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Listening and Negotiation

Abstract

Negotiation is an important skill for faculty at all stages of their career, but one that research suggests is often uncomfortable for women faculty to employ. This paper focuses on the topic of negotiation, with an emphasis on providing practical ideas and strategies relevant to academic professionals at both entry-level and mid-career who find that they need to negotiate a career opportunity. The paper will review negotiation basics, as well as discuss what can be negotiated, how one might proceed to discuss these, and how listening is critical to negotiation. By viewing negotiation as a “wise agreement”¹ that seeks to meet the needs of both parties to the extent possible, this paper presents several common cases or scenarios that illustrate the importance of understanding the elements involved both from the faculty member’s perspective as well as from the perspective of their department head, dean or provost.

Introduction

Negotiation is a task we encounter on a nearly daily basis. We readily and easily negotiate with our friends about our next recreation event – what we will do (ski, dine, hike, etc.), where we will do it, who will bring what dish, who will drive. We routinely negotiate with partners and former partners, sometimes on very difficult matters – budget, time, childcare, and much more. We negotiate with our children, with vendors and with our students. There is no doubt we have some substantial expertise in handling ourselves as negotiators in a wide variety of settings.

However, the area where we have the least opportunity for gaining experience in negotiation surrounds our professional world, particularly as it relates to our own professional advancement. While there are numerous books devoted to some aspect of negotiation (e.g.¹⁻⁶), little is found in the literature concerning negotiation in the *academic setting*. One article focuses on the negotiating strategies and tactics deemed useful by a dean as he worked with faculty on a day-to-day basis; in this article the author, a dean for eight years, reports on successful strategies he used (where and when to negotiate with faculty, and more).⁷ To help provide examples of negotiation in the academic setting, a panel discussion was organized, held June, 2016 in New Orleans by the Women in Engineering Division of the American Society for Engineering Education. This paper contains material presented during the panel discussion which was focused on negotiation as it surrounds the academic setting within universities.

To those not versed in the academic rank and supervisory structure, a brief summary follows. The entry-level position in a program, for which a doctorate is required, occurs at the “assistant professor” level. After approximately four to six years, the next academic rank (promotion level) is “associate professor,” which is normally awarded with tenure, and sometimes denied. After another period of time in rank as associate professor (typically another five years), an associate professor is eligible for promotion to (full) “professor,” although promotion to this level is normally not required (which is not the case for the assistant professor/associate professor promotion level). The title of “professor” is the highest typical rank for faculty at a university, although one can earn an additional honorary title of an endowed (named) professor in many institutions. Other types of faculty exist (e.g., clinical faculty, lecturer). All faculty provide

instruction in their field within a program of study (e.g., mechanical engineering), which typically is administratively housed in a department or school. The administrative head of this is often the “chair,” or “head.” Various related departments of engineering, for example, are administratively placed in a “college” (for example, a College of Engineering); the head of a college is usually called the “dean.” Finally, the academic colleges together are grouped under the heading of “academic affairs,” usually the administrative head of this is the “provost.”

This paper contains several “cases,” which are related in order to convey a principle of negotiation within a setting intended to help the reader relate the case to a similar academic situation they might encounter in their careers. The cases vary across a wide range of academic levels, from assistant professor, to full professor all the way up to dean and provost-level negotiations. 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 purely coincidental.

Background

As described in “*Getting to Yes: Negotiating Agreement Without Giving In*,”¹ which uses “Harvard Principled Negotiation,”^{1,2} 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 Patton¹, p. 4]. In the academic setting, where for example, an assistant professor may be negotiating a start-up package that includes salary, start-up funds for a laboratory, relocation costs and more, this “wise agreement” has the following context. An offer is being made as a result of the department having decided, through a relatively elaborate, committee-based hiring structure and on-site interview, that this particular faculty member is the best fit for their unit and present needs. Their “faculty search committee” has screened typically hundreds of applicants, has likely conducted phone screening with a set of semi-finalists, and has further reduced the candidate pool to a set of two to four finalists who were invited on site for a one or two-day interview. Following all this, they recommended a final selection, and the department chair or head now wants to bring that faculty member on board as part of the faculty, and desires for them to be successful in their new position. This is critical for a candidate to understand. While many candidates may fear damaging the relationship between themselves and their future supervisor by negotiation, the candidate should recognize that by framing their negotiation as part of a “wise agreement” that meets their mutual interests, the subject of the negotiation becomes about “helping me be successful in the department,” rather than “winning” a point of concession from their future supervisor. Stated differently, a finalist is unlikely to have an offer withdrawn by discussing their needs in the context of what is necessary for them to get started in their new position.

Another critical aspect concerning negotiation involves the fact that it must actually take place. Stated succinctly, by one of our panelists, “negotiation begins with an ask.” An interesting aspect associated with this concerns a general reluctance by women, to do so [e.g.^{4,5}]. The reluctance to negotiate for salary, start-up funding, resources for their unit, and more has a substantial long-

term cost. According to the “*Women in Management: Analysis of Female Managers’ Representation, Characteristics and Pay*” report, female managers earn \$0.81 for every dollar earned by male managers in 2007 (up from \$0.79 in 2000).⁸ A reluctance to negotiate may well be one reason for part of this pay gap.

Miller and Miller report:⁶ “The highly successful female executives that we interviewed emphasized not only the importance of learning to negotiate, but also being willing to negotiate for themselves, not just their employers. Even women who are really good at negotiating for their organizations often feel that there is something unseemly about trying to get things for themselves; that demanding more money is petty. This leads them to accept the first salary offer or to ask for too little when they do negotiate.” One of the purposes of this panel and the cases selected, is to encourage “the ask.”

Negotiation Tactics

There are numerous approaches to use in negotiation that are documented in detail elsewhere [e.g.¹⁻⁷]. In this panel we are featuring several of these as they relate to the case studies 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 begins 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. Emotions do not belong in the conversation.
8. Keep in mind the principle of a “wise agreement,” [Fisher, Ury and Patton¹, 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 Negotiations

Case 1: Starting offer at a top-ten engineering research program

Dr. Taylor Smith, having completed a two-year international post-doctoral experience at a major international laboratory – and having proved worth by already having several externally funded grants in addition to numerous peer-reviewed papers, applied for two top-ten engineering program assistant professor positions. The candidate was selected for campus interviews at each place, and the interview experiences consisted of the typical two full days of interview, including breakfasts, lunches and dinners, with various combinations of faculty, graduate students and staff – rigorous interviews designed to vet future colleagues for their ability to take on the research, teaching, and eventual international recognition required at a top tier institution for tenure and eventual promotion to full professor. One offer, from a “top ten” engineering college was made to the candidate; the offer discussion took place via a telephone conversation between the department chair and the candidate. The candidate had done the research to know the range of

salaries reasonable for that field, and when the starting salary level was described, it was recognized immediately as being at the bottom of this range.

The candidate parried by providing factual information about the standard starting assistant professor salary range within the specific field (Tactic #1) to the department chair. The chair replied with the following information: he agreed, it was low, but stated that if he were to increase the salary, the candidate would earn more than other assistant professors in the department. The chair agreed to increase the offer by \$1,000, and given the need for the candidate and the candidate's family to settle down somewhere and get their son started in school, the offer was accepted, with a salary that not only started low, but remained low, even after the candidate's tenure and promotion.

How else could the candidate have handled the situation? This is a typical situation where understanding more about how things work in an academic search and understanding the principles of negotiation would have helped the candidate. For example, if the candidate had greater awareness of the department's considerable investment of time in her as a finalist for the position, and understood the basic principle of focusing discussion on the "wise agreement" (Tactic #8), rather than worrying about offending her future supervisor, the negotiation could have considered different aspects, following the discussion around salary. For example, the candidate could have centered the discussion on what was needed to successfully establish herself: "Given that this salary is at the bottom end of the range for starting salaries, I am concerned that I will not have the earning base I need to be successful here in terms of caring for my family's needs. If salary is fixed at this low limit, I will need for my spouse to have a position for at least three years while I get my research lab launched and secure external funding." During the interview, the candidate had previously mentioned the spouse's qualifications, the fact that he had a doctorate in biology and two postdoctoral experiences.

Another interesting aspect of this case follows. Within a department, when salaries get "upside-down" due to an incoming faculty member earning more than faculty already there (often due to salary freezes during difficult budget years), this situation is actually positive for the department. It provides that department with future leverage to assert their need for increased salaries in subsequent years. It would actually have been a good move for that chair to make the candidate a substantially higher offer than the other assistant professors in the department (Tactic #8, wise agreement). In this particular case, the chair was an inexperienced interim chair, unaware of how he could conduct a future negotiation predicated on the principle of a salary inversion.

Case 2: Starting offer at a teaching-focused institution

Sarai was a Ph.D. student in her last year of graduate school. She had been applying for faculty positions in the region, since her husband worked at a large company in the area and didn't want to relocate. Sarai had become involved in the leadership of a women's graduate student group. As such, she was charged with pulling together a fall workshop for women graduate students on her campus. She selected Dr. Janet Ruez, as a potential speaker; negotiation was one of Dr. Ruez' specialties. Sarai really didn't know much about negotiation but was vaguely aware that women tended to not negotiate when offered a job, which was not in their best interest. In the meantime, Sarai received an invitation to come as a finalist for an interview at the top institution

in the area that focused on teaching. This institution was her dream job, under the circumstances. However, she feared negotiating for the position once she arrived on campus, in case she should appear ungrateful or by asking for too much. She really didn't have a good feel for what to ask for, how much might be okay, or when to ask.

During the workshop, Dr. Ruez encouraged the participants to think about the hiring process more broadly. The goal, she said, is for departments and faculty candidates to find a good match, where their goals, mission, expectations and preferred work environment are aligned (Tactic #8, wise agreement). Participants learned that negotiation wasn't about "getting" as much as you could when you walked in the door, for fear that they would never give you anything else. It was about visiting the institution, learning about what your job would be like there, and asking for the things that you would need to do a quality job, contribute to the institution and advance your shared goals. Sarai had never thought of negotiation in this way. It was really about creating a win-win scenario. Dr. Ruez also mentioned that there was also an opportunity to judge the department fit, work culture and leadership in negotiations. An institution that tries to hire you for less than a competitive salary, for example, either does not adequately value what you bring to the table, isn't savvy enough to be cognizant of current salary rates for faculty, or doesn't have enough funds to offer you an adequate salary. Dr. Ruez said that you should think carefully before joining such an institution.

Sarai wasn't really familiar with any institution but her own, where she had earned all her degrees. While there were some things she liked about it, the more she saw of what her advisor's job looked like, the less interested she had become in working at a similar institution. While her advisor did not value a position at an undergraduate-focused institution, Sarai felt that it would better fit her needs. Dr. Ruez closed the workshop by outlining some strategies to use in negotiation: determine your goals, gather information and data on similar positions (Tactic #1), develop your ideal offer and decide where you are willing to compromise, make a case for how the things you are including in your ask will help you meet the department's goals, and use good listening skills (Tactic #3). In particular, Dr. Ruez emphasized that women may over-empathize with the other person, which gives away some of their power in the negotiation, or make concessions too quickly and too willingly. Dr. Ruez had participants practice negotiating several scenarios which was very useful.

Sarai's interview was the next week. The workshop had given her a chance to consider some specifics to include in a negotiation and she worked to learn as much about the department as she could before the interview. At the end of the interview, the department head met with her and to her astonishment made her a verbal offer on the spot. Sarai was thrilled, but a little taken aback. She thanked the department head and enthusiastically asked when she might receive something in writing and what other items might be included in the offer (Tactic #6, don't commit too quickly). She was able to briefly mention a desire for funding to participate in a well-regarded new faculty program at a national conference and a year or two of summer support for undergraduate researchers. The formal offer arrived a few days later and included the two items she had requested. The salary was not quite the level Sarai had hoped for, but given her interest in remaining in the region and her success in receiving funding for both of her requests, she decided against negotiating for a higher salary. All in all, the negotiation workshop had, in her

eyes, paid off. Without it, she reflected, she would have just accepted the verbal offer without articulating what else she needed to help her succeed in this new position.

Administrative Level Negotiations

Case 3: College level budget negotiation

State U had just hired a new provost. He was a biologist and one of his platforms was to launch a new STEM program. The university had, however, been weathering budget crises for the last few years, so the provost walked in the door convinced of the need for streamlining operations. An influential donor had suggested that he take a page from the corporate playbook and eliminate administrators in every unit. The provost knew that the majority of the university's budget was in salaries, so he announced on his first day that he would be cutting a few administrators in each school. Engineering Dean Jackson was a relatively recent, internal hire, selected by the previous provost, who had the benefit of understanding the institutional history of the college and university.

Dean Jackson knew that some of the other faculty on campus felt that the school of engineering had received special treatment under the previous provost and now had more than their fair share of the budget. Consequently, several deans were pushing the provost to cut three administrators in the engineering school, to help even out the budget and handle the ongoing budget crisis. Given the provost's professed interest in STEM and the fact that the engineering school had experienced the largest growth in undergraduate students during the last few years, Dean Jackson was perplexed at the traction that this argument was gaining with the new provost. She called a long-time mentor at another institution to get some advice on how to negotiate with the provost. (Tactic #1, do your homework). Given their enrollment growth, she could absorb one administrative position, but more than that would be painful and result in eliminating popular programs and possibly staff.

Dean Jackson's mentor encouraged her to look at the situation through the provost's perspective (Tactic #4, put yourself in their shoes). He was new to campus and felt pressure to make some visible budget cuts. He also wanted to establish a good relationship with the important donor, who was an alumnus of the business school. Cutting engineering administrators would make everyone on campus happy except engineering. What options could Dean Jackson develop that would help engineering stay afloat and at the same time help the provost accomplish his goals? Her mentor sent her some negotiation workshop materials from a national conference the previous year. These materials reminded Dean Jackson of the value of data. She knew that the previous provost did not share information, so one reason people had inaccurate ideas concerning the budget engineering received was because there was little accessible information to refute the rumors. She worked to pull together five years of information on enrollments and faculty salaries. Dean Jackson developed a plan, thinking through where the cuts might come in her college. The plan included how the college's administrative duties could be shifted in order to create an ability for engineering to take the lead on one of the STEM projects the provost desired, while only cutting one administrative position (Tactic #1).

In their next meeting, Dean Jackson presented her plan to the provost. He wasn't terribly sympathetic to her suggestion to only cut one administrator, but thanked her for the data, and noted that he would make his decision by the end of the week. Unfortunately, he informed her that she must cut two administrators. One administrator position had been vacated over the summer by an unexpected retirement, so she used that for one position. The provost insisted that she cut the other person immediately. Dean Jackson listened carefully (Tactic #3); the provost was not going to agree to only one cut. With the fall term about to start, she did not wish to cut a longtime administrator with no advance notice and for no reason other than to meet an artificial quota. She crafted an argument – a second negotiation – to the provost, proposing a delay in the second cut until the end of the academic year (Tactic #8, wise agreement). She pointed out that because the administrators in her college were tenured faculty members, her plan kept the university from having to pay the administrator's summer salary, which saved the university most of the salary savings that would have been realized by cutting him immediately. It also gave her colleague a chance to prepare for change. In return for remaining on staff that academic year, he would be responsible for launching the provost's STEM program this year. The provost agreed to this plan. It was not the decision Dean Jackson had hoped for; however she secured more fair treatment and time for her colleague, during which time there was a possible long-term outcome to retain the position, particularly if the STEM program was a success and engineering enrollments continued their upward trend. Although their discussions were private, faculty quickly figured out what had happened once the cuts were announced. Respect for Dean Jackson grew considerably as a result of this outcome.

Case 4: An administrator negotiating for a promotion, broader responsibility or large raise increase after having proven value at an institution

Dr. Armaja Jones reported directly to the president of a public university. She had been in her position for several years and had done a tremendous job, one that had been recognized by members of the governing board and campus community. Several members of the board expressed interest in seeing that Dr. Jones felt her work was valued, that she remained at the institution and that she was compensated appropriately. Dr. Jones took it upon herself to investigate peer data and to reformulate her thoughts on appropriate compensation after having proven the value she brought to the institution. During this investigation she discovered that she was compensated at the bottom of her peer set (Tactic #1, do your homework; Tactic #2, know your value).

During her six-month review, President Singh asked Dr. Jones about her career goals and where she saw herself in five years. He also stated that he felt her to be his highest flight risk, but wanted to help her achieve her goals. After reflecting on the question and recognizing the opening she had been provided, Dr. Jones explained that she saw herself remaining at the institution to complete some transformative plans that were progressing well. However, she wanted to feel good about making such a decision as she was regularly nominated and recruited for positions elsewhere. Dr. Jones began a dialogue about how they might revisit her overall compensation and contractual agreements, given the great strides made under her leadership. The president agreed to have a member of his staff collect comprehensive information on her peers to inform such a discussion. Dr. Jones worked with this staff member to address a complete picture of peer compensation, including benefits beyond salary.

At her annual review the president praised Dr. Jones' achievements and said that he had reviewed the information provided by his staff member. Although he provided a strong percentage raise to her annual salary, her overall compensation remained significantly below her peers. Dr. Jones was disappointed and relayed this to her boss in a simple, unemotional way (Tactic #7, do not take negotiations personally). They discussed how the raise to her salary moved her from the lowest part of her peer's range for which she expressed gratitude. They also discussed that a salary increase at a public university was subject to intense scrutiny and the president felt he could go no farther. Dr. Jones pointed to additional opportunities to increase compensation, such as incentive pay or deferred means, where peer data also had been provided (Tactics #3 and #4).

At one point, President Singh lost his temper and suggested that Dr. Jones herself was not really performing at the same level as her peers. She responded to this insult with dignity, reminding him of the great accomplishments under her leadership that Dr. Jones and others had praised, as well as her desire to feel good about the decision to remain with this institution to help the president achieve his vision. She restated her gratitude for the strong increase in salary that the president had said was so well deserved. She indicated, however, that she would have to think about the situation and review her options as the conversation had been somewhat surprising (Tactic #6, don't commit immediately). Then, she remained quiet for some time even though the silence was uncomfortable to her (Tactic #5: Ask, and then stop talking.) President Singh was ashamed that he had allowed his temper to get the better of him and to overshadow his pursuit of a positive result for all involved. President Singh realized that they were not in agreement and that Dr. Jones was not at the same point he was and that bothered him. He said so and offered to continue the conversation at a later date. Dr. Jones quickly agreed that this would be most welcome and again expressed her appreciation for his support and for the increase in salary. At the end of their meeting President Singh again said that they would continue conversations to address the situation.

Dr. Jones realized that she needed to make her expectations explicit, and she drew up a plan to not make additional changes to her salary but to provide deferred compensation in a way that brought her closer to the average of her peers. This suggestion recognized that deferred compensation was a motivator for her to remain at that institution and one that might not create public issues with other employees (Tactic #4, put yourself in their shoes). She also drafted a new contractual agreement with updates more in line with her peers. At her next six-month review, one year after the conversation began, Dr. Jones and President Singh agreed on a total compensation package that provided a win-win for both parties involved and that brought Dr. Jones from the bottom of her peer set to the average.

Cases 5 and 6: Negotiation begins with an ask (Tactic #5)

A move into administration can be a next logical step as one climbs the proverbial ladder in academia from untenured assistant professor, to tenured associate professor, to full professor. That said, when we examine why we entered academia in the first place, it likely was that we wanted to work with students through instruction and mentorship, and to add to the body of knowledge through our scholarship. However, in order to take on the significant workload of an

administrative position, it is necessary to “give up something” in order to make room for the new set of responsibilities that come with the administrative position. These cases include two examples that demonstrate the simple fact that negotiation begins with an “ask.”

After completing her B.S. in chemical engineering, Jean undertook a decade-long career in industry working for two Fortune 500 companies. During this time, she took advantage of her employers’ tuition reimbursement programs and completed a masters and Ph.D. as a non-traditional graduate student. Ultimately she entered academia because of her love of teaching and working with students. Fifteen years later, she was afforded an opportunity to become head of an engineering department. As she considered it, she wondered if she would be happy cutting back significantly on her teaching, research and mentoring of graduate students. She sought the advice of her long-time mentor who asked her to consider what she would need in order to achieve good balance. Her mentor encouraged her to then make an “ask” – to articulate what she needed to take on the new role. After careful consideration, Jean asked her dean for support to allow her to continue with her work as a professor while allowing her to ease into her new role as an administrator. She explained why it was important; that teaching and working with students was a huge personal motivator, and that continuing with research and teaching so as to be able to return someday to life as a professor was important to her. In the end, it wasn’t a hard sell, and her dean generously provided her with resources in the form of an endowed professorship that provided sufficient funding to allow her to maintain her research program and travel as necessary to professional conferences and back to her former institution to complete the advising of Ph.D. students who remained behind. However, if she hadn’t asked for those resources, she would not have received them to begin with. (Tactic #5).

Several years later, her provost asked her to move into a dean’s position. She recognized that she would be taking on even more administrative responsibilities, traveling more and would need to cut back even further on her contributions as a professor. As part of her start-up package, she successfully negotiated hiring a new associate dean to help spread the large administrative load. She stepped into the dean’s role, but faced an interesting dilemma about one year into the position when the provost asked her to travel to their international center to analyze how they could take a strategic turn in the center’s operations. To her dismay, the dates for the visit conflicted with a research meeting previously scheduled months earlier with a team of researchers and the event was set and travel arrangements had been made.

How could she be in both places at once? Keeping in mind the concept of meeting the interests of both parties to the extent possible as a key working point (Tactic #8, wise agreement), she found a solution and presented it to the provost. She stated what an honor it would be to go to the center and represent the campus. She relayed that although it was not impossible for her to go, that it would come at a big price professionally. She explained her dilemma about the prior research commitment, the fact that ten other people had also made arrangements to attend the meeting which she had organized, and that it would be unprofessional not to go. That said, if he asked her to get on a plane and conduct the visit, she would do that and made amends to her colleagues at a later time. She offered an alternative solution, that instead of her attending in person, her associate dean could go in her place, and explained that the associate dean had in fact served in this way before. She promised to keep in regular communications with her associate dean during and after the trip and to follow-up a few months later with a trip back to the center

with additional personnel who would benefit from making a deeper connection there. She pitched this idea as actually being a superior option. In the end, she was able to convince her provost to agree with this solution. Like the previous example, it began with an ask (Tactic #5).

Summary

Faculty need to learn effective negotiation skills and employ them throughout their career. However, while they may negotiate frequently in other aspects of their lives, negotiating at work often is a daunting task. This paper has reviewed a few basic negotiation strategies and illustrated, through several stories or case studies, effective ways to utilize these strategies in common entry-level and mid-career scenarios. By viewing negotiation as a “wise agreement,” looking at the situation through the eyes of the other person, supporting the request with data, and employing good listening skills, faculty can effectively navigate a variety of career situations to arrive at a mutually beneficial end.

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