

# Risk Review

Schools Insurance Authority



## Bargaining and negotiation in play every day

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*This is the final part of a four-part Risk Review series on conflict.*

### Introduction

Bargaining and negotiation are fundamental components of everyday life, particularly when it comes to resolving interpersonal conflicts. While we might think about negotiation as a process used in resolving public or even international conflicts and other formal bargaining processes, interpersonal disputes are negotiated informally almost daily as a way to reach mutually acceptable outcomes among work colleagues, neighbors, friends and family members.

### The Nature of Interpersonal Negotiation

Interpersonal negotiation is a dynamic process through which individuals engage in communication to reach agreements that address conflicting interests or needs. It's helpful to understand that negotiation isn't solely about compromise, but involves a multifaceted exchange of ideas, preferences and concessions. The negotiation process can be influenced by various factors, such as communication styles, cultural backgrounds and power dynamics, all of which play a pivotal role in shaping outcomes.

A foundational aspect of negotiation is the distinction between distributive and integrative bargaining. Distributive or positional bargaining focuses on the competitive division of resources, often resulting in "win-lose" scenarios where one party's gain is the other's loss. Integrative or interest-based bargaining, on the other hand, seeks mutually beneficial solutions emphasizing cooperation and creative problem-solving to achieve "win-win" outcomes. Understanding these approaches is essential for effective negotiation and conflict resolution.

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## EAP orientation May 22

All member districts in SIA's Employee Assistance Program (EAP) with Optum can participate in an online orientation of their services on Wednesday, May 22, at either 12 noon or 5:30 p.m. The orientation will review the many resources available to employees and their families.

Also, please let us know if your district will be having a health/wellness/benefits fair and would like an Optum table to promote the program or would like to receive EAP program materials, promotion ideas or giveaways.

For more information, contact [tfranco@sia-jpa.org](mailto:tfranco@sia-jpa.org).

Participating districts:

Arcohe Union SD	Natomas USD
El Dorado COE	Placerville Union SD
Folsom-Cordova USD	Rescue Union SD
Galt Joint Union ESD	River Delta USD
Galt Joint Union HSD	Robla SD
Hayward USD	Sacramento City USD
Latrobe SD	Sacramento COE
Natomas Charter School	

*As with many conflicts,  
sometimes the best way to get  
what we want is to make sure  
the others get what they want.*



Designed with school district leaders in mind.



## Bargaining and negotiation

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However, much about our society orients us toward thinking about and responding to differences more competitively than cooperatively. In negotiation workshops I've easily tapped into this orientation in conducting an "arm exercise" by first demonstrating the activity in an arm-wrestling position without ever using those words. Very few participants go on to figure out that the most effective way to achieve the goal of getting the most points in the activity is done through cooperation, not competition.

As with many conflicts, sometimes the best way to get



what we want is to make sure the others get what they want. A positional bargaining approach locks people into an adversarial mindset where the goal is victory and where we not only try to win a contest of wills, but also go beyond acting in our own best interest and seek to punish. One way out of this is to focus on interests rather than on positions as the foundation for negotiation.

To illustrate this with a simple example, suppose a father comes home from work to find two children arguing over the last apple in the house. He's already had enough to deal with in the day and isn't interested in listening to the children fight, so he takes the apple, cuts it evenly, and gives each child a half. Ah, the wisdom of a father. Except . . . the argument turns instantly to crying!

Had the father taken a moment to ask each what they needed, he might have learned that one child forgot to take a snack to school and was very hungry and the other needed an unbroken apple peel for an art project the next day. His "solution," which could be seen as a kind of compromise, had satisfied the needs of neither child. Not having inquired about the reasons (interests) for their respective solutions (positions), he failed to identify a mutually satisfactory solution that would have otherwise been possible.

### **Power Dynamic in Negotiation**

In the example, part of the imagined father's failure may have come from the power he had in his role as a parent to decide what he thought was best without seeking input from the children. Everyone has some power, even when it's not readily apparent. But navigating a power differential in negotiations can be tricky.

When there's a significant power imbalance in negotiations, the party with more power often has greater influence over the negotiation process and outcomes. This may translate into limited bargaining leverage, unequal access to useful information, susceptibility to coercive tactics, difficulty in asserting needs, and long-term dissatisfaction with outcomes that are perceived to be (or actually are) unfair.

The principled negotiations approach seeks to diminish the impact of power imbalances by seeking agreements that rely on transparency, foster trust, utilize objective standards and otherwise avoid the demands, threats, deception and hard "bottom line" negotiating tactics characteristic of the positional approach.

### **Strategies for Effective Interpersonal Negotiation**

Effective communication is at the heart of successful negotiation, requiring both assertiveness and cooperative support. Integrative negotiation thrives on a combination of effective strategies that require clear and open communication. These include the following:

1. **Active Listening.** Attentive listening involving such skills as paraphrasing and I-messages are an important part of effective communication and negotiation. By actively listening to the concerns and interests of the other party, negotiators can identify common ground and potential areas for compromise.
2. **Information Sharing.** Transparent communication builds trust and facilitates a more open exchange of ideas. Openly sharing relevant information requires some risk but also allows parties to make informed decisions, enhancing the likelihood of finding mutually acceptable solutions based on an identified set of common interests. Trust and risk go hand in hand, building cooperation in relationships.
3. **Problem-solving Orientation.** Integrative negotiation thrives on a problem-solving mindset. Instead of viewing the negotiation as a zero-sum game (where one side perceives that they can only get what they want if the other side doesn't), negotiators should collaborate to identify creative solutions that address the underlying issues of the conflict.

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## Bargaining and negotiation

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4. Flexibility and Adaptability. Negotiation is a dynamic process and circumstances may change. Being flexible and adaptable allows negotiators to respond to new information and adjust their strategies accordingly. Changing circumstances don't need to negatively impact negotiations if they're founded on a principled strategies approach.
5. Face-saving. When better options emerge from principled approaches, face-saving strategies may help them become acceptable solutions. Face-saving involves preserving one's self-esteem and maintaining a positive relationship with the other party, even in the midst of conflict. This aspect is crucial for sustaining long-term relationships, as individuals navigate the delicate balance between asserting their interests and preserving the dignity of all parties involved.

### **Cultural Considerations in Interpersonal Negotiation**

Negotiating across cultures adds another layer of complexity to the process where one risks offending unknowingly. Here, cultural sensitivity and awareness in interpersonal contexts is key. Different cultures may approach conflict and negotiation in distinct ways, influenced by communication norms, power structures and societal values—even conflict itself; where one may see a threatening conflict, another may see a mere misunderstanding. Aside from the issues at hand, these dynamics can quickly become part of the process if not recognized and taken into consideration.

Again, understanding face dynamics is crucial in cross-cultural negotiation, as negotiators must navigate differing expectations regarding communication styles and conflict resolution approaches. No culture is homogenous. However, like individuals, some cultures value a direct approach while others place high social value on maintaining harmony and avoiding embarrassment to preserve status or relationships. This is but one dimension of many to take into consideration when negotiating interpersonal conflicts in a culturally diverse setting.

### **Conclusion**

As we navigate the complexities of life for work, family, community and friends, understanding the dynamics of power, communication styles, cultural considerations, and effective negotiation strategies is essential for individuals seeking to resolve conflicts and find mutually satisfactory outcomes to everyday differences. The risks of taking a win-lose approach to be on the winning side are far greater than the promise of the mutually satisfying outcomes made possible through a win-win approach. By applying these principles and acquiring a set of helpful skills and strategies, negotiators can foster collaboration, preserve relationships and contribute to the development of sustainable solutions in the face of interpersonal conflicts.



## Workplace violence prevention readiness

Beginning July 1, 2024, all California employers will be required to help protect their employees from workplace violence. Requirements will include establishing, implementing and maintaining a written workplace violence prevention plan (WVPP). Training must be conducted and records of incidents maintained.

Because elements of the WVPP overlap with parts of the Comprehensive School Safety Plan (CSSP) and SB 906: Homicidal Threats, SIA has created resources for district staff responsible for the WVPP and the CSSP to collaborate to ensure uniform response to violence or threats of violence.

SIA is working with Public School Works to provide training modules; anonymous reporting vendors will help record incidents. For more information on available SIA resources, contact Jennifer Serran at [jserran@sia-jpa.org](mailto:jserran@sia-jpa.org).

More about the Workplace Violence Prevention requirements is at [Cal/OSHA Workplace Violence Prevention for General Industry \(Non-health Care Settings\)](https://www.osha-slc.gov/workplace-violence-prevention-for-general-industry).





# The new Accessibility Quick Reference guide *Curb Ramps* simplifies the rules

SIA member support focuses on resources that make finding needed information easier. An example of this is the new Accessibility Quick Reference guide *Curb Ramps*, which is now available and the third in the series that also includes *Accessible Parking and Loading Zones* and *Doors and Gates*.

These SIA-developed hard copy guides break down individual ADA/California Building Code accessibility building standard topics into practical and understandable content. Extensive graphics and photos demonstrating core accessibility requirements are featured throughout the series. Accurate and up-to-date building standard information and a compact format make the guides useful both in the office and in the field.

These publications are sent to member district risk management, M&O, and facilities department staff on the SIA mailing list. Additional copies are available by request. Contact SIA's ADA Specialist Bryan Moffitt at [bmoffitt@sia-jpa.org](mailto:bmoffitt@sia-jpa.org) for more information or to be added to the mailing list.

## CURB RAMPS

Quick Reference Guide – Updated to 2022 CBC Chapter 11B Accessibility Building Standards

### SCOPING

Curb ramps play an important role in creating continuous, unobstructed accessible route pedestrian paths for persons with mobility and visual disabilities. Curb cut access to elevated

sidewalks and walkways are necessary to provide an accessible path of travel from accessible parking, loading zones, and pedestrian paths throughout a school campus.

### What is a curb ramp?

A sloping prepared surface, intended for pedestrian traffic, which provides access between a walk or sidewalk and a surface located above or below an adjacent curb face. (2022 CA Building Code definition)



### When can a curb ramp be used instead of a standard ramp?

Curb ramps can only be used at curbs. A curb is generally defined as a raised edge along the side of a street or vehicular way, often forming part of a pedestrian circulation path or part of a gutter. Source: U.S. Access Board - Common Sources of Confusion in ADA and ABA Standards webinar (September 2022)

### Why are dome mats required on curb ramps?

Curbs can be used by pedestrians with vision impairments to detect the boundary between a sidewalk and a vehicular way. Curb ramps remove the needed cues for persons with visual impairments; detectable warnings (truncated dome mats) have been developed as a replacement cue and warning to indicate the presence of a vehicular way. (2022 CA Division of State Architect Advisory Definition of DETECTABLE WARNING.)



### New Construction Non-Compliant Findings

Standardized template curb ramp design does not always result in an ADA/CBC compliant final product. Many important site-specific design and construction decisions go into creating a fully compliant curb access.

Non-compliant curb ramps are subject to removal and replacement as part of required CBC accessibility upgrade work needlessly wasting school dollars.

Incorporate recommended design practices noted throughout this guide to avoid costly and unnecessary curb ramp remediation work. Examples include:



An SIA review of 20 randomly chosen K-12 school parking area curb ramps constructed after 2004 revealed curb ramp findings including:  
**16 of 20 schools with non-compliant running slopes at one or more curb ramps!**  
**7 of 20 schools with non-compliant landing/side flare slopes and bottom transitions at one or more curb ramps!**  
 Source: 2020 SIA "School Campus Accessibility" presentation

### DID YOU KNOW?

**Curb ramp installation mistakes can be costly!** The California Dept. of Transportation (CalTrans) settled a \$1.1 billion ADA lawsuit in 2009 to remove and replace non-compliant curb ramps and other accessible routes statewide at their Park and Ride facilities!



# A new indoor heat illness prevention regulation is on its way

Since 2006 California has had a heat illness prevention regulation to help reduce the dangerous effects of excessive hot weather conditions on workers. In 2017, an indoor heat illness prevention regulation was proposed and is now expected to be implemented within the next few months.

The proposed new regulation would address conditions in work areas where:

- Temperature or heat index equals or exceeds 87 degrees Fahrenheit when employees are present; or
- Employees wear clothing that restricts heat removal and temperature equals or exceeds 82 degrees Fahrenheit; or
- Employees work in a high-radiant heat area and the temperature equals or exceeds 82 degrees Fahrenheit.

Many of the requirements in the heat illness prevention regulation written for outdoor work will apply to indoor locations including water, cool down areas, acclimatization, and emergency training and response. Documentation of interior heat temperatures, along with record maintenance, will be needed.

The proposed regulations may apply to district warehouses, kitchens, shop and agriculture classrooms, and school buses, among other facilities.

Approval of the regulation is expected in June and SIA will have resources available to assist with district training and template updates on the website. Prevention Services is available to answer questions and provide information at [PreventionServices@sia-jpa.org](mailto:PreventionServices@sia-jpa.org).



## QUOTE TO NOTE

*"To plant a garden is to believe in tomorrow."*

– Audrey Hepburn

**The material in this newsletter should be part of your Injury and Illness Prevention Plan (IIPP).**

**Keep a copy of this newsletter in your IIPP binder.**