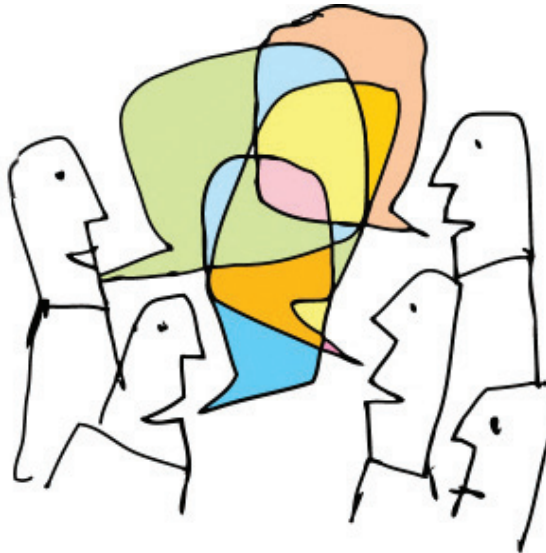


Successful Negotiations: The Three C's



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Here's the scenario: Meg and Joe had attended their first day of a two-day negotiations course and learned why establishing trust is so critical to successful negotiations. On the second day, Arlene Steffen, the instructor, focused on how effective negotiations are based on the three "C's."

A well-dressed woman rushed into the classroom talking on a cell phone. "Sorry I'm late," she whispered to the instructor and quickly ended her phone call. Joe had invited his supervisor to attend the course and motioned her to the empty seat he had saved. Taking the seat, she introduced herself to the instructor and class. "Hello. I'm Miriam Olwell. I work at Mountain Range Telecom as the Supervising Manager for the Right of Way Department."

"Well it's a pleasure to have you join us," Arlene said.

Miriam explained, "I'm here today because good communication skills involve not only verbal, but non-verbal communication as well. It's that non-verbal part that I'd like to improve on."

"We'll definitely cover non-verbal communication, as it plays a major role in the negotiation process," Arlene assured the class. "Today, we'll learn about the three "C's" that lead to successful negotiations. Does anyone have an idea what the first "C" might be?"

"Communication!" chimed through the room. The word was exhibited on the screen, along with the question: What is communication?

Joe offered a definition, "Communication is the exchange of messages."

"Good! Anyone else?"

"Communication is personal contact," commented another student. "It's our appearance, manner, courtesy and consideration when we communicate."

"That is correct. Personal contact is our own unique way of communicating to others— what our standards are, what we

believe, and what we want the other person to believe,” Arlene explained.

“Communication is the presentation of thoughts and ideas,” Meg offered.

“These definitions are all correct,” said Arlene. “Communication is getting acceptance of an idea, or obtaining understanding, or producing a desired reaction. For example, you tell the property owner that financial compensation will be given for a utility easement. In exchange for this information, the property owner may give his acceptance, understanding and a signed easement. In essence, communication is a process.”

DISSECTING COMMUNICATION

“Communication is something dynamic, ever-changing, and helpfully moves individuals toward the desired goal,” Arlene offered. “Achieving goals is critical and is the product of successful communication. No matter how well an agent delivers their message, if the receiver has a pre-established frame of mind, the agent may fail to achieve their goal. So what’s the agent to do? The successful agent can embark on the communication process by setting a series of goals. These goals can start with establishing a relationship, followed by understanding the property owner’s situation. The key is exchanging ideas in a send/receive mode that leads to a win-win outcome.”

Arlene continued, “Selection of words is also essential to achieving effective communication. An agent may use a specific word to convey a thought, but if the property owner perceives it differently, then the result is a breakdown in communication.” To emphasize her point, Arlene asked, “Ladies, have you ever asked your husband or significant other if you’re gaining weight? He quietly looks you over and says, ‘No, not really.’ As you process his response, you focus on the words ‘not really,’ and completely ignore the word ‘no.’ Guys, you know how the conversation goes, ‘What do you mean not really? Does it look like I’ve gained weight or you just don’t want to hurt my feelings? What are you trying to say?’ To avoid a confrontation, it’s important to see why a simple ‘no’ would have sufficed. Selecting the appropriate words is critical to successful negotiations and achieving your goals. How do you know when you’ve achieved your goals?”

Arlene called on Meg, who answered with, “Through feedback.”

“Exactly. Feedback helps the agent check the property owner’s level of understanding and determine whether or not the agent and owner are on the same page,” Arlene explained. “This alignment can be determined in several ways. First, by empathy,

which is the ability to understand what the owner is feeling. In many cases, the owner’s responses don’t match what they truly feel. For this to take place, the agent must use their intuition in hopes of better understanding and empathizing with the owner. This is the first step in establishing trust and paving the way for effective communication that will result in successful negotiations. Empathy is discerning any potential problems or objections that may arise and combating them before they create conflict and confusion. By using an empathic listening approach, the agent shows a sincere desire to understand the owner’s concerns and needs.”

KEEP PROBING

One way of getting to the heart of what the property owner isn’t verbalizing can be exposed by asking questions,” Arlene continued. “These should be open-ended questions that start with: what, when, where, why and how. For example, to find out what future plans the owner has for his property, an open-ended question might be, ‘What plans do you have for the future use of this piece of property?’ This works better than a closed-ended question, ‘Do you have any plans for the future use of this piece of property?’ As you can see, the open-ended question requires more than a yes or no answer. Obtaining additional information is the result of asking open-ended questions.”

Another technique used by skilled agents is using probing questions. “This works especially well when you need to get a document signed,” Arlene explained. She reflected on a personal experience from a year earlier, where a property owner did not want an electronic cabinet on an unused corner of his property, even though he had no plans for using that area in the future.

When he couldn’t give a specific reason why installing the electronic cabinet was an issue, Arlene tried gently probing. “Mr. Staley, we’ve talked about your beautiful English garden that ends several feet from the corner, and my company is willing to continue your decorative fence behind the cabinet. This allows protection and separation between the cabinet and the landscaping, and the expense would be absorbed by my company and will not affect the compensation fee. How do you feel about this?”

“No, the fence won’t help,” said Mr. Staley.

Noticing the frown on his face, Arlene probed further, “Mr. Staley, why do you think the fence would not provide adequate protection?”

“Well, the only thing that would protect my garden is a brick wall, and I don’t want one of those on my property.”

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Puzzled, Arlene encouraged more feedback. “A brick wall, that’s interesting.” She expressed a quizzical look in hopes that the owner would elaborate further.

“Yep! A brick wall would be the only thing that could protect my garden from those electromagnetic waves,” Mr. Staley said with much concern.

Finally! They reached the heart of his objection. It was his concerns about electromagnetic frequency (EMF). Quickly, Arlene handed him literature addressing EMF issues and called the expert engineer on her cell phone. After reviewing the material and speaking with the expert, Mr. Staley felt assured that the electronic cabinet would not be a threat to his family or his garden. Thanks to her thoughtful questioning, Arlene was successful in her negotiations, and the electronic cabinet was placed at the corner of Mr. Staley’s property.

NON-VERBAL CLUES

“Now that we’ve discussed the implications of verbal communication, let’s move on to the non-verbal part,” said Arlene. “How would you define non-verbal communication?”

Answers pop up from all over the room, “Body language! Voice intonation!”

“Both of these answers are correct,” said Arlene. “Nonverbal communication speaks louder than words. It starts as soon as the agent steps out of the car. That first handshake speaks volumes for both the agent and the owner. As agents, we need to be keenly aware of what our non-verbal messages are saying. The wrong message can be an immediate turn-off.”

Arlene reiterated some of the nonverbal clues that, when discerned, can put the owner at ease and instill trust. “If the agent is blind to these clues, then he may appear insensitive to the owner’s feelings and this can lead to erosion of trust,” Arlene continued. “Aside from body language and voice intonation, nonverbal communication also involves proxemics.” She handed out some helpful guidelines for the class to review.

Body language: This is often considered the most important element of nonverbal communication. It’s those positive and negative “vibes” that we send and receive. These messages can make or break our negotiations. So, it is imperative that we all become more aware of our own body projections, as well as those of the owner. Concentrate on the posture and gestures that communicate trust and show openness and understanding.

Voice intonations: A person’s voice quality changes based on the emotion they’re feeling whether it’s stress, confusion or anxiety. Their speed, inflection, clarity, rhythm and volume will accentuate the changes in their intonations. A skilled agent must be attentive to any change in the owner’s voice quality. Some people talk fast, while others may resort to speaking more softly. When you sense a change from their normal speech pattern, you can be assured that they are communicating something specific.

Proxemics: This is the study of personal distance and territoriality. Different relationships have an acceptable and preferred distance of interaction. For instance, it’s okay to stand physically closer to a family member, while this same proximity would be uncomfortable and unacceptable to a property owner. Research indicates that an acceptable distance between agent and owner is anywhere from four feet to twelve feet. Invading this space could result in mistrust.

“In the end, trust is the key to successful negotiations. I can’t emphasize this enough,” said Arlene. “I encourage everyone to embark upon trust from the first phone conversation to the face-to-face meeting with the owner, and stay with it until the document is signed or you mutually agree to disagree. You can maintain a sense of trust if you use probing questions when necessary, and focus on nonverbal clues throughout the entire process.”

CHANGE AND CONFLICT

Arlene moved on to the next topic, explaining that a successful agent becomes a behavioral scientist and studies all they can about the property owner before making that first call. They will ask the property owner as many questions as possible, and not only listen to the owner’s words, but also read the non-verbal clues. Using the data collected, the agent will apply techniques that were successful in past negotiations to this particular owner. All is well. Document is signed. “So, what happens when conflict hits the fan?” Arlene asked. “This brings us to the second and third ‘C’s’ for successful negotiations. We have all observed that most people resist change. Since resistance can create conflict, we’ll address both change and conflict.”

Arlene continued, “Most people resist change because they do not perceive how it might positively affect their present situation. When confronted with change, most people attempt to find an easy way to comply, rather than change their attitudes. We have all experienced change in our professional lives from one time or another and can identify with the property owner who is asked to grant an easement or comply with losing a portion of their property due to street improvements or being relocated,” Arlene points out.

Meg raised her hand to make a comment, “I had a recent experience with the nicest property owner who asked good questions and really seemed interested in granting an easement. We selected an area that worked well for him, and he requested that I get the easement document to him immediately. So when I returned to my office, I expedited the request to the surveying department, rushed the easement through, and sent it to the owner in record time. I waited and waited for the executed easement. Finally, I called him, and he informed me that he had changed his mind. I couldn’t believe it. I thought everything was going well!”

“That’s a perfect example of how an owner might choose to handle conflict,” Arlene responded. “Unfortunately, the property owner in Meg’s case chose the ‘flight’ method rather than the ‘fight’ method. Neither is an effective response to a conflict situation. Whenever we run away or decide that a conflict calls for a battle, we are decreasing the chances for a resolution. Effective conflict resolution requires that we confront the situation.

“A skilled agent is able to preempt conflicts by building trust in the early stages of negotiations. To build this trust, agents must establish rapport and be prepared to answer questions with factual answers. Conflict can easily result if the property owner experienced any kind of service or maintenance problems in the past. I’ll never forget my first interview with a property owner who lived in a rural community. Gosh, this must have been nearly 20 years ago,” Arlene recalled.

“Good old Mr. Harriff. I’ll never forget his name. He impressed me with his attitude to do whatever he could to help the project. When I arrived at his home, he was so hospitable. After some light conversation, a slice of pie and some freshly-brewed coffee, I began to explain the project. Within seconds, he interrupted me with an extensive dissertation on how long it took the telephone company to come out to restore his service.”

Listening patiently to Mr. Harriff’s grievances, Arlene empathized with the challenges he faced living in a rural community and used this opportunity to reinforce the importance of extending



maintenance-free fiber optic facilities into his community. She was able to resolve the conflict by using probing questions and paraphrasing what was discussed.

“Be sure to ask enough questions so that you can easily understand and paraphrase the conflict to the owner,” Arlene advised her students. “Often times, the owner will back out of the conflict once he hears it articulated from someone other than himself.”

Once the conflict is defined, Arlene explained that the next step is to shift toward resolution. “This is accomplished by asking yourself questions like, ‘What are the specific roadblocks? Are there any misunderstandings? Have I asked enough probing questions to get a full understanding of the conflict?’ In the end, there may come a time where one side must have the wisdom to stop the negotiations. If creative ideas are not found to be mutually satisfactory or compensation has reached the max, it may be time to agree to disagree. Shake hands and move onward.

“In conclusion, the concepts of communication, conflict, and change are inseparable. These are the three C’s of successful negotiations.”

Miriam exited the class with Joe and Meg. “There are so many different challenges to overcome to successfully negotiate an easement. It’s not as easy as I had thought. This class has really enlightened me!” Miriam admitted. Joe was pleased that his supervisor was able to see some of the daily conflicts he faces as an agent out in the field.



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