group can share how they picture the couple, created completely from their imaginations. Explore some alternatives: What if Dale is selfish within the marriage and Carrie is always giving in? What if Dale is always changing his schedule to suit Carrie's hectic volunteer schedule? Does it matter if Dale is a stay-at-home dad and Carrie the major breadwinner? What if the volunteer work is Carrie's only opportunity to engage with the community? What if they both feel generally well-supported by the other?

**3. Can you consider what Carrie's interests might be around the weekend conflict? Why does Carrie want Dale to attend? What might Dale's interests be? Why is it important for him to get away with his friends?**

- Dale's possible interests: maintaining the relationship with his friends, keeping costs low for the getaway, the hassle of re-scheduling with friends.
- Carrie's possible interests: wanting to feel supported by her spouse and share the honor and her image in the community.

**4. Do they have many options to consider? What are they?**

Possible options:

- Each attending their own function, making a point to celebrate together later.
- Dale attending via videoconference.
- Dale making a video to play at the banquet.
- Re-scheduling Dale's getaway (since it's off-season anyway). Dale leaving the getaway to attend the banquet (depending upon location).

**5. How would each of them decide whether or not they came up with a fair and livable resolution for this dilemma? What criteria will they use together to judge how reasonable it is?**

Our criteria are based on our expectations and experiences. Carrie may decide if she feels supported, depending upon if other nominees are accompanied by spouses/significant others. It may depend upon what her family and friends think, or upon

the kind of support she saw in her parents' marriage. Dale might judge based on Carrie's previous accommodation, on whether or not he is able to re-schedule his getaway, on other opportunities he has to maintain his friendships, and on what reaction his friends have to the news.

**6. For whom can each one make a commitment? To whom are they responsible for a commitment? How will they know they are committed?**

The key negotiation here is between Dale and Carrie, and each makes his/her own commitment to the other individual. In a healthy marriage, one would expect their word would be adequate to "know" that the other is committed. There may be a side negotiation, of Dale with his friends, and Dale is responsible for that commitment to their plans.

**7. Do they have alternatives, apart from coming to an agreement together? What might they be?**

In this case, several of the options may also be an alternative. For instance, they could each attend their own event or Carrie could not attend the banquet. How they arrive at the outcome defines it as either an option (they both agree that this is the solution) or an alternative (they follow through this way without agreeing).

- Possible Dale alternative: go away with the guys with possible repercussions within the relationship.
- Possible Carrie alternative: attend the banquet with other friend(s), not Dale.

Facilitator's notes developed by Mary Kluz, Marathon County UW-Extension