

# Interest Based Decision Making

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Jefferson County Public Schools  
And Jefferson County Teachers  
Association



## Presenters

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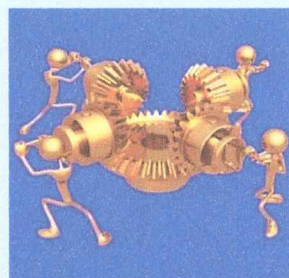
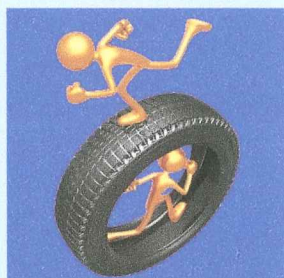
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## Approaches to Resolve Disputes

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- **Basic Approaches to Conflict**

- Power: "I'll have it my way because I can"
- Rights: "I'll have it my way because I'm entitled to it"
- Interests : "I want it my way because I need it"



## Basic Approaches: Power

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- **Use of Power**

- Using resources to force someone into doing something they would not independently choose to do
- Often difficult to determine who is more powerful without testing
- Perception of each side's power is often incorrect
- Other party may respond irrationally to use of power
- Ends justify the means

## Basic Approaches: Power

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- **Strategies in Use of Power**
  - Use emotion, guilt and anger as manipulation
  - Deception to defend demands
  - Withhold information
  - Delaying tactics, ultimatums and bluffing
  - Divide and conquer strategies

## Basic Approaches: Rights

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- **Use of Rights**
  - Relying on the interpretation and application of an independent standard
  - Rights are rarely clear
  - Rights are often contradictory
  - Assertion of rights can be costly
  - Often requires third party intervention

## Basic Approaches: Rights

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- **Strategies in Use of Rights**
  - Heavy reliance on contract language
  - Tradition, custom, and past experience
  - Rigid standards and criteria
  - Legal precedent

## Basic Approaches: Interests

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- **Use of Interests**
  - Collaboration to reach mutually acceptable agreement
  - Have to be transparent and open
  - Committed to process
  - Time consuming
  - Foreign to most negotiators

## Basic Approaches: Interests

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- **Strategies in Use of Interests**
  - Explore/explain what is underlying a party's demand or position
  - Investigate party's needs, concerns, fears
  - Share information

## Strategies to Resolve Disputes

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- **Ignore – Avoid**
  - Put off doing anything at all
- **Win-Lose – Compete**
  - Exert control and “win” over your opponent
- **Lose-Win – Accommodate**
  - Acquiesces and “give in” to the other person
- **Lose-Lose – Compromise**
  - Both parties give something up
- **Win-Win – Collaborative**
  - Both parties work together to discover solution

## Transforming Conflict into Collaboration

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- Conflict is necessary in making necessary changes within our working environments.
- Engaging in conflict doesn't have to be negative or counter productive.
- It can be positive.

## What is Interest Based Decision Making?

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- IBDM is a problem solving process based on a principled way that creates effective solutions while improving relationships
- PAST Model
  - abiding by certain **Principles**
  - confidently accepting certain **Assumptions**
  - applying **Steps**
  - practicing **Techniques**which trained parties use to achieve positive results for BOTH groups.

## CPS Critical Beliefs

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- It can enhance the relationship
- Mutual gain is possible
- Parties should help each other achieve a positive result
- Decisions based on standards eliminate the need to rely on power

## CPS Principles

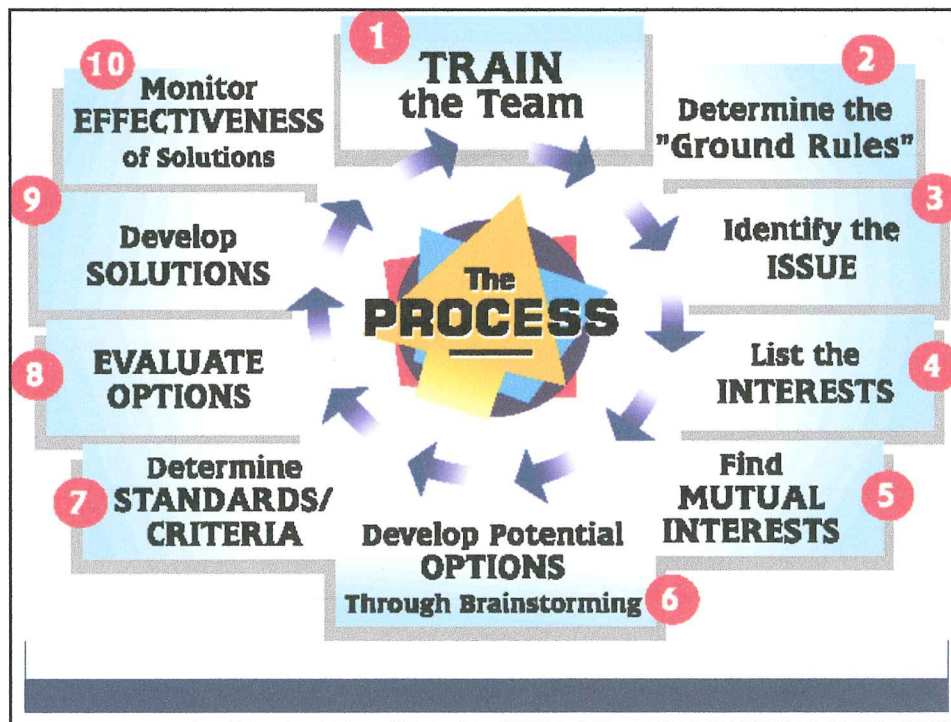
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- Focus on *issues*, not personalities
- Focus on *present and future*, not the past
- Focus on *interests*, not positions
- Create *options* to satisfy both mutual and separate interests
- *Evaluate options* according to standards, not power
- *Information sharing* is critical for effective solution

## CPS Assumptions

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- Open communication will *enhance* relationships
- Both parties *win*
- Each party should *help* the other
- *Open* discussion discloses more interests and creates more options
- *Standards* replace power
- Anger is defused as *trust* develops





## CPS Steps and Process Technique

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### Steps

### Group Process Technique

- |                                                                      |                                                                                                                         |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <p><b>1. ISSUES</b><br/>(What is the problem?)</p>                   | <p>a. Identify Issue<br/>b. Discussion/Info Sharing<br/>c. Consensus/Agreement on the Issue</p>                         |
| <p><b>2. INTERESTS</b><br/>(Why is it a problem?)</p>                | <p>a. Identify Interests Separate and/or Mutual<br/>b. Discussion/Info Sharing<br/>c. Consensus on Mutual Interests</p> |
| <p><b>3. OPTIONS</b><br/>(How might we solve it?)</p>                | <p>a. Brainstorming</p>                                                                                                 |
| <p><b>4. STANDARDS</b><br/>(How shall we evaluate the options ?)</p> | <p>a. Discussion and Consensus<br/>on Standards to be used</p>                                                          |
| <p><b>5. JUDGE OPTIONS WITH STANDARDS</b></p>                        | <p>a. Discussion and Consensus<br/>on which Option to use</p>                                                           |

## Step 1 Select the Issue

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- Issue
  - Topic or subject of problem solving
  - Items of an agenda which one or more members of the parties believe must be addressed.
    - Evaluation Process
    - Observation Tools
    - Standards of Measurement
    - Student Learning
    - Forms

## Framing The Issue

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- Frame the issue into the form of a question
- State in a manner that is free of bias relative to a position
- Develop a high quality question
  - Open ended
  - Non-leading
  - Joint Involvement

## Framing The Issue

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- Begins
  - “How might we...?”
  - “How can we...?”
- Cannot be answered “yes or no”
- Contains no solutions
- Contains no accusations or inflammatory wording

## Example Questions

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- How can we improve KTIP so that it aligns with the Danielson domains of high quality teaching?
- How can JCPS improve the quality of hiring of qualified teachers using the Charlotte Danielson domains for high quality teaching?

## Example Issue

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**“My supervisor needs to stop being so picky about drinking coffee at my work station.”**

**Subject: Policy / Rule**

**Issue: Flexibility**

**Question: How might we allow more flexibility concerning workplace refreshments?**

## Step 2 Identify and Discuss Interest/Concerns

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- Interest = Legitimate concern about the issue
  - Why you care about the issue
  - Why it's important
  - Need, concern, desire
  - "Win" = satisfy interests

## Step 2 Determine Interest – Why?

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- To discover and understand your own group's separate interests
- To explain and clarify your interests
- To define mutual/common interests

## Step 2 Identify and Discuss Interest/Concerns

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- Identify and chart separate interests
- Discuss separate interests
- Reach consensus on mutual/common interests

## Types of Interests

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- **Separate**
  - Your Interest
- **Mutual**
  - Shared interests to yours
  - Conceptually similar interests
  - Interest of the other group you can support

### Step 3 Generate Options – How might we solve it?

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- Option= Possible solution that satisfies legitimate interests
  - Offer training for new hires
  - Purchase new technology
  - Change teacher/student ratio
  - Allow flexibility in classroom conduct

### Step 3 Develop Options

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- Brainstorm all potential options
- Relate each to the causes of the problem
- Discuss each option against all the criteria

### Step 3 Refine Options

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- Combine similar options
- Eliminate duplicates
- Cross out grossly flawed options

### Step 4 Establish Criteria – How do we evaluate our options?

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- **Criteria = objective standard to compare/judge options**
  - Values/Standards held by all
  - Yardstick by which to measure/judge options
  - The use of standards eliminates the need to use power

## Three Common Criteria

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<u><i>Is it feasible?</i></u>	<u><i>Is it beneficial?</i></u>	<u><i>Is it acceptable?</i></u>
<ul style="list-style-type: none"> <li>• Will it work?</li> <li>• Is it legal?</li> <li>• Is it affordable?</li> <li>• Is it easy to understand?</li> <li>• Can it be explained?</li> <li>• Other....</li> </ul>	<ul style="list-style-type: none"> <li>• Does it benefit the stated interests?</li> <li>• Does it harm any other stated interests?</li> </ul>	<ul style="list-style-type: none"> <li>• Do the parties accept the option(s) for settlement?</li> <li>• Is it perceived as “fair” by the parties?</li> </ul>

## Step 5 Test Options Against Criteria

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- Discuss each option against all the criteria
- Consensus decision making
- Active listening
- Recording
- Matrix



<b>Step 5</b>					
<b>Judge Options with Criteria Matrix</b>					
<b>Criteria</b>					
<b>Options</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>1</b>					
<b>2</b>					
<b>3</b>					
<b>4</b>					
<b>5</b>					

**Step 6**

**Develop the Solution - Capture It in Writing**

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- Combine options that meet the criteria and meet as many interests/concerns as possible
- Reach consensus on a livable solution
- Draft a written solution jointly
- Check for consensus on the solution's final draft

## Step 7 Apply the Livable Solution

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- Develop specific action steps and a time table to implement the solution
- Assign responsibility for each action step
- Determine time line of implementation
- Establish follow-up time phase

## Techniques Required

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- Brainstorming
- Consensus Decision Making
- Recording (Flip Charting)
- Listening and Clarifying
- Process Checking
- Member Facilitating

## Technique 1: Brainstorming

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- A technique which stimulates a random expression of ideas by a group of individuals.
- The theory behind brainstorming is that ideas generate new ideas.

## Brainstorming

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- Define the problem
- No criticism is allowed
- No killer phrases
- Use free-wheeling imagination
- Build on other's ideas
- Aim for quantity
- Record each idea

## Brainstorming

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"This really is an innovative approach, but I'm afraid we can't consider it. It's never been done before."

## Technique 2: Consensus Decision-Making

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- A group reaches consensus when all members agree on one alternative
- Each individual honestly believes that his/her point of view is understood
- Reached in fair, open manner
- Best solution at the time

## Benefits of Consensus

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- Decision reached by all members
- Strong acceptance
- Fast implementation
- Lower resistance
- All ideas have been heard
- Aims to “WIN”
- No bargaining

## Guidelines for Consensus

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- Listen
- Encourage participation
- Share information and ideas
- Don't change to keep harmony
- Don't bargain or trade support

## Guidelines for Consensus (con't)

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- Don't vote
- Treat differences as strengths
- Create a solution that can be supported
- Avoid arguing for your own views
- Seek a gain/gain solution

## Consensus Reached

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- Consensus reached when all members of a group are willing to accept the decisions.
- Even though a decision may not necessarily be an individual's first choice, they consider it a workable approach and in the best interest of the group.

## Consensus “Standouts”

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- Standouts are people who don't agree with consensus decision
- Serve an important purpose
  - Help avoid “group think”
  - Voice concerns so that all possible outcomes are aired

## Responsibilities of Standouts

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- Stay involved with the group
- Clearly say they disagree
- Explain why they disagree
- Try to offer a specific way to satisfy

## Consensus Is Reached When You Can Say:

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- “I believe that you understand my point of view.”
- “I believe that I understand your point of view.”
- “Whether or not I personally prefer this option I will support it; because the decision was arrived at in a fair and open manner and it is the best solution for us at this time.”

## Technique 3: Effective Communication

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- Listening and Clarifying
  - Definition-
    - Listening is the capacity to hear effectively.
    - Clarifying is asking questions to verify the information received by listening.



## Listening & Clarifying

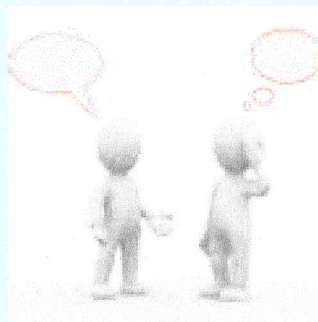
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- Definitions
  - Listening is the capacity to hear effectively.
  - Clarifying is asking questions to verify the information received by listening.

## Active Listening

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- Body Language
- Ask Questions
- Paraphrase
- Summarize Key Points



## Questions

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### Open

- “How did that make you feel?”
- “Didn’t that make you angry?”
- “What else?”
- “What bothers you most?”

### Closed

- The word “Why”
- Leading questions
- Interrupting
- Judging
- Criticizing
- Advice
- Too many notes
- Distractions

## What to Avoid

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- Interrupting
- Exaggerated or mocking paraphrasing
- Sarcasm
- Evaluating or judging what is said
- Facial Expressions
- Negative postures

## Ask Clarifying Questions

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- Open ended -- expand, find out more
- Close ended -- confirm or narrow discussion
- Non-threatening

## Paraphrase

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- Restate in your own words
- Describe without judging
- Include *substance* and *emotions*
- Shows speaker was heard & understood
- Helps focus

## Paraphrase

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- Paraphrase
  - “So, you believe strongly that ...”
  - “It sounds like ...”
  - “What I hear you saying is ...”
  - “From what you told me, you seem to feel that ...”
  - “You sound frustrated that ...”

## Technique 4: Process Checking

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- A technique for monitoring and improving the team’s conduct of the collaborative problem solving process and group interactions.

## When to Check for Process

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- At any point when member feels:
  - Principles not upheld
  - Work is off track
  - Not following process
- End of each day

## How to Check for Process

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- Are current task and method clear?
- What adjustments to get back on track?
- Have we violated ground rules or principles?

## Benefits of Checking for Process

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- Make self and team examination part of process
- Prevents bad habits from being ingrained
- Provides opportunity for positive feedback

## Technique 5: Chairperson-Facilitator

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- **Definition**
  - Leadership designed to help group perform more effectively
  - Supporting, guiding, and coaching the group
- **Role**
  - Advisor/Administrator
  - Trainer
  - Process Observer and Guide

## Key Facilitative Behaviors

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- Ask Questions
- Summarize Discussion
- Refocus on the Issue
- Pinpoint points of conflict
- Validate and Bridge (Paraphrase)
- Read Body Language
- Restate Consensus Positions

## What Does a Facilitator Do?

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- Manages “The Process”
- Serves as the “Neutral”
- Enforces the Ground Rules (empowered by the Parties)
- Keeps things moving
- Records the data

## Changing Group Behavior

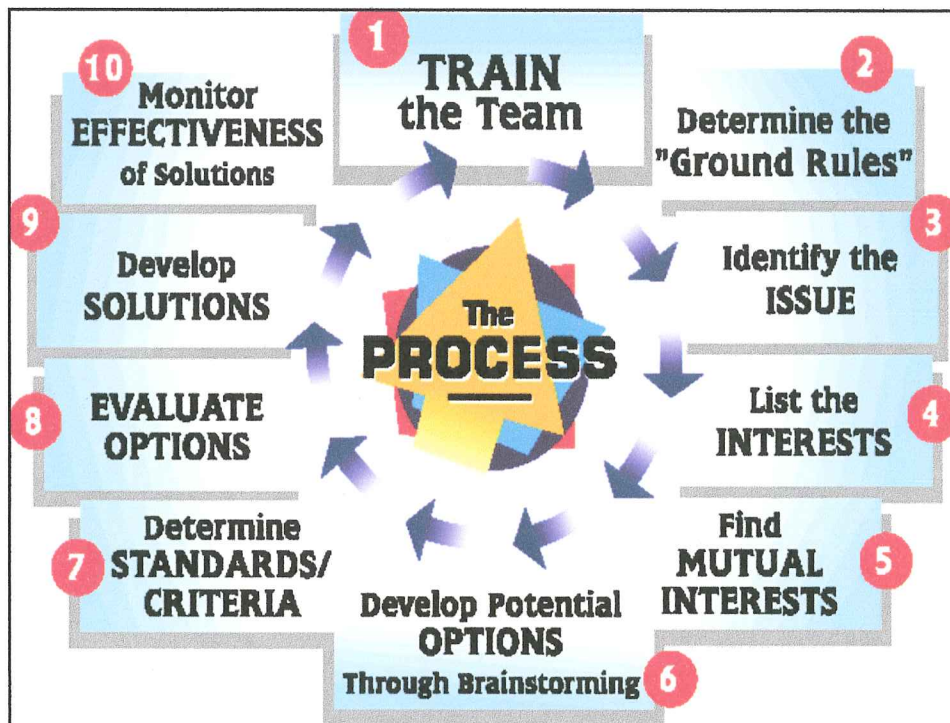
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- Institute time limits and limitations on how often people may speak before others have a chance
- Institute round-robin discussion so everyone has to participate in the discussion
- Deal with digressions by restating the issue and purpose of the discussion



**The  
PROCESS**





**Thank You!**

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DON'T COMPLAIN ABOUT GROWING OLD...  
FEW PEOPLE GET THE PRIVILEGE!

**FEDERAL MEDIATION & CONCILIATION SERVICE**  
U.S.A.