We Came, We Trained, But Did It Matter?

Lynn Cohn, Ranse Howell, Kimberlee Kovach, Andrew Lee & Helena de Backer*

Editors’ Note: The authors argue that the greatest improvements in “second generation” training will come not from incorporation of new content, but instead from four specific innovations in training design: in-depth assessments of clients’ goals and cultural environments in advance of training; follow-up afterwards; techniques to encourage structural, organization-level adoption of what is learned by individuals; and delayed measurement of achievement.

Introduction
The ability to negotiate effectively is now recognized as a core skill for professionals, union/management teams, government officials and community leaders. During the past several decades, negotiation training programs have flourished. These trainings are popular in part due to the universal relevance of the skills taught. Furthermore, negotiation trainings can be extremely entertaining and interactive while providing learning opportunities. Typical negotiation programs

*Lynn Cohn is the director of the Program on Negotiations and Mediation and a clinical associate professor of law at the Northwestern University School of Law in Chicago, Illinois. Her email address is l-cohn@law.northwestern.edu. Ranse Howell is the conflict management project development manager at the Centre for Effective Dispute Resolution in London, United Kingdom. His email address is rhowell@cedr.com. Kimberlee K. Kovach is the director of the Frank Evans Center for Dispute Resolution and distinguished lecturer in dispute resolution at South Texas College of Law. Her email address is k2kovach@yahoo.com. Andrew Lee is founder and CEO of Leading Negotiation, a Beijing-based firm specializing in negotiation training and public policy consulting. His email address is andrewlee008@gmail.com. Helena de Backer is an attorney at De Backer & Bastin and chairman of the Conflict Prevention and Mediation Commission of the Union Internationale Des Avocats (UIA). Her email address is helena.debacker@debacker-bastin.com.
are one to two days in length, cover the essential theory of negotiation, and provide opportunities for trainees to participate in negotiation simulations.

Negotiation training is ready to graduate to its second generation. This advancement requires retention of past best practices but also moving forward with new approaches to influence the future of negotiation skills training. This chapter identifies and describes four essential shifts to ensure effectiveness in negotiation training. Specifically, quality second generation programs will provide: 1) significant pre-training assessment of the training goals from various perspectives; 2) pre-training assessment of the cultural context of the training; 3) a framework for measuring the accomplishment of program goals; and 4) post-training follow-up to reinforce learning and institutional alignment with best practices in negotiation.

I n c o r p o r a t i n g F i r s t G e n e r a t i o n T e c h n i q u e s i n t o t h e S e c o n d G e n e r a t i o n N e g o t i a t i o n S k i l l s P r o g r a m

First generation negotiation training programs have been well received for years. A variety of factors have been critical to the success of these programs and should be carried forward into the second generation. These factors include the instructor’s characteristics and approach and the program content.

**Instructor’s Charisma**

It is impossible to precisely define the “it” quality that certain trainers bring to the training experience. But those who have experienced both effective and ineffective training recognize this difference. In terms of participant enjoyment, a gifted speaker who effortlessly sprinkles compelling anecdotes, particularly if they come from the trainer’s own experiences, will inspire the group. Conversely, the best trainers know that there should be specific reasons for disclosing these experiences, and stories often provide the most benefit when relevant and focused.

Humor is also important, and can be a lifesaver particularly if there is a need to re-engage with the group or when coming to the end of a multi-day program. Charisma can also flow from the way a team of trainers with unique personalities interact with each other. Where a course has more than one trainer, the instructors’ ability to communicate and interact with each other successfully is essential, and their personalities ideally will complement each other.
Instructor’s Connection with the Trainees

While charisma addresses the trainer’s persona, the ability of a trainer to reach the group as a whole must also be considered. For example, a trainer who is able to connect the theory and skills taught to the applicable substantive setting, based on an understanding of the group, will often have an advantage in making an early connection to the participants.¹

Also, as has been true since the beginning of time, different people respond uniquely to individual faculty members. Sometimes this personal connection can derive from a sense that a trainer understands the challenges faced by the trainee, and can therefore be helpful on a direct and practical level; at other times, the connection can be based on similar philosophies and views. Of course, there is also the simple fact that some participants like an outgoing, high energy approach, while others prefer a more relaxed, less colorful presentation.²

Instructor’s Teaching Approach

Successful trainers not only engage their audience but also deliver material. Even the most skilled practitioner or teacher may not always be the best trainer for a particular course. The best trainers succeed because they effectively connect negotiation theory to the group’s relevant application. These trainers adapt to changing circumstances and understand the need to amend their style or approach when necessary. Therefore, even if the course is not targeted to a specific practice group, its delivery should be individualized and focused on the participants’ needs and circumstances (Wade 2009).

Consideration must also be paid to teaching approaches that address the unique ways in which adult learners thrive (Nelken 2009). While some trainees can absorb and understand best via an emphasis on visual tools, others will respond to experiential learning through simulations, exercises and games. In particular, teachers of adult learners need to include their students as active partners in order to capture what they know and need to learn (see Manwaring, McAdoo, and Nelken, Negotiating Learning Environments, in this volume).

As technology evolves, its role in the negotiation training arena should be reevaluated. For example, as PowerPoint became the rage in the last decade, failing to incorporate it into the training was viewed as providing a second-rate learning opportunity. Many would now argue that blind reliance on this tool has a numbing effect on the audience and reduces the opportunity to use the experi-
ences of the audience to work through key concepts in a more organic format (Tufte 2006).

**Program Materials/Content**
First generation negotiation trainings also made clear that a program’s success will depend on the quality of the teaching materials. Training materials can serve a variety of purposes including providing background information or supplementing classroom learning.

Handouts and worksheets are often used throughout the training and are valuable teaching/training aids. Consideration should be given to the ability of the trainees to easily comprehend these materials, not only during the program but afterwards as well. Quantity of materials distributed is less important than the quality of these resources in terms of enhancing the learning opportunities for the audience.

Some trainees are given books that should be read before, during or after the training. For example, *Getting to Yes* (Fisher and Ury 1981; Fisher, Ury, and Patton 1991), a seminal text in the field, is available in multiple languages and can be read in a day or less by most trainees. However, trainers are often frustrated that the assigned text has not actually been read by participants prior to the program. One way of overcoming this is to suggest that a particular focus should be given to a chapter or section, thus reducing the amount of reading and increasing the level of compliance. Reading or re-reading the materials after participation in a session program can facilitate increased comprehension of the lessons covered.

The chance to analyze first generation negotiation techniques has provided researchers and practitioners with the ability to develop new methods and approaches to negotiation training. In this second generation, innovative modifications will keep negotiation trainings relevant and useful in the modern era.

**Second Generation Shift: Pre-Training Cultural Assessment**
With increasing frequency, negotiation trainings are conducted in diverse locales, in multiple languages, and with individuals who do not engage in Western norms. Often, the trainers developing the training are not familiar with or knowledgeable about these diverse perspectives; rather, they bring their own perspective to the training experience (see Abramson, *Outward Bound to Other Cultures*, in this volume). Second generation negotiation training should be designed to take into account the geographic, ethnic, and political backgrounds of the participants. Cultural assessment must also address
the organizational and professional dynamics of the training regardless of geographic identity (see Kovach, *Interplay of Culture and Cognition*, in this volume). The primary question is not what should the trainer share with the audience, but what does the audience need from the training, based on their culture, experiences and post-training environment. This involves a shift from a trainer focused model to a participant focused model. To facilitate this shift, trainers must view their own culture, values and experiences as unique rather than preferred (Avruch 2009).

If a thorough pre-negotiation cultural assessment is completed, the information learned will influence the program design and the trainers will be highly tuned into the participants’ cultural backgrounds, perceptions of negotiation, and cultural negotiation norms. For example, in some cultures, using role play simulations to teach key concepts will make trainees vulnerable to loss of face in front of their peers, especially for trainees used to the model of the all-knowing professor who imparts wisdom through lecture. Furthermore, a trainee may feel uncomfortable about explaining his or her “negotiation challenges” in front of a superior who may be in charge of a performance review. Conversely, a trainee may be unwilling to describe difficulties in front of lower or equal ranking colleagues, out of concern of appearing weak in front of peers and subordinates.

Trainers also need to continue the cultural assessment past the pre-negotiation planning phase and into the program itself. Conducting periodic check-ins with the participants either directly or during breaks is a sound practice for any negotiation training, but particularly one involving a diverse group. Of course, depending on the needs of the group, this method requires a trainer to exhibit flexibility and creativity in deviating from their pre-fixed agenda (Abramson, *Outward Bound to Other Cultures*, in this volume).

Understanding culture will also inform how a negotiation training program should be evaluated. For example, there may be an unstated cultural norm that only positive evaluations be given, as a trainees’ sign of respect for both the trainer and the entity spending the resources to organize the training. Evaluation forms used in such a context will never accurately reflect the trainees’ experience at the program.

A cultural assessment must be undertaken with several caveats. One mistake would be to over-generalize cultural differences to the extent that they become a self-fulfilling prophecy. Furthermore, within every culture, the role of the individual with unique characteristics must be considered (Sebenius 2002).
Second Generation Shift: Pre-Training Goals Assessment from Multiple Perspectives

A major shift from first to second generation negotiation training involves understanding the reasons for the negotiation training before the engagement. Entities such as corporations, law firms, government agencies, associations and community organizations conduct negotiation trainings for myriad reasons. Measuring effectiveness is impossible without identifying training goals, which may include, among others:

1) Understanding negotiation theory/concepts/skills
2) Applying negotiation theory/concepts/skills
3) Providing an entertaining program
4) Meeting an education requirement
5) Increasing profitability
6) Building relationships among trainees
7) Recruiting/retaining trainees
8) Addressing a specific conflict
9) Providing educational benefits to members

The identification of program goals is complicated by the many different perspectives from which to assess these goals. Trainers make an all too common mistake when they perform a goal assessment only with the individual or entity engaging their services. In fact, every training involves multiple players – each with their own goals, perceptions and needs. Accordingly, the ideal program goal assessment seeks perspectives of all relevant players.

For example, in the case of a corporate negotiation training, goals should be assessed from the perspectives of the corporate professional development staff, the management of the division being trained, the trainees and the trainers. The corporate professional development staff may need to fulfill a corporate mandate for negotiation training, provide required professional training, or respond to requests for skill development from management or the trainees themselves. These professional development/training specialists will likely be sensitive to the resources to be expended in terms of time and cost as well as the relevance (as they perceive it) of the training approach to the audience.

The managers of the division receiving the training may hope that the negotiation training will result in better negotiated outcomes, thereby increasing the profitability and success of the group. This goal may be a response to weaknesses in negotiation skills they perceive in their employees, or simply the desire to give their people an improved framework. An entirely different goal from the management perspective might be simply the opportunity for their divi-
sion to interact during the training in order to build relationships among the team members.

One certain goal of the trainees is to have an enjoyable training experience. They may welcome the chance to brush up on their skills and interact with their peers. On the other hand, a mandatory training that the participants do not desire to attend may result in the trainees’ goal being that the program takes the least amount of time and effort possible. Of course, participants may change their goals if the program captures their interest.

The trainers have their own expectations for the training program. Internal trainers have performance standards to maintain in order to be successful in their careers. Outside consultants want to establish and maintain a reputation for excellence. In addition, repeat business is always welcome.

Identifying negotiation training goals is the first step to designing a training agenda that can maximize the impact of the program. As the example described above illustrates, the relevant players may each have different goals, which may or may not be mutually exclusive. For example, management’s desire for an improvement in negotiation outcomes and the trainees’ hope that the training will be enjoyable are both achievable, given the right combination of content and training approach. On the other hand, if management wants a program focused predominantly on entertaining the participants during the program and does not want to incorporate preparation time before or during the training, it may not be possible for the trainees to make significant progress in terms of understanding or applying negotiation theory, concepts and skills.

Second Generation Shift: Measuring Success of Negotiation Training

Once the negotiation program goals and cultural considerations have been properly assessed, the extent to which the program achieved these goals should be analyzed. Frequently, the success of negotiation trainings is solely measured by the ratings contained in evaluation forms participants complete at the conclusion of training. While these forms may, in some cultural settings, capture the participants’ candid reactions to the training, this measurement fails to address the trainees’ actual comprehension of principles or ability to transfer and apply the learning over time (Cheng and Ho 2001). In the second generation, tools for measuring such achievement will be considered and accountability for the achievement of objectives will increase.
The shift to measuring success does not require the development of new assessment models; rather, the important shift is choosing to engage in meaningful measurement at all. Indeed, the “gold standard” for training evaluation developed in 1959 by Donald Kirkpatrick and still used and widely discussed today (Bates 2004: 341),\(^5\) is easily applied to negotiation training. The Kirkpatrick framework as applied would measure:

- **Level I**: Trainee Reaction to the Negotiation Program
- **Level II**: Accomplishment of Learning Goals
- **Level III**: Application of Improved Negotiation Skills
- **Level IV**: Improved Outcomes in Negotiations

(Kirkpatrick 1994).\(^6\)

**Level I – Measuring the Trainee Reaction to the Negotiation Program**

Measuring success via the trainees’ reactions to the program is the tool that is most easily and therefore most commonly used in current negotiation trainings to determine program effectiveness. Trainees can provide oral and written feedback on a number of topics including the instructor, the materials, the format, the learning, the level of individual growth and development, and curiosity to learn more about negotiation skills in the future.

Typically, feedback from trainees is obtained solely from evaluation forms that participants fill out after each session. These sheets are often referred to as “happy sheets” due to the tendency for trainees to express positive feelings about the training, particularly if they have been entertained. The questions on these sheets range from broad and open-ended questions to quite specific and detailed measurement tools/indicators intending to capture both qualitative and quantitative analysis.

These evaluations are clearly important but do not capture all of the relevant information. The reaction of trainees should also be measured on a longitudinal basis, going back to the trainees after a period of reflection and practice. Because this type of analysis entails additional time investment by both the trainers and trainees, it typically does not occur. Without assessing the trainees’ reactions over time, however, it is truly impossible to know what goals have truly been reached.

**Level II – Measuring the Accomplishment of Learning Goals**

As discussed, the learning goals of a negotiation training should be established in the pre-negotiation training planning phase, thereby creating objectives against which any learning can be measured. One method of assuring that the learning objectives have been met is to
introduce specific modules and opportunities during the program to teach the desired topics, and then to conduct a review of these topics towards the end of the program. This approach conforms with the standard training delivery method of outlining what you are going to do in the session; conducting the activity or learning; and providing an opportunity to reflect and reinforce what has been introduced.

One barrier to successful learning is the inert knowledge problem – the tendency of learners to embed lessons into the factual context of the teaching tool (Whitehead 1970). In the case of a negotiation training, role plays are typically employed to teach the process of negotiation, and do not necessarily relate to the substantive negotiations that trainees face in their professional capacity. Trainees may understand the key points as they relate to the role play simulation but may be unable to lift the lessons out of the scenario and apply them to real life. Asking the trainees how the lessons will change the way they conduct their own negotiations increases the likelihood that trainees will overcome the inert knowledge problem.

Throughout the training and afterwards, trainers should assess what the group, as well as individual trainees, has learned. Possible methods include observing role play scenarios, administering written examinations before and after the training to assess progress, conversing with trainees or reviewing videotaped negotiations.

**Level III – Application of Improved Negotiation Skills**

Under the Kirkpatrick framework, the changes in behavior that occur as a result of participation in the program must be measured. Of course, there is a limit to the amount of information that can realistically be put into practice as a result of participating in two days of negotiation training. Moreover, the challenge of information transfer in short time frames is sometimes exacerbated by the specifics of the course such as whether it is tailored to a specific practice area or a general overview of negotiation. Nevertheless, meaningful improvement in negotiating behavior is possible.

The agenda for the negotiation training should include a knowledge management session toward the end of the program addressing how to apply the lessons learned in the training into the negotiations that the trainees will experience in the future. For example, negotiation trainers typically provide frameworks for pre-negotiation planning. If trainees apply the framework to prepare for post-training negotiations, their negotiating practices will have clearly been influenced. In addition, if the trainees are likely to face particu-
lar kinds of negotiations in the future, a capstone role play or exercise set in the context of their likely shared experience will drive home the lessons. To create effective capstone exercises, the trainer and the client often will need to collaborate on the scenario and teaching points. Such capstone modules should increase the trainees’ confidence and ability to negotiate more effectively in the future. Finally, arranging for managers or others who later observe the trainees to assess and report on the changes in the trainees’ negotiating behavior is ideal. Feedback regarding these observations should be provided to the trainees on a regular basis.

**Level IV – Improved Outcomes in Negotiations**

The final measurement step under the Kirkpatrick model involves measuring the actual improvements in negotiation results that occur as a result of a training. Indeed, improved outcomes in the trainees’ actual negotiations are the key indicia as to whether a two-day negotiation program was a success, and often drive the repeat purchase of a program.

In some contexts, the measurement of results can be assessed using specific metrics such as increased sales or decreased transaction costs. In order to utilize this aspect of measurement, it is important that both pre-training and post-training data are gathered and that the training is focused on these metrics in the planning and delivery stages.

Measuring negotiation outcomes is complicated by the need to distinguish between distributive results, focusing on immediate gains, and integrative results, which may not be as easily calculated but provide increased opportunities for all parties either now or in the future. For example, a negotiated deal that provides less in terms of short-term gains but increases value over time and fosters a stronger relationship between the parties, requires more in-depth analysis to determine its actual value.

Kirkpatrick noted that proper measurement of any training requires that assessment be done on all four levels; merely measuring Level IV improvements in outcomes is insufficient (Kirkpatrick 1996). Of course, measurement becomes increasingly difficult as the levels progress, but the reward for thoroughly measuring a program should be highly effective negotiation trainings. Furthermore, as the negotiation training program is refined over time, the resulting excellence in the program will assist both the supporting institution and the trainers in justifying and marketing their product.
Second Generation Shift: Incorporating Post Training Follow-up

In order to fully maximize negotiation training success, reinforcement of the lessons and opportunities to explore application of the lessons to real negotiations over the long term should also be incorporated into the experience. Post-program interaction between the trainer and trainee can provide ongoing comprehension of the learning points, as well as opportunities to question application of the lessons presented, in the context of the trainee’s needs.

Trainers can provide post-training follow-up to the material and experiences of the initial classroom in several ways. The trainer and trainee group could meet on a semi-regular basis for updates and discussion on the difficulties of translating the lessons learned in training into the real world. Additionally, sequenced negotiation training sessions over time allow trainees to revisit previous learning and to delve deeper into the topic. These options will likely result in an increase of the degree of integration and continued application of the skills learned during the training.

The trainer could also act as an on-call consultant, available for a period of time after the program to coach the trainees’ actual negotiation challenges. This coaching could occur in an online format to address time and distance concerns (see Bhappu et al., The Strategic Use of Online Communication Technology, in this volume). Online coaching is likely to become even more common as younger generations are increasingly at ease with this method of information exchange and learning.

A more sophisticated use of technology allows a trainee to provide a video stream of a negotiation, which then can be viewed and critiqued by the trainer. Feedback could be provided in numerous ways including email, teleconferencing or even sending back another stream modeling other approaches to the scenario presented.

These post-program options are increasingly offered by trainers, but are rarely taken up by the client or trainee. Inhibitors to this “follow-up” are cost, physical distance between the trainer and trainees (especially common for international engagements), and the concept that once the training is done, it is over and hence there is no perceived need for follow-up. Second generation negotiation teaching models should incorporate ways to maximize learning by extending training beyond the two-day agenda.
Second Generation Shift: Institutional Alignment with Best Practices in Negotiation

Virtually every two-day negotiation training intends to effect long-term and meaningful change in how a trainee negotiates. However, even the best training program will be unable to overcome barriers to improving a trainee’s negotiating skills if the work environment is not aligned to support the best practices offered in the training.8

There are several explanations for the misalignment of training goals and institutional objectives. First, and frequently, the largest organizations experience the greatest level of inertia. It is not uncommon for organizations to have used for an extended period of time the same tried and tested negotiation strategies, such as “take no prisoners” or “the customer is always right.” If such strategies have become embedded in the corporate culture, it is unrealistic to expect a two-day training to change things overnight.

Second, training is often organized by internal professional development staff who ensure that training takes place within the budget and that trainees are happy and entertained. Such goals, without the buy-in or even involvement of the business units, are unlikely to result in strategic changes in employees’ general approach to negotiation.

Third, training is often delivered only to low- and middle-level management. Upper-level executives often deem themselves too busy or too experienced to require training. As a result, the training messages relating to new concepts and changes in behavior are not recognized, received or supported by the top of the management chain.

Accordingly, in order to align the institution and best practices in negotiation, training should be aimed at all levels of management, and certainly must include upper-level individuals. Once trained, those able to effect a comprehensive review and revision of negotiation practices and support of best practices should understand what is involved in effective negotiation processes. Ultimately, an internal review of policy and practices should be undertaken, and changes should be implemented to maximize negotiation gains consistent with the established goals. Once the new approaches are understood and valued by the organization, the potential for improved returns on the investment vis-à-vis improved negotiation skills will be realized.

Conclusion

The march to improve negotiation training programs is not being driven by customer dissatisfaction. Indeed, negotiation training pro-
grams have been popular for decades, and, in most instances, clients appear to be quite satisfied with the experience. Yet, negotiation training experts recognize that more can be done. The greatest improvements will come from conducting in-depth assessments of the clients’ goals and cultural environment before the program; post-session follow-up with trainees; incorporation of the learned practices into the organization; and the measurement of achievement of goals well past the end of the program. For any of these changes to occur, organizations must be willing to invest resources in these initiatives beyond what is currently required for a first generation training experience. Ultimately, this may be the greatest challenge to bringing second generation negotiation training to life.

Notes

1 This is not to suggest that substantive knowledge is a necessary requirement for the negotiation instructor.
2 Due to the unpredictability of personal preferences and biases, recent practice in a number of other domains (e.g., the Olympics) suggests that to get a truer sense of their connection with the group, trainers need to eliminate the most and least favorable evaluations.
3 For a detailed examination of the limitations of role-play, see Alexander and LeBaron, *Death of the Role-Play*, in this volume.
4 Professor John Wade systematically outlines how different groups affiliated with a single training might rate various factors of training design (Wade 2009). Wade identified three different types of training and analyzed the players’ rating of importance of what we characterize herein as first generation negotiation training elements.
5 This application would also include consideration of the feedback provided by the trainees, as well as measurement of concrete learning and application of the negotiation theory and skills taught in the training.
6 In recent years, Kirkpatrick’s model has acquired a Level V factor, which specifically measures the ROI (return on investment) (Phillips 1997). In fact, entire consultancy businesses have been created around measuring and benchmarking ROI. However, many still believe that ROI is a component of results and does not need a separate category. What still remains is that the focus on ROI is partly due to current financial conditions and the need for institutions to include some form of financial benefit to justify the training budget. This sort of financial analysis provides some form of reassurance for the purchasers of the training; however, it does not always reflect the experiential benefit that training can provide. These “soft” (personal development) or unquantifiable benefits may have a longer lasting benefit to the individual and organization, and require the purchasers of training to think “outside of the box” when measuring the results and benefits of training.
7 For example, in the legal arena, such individuals may include clients—perhaps more satisfied with the provisions of settlements (or earlier settlements resulting in cost savings). In the business context, management may realize more profits from an increase in sales or in partnership opportunities. In human resources, successful training of supervisors may be observed through the decrease in strife throughout the workplace and a decline in employee grievances.

8 For example, if a corporation trains its sales force to improve long-term relationships with its clients in the hope of improved sales over the next five years, but does not adjust its compensation scheme and evaluation of employees to reflect this long term change, it is unlikely that the salesperson will be motivated to develop future relationships. More likely, they will focus on short term goals that may help this quarter’s sales results at the expense of future business. Even the most enthusiastic trainees often report that their efforts to use a “new negotiation approach” gets a lukewarm reception from managers who write performance reviews and decide bonuses.

References


