

Using Social Expectations to Your Advantage: Investigations, Negotiations, and Mansplaining

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Good afternoon

“How was
your
weekend?”

“Not too bad”

Social norms

- Unwritten rules
- how to behave in society
- expected to conform

It's hard to
believe that *the
fear of offending*
can be stronger
than the fear of
pain.

-The Girl with the Dragon Tattoo

Using social norms to our advantage

Based on how we
know others will react,
how do we behave?

What if we violate
social norms?

Topics

1. The lives of others
 - a. Misconduct investigations
 - i. Asking better questions to get better answers
2. The deals we make
 - a. Negotiations
 - i. Two words that can unlock better negotiations
3. The support we need
 - a. Engaging colleagues as allies

Misconduct Investigations

Don't get cute

This is not

- An interrogation
- Set in a place they can't leave
- Lasting hours and hours
- Trapping someone with trick questions

Be a journalist, not a prosecutor

How do they feel...

- Have you ever met?
- What do they expect?
- Compelled?
- Frightened
- Wanting to be believed

...and what do we do with these feelings?

Two conflicting pieces of (obvious) advice

Act the part

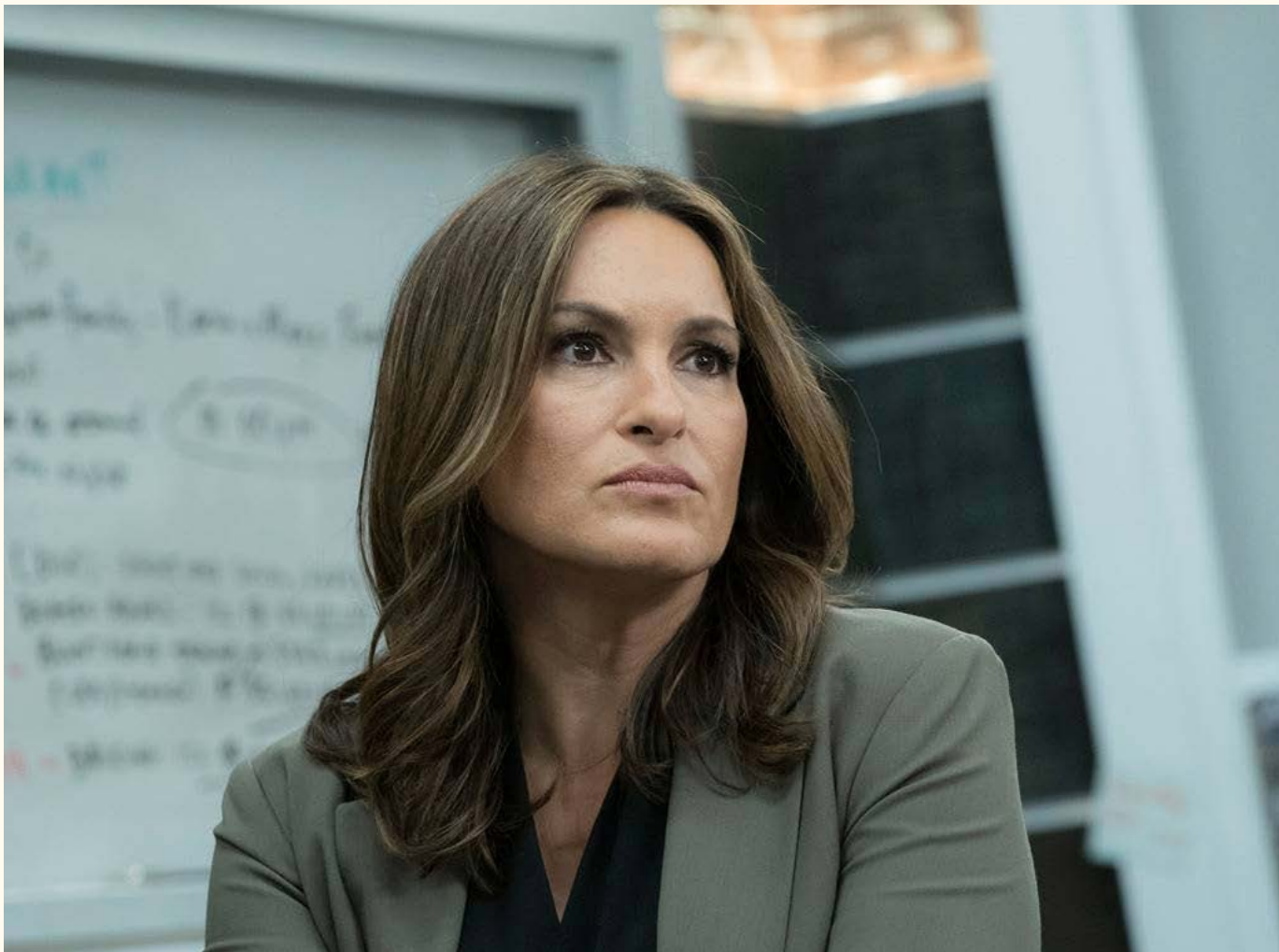
We can't be what
we're not

What is your patronus/ spirit animal?



If you are not... then you can't be

- A ray of light
- A curmudgeon
- Inauthentic
- Someone's buddy
- Intimidating
- Earnest



Two best tactics in a (non-trauma) investigation

1. Listen

2. Try and make sense of their story



Listen = Silence without Interruption

Silence, like
cookies, is a
sometimes food

Making sense

“What happened just before that?”

“I’m confused...”

“Can we go back for a second?”

“I want to make sure I understand this correctly. First, you...”

“How did you feel? What were your emotions?”

Multi-tasking

Lying and remembering a false story takes up a lot of mental concentration

- What if we make the interview more mentally demanding to test out their story?
- Most people want to be helpful or *appear* to be helpful

“I’m trying to gather as much detail as possible”

Reverse Order

“I’d like you to tell me what happened again, but this time start from the end and go to the beginning. This can help you remember more details.”

Left-Field Questions

Witnesses/respondent will try to anticipate questions you will ask, so we can ask questions they don't anticipate

Temporal

- How long did it take between ordering your drink and receiving it?
- Who finished their drink first?

Spatial

- About how far from the front door were you sitting?
- In relation to the front door, who sat where?
- Who was sitting near you?

Ask them to draw the bar

- Where sat
- Where friend sat
- Location of bathrooms
- Location of entrance
- Where drinks came from
- Location of other diners

Unexpected Q -> creation
of new story detail

Return later to see if detail
remains

Hardest lie to spot

“Slight tweak” lie

- It is easier to recall the true events of the day and just change one part
- Otherwise truthful story with an embedded lie at crucial juncture

Apply prior techniques to that crucial portion of story

Lying “cues”

- Gaze aversion
- Fidgety
- Eyes go up and to the left...or is it right?

These have not been scientifically validated and are not reliable predictors of lying

Lying “cues”

- **Qualifiers & deflection**
 - “Not really.”
 - “That day? No.”
 - “That wouldn’t be my process.”
- **Illogical inconsistencies**
 - Story details that don’t match up
- **Indirect responses**
 - Passive voice
 - Avoiding first person pronouns (“it is wrong to steal” “a person shouldn’t steal”)

Which is more honest?

“I don’t remember”

“Not that I recall”

*I don't remember, I don't recall
I got no memory of anything at all*



Overall

1. Interview them as a journalist and let them talk
2. Establish a baseline of what a truthful answer looks like
 - a. Body language
 - b. Directness of response
 - c. Sentence structure and length
3. Actively listen and look for places where they go away from that baseline response
 - a. Qualifiers
 - b. Illogical inconsistencies
 - c. Indirect responses
4. Probe further on those areas
5. Analyze overall interview

Negotiations

Small “n” negotiations

When we have goal “x”

and

the other person has goal “y”

What kind of negotiation?

- One-off or ongoing?
 - Can't/shouldn't go nuclear on friends, family, coworkers
- What are my ethical boundaries?
- Is there a reputational cost?
- Is it worth it (time vs. money)?



Flipping the bird

A small experiment

- Pair up with a person next to you
- One of you will be the splitter
- The other the recipient
- Tiny scrap of paper
- Pen

Legal notice:

- Neither Peter Fehrs nor the University of Oregon will be providing any legal tender
- This experiment is for demonstration purposes only and does not constitute a binding contract
- Let's all just pretend real money is involved.

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\$10

- Splitter: Write down your offer
 - Pass to Receiver
- Receiver write down if you accept
 - Don't say or show if you accept

Fairness

—

Rationality

- Perception
- Fairness
- Spite



Incorrect assumptions we make in bargaining

- People are rational
- Our arguments are so persuasive we can convince the other side
- The other side cares about our limitations
- The other party views negotiation, the negotiation process, and how to negotiate the same way we do

The two most
important
negotiating words

Question headers

- Who, when, where - all can be answered with a single phrase
- Do, are, can - answered with a yes or no (“Do you remember where you were?”)
- Why - can sound accusatory (“Why would you do that?”)

These are fine in interviews when you need a definitive answer.

In a negotiation they can stop things cold.

How & What





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Shirley

Thinking in hows and whats

- Does this salary offer work for you?
- Why did you punch Peter in the face?
- Are there any other options you'd like us to consider?
- Do you expect us to pay more than the market?
- Why should this person be paid more than the range in their class spec?
- Isn't that interview question super racist?

Let's respond to some common life negotiations

- “I know you said you hated the Olive Garden but we took a vote and that’s where the office party is.”
- “Honey, I’ve got that Adam Sandler movie all cued up so we can watch it again!”
- “We just decided to split the check four ways.”
- “Please hire this person without conducting a background check”
- “I’m looking to hire a student employee and - because they aren’t skilled - to pay them \$6/hr.”
- How will we decide restaurants in the future?
- NOOOOOOOOOOO
- What other methods were discussed? How did you arrive at that solution?
- “It seems like speed is a priority here. What are some of the pros and cons of that? How will we navigate the legal risks involved?”
- “How does this comply with Oregon minimum wage laws? What can we do to come into compliance?”

Labelling emotions

- It seems like, it sounds like, it looks like
 - NOT “I’m hearing that” < - This isn’t about you
- “It sounds like you are frustrated”
 - Designed to provoke a response
 - You’ve correctly labelled and they will provide the “why”
 - “Yes, I am frustrated. I wish you would change your stance on X”
 - You’ve incorrectly labelled and they will correct you
 - “I’m not frustrated with the offer, I’m angry that you were late to the meeting”

Know when to fold 'em

Knowing where negotiation isn't possible

- Directive from on high
- Nothing to be gained
- Person will respond with spite
- Already a “fair” offer
- Reputational costs



Social Norms

When the counterpart is a
colleague



“Sugar and spice and
everything nice”

“All the world’s a stage,
And all the men and women merely players;
They have their exits and their entrances;
And one man in his time plays many parts”
- William Shakespeare, *As You Like It*

Mansplaining
mansplaining



Mansplaining, bropropriation, manterruption

- Women more frequently interrupted in meetings
 - By men AND women
- Women's ideas dismissed outright or credit taken by someone else
- Assertive women called out for being “combative” or “aggressive”

So what can we do?

It's hard to
believe that *the
fear of offending*
can be stronger
than the fear of
pain.

-The Girl with the Dragon Tattoo

Where I talk about Sigourney Weaver

or “*Ellen Ripley* from the *Alien*
films is the best”

(Spoilers for 32 and 39 year-old
films ahead)

The plot of *Alien*

1. A spaceship receives a distress call
2. Lands on a planet
3. Three crew members investigate
4. A crew member is attacked
5. They bring him back to to the medbay
6. The monster escapes and kills the crew
7. Ripley sets the ship to self-destruct
8. Ripley escapes.

1. A spaceship receives a distress call
2. Lands on a planet
3. Three male crew members investigate
4. A crew member is attacked
5. They bring him back to the ship
6. *Ripley refuses to let them back on due to quarantine protocol*
7. A male crew member violates protocol and lets the infected member onboard
8. The monster escapes
9. Ripley researches the situation and finds out crew set up by the Company
10. Monster kills crew
11. Ripley sets the ship to self-destruct
12. Ripley and the ship's cat Jonesy escape.



The plot of *Aliens*

1. Ripley's shuttle is picked up
2. She learns the alien planet has been settled by humans
3. The company loses contact with planet
4. She goes with a platoon of marines to the planet
5. The marines fight aliens
6. They lose
7. The nuclear reactor on the planet is unstable
8. Ripley barely escapes with an android and a young girl on a shuttle
9. Reactor explodes, nuking the planet

1. Ripley's shuttle is picked up
2. She is brought before a court of the company and insurance agents for blowing up the company's ship
3. Company *doesn't believe her* about aliens
4. She learns the alien planet has been settled by humans
5. She tries to warn them about the aliens on that planet
6. The company loses contact with planet
7. They ask if she'd be willing to go on mission to planet as an *advisor*
8. The only survivor on planet is young girl
9. etc
10. Reactor explodes, nuking the planet

“Look at it from our perspective. You freely admit to detonating the engines of, and thereby destroying, an M-Class star-freighter. A rather expensive piece of hardware...

The analysis team which went over your shuttle centimeter by centimeter found no physical evidence of the creature you describe...”

- Insurance man

“That's because I
blew it out the
&^%\$ airlock!”
- Ripley

Why *Alien* and *Aliens*?

Who is Ripley? Ripley is Human Resources

A woman punished for following the procedure that would have saved the team

A woman who would prefer to save human lives even if it is at a financial cost

The only person who has survived these hostile creatures but who is *not believed* about the creatures

Then, toward the end of Aliens...



ALIENS

This Time It's War

TWENTIETH CENTURY FOX Presents A BRANDYWINE Production A JAMES CAMERON Film ALIENS SIGOURNEY WEAVER
Music BY JAMES HORNOR Edited BY STAN WINSTON Story BY THE SPECIAL EFFECTS THE L.A. EFFECTS GROUP INC. Directed BY GORDON CARROLL
DAVID GILER and WALTER HILL Read by DAN O'BANNON and RONALD SHUSSETT Screenplay BY JAMES CAMERON
and DAVID GILER, WALTER HILL Screenplay BY JAMES CAMERON Produced BY GALE ANNE HUDO Directed BY JAMES CAMERON

R

MPAA Rating

Parental

Strong

Language

and

Some

Material

May

Be

Offensive

to

Some

Persons

Under

17

Years

Old

Some

Material

May

Be

Offensive

to

Some

Persons

Under



Engaging allies

- The hair color test
 - There's a small patch of hair on the back of your head that is a bright, almost neon, pink
- Possible reactions
 - Oh no! What can I do!
 - Hmm, I don't know about that. I need to find a place with multiple mirrors so I can take a look for myself.
 - No, there isn't.

Which reaction did you get?

- My boss constantly interrupts me in meetings and takes credit for my work
 - Oh no! How can I help?
 - Hmm, I'm not sure. I've never seen that happen but I'll look for it next time.
 - No, I think this is all in your head.

What can allies do?



White knighting / (h)wīt nītiNG/

Defending a person in an argument

and thereby

cutting off her own means of defense

I was at a bar and I was waiting for the bathroom and an employee walked by and said “are you waiting?” and I said “yes” and so he bangs on the door and yells “hurry up!”

The problem with “help”

- “Everyone is helpful, but no one’s any help” - Josh Joplin
- If you don’t understand an issue, you can end up hurting the person needing help
 - Less confident
- Less likely to express gratitude -> Helper less likely to help
 - Vicious cycle

Help when asked

Source: Michigan State

“Amplifying”

Two parts:

1. Amplify
2. Give credit

“I’d like to **go back** to what **Amber** said previously. It directly addresses the problem we are facing and provides at least two different paths toward solving it. I know IT is already set-up to do what **Amber** suggested in the first option.”

Source: www.girlboss.com

What is your patronus?



Questions?

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