

COLLABORATION: NEGOTIATING AND FORMALIZING AGREEMENTS

4-D



Job Performance
Situation 4:
Building Collaboration
in Head Start

HEAD START
MOVING AHEAD
COMPETENCY-BASED TRAINING PROGRAM



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REFERENCE

This activity develops skill competencies in four skill areas: preparing for a formal negotiation, leading or participating on a negotiation team, developing written agreements, and evaluating contracts or other formal agreements.

Related skill activities include 3-C, Facilitation: Fundamentals of Leading Meetings; 3-D, Decision-Making: Building Consensus; 3-E, Communication: Effective Spoken Communication; 3-F, Communication: Active Listening Skills; 3-G, Communication: Written Communication; 4-C, Collaboration: Managing Your Role; 4-E, Influencing Others: Applying Basic Skills; and 5-C, Conflict Resolution: Understanding the Elements.

Sources:

G. Nierenberg. *The Complete Negotiator*. 1986. New York: Barnes & Noble.

C. Brown. *Collaboration Handbook*. 1984. New York: American Jewish Committee.

R. Fisher and W. Ury. *Getting to Yes*. 1992. New York: Penguin Books.

D.G. Pruitt, and P.J. Carnevale. *Negotiation in Social Conflict*. (1993) Pacific Grove, CA: Brookes/Cole.

National Network for Collaboration. "Collaboration Framework—Addressing Community Capacity," [Article] Retrieved November 11, 1998, from the World Wide Web:
<http://crs.uvm.edu/nnco/collab/framework.html>.

B.B. Bunker and J.Z. Rubin. *Conflict, Cooperation & Justice*. 1995. San Francisco: Jossey-Bass.

M. Cohen, as quoted in "Negotiating Table Offers Problem-solving Solutions," *Cambridge Chronicle*, August 9, 1999. *Mediator Training Manual*. Metropolitan Mediation Services, Brookline, MA.

M. Winer and K. Ray. *Collaboration Handbook*. 1994. St. Paul, MN: Amherst H. Wilder Foundation.

OVERVIEW

COLLABORATION: NEGOTIATING AND FORMALIZING AGREEMENTS

Outcomes. Participants who complete this activity will be able to

- Approach negotiations from a win-win perspective.
- Prepare to negotiate by analyzing their organization's positions, interests, and BATNA (best alternative to a negotiated agreement).
- Anticipate their partners' interests and positions.
- Determine roles on the negotiation team.
- Follow a six-step negotiation process in a case example.
- Analyze the completeness of written agreements using a list of common elements.

Materials. Newsprint and markers.

Components. This activity can be completed by one person, an informal group, or as part of a formal workshop. Suggested time limits are provided below, but participants and facilitators may wish to adjust these to their own timetables.

Step 1. Worksheet: Negotiation Myths	20 min.
Step 2. Background Reading: Getting Ready to Negotiate Handout: Discord in Harmony (Scene 1)	20 min. 10 min.
Step 3. Worksheet: Preparing to Negotiate	60 min.
Step 4. Background Reading: Conducting a Formal Negotiation	20 min.
Step 5. Worksheet: Using the Six-Step Negotiation Process Handout: Discord in Harmony (Scene 2)	50 min. 10 min.
Step 6. Background Reading: Formalizing the Agreement	10 min.
Step 7. Worksheet: analyzing the Agreement Handout: Agreement in Harmony	30 min. 10 min.
Step 8. Summary	10 min.
Suggested total time	4 hrs. 10 min.

This activity contains 40 pages.

STEP 1. WORKSHEET: NEGOTIATION MYTHS



Suggested time: 20 min.

Purpose: This worksheet will help you reflect on what you know and believe about negotiation.

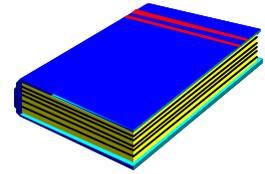
Part I (10 min.) Analyze the following statements. Indicate whether you believe the statement is true or false by placing an X in the designated column.

	TRUE	FALSE
1. Only attorneys or other professional mediators should negotiate agreements for Head Start programs.		
2. Every negotiation results in a winner and a loser.		
3. Skilled negotiators have a strong competitive spirit.		
4. It is unethical for negotiators to conduct careful research on their opponents and their organizations.		
5. During a formal negotiation session, only one person should speak for each party.		
6. It is important that negotiators treat their colleagues with respect.		
7. Placing your issues on the table first is a sign that you have a weak position.		
8. A successful negotiation strategy is to concede on a number of minor issues in order to win on the issue that is most important to you.		
9. All formal negotiations should conclude with a written agreement.		
10. The organization's attorney should review all written agreements.		

Part II (10 min.) If you are working in a small group, pair up with another participant to discuss your answers and compare notes.

Follow-up instructions: Look for confirmation of your answers in the background readings that follow. You may wish to revisit this exercise after completing the activity.

STEP 2. BACKGROUND READING: GETTING READY TO NEGOTIATE



Suggested time: 20 min.

Study the following reading. Feel free to highlight sections or write comments in the margin throughout these activities.

“Whenever people exchange ideas with the purpose of changing relationships, whenever they confer for agreement, they are negotiating.”¹

When we think about negotiation, we often visualize labor unions, peace treaties, or corporate mergers. The highly trained professionals in these formal negotiations have the responsibility to change relationships in a way that can have a significant impact on the lives of organizations, workforces, countries, or even the entire world. These formal negotiations “...may include negotiating committees and written agreements, contracts, outlining issues that have been agreed upon and those still unresolved, procedures for ratifying the agreement, and so on.”²

Although most of us are not called to use our skills in the heady arenas of corporate mergers or peace treaties, none of us are strangers to negotiating. We informally negotiate with family members for responsibilities like paying the bills and attending parent-teacher conferences. We engage in more formal negotiations with outsiders for the purchase of a new car or house. In our work lives, we confer informally with our colleagues and supervisors on assignments, and in some cases we represent our organization’s interests in formal negotiations with other groups.

Because the goal of collaboration is to achieve specific outcomes through relationships among organizations and the people who work for them, much of the work of collaboration involves both formal and informal negotiation. Consider the following:

Stage 1: <i>Getting Together</i>	Partners negotiate preliminary issues, including the people that should be involved, the time and location of the meeting, and who will chair the discussions.
Stage 2: <i>Building Trust and Ownership</i>	Partners negotiate a common vision of the needs in their community and ways they—as a group—can address these needs.

¹ G. Nierenberg. *The Complete Negotiator*. 1986. New York: Barnes & Noble, p. 16.

² C. Brown. *Collaboration Handbook*. 1984. New York: American Jewish Committee, p. 26.

Stage 3: <i>Developing a Strategic Plan</i>	Partners enter into more formal negotiations on the power structure of the collaborative, the outcomes that the group will achieve, and the roles the partners will play in reaching these outcomes.
Stage 4: <i>Taking Action</i>	Partners negotiate ways in which their policies and procedures need to change in order to support the work of the collaborative; they also negotiate ways to evaluate progress and make mid-course corrections.

Clearly, in our collaborative work, as well as in our everyday work and family lives, it is helpful to have a clear understanding of:

- negotiation basics
- the traits of a skillful negotiator
- how to prepare for a formal negotiation.

Although much of the discussion below deals with negotiation among partners in community collaboration, the ideas, skills, and attitudes described can be applied to any situation requiring negotiation.

I. NEGOTIATION BASICS

Each party in a relationship has needs. For example, in the labor/management arena, the union has a need to ensure fair wages and good working conditions for its members, while management needs to ensure that employees produce the required goods and services at a reasonable cost. In addition to the individual needs of the parties, in many negotiations, there is the need to achieve a common goal. For example, in a family situation, both spouses agree that it is important to wash the dishes after dinner, but both are tired and need rest. They negotiate how they are going to fulfill their agreed-upon goal of washing the dishes even though both feel they have a need for relaxation. In a formal collaboration, the partners strive to meet their agreed-upon goal (e.g., new services in the community) while addressing each of their own needs (e.g., additional funding or expertise).

Parties enter into negotiation when their needs are in conflict. In successful negotiation, all parties to the negotiation should come out with their priority needs satisfied. Collaborative partners reach a win-win agreement when their common goal is accomplished and each of the partners has some of its needs met. According to negotiation experts Roger Fisher and William Ury, “A wise agreement can be defined as one which meets the legitimate interests of each side to the extent possible,

resolves conflicting interests fairly, is durable, and takes community interests into account.”³

There are three basic ways in which win-win agreements can be reached:⁴

- Expanding the pie by increasing the available resources so that all parties can get what they want. (In collaboration, the parties may seek outside resources to fund the collaborative so that the cost of providing new services does not come from partners’ existing revenues.)
- Exchanging concession on different issues so that each side wins on its issue of highest priority. (In partnerships between Head Start and child-care agencies, the Head Start program will often provide funding to the partner so that the child-care staff can gain the credentials required by the Head Start Program Performance Standards.)
- Analyzing the underlying reasons for the parties’ positions in an effort to find a new approach. Some reasons are motivational—involving needs, goals, and values; others are cognitive—involving assumptions about the nature of reality. (In partnerships between Head Start and child-care agencies, stalemates sometimes occur because of assumptions about what Head Start regulations require. Often, partners can resolve the stalemate by examining the actual regulations together.)

Looking at negotiation through the win-win lens can help dispel a common myth that negotiation is a competition in which “the winner” is the one who leaves with the biggest share of the pie. If “effective collaborations are characterized by building and sustaining win-win relationships,”⁵ collaborators who approach negotiation with a competitive perspective may jeopardize the very existence of the collaboration they chose to enter. In fact, experts on negotiation claim that a competitive perspective is never productive. In his book, *The Complete Negotiator*, author Gerard Nierenberg states:

The objective should be to achieve agreement, not total victory. Both parties must feel that they have gained something. Even if one or the other side has had to give up a great deal, the overall picture is of gain.⁶

³ R. Fisher and W. Ury. *Getting to Yes*. 1992. New York: Penguin Books, p. 4.

⁴ Adapted from Pruitt, D.G., and Carnelvale, P.J. 1993. *Negotiation in Social Conflict*. Pacific Grove, CA: Brookes/Cole.

⁵ National Network for Collaboration. “Collaboration Framework—Addressing Community Capacity,” [Article] Retrieved November 11, 1998, from the World Wide Web: <http://crs.uvm.edu/ncco/collab/framework.html>, p. 4.

⁶ G. Nierenberg, p.16.

II. TRAITS OF A SKILLFUL NEGOTIATOR

Although we all engage in negotiation every day, some of us are more skillful than others. Most skilled negotiators have a number of important traits that set them apart from others. While some traits seem to be inherent, others can be developed as effective working strategies.

Skillful Negotiators Understand Human Behavior

Skilled negotiators are students of human behavior. Both through formal instruction and informally through their observations of people in daily interactions, novels, plays, and movies, good negotiators have learned that individuals—especially when they are in stressful situations—may act in ways that can appear to be irrational or difficult.

In addition to understanding basic human behavior, the skilled negotiator tries to figure out what makes her opponent tick. For example, if a collaborative partner has in the past demonstrated a need for recognition for himself and his agency, it is likely that he will try to address the same need through the partnership.

Most importantly, skilled negotiators understand their own psychological needs and tendencies and recognize when they come into play.

Skillful Negotiators Treat Their Colleagues with Respect

Negotiation is not an easy process. Because the stakes involved may affect the well being of the participating partners and/or the very existence of the collaborative itself, tension can run high during the negotiation process.

Regardless of all that is at stake, skilled negotiators always treat their colleagues with respect. Gerard Nierenberg states, “ People who are able to create a supportive relationship with all relevant people that they deal with have an important negotiating talent. It is vital to bring to the negotiation all the resources that are at your disposal.”⁷ In addition, wise negotiators recognize that the process usually involves partners with whom they will work over many years. They understand that statements or tactics that create bad feelings or undermine trust will have consequences that long outlive the negotiation process or even the agreement that arises from it.

⁷ Ibid., p. 69.

Common ways in which negotiating partners indicate respect include the following:

- remaining focused on the mission of the collaboration
- listening openly to opinions expressed
- refraining from shouting or using obscenities and other put-downs
- suggesting a break in deliberations instead of escalating an argument when another partner has an emotional outburst
- speaking positively about their partners and the collaboration in public
- faithfully attending meetings on time and following through with assignments.

One way to build an atmosphere of respect is by developing ground rules for the negotiations. Skilled negotiators follow the ground rules and choose not to provoke anxious or defensive behaviors in their negotiating partners; they provide tactful reminders about their agreements to those who deviate from the ground rules.

Skillful Negotiators Are Active Listeners and Clear Communicators

“Nine-tenths of the serious controversies which arise in life result from misunderstanding. [They] result from one man not knowing the facts which to the other man seem important, or otherwise failing to appreciate his point of view.”

-Justice Louis Brandeis

The job of a good negotiator is to listen to and understand what others are saying. The skilled negotiator closely listens to the statements of the other parties (even if she thinks she knows what they are going to say) instead of using the time to carefully craft a response. As an active listener, the negotiator is also attuned to the speaker’s tone of voice and body language to discover clues about the interests behind the speaker’s position. The negotiator who fails to listen carefully for the complete message may miss a good opportunity to resolve the conflict. Active listeners promote understanding by clearly repeating what they heard and translating jargon and other potentially confusing terms into common language to minimize misunderstandings. Active listeners ask open-ended questions to probe for underlying interests; in the end they can articulate the other parties’ interests, needs, and priorities to their satisfaction.

(See the *Moving Ahead* skill-building activity 3-F, Communication: Active Listening Skills, for further discussion on ways to improve your skills.)

Skillful Negotiators Are Tenacious

The skilled negotiator recognizes that she has two kinds of interests: in the substance and in the relationship.⁸ Although she recognizes the importance of building and maintaining trust with long-term partners, she does not lose sight of the underlying interests of her own organization. She is willing to devote substantial time, energy, and patience to ensure that her own interests and those of her partners are adequately met, instead of settling for a quick but unsatisfactory compromise.

III. PREPARING TO NEGOTIATE

Thoughtful and thorough preparation is the first step in a successful negotiation. To prepare for the discussion, skillful negotiators

- know the negotiation process
- are clear about their issues, positions, underlying interests, and priorities
- anticipate their partners' needs and positions
- rehearse with colleagues.

Know the Negotiation Process

Although no two negotiations are exactly alike, most successful negotiations proceed through a number of distinct stages before a positive resolution is reached. (See Step 4, Background Reading, for a detailed discussion on the process.) The skilled negotiator understands and values the features of each stage of negotiation, and is able to recognize when the discussion progresses. She also recognizes when a break, a caucus, the infusion of new information, or the intervention of a third party would help a stalled negotiation progress to the next stage.

Be Clear on Issues, Positions, and Interests: What You Want and Why You Want It

You (or your organization) enter into a negotiation because you have needs that can be met by other parties or that may conflict with other parties. The objective of the negotiation is to reach an agreement on how those needs can be satisfied for all parties involved. Therefore, the negotiator needs to be clear on the issues to be decided or the problems to be resolved.

Issues: In some cases the issue or problem is very clear. For example, your organization wants to lease some property, and another group has a

⁸ Adapted from R. Fisher and W. Ury, *Getting to Yes*, p. 20.

desirable space that it will lease for the right price. To reach an agreement, the groups must resolve a number of questions, including:

- What is the rental price?
- When will the property be available?
- Who is responsible for maintenance?

Positions: When you are clear on the issues or problems, you can begin to develop your positions on each issue. “A position is something you have decided upon;” it represents the outcome a person wants.

Typically (especially in situations involving money), the parties in the negotiation develop a set of positions for each issue. These positions, or expectations, range from minimal to realistic to most optimistic. For example, we are prepared to pay rent of up to \$2200 a month (minimal expectation or “the bottom line”), would like to pay \$2000 (realistic expectation), and would be delighted if the cost were only \$1800 a month (optimistic expectation).

Each of our positions is frequently contingent upon another of our positions. For example, even though our chosen move-in date is September 1, we will be willing to delay possession of the property until October if the rent is only \$1800 a month.

Interests: The successful win-win negotiator knows that coming to a negotiation only with a set of intractable positions heightens the risk of a stalemate. She also knows that one way to avoid or break a deadlock is for each party to analyze the needs, concerns, and values that underlie their positions. Therefore, she prepares for the negotiation by clarifying her interests. In other words, she can articulate the reasons that she holds each position.

For example, in a partnership between Head Start and a child-care program, the Head Start director articulates a position that the Head Start child development services manager must conduct all joint trainings for the education staff of the partners. Her underlying interest for this position is to ensure that a skilled and knowledgeable trainer conducts the sessions. She later learns that the child-care program employs a manager with qualifications that are similar to those of the child development services manager. Satisfied that her interest will be met, the Head Start director changes her position and agrees that both managers will share training responsibilities.

Negotiators may have a set of interests for each position. Sometimes the interests are readily evident to all parties. For example, we may expect to pay \$2000 a month because that is the rent for an identical property in the building next door. In other cases, only the negotiator may know the

underlying interests. For example, our reason for wanting to pay \$2000 a month is because that is what we have in our budget for rent.

BATNA: “The reason that you negotiate is to produce outcomes better than the results you can obtain without negotiating.” However, sometimes in spite of good preparation and thorough analysis of underlying interests, bargaining reaches a point at which a negotiator needs to choose between walking away from the negotiation or accepting an agreement that does not meet her preconceived bottom line. The wise negotiator prepares for such a situation by determining her BATNA, or “best alternative to a negotiated agreement” before the negotiation begins.

Your BATNA is *what you will do if you cannot reach an agreement*. Consider the following examples.

Head Start Director A is negotiating with Landlord A for space for two classrooms. The director’s budget will not allow her to pay more than \$2200 a month for the space. Landlord A’s final offer is \$2300 a month. Although the director would prefer this space, she knows that another satisfactory property is available in a nearby location for \$2200. The director’s best alternative to a negotiated agreement with Landlord A is to rent the other available, acceptable property. She wisely chooses to walk away from the table.

Head Start Director B is also negotiating for space for two classrooms. Her bottom line is also \$2200 a month. Landlord B’s final offer is \$2300 a month. Director B cannot find any other acceptable space in this community. If she does not rent Landlord B’s space, her BATNA with Landlord B is to bus 36 Head Start children to another town an hour away. The rental cost in the other town plus the cost of transporting the children will total more than \$2400 a month. She decides to accept Landlord B’s offer because it is more satisfactory than her BATNA, even though the offer exceeds her bottom line.

In practice, “instead of ruling out any solution that does not meet your bottom line, you can compare the proposal with your BATNA to determine whether it better satisfies your interests.”⁹

⁹ Ibid.

Anticipate Your Partners' Positions and Interests

To help the negotiation move more quickly from conflict to agreement, the wise negotiator comes to the negotiation table with a preliminary understanding of her partners. By reviewing your partners' brochures, flyers, and annual reports, you can find out what is important to them and learn about their mission, service area, client base, and the language they use to describe their services. By interviewing your own staff and board members, you can discover the partners' reputation in the community, past and present partners, and what they may think of your agency and its services.

These inquiries can also help you determine what motivates the partners to join the collaborative. Are they trying to meet an underlying interest in additional funding, expansion of their existing expertise, or standing in the community? Are they acting in response to an expectation of a funding source?

By gaining an understanding of the interests that motivate your partners, you can also anticipate possible areas of disagreement and begin to find ways to “reframe those conflicting interests into a joint problem to be solved.”¹⁰

Rehearse with Your Colleagues

A final preparation step is a rehearsal. According to Gerard Nierenberg, “A rehearsal allows you to identify any gaps or weak points in your argument.”¹¹

Some negotiators find that it is helpful to conduct two rounds of role-playing. In the first round, the principal negotiator plays herself, with a colleague assuming the role of the other partner. The principal negotiator makes an opening statement, proposes an agenda, and begins negotiations on the first issue. The colleague armed with best guesses about the partner's interests and positions responds accordingly. In the second session, the principal negotiator plays the role of the other partner. Through this experience, she has the opportunity to “hear” her own organization's position from the partner's perspective.

The first role play provides the negotiator with an opportunity to practice; the second provides insight into ways that she can adjust her language and reframe her positions to better tap into the interests of her negotiating partner.

¹⁰ B.B. Bunker and J.Z. Rubin. *Conflict, Cooperation and Justice*. 1995. San Francisco: Jossey-Bass, p. 103.

¹¹ G. Nierenberg, p. 2.



STEP 3. WORKSHEET: PREPARING FOR NEGOTIATION

Suggested time: 1 hour

Purpose: To practice preparing for a sensitive negotiation.

Part I (45 min.) Read the handout “Discord in Harmony.” Select the role of either Rosemary or Ricardo and prepare for the negotiation from the perspective of either Head Start or Visiting Nurses Association (VNA). In your preparation, determine (1.) the benefits of a successful agreement for your organization and the community, (2.) the issues to be addressed, (3.) your position on the issues (what you want), (4.) the underlying issues (why you want it), and (5.) your BATNA. Also determine your partners’ possible positions, underlying interests, and BATNA.

Alternative directions (45 min.) If you are participating with a small group, you may choose to have volunteers read aloud the “Discord in Harmony” handout. You will need a narrator to read “The Situation” and volunteers to read “Rosemary’s Story,” “Ricardo Speaks,” and “Jill’s Comments.” Following the reading, divide the group into two parts. Assign one group to answer questions 1–5 from Rosemary’s perspective, the other to answer from Ricardo’s. Do not complete questions 6–8.

I represent (Head Start or VNA) _____

1. My organization and the community will benefit from a successful agreement in the following ways:

2. The negotiation will address the following issues (problems):

3. My organization may take the following minimal, realistic, and optimal positions on each issue (what we want):

4. Our underlying interests for these positions (why we want it) include:

5. Our BATNA (what we will do if we cannot reach an agreement) is:

My partner is

6. My partner may articulate the following position (what he or she wants):

7. This position might be motivated by the following underlying interests (why he or she wants it):

8. Their BATNA (what to do if an agreement cannot be reached) might be:

Part II (15 min.) If you are working in pairs or a group, discuss your answers, why you gave them, and any points of difference.

Alternative directions (15 min.) If you have followed the alternative directions in Part I, invite representatives from each group to share their answers to questions 1–5 with the entire group.

HANDOUT: DISCORD IN HARMONY (SCENE 1)



Suggested time: 10 min.

Study the following reading. Feel free to highlight sections or write comments in the margin throughout these activities.

The Situation. Harmony is a town in the industrial Midwest. Harmony Child Care Services Head Start serves 800 children in 7 centers throughout the town. Last year Head Start's Health Services Advisory Committee discussed some community health issues. As a result, the program issued an invitation to several community health groups. The purpose of the meeting was to talk about the increasing numbers of families that bring children to the hospital emergency room for conditions that could have been avoided through simple preventive measures.

For 6 months, representatives from the Head Start program; the Visiting Nurses Association (VNA); the Public Health Department; the Women, Infants, and Children (WIC) program; and Harmony Community Hospital met together. The group's initial discussions were fruitful. Most of the members knew one another through partnerships and other interactions around town. In only four meetings they were able to develop a mission statement and a strategic direction. (Their mission: "To improve the health of Harmony's preschool children through better health education for parents.") Each of the agencies involved made a commitment to adding more health education activities to its ongoing work.

Two months ago, Jill, the Harmony Community Hospital representative, presented an offer to the collaborative. The hospital saw potential benefit to its own work if children's emergency visits were reduced; thus, the governing board was willing to provide funding for the collaboration to hire a children's health educator. Collaborative members were initially elated by the offer. Now, however, they are not so sure it was a good idea: the collaborative has been torn apart by dissension since the offer was made.

The collaborative is not a legal entity, so the group decided that one of the partners should accept the funding and hire the staff person on behalf of the collaborative. Both the WIC program and the Public Health Department removed themselves from the running, while both the Head Start program and the VNA were convinced that the position should rest within their organizations. The hospital, shocked by the reaction to what it thought was a generous offer, has now announced that it will withdraw the offer unless the money can be awarded before its fiscal year ends next month. Jill has offered to meet with Rosemary, the Head Start director, and Ricardo, the VNA head to help negotiate an agreement. Before the meeting she confers with each of them privately.

Rosemary's Story: I've been the director of Harmony Head Start for 7 years. I really know this community and have worked well with other organizations throughout the town since I joined the program.

In the past we contracted with the VNA to provide health screenings for children. Two years ago, guided by the revised Head Start Performance Standards, we changed our approach to health screenings to support the concept of a "medical home for each family." We have done extensive advocacy work with local pediatricians so that they now conduct most of the height, weight, vision, and hearing screenings. Because of this change, which is really in the best interest of families, we no longer contract with the VNA for these services. However, we do have a real need for additional health training for parents. Our health manager plans and organizes some training, but it's not enough to meet the needs of all 800 of our families.

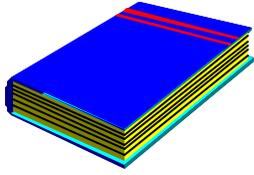
When we heard about the hospital's offer, we thought it was a gift from heaven. The board and the Policy Council agreed that we should apply for the money because of our need. We can hire a parent educator to deliver regular trainings at all of our parent committees. Of course, we would open the trainings to the public. This plan also fits well with our desire to become more visible in the community. Besides, we should get the money since the idea for the collaboration came from *our* Health Services Advisory Committee. We have nothing against the VNA; they've done good work for us in the past. But if they hire the staff person, we won't be able to schedule the educator's time to fit our needs. We realize that the educator is for all parents, not just for Head Start families. I've assured the VNA that if we hire the staff person, we will be happy to share 15 hours of her time every week with the VNA.

Ricardo Speaks: Fifteen hours a week! I don't see why they think they are entitled to decide who controls the educator's time. The hospital made the offer to the collaborative, and now, because of Head Start's audacity, the hospital may withdraw the offer. The VNA used to have a good working relationship with Rosemary and her staff, but she seems to view everything through Head Start eyes. Up until 2 years ago we had a contract with the program to provide all health screenings for their children. Rosemary only gave us a month's notice that she would be terminating our contract. It was a real blow to the organization. We had to let go one of our most talented young nurses and we cut back the time of two other staff. But we understood that Rosemary had to do what was best for her organization. During that last month, our nurses worked with the Head Start health manager to transition to the new system. But then the contract was over.

When we heard about the new position, we were delighted. Instead of hiring a full-time health educator, we've proposed that we extend the hours of the two staff hurt by the Head Start cut and hire a part-time educator. This approach would be a real advantage to the community, and us as well. We would have a pool of three educators, each with a different health background, to provide training for parents. Of course we would work with Head Start to make sure that their needs are met, but Head Start families only make up one-third of the families in their age group. We owe it to the rest of the community to make sure that all families are served. Besides, Head Start families might benefit from mixing with other families in the community—they are often so isolated.

Jill's Comments: I worked hard to sell the idea to the hospital's board of directors. The Board was convinced once they saw that the project had the potential of lowering the hospital's ER costs, providing positive outcomes for children, and building good will in the community. Although I've done my best to give the collaborators the space to work out the issue in private, rumors about the stalemate are leaking to the board and the community at large. If the bickering continues, all PR benefits to the hospital will be wiped out; in fact, the hospital might end up looking foolish for making the offer in the first place. The hospital chief gave me a 1-month deadline to get a signed agreement. If the parties can't agree by then, the hospital will reallocate the money to another community project.

To help the VNA and Head Start programs come to an agreement, I suggested that they do some serious preparation for a final attempt at reaching consensus.



STEP 4. BACKGROUND READING: CONDUCTING A FORMAL NEGOTIATION

Suggested time: 20 min.

Study the following reading. Feel free to highlight sections or write comments in the margin throughout these activities.

In addition to careful preparation, many ingredients are necessary for a negotiation process resulting in an agreement that is acceptable to all parties. These include:

- deciding who is at the table
- maneuvering through the stages of negotiation
- recognizing signals that something is not going right
- coming to agreement.

I. DECIDING WHO IS AT THE TABLE

The number of participants in a formal negotiation and the roles that they play will vary from situation to situation. In a negotiation among community collaboration partners, each party needs to provide at least one member to represent the organization. Before the negotiation session begins, the wise negotiator makes sure that the negotiating partners from the other organizations have the authority to explore issues, suggest solutions, and make commitments for their organizations.

Often, especially in critical or potentially volatile situations, the lead partner chooses to invite others to participate by providing support or bringing added expertise. For example, if the negotiation involves funding and budgets, it may be helpful for the leader to include a financial officer in the discussion. If the discussion focuses on curriculum and staff development, the child development services manager or the human resources specialist might bring necessary information to the table. If the negotiation involves contracts or letters of agreement, the leader may choose to have the organization's attorney present.

Before the negotiation, it is critical that all members understand their role in the process. Delicate negotiations can come unhinged if members who were invited to take notes for the leader begin to vocalize their agreement with another group's position; leaders who invited their in-house experts to present their agency's perspective may feel abandoned if their experts have little to say when called upon. Negotiating teams can clarify their

members' roles by coming to agreement on questions such as the following:

- Can supporting members speak freely during the negotiation, or must they wait for an invitation from the leader?
- What preparation, if any, should supporting members make before the negotiation?
- Who is responsible for bringing budgets, plans, overheads, or other supporting documents?
- Will supporting members be asked to make a presentation during the negotiation?
- Who is responsible for calling for a break when things are not going well?
- How will the members communicate with one another while the session is in progress?

In addition to having representatives from all sides, it is critical that someone act as the facilitator of the discussion. The facilitator can “help distinguish between issues already agreed upon and those requiring further action, concentrate on more important issues and positions, and suggest a process to resolve conflict.”¹² A skilled member of one of the negotiation teams can play this role if she can focus on the broad picture while representing her organization. Often, parties find that they can progress more effectively by inviting a skilled outsider to play this role.

II. MANEUVERING THROUGH THE STAGES OF NEGOTIATION

The first step in many formal negotiation processes is to reach agreement on the purpose of the negotiation. An agenda must support this purpose. In some cases, each of the parties brings a proposed agenda to the table to discuss; in other instances, the parties construct an agenda together. In either case it is important that the parties reach agreement on housekeeping items such as how long the session will last, when breaks will be scheduled, and the ability of each party to caucus by themselves or stop negotiations. Providing these minimal benchmarks can help lower the tension for those who prefer a structured environment.

More importantly, participants must decide the issues that they will cover and the order in which they will be discussed. Some negotiators prefer to address small, easy-to-resolve issues first so that the group has a taste of success early on in the process. Other skilled negotiators prefer to address the large, complicated issues first, believing that resolving the central issues often makes the solutions to smaller questions obvious. Participants

¹² C. Brown, p. 30.

can resolve this dilemma by carefully considering the questions before them.

Once the group has agreed on an agenda, it can begin to tackle the issues it faces. In effective practice, participants address one issue at a time, agreeing not to address another until the first one is resolved or the group formally tables it for future discussion. Successful negotiators often use the following stages to resolve each issue:¹³

1. Rhetoric Stage
2. Definition of Issues
3. Exploration of Positions
4. Exploration of Underlying Interests
5. Narrowing of Alternatives
6. Formalization of Agreements

¹³ Ibid., p. 28.

STAGE	DESCRIPTION OF STAGE	YOUR TASK AS A SKILLED NEGOTIATOR
Rhetoric	<p>Each party makes an initial statement about its position. Often this statement is ambiguous and couched in the ideological language of its organization.</p> <p>Example: In the Harmony case, Rosemary may talk about her program’s commitment to serving low-income children and their families.</p>	<p>Listen to the opening remarks to identify the values important to the organization and the terms that they use.</p>
Issue Definition	<p>Each party goes beyond rhetoric to define issues that really matter.</p> <p>Example: In the Harmony Case, Ricardo may state that the issues are:</p> <ol style="list-style-type: none"> 1. Who should receive the funding? 2. Should Head Start families be trained along with other families, or should they have dedicated training? 3. What training model will work best? <p>Rosemary agrees with Ricardo on the issues.</p>	<p>Compare the other party’s issues with your own. Do they match? Are there some issues on which you already have agreement?</p> <p>It often helps to chart the agreed-upon issues on newsprint so that all parties are clear on the issues to be addressed.</p>
Position Exploration	<p>Each party has the opportunity to fully state its position on the issues.</p> <p>Example: Rosemary may state her agency’s position that they should receive the funding to hire a health trainer. The hospital’s statistics show that although Head Start families comprise only one-third of the target group of families with preschool children, they represent the majority of families receiving routine care in the emergency room. She states that the training can best be delivered through Head Start’s existing parent committee structure, to which outside parents can be invited. This approach will also provide her program with a chance to meet other parents who might be interested in taking advantage of the program’s child-care services.</p>	<p>Clearly articulate your own position. Negotiators need to “teach each other how to accept one another’s ideas.”¹⁴</p> <p>Listen carefully to the other party’s positions and repeat back to them your understanding of their positions. Negotiation often cannot proceed until parties are comfortable that their positions are heard and understood. If you are not clear about what has been said, ask clarifying questions like “Tell me more about why you think this approach will be effective.”</p> <p>Separate the people from the problem. Although Ricardo may still be angry with Rosemary about canceling his contract 2 years ago, he needs to separate those feelings from the current discussion.</p>

¹⁴ M. Cohen, as quoted in “Negotiating Table Offers Problem-solving Solutions,” *Cambridge Chronicle*, August 9, 1999. p. L6.

<p>Broadening of Issues through Exploration of Underlying Interests</p>	<p>In this brainstorming time, all sides come up with possible ways to look at conflict. The goal is not only to suggest solutions, but also to reframe issues so that all real interests are taken into account.</p> <p>Example: Ricardo might say: “Rosemary, it sounds as if you believe that the needs of Head Start parents can only be met through established Head Start functions. Can we look at ways that the VNA could meet these needs if we did the training? Can we also look at ways that you can market your child-care services if the VNA coordinates and delivers the training?”</p>	<p>Explore the assumptions and facts that serve as the basis for the positions that both sides have taken.¹⁵</p> <p>Look for several ways that the underlying issues of both parties can be met.</p>
<p>Narrowing Alternatives</p>	<p>Each side distinguishes between stands on which it is willing to compromise or drop altogether and those that, in its view, are essential. It is here that seemingly unimportant issues turn out to be critical.</p> <p>Example: Rosemary recognizes that if agreement is not reached soon, the hospital will remove the offer. She likes the idea of multiple trainers and recognizes that most of her underlying interests can be fulfilled by the VNA under certain conditions. She proposes that she consider the VNA offer if her staff has a role in designing the training, the community sessions are offered at times that meet the needs of Head Start parents, and her staff accompany parents and provide information about child-care services to interested community members.</p>	<p>Do an honest assessment of your true needs and ways in which the different proposed alternatives can meet them.</p> <p>Also consider the consequences if no agreement is reached.</p>
<p>Agreement Formalization</p>	<p>Negotiation culminates in a written agreement.</p> <p>Example: Rosemary and Ricardo draft a written agreement to share with the hospital.</p>	<p>Make sure that all important agreements are captured in the written document.</p>

¹⁵ The play and movie *Twelve Angry Men* is an excellent depiction of how one man on a jury used the examination of facts and assumptions to change the minds of 11 other jurors.

III. RECOGNIZING SIGNALS THAT SOMETHING IS NOT GOING RIGHT¹⁶

In spite of the best intentions of collaboration members, negotiations are a difficult process. By studying and using the six-stage model presented above, negotiators can recognize signals that their negotiating partners have passed over a stage of negotiation, become stuck, or have regressed.

Common signals that something is not going right include:

Reverting to Rhetoric

Opening negotiations with organizational rhetoric is a comfortable, nonthreatening way to begin difficult discussions. It helps partners to break the ice without initially revealing too much. However, if negotiators suddenly revert to the safety of rhetoric after agreements have been reached, the partners may be signaling that they are not ready to move to another, possibly more touchy issue.

Obscuring Principal Issues

Using the six-stage process provides each party with the opportunity to present its issues. If one party floods the discussion with an overwhelming number of issues, it could mean that the underlying issue has not been adequately spelled out or understood by all parties. In this case, the parties should take time to clarify the issue. Alternately, the flood of minor issues may be a positioning tactic: by conceding on a large number of small issues, the party may feel that it is entitled to “win” a major one.

Rejecting a Solution

Sometimes partners and facilitators work hard to explore a solution that seems to have the agreement of the entire group, only to have the solution surprisingly rejected by an important member of the discussion. This rejection can be a demoralizing blow to the collaborators, and is often a signal that the rejecting partner’s opinion or interests were not adequately heard or addressed during the discussion. To prevent this distressing type of event, the facilitator needs to monitor the communication and body language of all participants during the discussion. She should pointedly check in with members who are silent or who seem to be removed from the discussion. Once a rejection occurs, the facilitator can try to save the rejected solution by clarifying and trying to resolve the opponents’ objections.

Returning to Rigid Positions

¹⁶ C. Brown, pp. 29–30.

If negotiating partners return to their rigid positions after progress seems to have been made toward agreement, it may be a sign that something or someone has knowingly or unwittingly violated the trust established during the negotiation. The rigid partner may be responding to premature leaks to the press, the funding source may have overheard “private” conversations in which he or his organization is discussed negatively, or he may believe that the other partners are conspiring against him. To get the negotiations back on track, the facilitator should speak privately with the dissenting party to find out the cause of the problem and what it will take to resume progress.

IV. COMING TO AGREEMENT

The purpose of negotiation is to reach an agreement that addresses the needs of all parties. Ideally, all parties walk away feeling that all of their needs have been adequately (if not totally) met. They carefully clarify the elements of their agreement and record them in a written document, which will guide their work together. According to one expert, “The biggest part of safeguarding negotiations is to put it [the resolution] in writing. If agreements break down, either party can simply pull out their written agreements and say—this is what we agreed to.”¹⁷ (See Step 6, Background Reading, for more information on formalizing agreements.)

Negotiators are not always able to reach ideal agreements even when all parties diligently work to meet each other’s needs. Sometimes they can reach agreements on some issues but not on others. “In such cases, it is at least possible for the opponents to ‘agree to disagree’ and relegate the thorny issues to the back burner in order to safeguard the agreements already established.”¹⁸

In other instances, a negotiator may recognize that the organization’s BATNA is more attractive than what he can negotiate. The wise negotiator remembers that he will have future opportunities to work with the same community partners. If he walks away from the negotiating table, he is careful to keep the lines of communication open and his partners’ feelings intact.

¹⁷ M. Cohen, p. 6.

¹⁸ C. Brown, p. 32.

STEP 5. WORKSHEET: USING THE 6-STEP NEGOTIATION PROCESS



Suggested time: 45 min.

Part I (30 min.) Read the handout, *Discord in Harmony* (Scene 2). See the template below for the six-step negotiation process, and record statements that Rosemary and Ricardo might make as they negotiate an agreement about the location of the health training sessions.

Alternative directions (30 min.) If you are participating in a small group, select a partner to role-play the negotiation with you. One partner should take the role of Rosemary, the other, Ricardo. Use the template to guide your discussion.

STAGE	DESCRIPTION OF STAGE
<p>Rhetoric</p>	<p>Each party makes an initial statement about its position. Often this statement is ambiguous and couched in the ideological language of its organization.</p> <p>Rosemary might say:</p> <p>Ricardo might say:</p>
<p>Issue Definition</p>	<p>Each party goes beyond rhetoric to define issues that really matter.</p> <p>Rosemary might define the issues as:</p> <ol style="list-style-type: none"> 1. 2. 3. <p>Ricardo might define the issues as:</p> <ol style="list-style-type: none"> 1. 2. 3. <p>After discussion, they agree that the main issue to address is:</p>

Position Exploration	<p>Each party has the opportunity to fully state its position on the main issue.</p> <p>Rosemary might state her position on the issue as:</p> <p>Ricardo might state his position on the issue as:</p>
Broadening of Issues Through Exploration of Underlying Interests	<p>In this brainstorming time, all sides come up with possible ways to look at conflict. The goal is not only to suggest solutions, but also to reframe issues so that all real interests are taken into account.</p> <p>Rosemary might propose a way to reframe the issue:</p> <p>Ricardo might propose a way to reframe the issue:</p>
Narrowing Alternatives	<p>Each side distinguishes between stands on which it is willing to compromise or drop, and those that it views as essential. It is here that seemingly unimportant issues turn out to be critical.</p> <p>Rosemary proposes an alternative solution for the issue:</p> <p>Ricardo proposes an alternative solution for the issue:</p>
Agreement Formalization	<p>Negotiation culminates in a written agreement.</p>

Part II (15 min.) Share your examples with another participant. Discuss the facts and assumptions that led you to your examples.

HANDOUT: DISCORD IN HARMONY (SCENE 2)



Suggested time: 10 min.

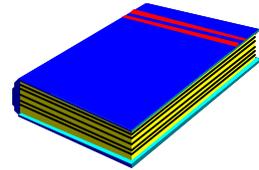
Study the following reading. Feel free to highlight sections or write comments in the margin throughout these activities.

The Situation: After a long and, at times, tense negotiation session, Rosemary and Ricardo reached an agreement on how Harmony Head Start and the VNA would collaborate to provide training on preschool health issues. Because they were tired, they agreed to meet again the next week to begin drafting a statement that summarized their agreement. Things were going well until Ricardo mentioned that he planned to hold the training sessions in his organization's new community room. Jill, the hospital representative, noticed the tension on Rosemary's face and suggested that they take a break. During the break, Ricardo and Rosemary speak privately with Jill.

Rosemary's Story: I was very happy with the agreement that we reached last week. I first thought that I needed to employ a health educator to make sure that Head Start parents received the benefits of the hospital's donation. But the plan we developed will address many of my concerns: my staff will have input into the training; sessions will be offered at times that meet the needs of Head Start parents; and my staff who accompany parents to the training sessions can make brief presentations about the child-care services that our organization provides. I'll have a lot of the benefits without the headache of administering the contract and supervising the educator. I can even count the educator's time toward my non-Federal share! I thought we were home free until Ricardo proposed holding all of the training sessions in his organization's new community room. I admit that the room is lovely, but it's not centrally located and not on a public transportation route. Head Start parents won't be able to get there. My staff can transport some parents, but we won't be able to accommodate everyone who wants to go. Ricardo has to give up something. I already agreed to let him hire the health trainers. This time he needs to agree to hold the training sessions at our Head Start sites or at other locations that are convenient to our parents.

Ricardo Speaks: I've always assumed that if we hired the health educators, we would hold the training sessions in our new community room. It's a perfect environment—it's spacious and has plenty of natural light and comfortable chairs. We even have the latest audiovisual equipment to show training videos and presentations. This space is far superior to any training space I've seen in any of Rosemary's locations. The parents would love it! Besides, having the training sessions in our location will provide everyone with more bang for the buck: we won't have to use the limited contract funds to pay for trainer mileage, and instead of spending time driving to different training locations, my staff can conduct longer training sessions. I don't see what the issue is. Rosemary already said that her staff would attend the training sessions to hand out flyers about child-care options; they can bring parents with them. Rosemary is back to seeing everything through Head Start eyes. Roughly two-thirds of our target audience are non-Head Start parents; they won't have a problem coming to our location.

STEP 6. BACKGROUND READING: FORMALIZING THE AGREEMENT



Suggested time: 10 min.

Study the following reading. Feel free to highlight sections or write comments in the margin throughout these activities.

Organizations rely on contracts or other written agreements to clarify the roles of each party in a relationship. In the throes of spirited visioning or heated negotiations, partners may walk away with different interpretations about the specifics of the agreements they have reached. Well-constructed written agreements help the partners think concretely about concepts that they may have agreed on in the abstract. Agreements that answer questions like “how much,” “how many,” and “how often” provide partners with tools to help monitor the progress of the expected outcomes. In addition, the written agreement provides leverage to the parties in case the partnership fails.

In community collaborations, partners may craft written documents to chronicle many types of agreements. Some will pertain to the structure of the collaboration itself, how it will be governed, funded, and managed. Others may address the services that the collaborative partners will deliver jointly; for example, many community collaborations have developed a common intake procedure for services delivered by collaboration members. Some Head Start/family child-care home collaborations have developed systems whereby the Head Start program assumes responsibility for managing the financial paperwork of the care providers in return for services for children. Others, like organizations in the Harmony case, develop agreements to spell out the responsibilities of employees hired to perform the work of the collaboration.

I. ELEMENTS OF THE AGREEMENT

Whether your written agreement takes the form of a contract or other legal document depends upon the nature of the collaboration and the preferences of the partnering organizations. In some cases, such as when a Head Start program purchases services from a child-care organization, both parties can better protect their interests through a carefully crafted contract. In other, less formal situations, a written agreement drafted by the partners themselves may suffice. Consult your organization’s attorney or another trusted legal advisor for guidance in this area.

Although contracts may need to follow legal conventions, those who craft more informal agreements will want to use language that is “positive and

agreement-spirited”¹⁹ to help set the right tone for the future. In reviewing the agreement, be sensitive to words or phrases that will put one or another of the partners on the defensive when the agreement is read aloud before their board or staff.

There are a number of elements that all contracts or legal documents should contain to help spell out the responsibilities of the parties. These include:

The identity and legal status of the partners. All of the organizations that are bound by the agreement must be spelled out within the agreement. The agreement should also clarify the status of the parties; for example, are all of the members independent entities or is one partner a prime contractor that subcontracts a portion of the work to another group?

The period of performance. The agreement should answer questions such as, “When will the agreement take effect?” and “When will the obligations of the partners end?”

A statement of work. This section is the heart of the agreement. In it, the parties spell out exactly what each will do over the life of the agreement. In Head Start/child-care partnerships, the agreement articulates details like how many children will be served, the qualifications of the staff delivering services, hours and days of operation, and how health and family services will be delivered. Even in less complex agreements like the one used for the Harmony case, it is important to provide as much detail as possible.

Applicable State or Federal regulations. If the partners need to comply with specific regulations as they deliver services, the agreement should make reference to those regulations. For example, contracts that govern Head Start/child-care program partnerships contain language regarding the need to follow the Head Start Performance Standards and applicable State licensing regulations.

A schedule of payments. If the agreement requires that money change hands, the drafters of the statement should be careful to include as much detail as possible. In addition to the amount of money involved, the agreement needs to specify when the payments are due, whether they will be delivered through check or electronic transfer, and the penalties (if any) for late payments.

Items that require prior approval. Because of the complexity of organizations, some details of the agreement may need to be left up

¹⁹ *Mediator Training Manual*. Metropolitan Mediation Services, Brookline, MA, Chapter 4.

to the discretion of the party delivering the service. Partners, however, may want to have prior approval for selected operational details. In the Harmony case, the partners may reserve the right to approve the actual health trainer hired to conduct the collaborative's training. Location of centers and major changes in the budget are other common items that may require prior approval.

Ownership or security interest in equipment or materials. If one of the partners is purchasing equipment or materials with collaborative funds, the agreement needs to spell out how the equipment will be used and who retains ownership of it when the agreement ends. For example, in a Head Start/child-care program partnership, the agreement should specify if classroom equipment can be used by the organization's non-Head Start-funded children and who retains possession of the equipment when the agreement ends.

Liability provisions. Who will be responsible if something goes wrong? For example, if the collaborative delivers services for which a prudent organization would typically carry liability insurance, which of the parties will assume this responsibility on behalf of the collaborative?

Ownership of patents. If the collaborative will develop a product or a process that may be granted a patent, the agreement should contain some language to address ownership rights.

Use of partners' names. The collaborative must consider how the services sponsored by the collaborative will be publicized, among other issues. In the Harmony case, will the health education workshops be attributed to the hospital that provided the funding, the VNA that hires and supervises the staff, the Head Start program that provides access to its clients, or the Harmony Healthy Children Collaborative?

Record-keeping or audit requirements. What types of records will the partners need to keep (e.g., attendance records or records of client payments)? If all parties are keeping the same types of records, will they follow a consistent format?

Provisions for ongoing feedback. How will the partners monitor the operation of the agreement? Are there provisions for monitors to observe service delivery? Will partners make regular reports? Will the partners meet periodically to evaluate the progress of the partnership?

Method for modifying the agreement. As partners monitor the services delivered under the agreement, they frequently discover that

some aspects of the original agreement need to be changed. To avoid awkwardness when the need for change appears to be obvious, the agreement should briefly spell out the steps that partners should take to propose changes in the ongoing agreement.

Termination policy. This section of the agreement spells out each party's obligations to the other agencies if the agreement does not progress as envisioned. Common items in this section will include the types of instances in which termination will occur (e.g., a child-care provider not acquiring a necessary license, or in the Harmony case, the program not delivering the number of workshops spelled out in the agreement). The agreement also details the length of notice required before termination, and any penalties the parties need to pay to end the agreement.

Conflict of interest statements. In this section, each party agrees to inform the others of actual or potential conflicts of interest that may affect the agreement; for example, if the health educator begins to market the collaborative's family health training to a new audience for a fee.

Assurances of confidentiality. As partners engage in joint activities, they may become privy to proprietary information about their partners, such as their partner's annual budget or salary structure. They agree to hold information of this sort confidential.

Designated contact persons. The agreement should list the contact persons for each organization involved. In some cases, the contact person will be the signer of the agreement; in others it will be a representative.

Signatures. The organizational level of the parties signing the agreement will vary according to the nature of the agreement. For example, an agreement between a Head Start program and the local public schools for kindergarten visitations may require the signatures of the Head Start Child Development Services Manager and the Local Education Agency (LEA) Early Childhood Curriculum Coordinator; whereas an agreement to co-locate Head Start and LEA pre-kindergarten classes would probably require approval by both the Head Start Policy Council and Board and the Board Of Education. As a rule in community collaborations, "the higher the level of the signature, the better for long-term support."²⁰

II. SIGNING THE AGREEMENT

²⁰ M. Winer and K. Ray. *Collaboration Handbook*. 1994. St. Paul, MN: Amherst H. Wilder Foundation, p. 105.

Even after a negotiator has come to agreement with her collaboration partners and has drafted a document that captures the letter and spirit of that agreement, her work is not complete. She still must present the document to her home organization for approval. Skillful negotiators keep their Boards, Policy Councils, Executive Directors, and other agency decision-makers up-to-date on the progress of the negotiation to ensure that their agreements are consistent with the organization's mission, strategic direction, and budget—but no agreement is official until it has final approval.

As each home organization considers the written agreement before them, they need to ask the following questions:

- What policies, procedures, and operations must we institute to support the work of the collaborative?
- What policies, procedures, and operations do we need to change or eliminate because they obstruct cooperation?²¹

Organizations that seriously consider the answers to these questions take a major step in ensuring the success of the collaboration.

²¹ Ibid., p. 101.



STEP 7. WORKSHEET: ANALYZING THE AGREEMENT

Suggested time: 30 min.

Purpose: This worksheet will help you apply what you have learned about written agreements.

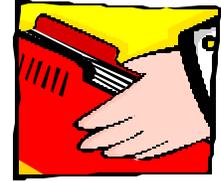
Part I (15 min.) Read the handout, “Agreement in Harmony,” then answer the following questions.

1. Based on what you learned about written agreements in the preceding background reading, what elements, if any, are missing from the Harmony agreement?

2. What would you add to make the agreement stronger?

Part II (15 min.) If you are working in pairs or a group, discuss your answers, why you gave them, and any points of difference.

HANDOUT: AGREEMENT IN HARMONY



Suggested time: 10 min.

Study the following reading. Feel free to highlight sections or write comments in the margin throughout these activities.

As a result of successful negotiations, Harmony Community Hospital, the Harmony VNA, and Harmony Child Care Services (grantee for the Harmony Head Start Program) agreed that the hospital would award a grant in the amount of \$50,000 to provide health education to the parents of the community's preschool children. The Head Start director and the executive director of the VNA developed the following agreement with the help of the hospital's attorney.

AGREEMENT

The following is an agreement among Harmony Community Hospital, the Harmony Visiting Nurses Association (VNA), and the Harmony Head Start Program.

Harmony Community Hospital agrees to award the Harmony VNA a sum of \$50,000 to design and deliver a year-long health education program for parents of Harmony's preschool children. This agreement covers a period of 1 year from the date of signing. The VNA agrees to design the program with input and consultation from the Harmony Head Start Program. The VNA agrees to obtain final approval for the design of the program from representatives of both the hospital and the Head Start program.

The roles of each party of the agreement are spelled out below:

Harmony Community Hospital will:

- Provide a check in the amount of \$10,000 to the Harmony VNA upon signing of this agreement. Three subsequent payments will be made to the VNA at the beginning of each quarter of the agreement unless the agreement is terminated.
- Assign the hospital community relations officer to provide input into the design of the VNA Parent Health Training Program. The community relations officer, along with a representative of the Head Start program, will give final approval for the training program's design before the program is implemented.
- Publicize the training program through its community newsletter and hospital bulletin board.

The Harmony VNA will:

- Within 30 days of the signing of this agreement, hire a health educator to work 20 hours a week to lead the Health Education Program over the life of this agreement.
- Assign existing agency staff to provide an additional 20 hours a week to the project.
- Pay for salary, fringe benefits, and travel costs for the Health Education Program staff.
- Provide automobile and liability insurance for Health Education Program personnel.

- Develop a list of training topics and a schedule of training events in consultation with the community relations officer and the Head Start program within 45 days of signing.
- Offer no less than 20 hours of parent training a week once the training topics and agenda have been approved. At least 10 hours a week will be offered at Head Start sites.
- Publicize the training program through its newsletter and the *Harmony Times* newspaper.

The Harmony Head Start Program will:

- Assign a staff person to consult with the VNA Health Program director.
- Provide the VNA with a listing of Head Start program locations and a schedule of planned Head Start parent meetings.
- Publicize the training program among Head Start parents.
- Provide transportation to Head Start parents to attend VNA workshops at non-Head Start sites.

Recognition of the Parties: Any training materials developed by the Health Training Program shall contain the following statement: “The Harmony Parent Health Education Program was produced by the Harmony VNA in conjunction with the Harmony Healthy Children Collaborative and with funding from the Harmony Community Hospital.”

Title to Training Equipment and Materials: Any training equipment (VCRs, overhead projectors, etc.) purchased by the VNA under this agreement will belong to the VNA at the termination of this agreement.

Contact Persons: Jill Smith, community relations officer, or her successor will represent the hospital regarding this contract. Rosemary Bonivito, Head Start director, will represent the Head Start program. Ricardo Alvarez, executive director, will represent the VNA.

Signatures:

This agreement is in effect for the period beginning _____ and ending _____.

Martin Wall
Chief Operating Officer
Harmony Community Hospital

Ricardo Alvarez
Executive Director
Harmony VNA

Estelle Liberto
Executive Director
Harmony Child Services

Date:

Date:

Date:



STEP 8. SUMMARY

Suggested time: 10 min.

KEY POINTS

- the win-win approach to negotiations
- the difference between positions, interests, and BATNA
- how to prepare to negotiate
- the six-step negotiation process
- elements of a written agreement

PERSONAL REVIEW

What did you learn from this activity?

1. _____

2. _____

3. _____

How will you use your new knowledge and skills in your work?

1. _____

2. _____

3. _____

What other things do you think you might need to learn to master the skill of negotiating and formalizing agreements?

1. _____

2. _____

3. _____

