Listening and Negotiation II

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Listening and Negotiation - II

Abstract

This paper is based on a panel held in June, 2017 in Columbus, Ohio, jointly sponsored by the Women in Engineering Division and by the Minorities in Engineering Division. It is focused on negotiation, with an emphasis on providing practical strategies that are relevant in an academic setting. The panel featured academic leaders at multiple levels, including professor, chair and dean, from diverse engineering institutions, ranging from teaching-centric to heavily research-focused. Panelists discussed strategies for negotiation, with an emphasis on an approach that meets the interests of both parties to the extent possible. The panel was administrated with an opening lightning-round in which each panelist provided one strategy for negotiation; this was followed by a role-play of a negotiation, followed with questions and input from the audience. This paper, associated with the panel, provides several examples of negotiation that were presented in the panel discussion.

Introduction

As new academic faculty, department chairs, unit heads and deans, we find ourselves suddenly immersed in a world involving a need for strong negotiation skills – or at least some new skills related to listening and problem-solving. Yet, there is relatively little available in the literature that provides training or context in these areas relative to an academic setting. This paper is the second of two papers focused on the issue of providing information relative to negotiation in the academic setting, and tactics that are relevant in an academic setting. The deeper context is that of negotiation within engineering academia, an area for which little can be found in the literature apart from a prior panel's paper.[1]

The organization of this paper includes an introduction that provides some basic vocabulary associated with language used in academic settings. A background section follows that provides a brief outline of aspects of negotiation that directly relate to the case studies. Next, case studies are presented in order to convey a principle of negotiation within an academic setting such as might be seen by an entering assistant professor, or a professor in a leadership role. These cases were selected in order to help academic faculty relate to scenarios they might encounter across their careers. While the authors of this work have drawn from their experiences and the experiences of others in composing representative cases, all characters appearing in this work are fictitious, and any resemblance to real persons, living or dead, is coincidental.

The academic units, rank and supervisory structure contain some jargon, for example, "full professor," and more. These, and an explanation of the search process itself are explained in the prior paper[1] and the reader is referred to that work to examine in conjunction with this paper for an expanded set of case studies and the context they might need to understand some of the vocabulary used here.

Additional jargon related to this paper includes the phrase, "start-up package." This refers to the offer that is made to a faculty member who is joining a unit, for example as an assistant professor. This package will normally state the salary and contract, but might also include, depending on the future research activity expectations of the faculty, funds to allow the faculty member to buy needed equipment, conduct travel, hire graduate students, etc. It might also promise support of one or more graduate students for several years while the faculty secures external funding. It might contain details surrounding reimbursements associated with moving costs. It might describe a certain square-footage laboratory. Such start-ups can run to hundreds of thousands of dollars of support at research-intensive institutions, and future faculty members should be careful to understand what the "going rate" for a start-up might be at the institutions they are interviewing with. (Tactic #1: Do your homework – ground your request in facts.)[1]

Background

As described in *"Getting to Yes: Negotiating Agreement Without Giving In,"*[2] which uses "Harvard Principled Negotiation,"[2,3] any method of negotiation may be evaluated based on three criteria: first, it should produce a "wise agreement" if agreement is possible. In this context, wise agreement is agreement that meets the interests of both parties to the extent possible, is long lasting, and also considers the interests of larger society. Second, the agreement should be efficient, and third, it should improve (or at least not damage) the relationship between the parties [Fisher, Ury and Patton[2], p. 4]. This third criterion is particularly critical in academic institutions, which typically have little turnover in personnel, due to the system of "tenure" in place at most institutions.

Another critical aspect concerning negotiation involves the fact that it must actually take place. Stated succinctly, by one of our panelists, from last year,[1] "<u>Negotiation begins with an ask,"</u> see Tactic 5, below. While this may seem obvious, "asking" is something that can feel difficult to do, especially for women, for whom it can feel self-serving (e.g.[7]) Yet, it was the panel conclusion from 2016, which contained a panel of four women in strong leadership roles in engineering education, *to encourage academic women in engineering to "Ask."*[1]

Negotiation Tactics

There are numerous approaches to use in negotiation that are documented in detail elsewhere [e.g.[2-8]] and were stated in the first paper in this series.[1] We restate these tactics and discuss them in the body of the paper as they relate to the cases presented. As they occur in the cases, they are referred to as, for example, Tactic #1.

1. Do your homework – ground your request in facts.
2. Know your value.
3. Listen actively and acknowledge what is being said [Fisher, Ury and Patton,[1] p. 36].
4. Put yourself in their shoes [Fisher, Ury and Patton,[1] p. 25].
5. Ask. Negotiation beings with an "ask."
6. Don't commit immediately. Take their offer under consideration, commit to giving an answer within a certain timeframe, and prepare a counteroffer.

7. Do not take negotiations personally.[1]
8. Keep in mind the principle of a "wise agreement," [Fisher, Ury and Patton[1], p. 4] with emphasis on meeting the interests of both parties to the extent possible as a key working point. Often this means thinking "outside the box."

Assistant Professor Negotiation:

<u>Case 1: Starting offer auction</u>

This case story occurred while Kris interviewed for assistant professor positions coming out of a top tier graduate school. Her goal was to interview for all the positions on the market in the United States that she was eligible for until she got her first offer and then to be more discriminate about positions moving forward. Her aim was to join a research-intensive institution that also valued teaching, in a region in which she desired to live. As it went, she interviewed at two very strong universities, and then had a third interview at one of the so-called "top ten" engineering programs, "TTU." A fourth interview was planned for the following week when her first offer came in, from University #1, creating an "auction" environment, where any second offer could now be weighed against the first.

It was a pretty decent offer – she had done her homework on salary and start-up packages. (Tactics 1&2: Do your homework, ground your request in facts, and Know your value). A couple of days later she got an offer from University #2. It was also a pretty good offer, but the salary was slightly lower than the first one, and she really didn't want to move anywhere with such a cold climate. Kris told both universities she would consider their offer (<u>Tactic 6: Don't commit immediately</u>). After much thought and discussions with a few senior colleagues/friends, she decided to call the TTU program chair to let them know she had received two offers and had deadlines to respond.

TTU came back with what was now a third offer for her, pretty quickly; however, the salary was $1K less than University #1's offer had been. The startup package was competitive but did not allow her to do a number of key things she considered critical to her productivity – it did not include travel, nor the ability to purchase books and journal subscriptions. Because she had approached TTU to indicate she was interested in receiving an offer and the Chair had responded pretty quickly, she felt she probably shouldn't push too aggressively for too much, and so she simply accepted the position.

Later – in the first few weeks of employment, regretting her lack of negotiation regarding salary and thinking about the salary trajectory of a $1,000 difference in starting level, she scheduled a face-to-face meeting with the program chair. She did this, despite realizing that any leverage she had for negotiating was at its lowest. However, she felt that if she didn't discuss it, she would regret not trying for the rest of her life. After all – what was the worst that could happen? The chair could only say, "No."

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1. Note – while in the first paper, the phrase, "Emotions do not belong in the conversation," was stated, the authors of this paper feel that emotions can belong – for example, outrage, dismay, strong disagreement with a decision, and so forth. However, it's important to maintain personal self-control.

The meeting with the chair went very well. She explained her concern about salary trajectory and the other offer, and asked for a $1,000 increase to her starting salary. The Chair seemed surprised that she hadn't brought it up earlier, but – he actually agreed to it! This aspect of the case-study clearly relates to Tactic #5 – Ask. Negotiation begins with an "ask." While it takes courage to ask, and may feel "self-serving," it's necessary, if you want your position to be considered.

In hindsight – Kris wishes she had negotiated for even more salary. Also – because her research was less equipment-intensive as several of her other incoming colleagues, she felt she should have negotiated to use some of the funds she had been promised in her "start-up package" for travel and the purchase of books and journal subscriptions which were important factors associated with her future productivity. Indeed – framing such an "ask" relative to her needs to be successful, would have been very appropriate to do.

Associate Dean, Chair and Professor Negotiations

Case 2: Associate Dean working with Professor concerning student complaints about grades

In the role of Associate Dean, one encounters a lot of student situations, some of which will involve complaints about faculty. This particular story involved a group of four female international graduate students who were together taking a graduate class in the discipline, with an aim of obtaining a Master's degree in Computer Science, through coursework. Because four international women were involved, the Associate Dean wondered at first if this involved bias of some sort. However, this turned out not to be the case at all.

The issue the students brought up involved grades. Three of the four students had received a final grade of "C" in the graduate class, which had precipitated them being placed on probation by the graduate college, which allowed only one grade of "C" in a graduate class. The students were perplexed; they didn't know why they had earned a C; they had turned in all assignments, taken all exams, and given it their best effort. They explained they were good students. The associate dean listened to the students and acknowledged their concerns, promised to look into the situation and get back with them, and thanked them for taking the time to relay the issue. (Tactic 3: Listen actively and acknowledge what is being said.)

As a second step, before having any conversation with the faculty member, the Associate Dean began doing some research on the situation (Tactic 1: Do your homework). Grades for all graduate courses in the M.S. program were examined, going back three years, by course and by instructor. Results were pretty interesting and illuminated the situation. All the other faculty in the program typically assigned grades of A and B to students enrolled in graduate courses. Only on an exceptional basis, was a grade of C assigned. Meanwhile, for the faculty member in question, his median grade was a B, with an equal number of A and C grades assigned each time he taught a graduate course.

In the next step, the Associate Dean scheduled a meeting with the faculty member in question, an Assistant Professor. The Associate Dean explained that she'd been asked by a group of students, disappointed in their grade, to have a look at the situation. Thinking about the instructor's situation (Tactic 4: Put yourself in their shoes), she began the meeting by putting him at ease, by starting the meeting explaining that while this was a conversation about grades, her belief was that grades were a faculty member's purview and that she was not going to be asking him to alter any grades. Rather, the meeting's purpose was to provide him with information that might be relevant to the situation.

She went on to explain that in graduate school, a grade of "C" is fairly unusual – meaning almost that the student has no business pursuing an advanced degree. She explained how receiving such a grade triggers a probationary status on the student's record by the Graduate School. And then she gave the faculty member what he really needed – the knowledge of what was a "typical" grade distribution for a graduate course, in his department. That is, she gave him a copy of the grade distributions of other faculty in the department, in writing, for him to reflect on. The assistant professor did a really good job of listening. He did not launch into explanations of why the students had earned a grade of C, or act defensively – he listened. (Tactic 3), and did not take the fact that the associate dean had called a meeting as a personal affront to his judgment (Tactic 7: Do not take negotiations personally – emotions do not belong in the conversation).

What happened next, was natural. The faculty member thanked the Associate Dean for her time in calling the meeting, and for the information. He had not realized what a grade of "C" meant at the graduate level; nor had he any way of knowing what other faculty in his department were conferring in terms of final grades. The Associate Dean hastened to restate – that he was under no pressure whatsoever to change any grades; she just wanted him to know the context for the department relative to grades for graduate classes.

What happened in the end? The faculty member changed several of the grades – not just the C grades, but some of the B grades as well. Not as any result of pressure, but as a result of having the knowledge he needed relating to context.

Case 3: Chair negotiation with Associate and Interim Dean, concerning an endowment

In 2011, during the United States financial crisis, when the University was seeing drastic cuts to its budget, Dr. Robin Tanner served as department chair of Chemical Engineering. One of the issues that was brought to her attention during her first year as chair was that there was an endowment with a small annual payout of just over $10,000, but where the control of the endowment was somewhat of an open question. At the time, the endowment was under the control of Fred, the Associate Dean and a faculty member in the department. He did not actively participate in the department due to his current position of Associate Dean; however, he had "retreat rights" with the department, meaning that he could resign his position as Associate Dean and return as a regular faculty member in the department. Fred had been the person who originally secured the endowment, through his long-standing service to the department and prior service as department chair.

Around the time that Robin became chair, she received a routine annual communication from the University Foundation, which manages and oversees gifts, restating the endowment guidelines – which were that the original donor of the endowment wished for the endowment to be used to support student projects within the department.

Robin had some research conducted to look back on how the funds over the past few years had been expended. After some investigation, it became clear that Fred had been using the funds for his own trips to national and international conferences. One could argue that this indirectly benefited students through Fred's professional development, but in the opinion of the Chair, this seemed at odds with the donor's intended wishes in that it did not directly support student projects. Robin at first discussed the issue with the interim dean, who was unwilling to intervene, especially since this involved an associate dean who directly reported to the dean, and had been in place for a while already.

As Chair, Robin needed to decide how to proceed. There seemed to be two paths for her to move forward. First, she could talk with the professor involved, and negotiate, to see if he would be willing to change the fund usage so that it would more directly benefit the students. Second, she could try to wrest away control of the endowment from Fred. At the time, a new chair -- she did not consider other options. Most chairs have little training in management – from the professoriate, they have been trained, rather, to do research in their field, to bring in external support, to contribute to their field, and to mentor, and help students learn.

She consulted with the college fund raising director about how to proceed. Together they decided to pursue the second option – to simply take control of the endowment away from Fred and put it into the department's control. She convened a meeting that included the fund-raising director, herself, the interim dean and Fred. She unfortunately did not make an attempt, nor did anyone else, to listen to Fred or understand his interests or position, or to do further background research on the situation. Instead, two competing cases were made: on the one hand, the Chair pointed out, the donor had indicated -- in writing -- that the funding was to be used to support student projects. On the other hand, Fred had helped secure the donated funds for the endowment, and as Associate Dean, everything that he did was in support of students, which entitled him to use the funds.

Rather than seeking any sort of negotiated settlement, Robin pushed the interim dean to make a hard choice in this case. In the end, it was the letter from the donor stipulating his wishes that persuaded the interim dean. He decided to move control of the endowment to the department.

The consequence of this was that the department secured increased support for funding to support student projects on an annual basis - a funding source that has turned out to be fundamentally important in maintaining services to students. However, the cost has been the loss of a faculty member's involvement with, and interest in the department. Fred has since stepped down as associate dean and is now spending the vast majority of his time working with another department, though he still teaches two courses for Chemical Engineering each year. Robin regrets the loss of this faculty member, but still feels that supporting the wishes of the donor was the right thing to do. Yet – could there have been a better way to handle the situation?

Clearly, this was a sub-optimal conclusion. How could this have gone differently? In this case, using tactics 3 and 4 would have been beneficial for the chair to deploy – that is, Tactic 3: Listen actively and acknowledge what is being said, and Tactic 4: Put yourself in their shoes. In another approach, perhaps Robin could start by letting Fred know she received the annual communication about donor intent for all Foundation accounts. She wants to get together and get his input as he was instrumental in securing many of the gifts and further talk about donor intent and any follow up activities that should occur with the donor (or their heirs) (Tactic 3: Listen). Then, she could convene a meeting - just Fred, development director, and Robin (no interim Dean). They could talk about that account and other accounts in the department which Fred may have helped secure, and listen to Fred about donor intent. The aim would be to try to get to the point where Fred tells Robin that maybe the funds should be used in another way. Or even that it is time to go back to the donor (or their heirs).

Another idea would have been to explore whether there is a reason that the Associate Dean is not supported for his travel from other funds. This relates to Tactic 4: Put yourself in their shoes. This considers the needs of the Associate Dean relative to travel and how to supply these needs differently.

Finally -- who has the best relationship with the donor? Maybe the donor would like to do something like an endowed professorship at this point and Fred would be the first recipient. Is there a way to use some of the funds to directly support a student project that Fred is interested in and a way to continue to support a trip for Fred? These ideas relate to the principle of a wise agreement[2] – which often requires thinking "outside of the box." A wise agreement meets the interests of both parties, is long-lasting, and considers the needs of larger society; the larger society in this instance being the department's desire for an increased endowment to support the day-to-day needs of the students and faculty.

Case 4: Dean negotiating for space with university

It is a fact that resources are always constrained on a campus. On the campus in question in this case, space is one of the biggest constraints. This case involves a situation where Kelly, Dean of Engineering, was working with the vice president of operations for more laboratory space for a new engineering faculty member who needed to build his laboratory. The space that Kelly thought was ideal for the lab was also being considered for other needs. Because multiple Vice Presidents were involved in the decision, communication was not great and for several months, Kelly thought the space had been designated to engineering as hoped. In the end, however, the decision was made to allocate the space for another function.

This was quite frustrating as it put Kelly in a very difficult position with the new faculty member and also set back the faculty member about 6 months in finding a space for his lab. What was not evident at the time was that there were issues with access to restrooms for the space in question - the researcher worked with children for his research, and so Kelly did not know the whole context of the decision. To move the faculty's research forward, she made the decision to use college resources to remodel another space to meet the faculty member's needs.

In this case, it appeared that Kelly "lost" the negotiation. However, about 6 months later, another serious space issue for the college arose - for a new lab that had just been funded by the state. The dean found that she now had very strong support from the vice president of operations because she had "lost" in the previous negotiation. And because satisfying the requirements of the new lab, funded by the state, is a priority for the university, Kelly had even more ability to get what was needed.

What this situation illustrates is the need in academia to play the "long game." In any situation where you are negotiating at a university, your relationship with the person (or people) you are negotiating with is of long-term value. If you win a negotiation but the other person feels like they "gave too much" or "lost" the negotiation, then they will not be interested in helping you in the future. This is why keeping in mind the principle of a "wise agreement," (Tactic 8) is critical – keep your focus on meeting the needs of both parties to the extent possible as a key working point.

In a different situation involving this dean of engineering, also involving space, another college that had hired a new researcher needed a "wet lab." Kelly gave up one of engineering's labs that was underutilized at the time. The associate dean for research thought Kelly was crazed at the time, but, doing this put Kelly in a strong position to negotiate for more space in future situations.

To add to the story, Kelly has a very good relationship with the staff who work for the vice president of operations – in particular because she has "given up" space in the past where the need was greater in another college. This put her in a strong position to argue for space when it was subsequently needed. And, because of her reputation as an honest dealer, the staff in operations trust her to be honest about the space engineering has and how it is utilized. As a result, when she tells them that space is needed, they believe her.

These cases relate to the fundamental underlying criteria by which a "wise agreement" may be evaluated. That is, a *wise agreement* (1) should meet the interests of both parties to the extent possible, be long lasting, and also consider the interests of larger society, (2) it should be efficient, and (3), it should improve or at least not damage the relationship between both parties. [Fisher, Ury and Patton[2], p. 4] The long-term strategy that the dean has used with the office of operations on campus, led to trust, credibility and a reputation of being transparent.

Kelly's advice to deans and others in administrative roles involving constrained resources, is to realize that relationships matter, that it is important to develop trust and transparency, and to give. If you are always asking for more because the university "owes it to you" or "you deserve it," you won't have a good position for future negotiations. One way of visualizing this is as a "bucket." If you only dip into the bucket and never bother to refill it - then you will run out.

Case 5: Department and college budget item negotiation

Dr. Martin Baker was a long-time Associate Professor in his department, and one of the best teachers in the department. His trajectory to full professor was hampered, however, by a lack of research productivity to warrant eventual promotion. A few years back, he decided to forego his traditional sub-discipline in an attempt to reinvent himself as a researcher in an area that was new to him. While he was able to land appointments to relatively prestigious national-scope committees in his new area, requiring travel that the department funded, he had not yet been awarded significant, competitive research funding in the new area. As a consequence, he was unable to support graduate students or generate data leading to peer-reviewed publications. Subsequently, due to the lack of research productivity and to a need to comply with workload policy, his teaching load was increased by the department head from the normal level of 3 courses per year for the department for “research active” faculty, to 5 courses per year.

Following this, Martin approached his department head with a proposal to decrease his teaching load, in order to focus significant effort on preparing multiple proposals to competitive, federally-funded programs (Tactic 5: Ask). The central tenet of his justification was the lack of time available to him for proposal preparation; he argued that he was in a no-win situation, unless given the time (away from teaching) to attempt to win funding for his research. In addition to the reduced load, Martin also asked for funding to travel to Washington, D.C. for meetings with various federal agencies.

Listening (Tactic 3), but not committing immediately (Tactic 6), his department head inquired about possible collaborations with other researchers in the field, his progress regarding generating ‘proof-of-concept’ data to support subsequent proposals, and specifics regarding research RFPs to which he wished to respond. In response, Martin explained that he had not yet identified possible collaborative partners, generated significant data, or had targeted specific RFPs (request for proposals). He explained that his teaching load prevented him from doing so. The department head encouraged Martin to also consider pursuing educational research as a viable option for scholarship, funding and a pathway to professor.

Taking the department head’s instructions to heart, across the next year, Martin contacted potential research partners at other institutions regarding specific RFPs in the research area, and identified the proposals that he would prepare a competitive submission to. Martin elected to not pursue developing funding prospects or partners for educational research during this timeframe. Accordingly, and following the identification of partners and the RFPs, the Department Head reduced Martin’s teaching load to 3 courses for a one-year period to allow time to write competitive proposals. While this did result in two proposal submissions, unfortunately, neither of them were successful.

Department heads and chairs are relentlessly approached by faculty members for resources. Listening carefully (Tactic 3) and putting oneself in the faculty member’s shoes (Tactic 4) are clearly critical parts of handling requests. This case also illustrates a department head taking the time to think through the commitment (Tactic 6), and keeping in mind the principle of a wise agreement – meeting the interests of both parties to the extent possible (Tactic 8).

Summary

This paper contains five different cases, ranging from negotiation for an Assistant Professor level offer, to several cases involving mid-level academic management. The issues ranged from working with students and faculty about grade issues, working with a former chair and the university foundation regarding an endowment, working with a faculty member about their workload, and finally, working with high level university officials concerning the negotiation of laboratory space. In all cases, various tactics to think about and consider relative to the situation are presented and discussed in the context of working toward a “wise agreement,” which holds the ongoing relationship between people at the university as being intrinsically valuable.

Acknowledgments

The authors would like to acknowledge the review committee for the Women in Engineering Division, which encouraged them to formalize the panel discussion into a second paper focused on academic negotiation.

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