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## GLOSSARY

**Accommodative style:** Occurs when individuals have a preferred outcome but are willing to sacrifice their preferences so the other negotiators can realize their own, conflicting preferences, thereby ensuring no harm comes to the relationship between them.

**Acculturative stress:** Occurs when culture change causes confusion and frustration, accidental transgressions, and then disharmony between workers. Acculturative stress is likely to be highest in new employees as they learn the cultural norms of the organization or during the process of mergers and acquisitions because cultural norms and expectations are in flux.

**Accuser bias:** A form of fundamental attribution error that is “the tendency for an observer negatively affected by an actor’s behavior to attribute the behavior to causes under control of the actor” (Allred, 2000, p. 244).

**Acquisition:** Occurs when one company buys and assumes management of another, usually smaller, company.

**Active listening:** Occurs when listeners give the speaker all of their attention, listen to understand the speaker’s meaning in content and in import, and confirm the meaning has been understood through summarizing back what has been said. Active listening serves multiple purposes: increased understanding on listeners’ parts, building rapport and relationship between speakers and listeners, and making space for speakers to share something they consider important.

**Adjudication:** The formal process through which a judge renders a decision in a case before the court.

**Administrative adjudication:** Refers to the process through which agencies determine whether an individual or group is guilty of violating administrative rules.

**Administrative law:** “The name given to agencies’ rule making and resolution of conflicts regarding their rules” (Harrison, Harris, & Tolchin, 2009, p. 479).

**Administrative rule making:** The “process by which upper-level bureaucrats use their administrative discretion and their expertise in the policy area to create rules, regulations, and standards that the bureaucracy will then enforce” (Harrison, Harris, & Tolchin, 2009, p. 480).

**Agency capture:** Occurs when governmental regulatory agencies begin to advocate for the industries or interests they are supposed to regulate rather than objectively ensuring they adhere to all applicable laws and rules.

**Alternative dispute resolution (ADR):** Refers to a host of processes that serve as alternatives to costly and adversarial litigation, including mediation, arbitration, the use of an ombudsman, and others.

**Arbitration:** An alternative dispute resolution process in which the parties hire a neutral, expert third-party decision maker to act as a private judge in their dispute. Arbitration is commonly used to resolve disputes in unionized workplaces, and arbitration decisions can serve as precedent for future similar cases within a union contract. Arbitration rulings do not set a legal precedent in the courts and cannot generally be appealed there except in cases of arbitrator misconduct.

**Asking price:** The first proposal shared by each party to the negotiation. Also called *initial offer*.

**Assimilation:** Occurs when the culture of one organization is imposed on, dominates, and replaces the original culture of the other organization.

**Attribution theory:** Explains the ways in which cognitive biases hinder our ability to accurately understand the motivations behind the behaviors of others.

**Avoidant style:** A common approach to conflict in which an individual ignores and refuses to acknowledge the presence of a conflict or significant problem. Typically, these individuals are uncomfortable with their ability to manage conflict proactively and successfully so they remain in a state of denial about the presence of conflict much longer than those with other preferred conflict styles. Once the conflict can no longer be ignored, these individuals sometimes blow up and overreact or become irrationally angry because they feel they should not have to address the conflict but are being forced to do so by others or by the situation itself.

**Backcasting:** A problem-solving technique in which the facilitator, mediator, or manager asks the parties to envision a future in which the problem is solved or

the relationship is repaired. The parties are asked to describe what that looks like or feels like. Then, the parties are asked to describe the steps that each of them would need to take in order to reach that ideal future state. The parties are asked to focus on the actions that each person can take personally rather than focusing on the actions they wish the others would take.

**BATNA:** An acronym that stands for *best alternative to a negotiated agreement*.

**Bias of the accused:** Our tendency to downplay our own poor decisions or actions while attributing them to circumstances beyond our control.

**Blue collar:** Employees who work at jobs that are based on hourly pay and usually include manual labor. They may be considered **skilled laborers** or **unskilled laborers**.

**Brainstorming:** An important part of a problem-solving process. During brainstorming all parties agree to think broadly about any and all possible solutions to the problem at hand. It is critical to the success of the brainstorming process that the participants agree to separate the process of generating options from the process of evaluating those options.

**Bullying:** “Can be considered as a form of coercive interpersonal influence. It involves deliberately inflicting injury or discomfort on another person repeatedly through physical contact, verbal abuse, exclusion, or other negative actions” (Forsyth, 2006, p. 206). The behavior must be intentional, repeated over time, and have a negative impact on the target. Bullies wear down their victims over time, usually for more than a year in workplace settings (Einarsen & Skogstad, 1996).

**Business-to-business (B2B):** Refers to relationships in which the customer is another business.

**Case evaluation:** A process in which a neutral expert is hired to evaluate the strengths and weaknesses of each side’s case and predict for the parties what would happen in court.

**Claiming value:** Occurs when a negotiator seeks to gain as much of a fixed resource as possible, leaving less for other negotiators.

**Cognitive bias:** A pattern of deviation in judgment leading to inaccurate conclusions, distorted perceptions of reality, illogical interpretation of facts or events, and often leads to irrational behaviors or thought patterns (Kahneman & Tversky, 1972).

**Collaboration:** Has four key constituent elements: interdependent stakeholders (i.e., those affected by a decision), the ability to constructively address differences, joint ownership of decisions, and collective responsibility for the future of the partnership. Collaboration occurs when multiple parties come together to accomplish a common objective because of a shared need, through authentic conversations in which people speak frankly and listen to one another, and under norms of reciprocity that require a cooperative give-and-take that enables the group to negotiate effectively.

**Collaboration fatigue:** The weariness that sets in among negotiators after talks have been ongoing for months or even years, especially if progress seems elusive or minimal. The signs of collaboration fatigue include falling meeting attendance, growing impatience or inattentiveness of representatives, and a decreased willingness to financially support the collaborative process.

**Collaborative monitoring:** Seeks to engage interested and affected stakeholders, public agencies, and scientific and technical experts in a more direct fashion to jointly gather data and information in an ongoing manner. This helps avoid the tendency for each group to gather information on its own, which supports its own preferred outcomes.

**Collaborative public management:** Defined as “the process of facilitating and operating in multi-organizational arrangements to solve problems that cannot be solved or easily solved by single organizations. Collaborative means to collaborate, to achieve common goals, often working across boundaries and in multi-sector-actor relationships. Collaborative public management may include participatory governance: the active involvement of citizens in government decision-making” (O’Leary & Blomgren Bingham, 2009, p. 3).

**Collaborative style:** Indicates a preference to work together with others to achieve outcomes that meet the needs of all negotiators. This style occurs when two or more individuals work together to share information and make joint decisions.

**Collective bargaining:** A process of negotiation between employers and the employees’ representatives aimed at reaching agreements that regulate working conditions and pay.

**Collective bargaining agreement:** The agreement reached between an employees’ union and the company outlining the terms of employment. This agreement covers the initial contract between a group of employees and company leaders as well as periodic renegotiation of that contract.

- Collectivist societies:** Where individual identities are based on ties to the group or community and one is expected to make decisions that take into account the best interests of the family, tribe, or community.
- Competitive style:** The competitive style indicates a preference to “win as much as you can,” even at the expense of the other side or the relationship between negotiators.
- Compromising style:** Indicates a preference for splitting the difference between the negotiator’s positions. Compromise can be a quick, efficient way to reach a solution. The compromising style is appropriate when a decision is not highly important, the time for negotiation and discussion is relatively short, and the process needs to be viewed as fair to all parties. One risk of using a compromise is that other styles, such as the collaborative style, might result in outcomes that create more value for both parties.
- Conflict assessment:** Helps to identify the issues of controversy in a given situation, the affected interests, and the appropriate form(s) of conflict resolution. Also called a *needs assessment*, this analysis is used to determine whether an ADR or collaborative process is likely to succeed.
- Conflict avoidance:** Occurs when an individual or group has evidence that a problem currently exists or will soon exist but no steps are taken to acknowledge and address the problem. Conflict avoiders refuse to acknowledge that the problem exists, in the hope that it will just go away.
- Conflict coaching:** “A process in which a coach and client communicate one-on-one for the purpose of developing the client’s conflict-related understanding, interaction strategies, and interaction skills. Coaches help clients to make sense of conflicts they experience, help them learn to positively manage these conflicts, and help them master specific communication skills and behaviors” (Jones & Brinkert, 2008, pp. 4–5).
- Conflict management (CM):** Refers to the systematic prevention of unproductive conflict and proactively addressing those conflicts that cannot be prevented. Every workplace has existing conflict management methods but these methods have not usually been explicitly discussed, examined, and (re)designed for maximal efficiency and user satisfaction.
- Conflict prevention:** Occurs when an individual or group examines the sources of predictable and recurring problems and then takes reasonable steps to address the root causes of those problems so that they do not occur or recur.

- Conflict styles inventory (CSI):** A personality assessment tool designed to measure the conflict resolution reactions and habits of an individual. This information can be useful to understand one's basic approach to conflict as well as to learn how to match conflicts with effect response strategies.
- Consensus:** Occurs in matters of policy when "the parties have reached a meeting of the minds sufficient to make a decision and carry it out no one who could block or obstruct the decision or its implementation will exercise that power and everyone needed to support the decision and put it into effect will do so" (Arthur, Carlson, & Moore, 1999, p. 5).
- Consensus building:** Describes a number of collaborative decision-making techniques in which a facilitator or mediator is used to assist diverse or competing interest groups to reach agreement on policy matters, environmental conflicts, or other issues in controversy affecting a large number of people.
- Contingent agreements:** For example, if  $x$  happens by (insert date), then we both agree to do  $y$ . If  $x$  does not happen by this date, then we agree instead to do  $z$ . This allows both parties to react to changing future circumstances without needing to renegotiate the contract.
- Convening:** The process of bringing stakeholders together to design the process jointly and begin the dialogue or negotiation.
- Creating value:** When negotiators work together to ensure each of their needs are met by expanding existing value through collaboration, increased efficiency, or creativity.
- Customer loyalty programs:** A method for rewarding return customers by giving them, for example, a thirteenth night free or a free domestic airline ticket once they accumulate fifty thousand frequent flyer miles, and so on. These programs may help lure customers back to your business when there are others offering basically the same products and services at similar prices.
- Customer recovery:** Refers to the policies and practices put into place to address a disgruntled customer with the goal of winning back the customer's loyalty and business.
- Customer satisfaction:** Defined as "a measure of how a firm's product or service performs compared to customer's expectations" (Zondiros, Konstantopoulos, & Tomaras, 2007, p. 1086).
- Customers as business partners:** Means that organizations should evolve their mind-set from a worldview that sees each transaction as a one-time event to

instead seeing each transaction as a chance to build a long-term, mutually beneficial relationship (Witschger, 2011).

**Deculturation:** Occurs when employees in one of the organizations or within some subunit of an organization reject the culture of the acquiring company but realize their old cultural behaviors and beliefs no longer work well in the new organizational environment.

**Deliberative democracy:** Refers to the underlying principle that for laws to have true legitimacy they must be subject to authentic deliberation prior to a majority vote. Authentic deliberation means that decision makers engage in discussion, debate, and analysis that is free from the influence of unequal power based on wealth, status, or other sources of inequality. The goal of deliberative democracy is to move toward consensus but decisions can be made based on majority vote once deliberations have occurred and all have had a chance to participate. Deliberative democracy is a founding principle of Western governmental systems, albeit incompletely achieved in practice.

**Denial:** Occurs when the reality of a situation is so overwhelming that it potentially causes an emotional breakdown. To avoid this potential, one refuses to acknowledge the reality of a situation in order to allow it to sink in slowly (if at all) rather than all at once.

**Design team (DT):** Composed of employees from different parts and levels of the organization who will assist in the development, implementation, and evaluation of the dispute system design.

**Disassociation:** Occurs when individuals are emotionally overwhelmed by a situation and therefore have difficulty focusing on that situation. Their minds may wander to more attractive thoughts, such as where to go on vacation or even drift toward making a mental grocery list—anything seen as safe or pleasant. In common terms, they daydream.

**Displacement:** Involves changing the topic as another way to avoid dealing directly with a problem or acting upset about one issue when it is really a different issue that has caused one's upset.

**Dispute systems design (DSD):** Refers to the strategic arrangement of dispute resolution processes within an organization (Costantino & Merchant, 1996). Disputing systems are commonly defined for internal employment disputes or disputes with external stakeholders such as clients, customers, or regulators

(e.g., EEOC complaints within a federal agency or environmental enforcement cases with polluters). The goal of DSD processes is to track and reduce the occurrence and costs of disputes that can reasonably be predicted to occur within an organization and between the organization and external audiences such as customers, vendors, and regulators.

**Distributive bargaining:** Refers to negotiations between parties with perceived competitive goals. In distributive bargaining situations, resources are fixed and cannot be increased. Also called *win-lose* or *zero-sum negotiations*.

**Distributive justice:** Deals with perceptions that outcomes and payouts are fairly distributed. Perceptions of distributive justice generally hinge on one of three criteria for determining the fairness of an outcome: equity, equality, or need.

**Diversity:** Refers to all the ways in which individuals may differ: gender, race, ethnicity, age, technical abilities and backgrounds, sexual orientation, religiosity and religious affiliation, social class, work style, worldview, and so on.

**Emotional intelligence (EI):** Refers to the ability to perceive, control, and evaluate emotions in oneself and others. Emotional intelligence can be further broken down into four factors: the perception of emotion, the ability to reason using emotions, the ability to understand emotion, and the ability to manage emotions.

**Employee turnover:** Refers to the rate at which employees leave the organization and should be broken down by rank and location to better isolate the potential root causes. Average rates of employee turnover vary by industry and within organizations.

**Environment and public policy conflict resolution (E/PP):** Application of alternative dispute resolution methods to environmental and public policy issues.

**Environmental conflict resolution (ECR):** Refers to people with differing views and interests working together in a systematic and organized way to find workable solutions to shared problems about environmental issues, usually with the assistance of a neutral third party.

**Equality principle:** States that all group members should receive equal amounts of any good or benefit that comes from the labors of the group. Under this version of fairness, all employees would receive the same pay.



**Equity principle:** Denotes that benefits should be distributed based on each person or group's contribution; those who worked harder or contributed greater expertise to a project should receive a disproportionate amount of the fruits of that labor.

**Ethnocentrism:** The belief that one's cultural practices are inherently superior to those from other cultures.

**Exit interview (exit survey):** Used to gather information about the reasons why employees are leaving the organization, their perspectives about how the organization could improve as an employer and in the accomplishment of its mission, and various other points of information deemed vital to constant improvement. Employees who have made the choice to leave the organization may be in a position to be more honest about their observations than ongoing employees who may fear reprisals or retribution for speaking out.

**External locus of control:** Those who believe that they are controlled by factors external to themselves such as a higher power, the environment, political forces, and so on.

**External stakeholders:** Could include customers, vendors, shareholders, patients, the affected public, and regulators.

**Facilitation:** A group process in which either an inside or outside neutral leads the discussions in a neutral manner in order to assist in promoting an efficient and civil discussion process that stays on track.

**Fairness:** Fairness can be variably defined as the quality of being just, equitable, impartial, or evenhanded. Fairness can refer to the process by which decisions were made and the outcome of those decisions. Depending on one's perspective, there may be many contradictory viewpoints about what comprises a fair outcome depending on one's preference for equity, equality, or need-based outcomes.

**Fallback offer:** The offer made once the initial offer is rejected. It is somewhere in between the initial offer and the resistance point and it may lead to an agreement.

**FourSight teams:** Those teams that take a specific four-step approach to decision making; they define the problem, brainstorm solutions, sift out the best solution, and carry out their plan.

**Framing:** Refers to the ways in which facts or perceptions are defined, constructed, or labeled. “Framing is a process whereby communicators, consciously or unconsciously, act to construct a point of view that encourages the facts of a given situation to be interpreted by others in a particular manner. Frames operate in four key ways: they define problems, diagnose causes, make moral judgments, and suggest remedies. Frames are often found within a narrative account of an issue or event, and are generally the central organizing idea” (Kuypers, 2006, p. 7).

**Framing effect:** A cognitive bias occurring when the same option is presented in different formats or with different phrasing (i.e., it is framed differently) and the choice of format or phrasing unduly influences one’s opinion or preferences on the matter.

**Free riders:** People who enjoy the benefit of a public good without paying their share for it. For example, someone who refuses to pay his taxes but still uses public roads, libraries, and emergency services is a free rider.

**Fundamental attribution errors:** Occurs when we incorrectly attribute peoples’ behaviors to their dispositional or personality characteristics rather than attributing them to a situational factor.

**Genius teams:** Small teams of brilliant employees who benefit from lots of close contact while working with each other.

**Great Recession:** Refers to the period of negative and slow economic growth and high unemployment and underemployment that began in approximately 2007 and continues at the time of this writing (December 2011).

**High-context cultures:** When the majority of meaning is conveyed via nonverbal means such as eye contact, tone, the use of silence, and scripted conversations. *High context* refers to the degree to which one must understand the context of the conversation in order to understand the intended meaning. In high-context cultures the burden of understanding falls to the listener, not the speaker.

**Impasse:** (pronounced *im-pass*, not *im-pas-say*) Means the negotiation concludes with no agreement. Also known as a *stalemate*.

**Improv teams:** Highly adaptable and adjust well to rapidly changing circumstances. Team members are interchangeable and can tag team as necessary.

**Individualistic societies:** Those in which the needs, rights, and responsibilities of the individual are prioritized above those of the group or community. In these

societies, it is generally considered positive for an individual to stand out from peers through individual achievements, whereas in collectivist societies it is less appropriate for individuals to stand out from the crowd.

**Informal managerial mediation:** Occurs when a manager acts as an informal mediator between two or more employees, supervisors, or managers in dispute. As an informal mediator, the manager listens to each party and encourages them to listen to each other. She engages the parties in a problem-solving discussion with the goal of reaching an agreement that meets the needs of all parties and is superior to continuing the dispute via more formal channels.

**Informational justice:** The quality of explanations about issues, outcomes, and procedures for decision making.

**Inside counsel:** Refers to attorneys who are employees of an organization and are salaried. As a salaried employee, their incentives for settlement may differ from outside counsel, who are typically paid by the hour to represent the organization.

**Integration:** Occurs when neither group involved in a merger or acquisition dominates the other. Although both cultures change because of their interactions, the resulting culture(s) are not dominated by either organization and both retain some distinct cultural aspects.

**Integration manager:** Helps the merger and acquisition process in four ways: speed it up, create a structure for it, forge social connections between the two organizations, and engineer short-term successes. This person can be thought of as an M&A ombudsman—managing conflicts and problems that arise during the M&A process and proactively working to minimize those conflicts.

**Integrative bargaining:** Those negotiations in which multiple negotiators can achieve their goals without necessarily leaving the others worse off.

**Interests:** Tell us of the needs that underlie the positions or demands being made during a negotiation, for example, the position “I demand a raise” and the interest “I need to earn more money in order to pay my student loans.” Understanding the underlying interests of each party allows the negotiation to move away from a zero-sum discussion to one in which all parties leave the negotiation better off than they would be through the use of distributive bargaining techniques.

**Internal locus of control:** Means that individuals believe they are in control of events that affect themselves rather than being controlled by external forces such as God, the environment, or those in powerful positions. Individualistic societies are more likely to espouse a belief in an internal locus of control.

**Internal stakeholders:** Include employees at all levels and the legal and HR departments.

**Interpersonal justice:** Whether one is treated with dignity, respect, kindness, and honesty.

**Joint fact finding:** A process by which interested parties commit to building a mutual understanding of disputed scientific or technical information. Interested parties can select their own experts who presumably reflect differing interpretations of available information. Alternatively, they can also jointly decide on an unassociated third-party expert or a panel of experts. A facilitator or mediator works to clarify and define areas of agreement, disagreement, and uncertainty. The facilitator or mediator can coach the experts to translate technical information into a form that is understandable to all interested parties. The goal is to avoid adversarial or partisan science in which competing experts magnify small differences rather than focusing on points of agreement and creating a strategy to provide for a joint conclusion.

**Leader-member exchange theory:** A body of research that examines the types of relationships that form between leaders and organizational members as well as the benefits that accrue to leaders and members as a result of these relationships. This approach posits that the best managers develop positive relationships with organizational members based on “trust, respect, loyalty, liking, intimacy, support, openness, and honesty” (Wilson, Sin, & Conlon, 2010, p. 358).

**Listening to respond:** When people generally listen to figure out when they can jump into the conversation and get out their view, opinion, and thoughts rather than truly listening to understand.

**Listening to understand:** Requires the listener to suspend judgment and the need to drive the conversation. Instead of listening for the moment to jump into the conversation, the goal of listening to understand is to allow the speaker to completely share thoughts, concerns, or emotions with the listener, uninterrupted. This calls for active listening.

**Litigation:** The process of filing a court case and taking the necessary procedural steps to prepare that case for adjudication.

**Low-context cultures:** One in which most of the meaning is conveyed in the explicit verbal conversation as opposed to being implied through the context, nonverbal cue, or the use of scripted conversations. In low-context cultures the burden for understanding falls on the speaker. If the speaker is clear enough, then the listener will likely understand the intended meaning.

**Mandatory arbitration clause:** A binding predispute contract committing both parties to use arbitration for dispute settlement in the event of a future dispute. By signing a mandatory arbitration clause both parties give up their right to resort to resolution through the court systems.

**Maslow's hierarchy of needs:** Abraham Maslow was a psychologist who studied human motivations and behaviors. He is primarily known for his theory of a hierarchy of needs, which states that humans seek to satisfy their needs in order of importance. Primary needs included the need to breathe, eat, reproduce, and so on. The next most-pressing needs involve those related to safety—physical security of oneself and one's family, employment, and control over one's property. The third group of needs involves meeting the need for belonging in a community and feeling loved. Next comes the need to feel confident, respected, and have self-esteem. Finally, humans need to be able to express themselves as “self-actualized” individuals, including practicing creativity, moral choice, and problem solving.

**Mediation:** A process of facilitated negotiation in which the mediator does not act as a judge but instead assists the parties as they strive to have a civil, productive conversation about how to resolve the dispute and rebuild relationships (if appropriate).

**Merger:** A process through which two or more companies come together, with one retaining its corporate existence and the others losing theirs. The remaining company acquires all the assets and debts of the company it has acquired. From a conflict management perspective, mergers and acquisitions present myriad challenges related to organizational culture, change management, and communication that require proactive behaviors on the part of organizational leaders in order to achieve success.

**Metacommunication:** Occurs when people communicate about how they communicate. This information can avoid misunderstandings and attribution

biases that often occur when one communicates with someone whose preferred patterns or methods of communication differ from his or her own.

**Monochronic time orientation:** Shows that one prefers to adhere to strict schedules and deadlines. Time is viewed as something tangible that can be saved, spent, or wasted. This orientation toward time is most common in countries such as Great Britain, Germany, Switzerland, the United States, Australia, and other cultures of Western European origin. People with this orientation may be somewhat less flexible and more driven by deadlines. They may also prefer to get right down to the task at hand rather than spend time building relationships. They tend to believe there is a right time for specific activities (e.g., arrive at work by 8:30 AM, take no more than a one-hour lunch, and so on).

**Need principle:** Asserts that more of the goods or benefits should go to those who need more. Therefore, a parent with three young children might receive greater pay or fewer taxes than someone with no children at all.

**Need theories:** Refer to those explanations for human behavior, including conflict, based on the unmet needs of individuals.

**Needs assessment:** See **Conflict assessment**.

**Negotiated rule making:** A multiparty consensus process in which a balanced negotiating committee seeks to reach agreement on the substance of a proposed agency rule, policy, or standard. The negotiating committee is composed of representatives of those interests that will be affected by or have an interest in the rule, including the rule-making agency itself. Affected interests that are represented in the negotiations are expected to abide by any resulting agreement and implement its terms. This agreement-seeking process usually occurs only after a thorough conflict assessment has been conducted and is generally undertaken with the assistance of a skilled, neutral mediator or facilitator. Also called *regulatory negotiation* or *reg-neg*.

**Negotiation:** Occurs between two or more interdependent parties who have a perceived conflict between their needs and desires yet believe a negotiated outcome is superior to the outcome they could achieve unilaterally.

**Nonstructural sources of conflict:** Occur one time or rarely, occurring generally as isolated events that could not have been predicted or avoided. These are generally resolved by taking action to resolve the individual problem rather than creating or changing policies across the organization.

**Nonverbal communication:** Includes many contextual cues that convey acknowledgment of power dynamics and emotional ties or lack thereof between individuals or groups. Nonverbal communication is conveyed through tone, body language, eye contact, and even such things as clothing, hairstyles, and demeanor, which convey relative social status and dominance or submission within a chain of command.

**Ombudsman (ombuds):** An organizational conflict management specialist who works to resolve either internal disputes with employees or external disputes with customers, clients, vendors, or business partners.

**Open-door policy:** When every manager is open to hearing from every employee. An open-door policy means that any employee with a problem can go to any manager in the organization for help to solve that problem. Although there is usually a preference to start lowest on the chain of command and work their way up, ultimately an open-door policy means employees can choose which manager to approach for help with a problem.

**Organizational justice:** Composed of four components: distributive justice (i.e., whether outcomes and payouts are fairly distributed), procedural justice (i.e., fairness in processes), informational justice (i.e., the quality of explanations about issues, outcomes, and procedures for decision making), and interpersonal justice (i.e., whether one is treated with dignity, respect, kindness, honesty, etc.). Perceptions of organizational justice are important because they are related to a host of behaviors within organizations that are crucial to mission achievement, including employee turnover, sabotage, or embezzlement by employees, shirking, absenteeism, presenteeism, and the commitment to caring for customers and clients.

**Outside counsel:** Refers to attorneys hired from outside the organization to which legal matters are referred for settlement or litigation.

**Partnering:** A long-term commitment between two or more organizations for the purpose of achieving specific business objectives by maximizing the effectiveness of each participant's resources (Anderson & Polkinghorn, 2008).

**Patient care advocate (PCA):** Someone who works either in the emergency department or in other parts of the hospital and is on call to manage patient complaints, to deescalate conflict when it arises, and to solve problems early whenever possible.

**Peer review:** A process most commonly used within organizational settings to deal with internal employment disputes such as claims of discrimination, wrongful termination, demotions, claims of favoritism or nepotism, or employee appeals of other disciplinary actions. The peer-review process is designed to allow employees to decide whether their peers are being treated fairly by the organization and its managers or supervisors.

**Policy dialogues:** Processes that bring together representatives of groups with divergent views or interests to tap the collective views of participants in the process. The goals include opening up discussion, improving communication and mutual understanding, exploring the issues of controversy to see if participants' different viewpoints can be distilled into general recommendations, and trying to reach agreement on a proposed policy standard or guidelines to be recommended by government. They are often used to address complex environmental conflicts or public policy disputes constructively.

**Polychronic time orientation:** Means one believes there are many right times to do different activities (e.g., arrive at work anytime between 8:30 AM and 10:00 AM, take a flexible lunch break, etc.). Polychronic cultures tend to arise nearer the equator, where seasonal differences are smaller (e.g., many Latino and Island cultures). Individuals from polychronic cultures tend to be more comfortable with flexible deadlines and spend time building relationships before attending to tasks.

**Positions:** Demands that have only one way to be met and lead to win-lose outcomes in which one party's gain comes at the other party's expense.

**Positive conflict:** The healthy sharing of differences of opinion and negotiation necessary to make tough decisions. Also called *cooperative conflict*.

**Presenteeism:** Occurs when an employee wishes to leave the organization but hasn't done so yet. Although remaining in the job, the employee is less committed to the organization, its customers, and its other employees. This lack of commitment is displayed through lower productivity and occasionally through acts of sabotage, theft, or embezzlement.

**Primary stakeholders:** Primary stakeholders are those most immediately affected by the policy outcomes.

**Procedural justice:** Deals with the fairness of the process used for reaching a decision or resolving a conflict. Individuals tend to perceive that a process is



fair when it is transparent, respectful, and allows them to be heard during the decision-making process.

**Process sponsor:** The organization that convenes and usually financially supports the large-group process of decision making or information exchange. The sponsor is usually a governmental agency but it can also be a private or nonprofit organization or the process can be jointly sponsored by more than one organization. The sponsor generally conducts an assessment of the conflict or, ideally, hires an outside consultant to conduct an unbiased assessment.

**Public disputes:** Complex, multiparty, decision-making, or consensus-building processes on issues affecting the public interest or policy that involve complicated networks of interests, unequal accountability among stakeholders, strongly held values, and are highly influenced by governmental rules and regulations.

**Public good:** Something that, by its nature, is either supplied to all people or to none, regardless of whether or not each individual has paid his or her fair share for the enjoyment of that good. For example, national defense, clean air, public roads, and public libraries are all public goods: if they exist for anyone, then they exist for everyone.

**Rationalization:** Refers to the psychological tendency that individuals have to find rational reasons why their own behaviors make sense under the prevailing circumstances that were beyond their control.

**Reframing:** Refers to the language used to summarize, paraphrase, and reflect back what a party has said but using a different frame than originally intended with the goal of altering the course of the communication between two or more parties.

**Regulatory agencies:** Regulatory agencies are usually a part of the executive branch of the government at the federal or state level, or they have statutory authority to perform their functions with oversight from the legislative branch. Regulatory authorities are commonly set up to enforce standards and safety, regulate commerce, or to oversee public goods such as national defense or clean air. Regulatory agencies deal in the area of administrative law — regulation or rule making.

**Relationship conflict:** Occurs when two or more people experience nonstructural conflict stemming from a lack of rapport or personality conflicts between team

members. Relationship conflict is associated with negative effects on the team's ability to accomplish its tasks (Farh, Lee, & Farh, 2010).

**Relationship management:** Refers to the specific techniques used to court and retain valued customers and partners over a long period of time.

**Resistance point:** Whereas the target point is the goal in a negotiation, the resistance point is the bottom line. The resistance point is the smallest amount the merchant will settle for and is sometimes referred to as the *reservation price* (Lewicki, Barry, & Saunders, 2010).

**Revolving door:** Refers to the fact that government bureaucrats often leave their government careers behind and go to work for the agencies they used to regulate. Similarly, members of Congress often become lobbyists when they leave elected office. The powerful ties among industry, Congress, and government regulatory agencies mean that a relatively small, tight-knit group of powerful decision makers are usually involved in rule making within each agency's issue area. This reduces the number and variety of voices heard when important decisions are being made and increases the public's distrust of many decision-making processes.

**Secondary stakeholders:** Individuals or groups who are indirectly affected by decisions or actions of an organization.

**Separation:** Occurs when little or no culture change comes to either organization, with each having little interaction with the other and no significant cultural changes resulting from the M&A process.

**Settlement point:** The spot within the settlement range where the negotiators reach agreement on settlement terms. The goal in distributive bargaining is to reach an agreement that is close to the other side's resistance point.

**Settlement range:** The space between two resistance points. For example, if the buyer's initial offer is \$5,000 and her resistance point is \$8,000 and the seller's initial offer is \$9,000 but his resistance point is \$6,000, then the settlement range will be between \$6,000 and \$8,000. Also called the *zone of agreement*.

**Shared mental model (SMM):** Those aspects of knowledge known by each team member are known collectively as a shared mental model.

**Shirking:** When employees choose not to do their share of the collective workload. As a result, other members of the team have to work harder to make up for

those employees. Shirkers lead others in the organization to feel disgruntled, overworked, and taken advantage of. Also known as *social loafing*.

**Sick-outs:** Occur when unionized employees stage massive work stoppages by calling in sick for work to show their solidarity and bargaining strength. These sick-outs have sometimes been called the *blue flu* because police officers' unions have used them to overcome laws against labor strikes by first responders and other essential public employees.

**Skilled labor:** Those jobs that require special training, knowledge, and often an apprenticeship, such as plumbers, electricians, or carpenters.

**Spoiler:** Someone who uses his power to sabotage the group's progress in order to gain attention or further his own goals or gain attention. Spoilers usually hold significantly more extreme views than the majority of process participants and can use consensus processes to stall or sabotage outcomes they wish to avoid.

**Stakeholders:** Those who are directly or indirectly affected by a proposed change — they have a stake in the outcome.

**Structural sources of conflict:** Include unfair, unclear, or inefficient policies, procedures, organizational cultures, or ingrained practices that repeatedly give rise to disputes irrespective of personnel changes.

**Summarizing:** Occurs when the listener repeats back what he or she has heard the speaker say. In active listening, the summary focuses primarily on the emotional meaning and content of the speaker's message.

**Summary jury trials (SJT):** Consists of trying the case in front of a judge and usually a mock jury. In advance of the mock trial, the attorneys and parties in the case reach agreements related to the types of evidence to be admitted, the length of the trial (usually one to three days), and whether the verdict will be binding or advisory. If the process is advisory, it is used as a settlement tool to enable both sides to see the weaknesses in their case and get the jury's objective perspective on the matter.

**Sunshine laws:** Refers to federal, state, and local laws that require regulatory meetings, decisions, and records to be open to the public.

**Target point:** The negotiator's end goal or preferred outcome for the negotiation.

**Task conflict:** Occurs when the group disagrees about the best ways to accomplish its tasks. Moderate levels of task conflict are associated with greater creativity

and better outcomes, whereas relationship conflicts are associated with reduced productivity and morale.

**Team cognition:** The ability to think like a team.

**Team mental models (TMMs):** Jointly held information within a group.

**The 10–80–10 percent rule:** Means that 10 percent of employees won't steal under any circumstances. Another 10 percent are dishonest and nothing can be done to change their desire to steal so preventative accounting and other measures need to be in place. The other 80 percent will be influenced by the workplace climate and the thoughts of their peers on the matter. Therefore the key to reducing workplace theft or malfeasance is to create a workplace climate in which employees feel loyalty toward their organizations and where cultural norms mitigate against such behaviors.

**Theory of relative deprivation:** States that a sense of injustice can arise when one compares one's distribution to others in a competitive environment and sees that others are receiving more.

**Transaction costs:** Every negotiation entails transaction costs, which include the time, energy, and money necessary to facilitate the negotiation and the deal itself.

**Transactive memory systems (TMSs):** Mental maps disseminating the information held by individual members of a team and clarifying who knows what within the team.

**Union grievance:** Any alleged violation of the “contract, past practice, employer rules, previous grievance or arbitration settlements [which set precedence for the contract's interpretation], or any violation of laws such as Occupational Health and Safety, Americans with Disabilities Act, Family Medical Leave Act, or EEOC regulations on race, age or sex discrimination” (UE Information for Workers, 2011).

**Union steward:** The first point of contact for each rank-and-file union member when a grievance arises. The union steward is usually a position elected by the union members, someone who is generally liked and trusted by the employees. The steward can advise the union member as to whether the complaint is an actual violation of the union contract as well as offer information about the available dispute resolution options. The union steward may also accompany the employee to any grievance process such as mediation or arbitration and

represent them in that process. The steward can provide information about the contents of the collective bargaining agreement and those issues that may or may not fall under its terms.

**Unskilled labor:** Used in those jobs that require little training and education, making workers easily replaced at a lower cost to employers. Traditionally, the labor market has had a larger surplus of unskilled rather than skilled laborers, making the former more vulnerable to poverty and at a bargaining disadvantage in terms of their ability to press employers for higher wages or better working conditions.

**Virtual teams:** Internet based and therefore members may come from anywhere on the globe and are unable or only infrequently able to meet in person.

**White collar:** A term used to describe skilled workers who do not usually wear uniforms, who undertake intellectual rather than physical work, and who have generally pursued education beyond secondary school (meaning they have attended college or university). These employees generally include supervisors and managers.

**Zero sum:** A negotiation concept indicating a winner-take-all scenario in which one negotiator receives everything sought and the other receives nothing. It is also used to show that one negotiator's gain comes at the other's expense.