Negotiation

KEY TOPICS

advocacy
anchoring bias
BATNA
compensation package
double bind
flexibility
implicit bias
information asymmetry
intercultural competence
objectives
offer/counteroffer
policies
power
priorities
salary data
salary history
wage gap
wage transparency
win-win

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Negotiation can support equity and inclusion when it is viewed as a collaborative process that seeks to create satisfying solutions for all parties, rather than a competition between adversaries.

This guide calls attention to the importance of equipping architecture professionals with equitable and inclusive negotiation skills in their daily practice.

AIA   W

The University of Washington for the American Institute of Architects Equity and the Future of Architecture Committee

What is negotiation about?

Negotiation is back-and-forth communication designed to reach an agreement when you and the other side have some interests that are shared and others that are opposed.[1] There is often an assumption that negotiation is about trying to get the best deal for oneself or one's own interests without regard for the other party; however, this guide advocates "equitable negotiation," or deeply considering the interests of all parties together to reach a fair and mutually satisfying agreement.

When people with dominant-group (agent) identities negotiate with people who have nondominant (target) identities, the power imbalance—manifested in ways of thinking, behaving, and communicating—may lead to unfair outcomes; meanwhile, when people with nondominant identities, like people of color, white women, or people with disabilities, try to negotiate using the traditional norms, they are often judged harshly and penalized.[2] (See the *Intercultural Competence* guide regarding agent and target identities.)

Negotiating for higher pay prior to employment is one significant type of negotiation that can contribute to equity and inclusion. Negotiations also take place often, at different points in an architect's career and for a variety of purposes—for instance, with the owner, on behalf of the building user or to lead discussions on challenging problems, such as cost versus quality. Negotiation can take place during any of the following situations:

· initial employment
· regular salary reviews
· promotions
· external contracts (e.g., client fees, consultants)
· everyday workplace situations (e.g., schedule, project roles, project assignments, prioritizing project resources)
· dispute and conflict resolution (e.g., resolving differences between project team stakeholders)

It is possible to negotiate for a higher salary, a promotion, or a new work opportunity. People can also negotiate terms of employment, including:

· hours, flexible work time, telecommuting
· vacation
· benefits (e.g., health and other types of insurance, time off, child/eldercare)
· licensure support (e.g., time off to study, fee reimbursement, pay raise upon completion)
· timing of future reviews
· amount of leave
· perks (e.g., gym, childcare, pets in the office)
· moving expenses
· employee assistance programs
· retirement contributions

Negotiation is not only an individual pursuit—it can also be conducted to achieve gains for one's team or company. It is a daily activity and important job skill as architects regularly negotiate with designers, builders, clients, public officials, and others.[3] Architects may sometimes take on the role of mediator in negotiations between other parties, especially contractor-client relationships and when dealing with multiparty stakeholder groups on larger projects. (In such cases, the role needs to be managed carefully, since engaging in dispute mediation may create exposure to legal risk.) When negotiating as an architect on behalf of your company or your team, you can negotiate over:

· project fees, services, and scope
· contractor/consultant agreements
· leases
· assumption of risk, insurance coverage
· reimbursable expenses
· extent of community engagement on the project
· prearranged methods for settling disagreements
· use of EDI and justice lens on the project

These everyday negotiations with clients, contractors, managers, and peers about deadlines, schedules, assignments, distribution of labor, and priorities can, over time, establish interpersonal dynamics that have a direct impact on employees, working relationships, and project outcomes.

POWER AND EQUITY

Power held by either party in the negotiating relationship can influence the outcomes of the negotiation.[4] Sources of negotiation power include one's position, role, or title in the organization that confers the ability to provide raises or create negative outcomes for the other party; one's confidence or psychological power; and a lack of dependence on the outcome.[5] An important but sometimes less visible source of power is membership in the dominant culture. As discussed in the *Intercultural Competence* guide, whether they acknowledge or desire it, all members of a dominant group have advantages over members of nondominant groups. Negotiations may be affected by cultural norms if the negotiating parties differ in their cultural identities. In these cases, those belonging to nondominant groups may be at an additional disadvantage, stemming from their lack of relative power.

Identity is another source of power that advantages those with agent identities. Which culture dominates will shift based on the situation and the players, and large-scale societal forces create consistent advantages for people with agent identities, regardless of context. In the U.S. today, there are many ways that white men experience advantages that give them more power when negotiating with those who have a target identity. (See the *Intercultural Competence* guide for how dominant/ nondominant and agent/target identities interact.) When those from target identities negotiate, they often obtain less positive results.[6]

Bias (implicit or explicit) based on culture or identity is another factor in negotiation. For example, people of color and white women are perceived more negatively when they attempt to negotiate for salaries (see the *Compensation* guide); their requests are more likely to be overlooked; and they are disadvantaged when pursuing leadership roles.[7] Furthermore, the intersection of various identities of the negotiating parties—and the associated biases based on these identities—make the power dynamics even more complex. For instance, a salary negotiation between a Black gay employee and a straight white woman partner is different than one between the same employee and a white gay partner. Parties who share more aspects of their identities may find it easier to understand one another. In both scenarios, the skill of the parties to understand points of view different from their own is the key to success.

Negotiation is a social construct developed for specific groups and purposes. It has evolved with rules that favor certain groups and their way of thinking/behaving. Many of these rules have developed and continue to be perpetuated by dominant cultural structures that disadvantage people based on their race, gender, or physical ability/disability. Being aware of how power

can manifest itself in negotiations and using power conscientiously—"power to" and "power with"—can help create agreements that satisfy all parties and support healthy long-term working relationships.

THE NEGOTIATION GAP AND DOUBLE STANDARDS

Negotiating is not an innate skill but one that improves with practice. However, biased social expectations and perceptions based on gender and race influence who is expected to negotiate and is encouraged to practice. (For more on the impact of social bias, see the *Intercultural Competence* guide.) For example, initiating negotiations can be a thorny process for people of color, particularly Black job candidates.[9] Recent studies on racial bias and negotiation found that racial bias factored into expectations and perceptions of Black job seekers. All evaluators were more likely to perceive Black job seekers as less likely to negotiate and, additionally, expected Black applicants to negotiate less aggressively than their white counterparts. This meant that when Black and white job seekers negotiated in comparable ways, evaluators viewed Black job seekers as more aggressive, which, in a form of backlash, resulted in lower starting salaries.[10]

"If you're going to get a new job or ask for a raise, talk to all the men you know first, whether or not they're not in architecture, because they'll give you a number at least 30% more than you thought you were going to ask for. And then ask for it. I never thought I'd have the balls to do it—it felt like an outrageous number. And though they countered with a little less, it was still a lot more than I would originally have asked for. I talked to my female friends for a sanity check, but I went with the guys' number, and it worked."

Associate at Large International Firm,
Indo-American, Female, 31

Similarly, while women in architecture tend to initiate negotiations for higher pay more often, women who negotiate—possibly from a lower starting offer—may still end up with lower salaries than their male counterparts.[11] Women are also more hesitant to negotiate when the evaluator is a man.[12] Research on expectations and perceptions of feminine modesty, gender, and leadership has shown that when women do attempt to negotiate in ways deemed "masculine" (i.e., authoritative, direct), they tend to be evaluated harshly and seen as competent but not likeable or hirable.[13]

This dynamic has also appeared in social and behavioral experiments, in which men were found to penalize women more often than men during compensation negotiations; men also preferred to work with women who accepted initial compensation offers rather than countering.[14]

The solution is for firm leaders and managers to become cognizant of bias against these candidates and to examine themselves during negotiations. Firms can adopt compensation structures that discourage more subjective, negatively biased perceptions swaying decisions.

Current and future architects will benefit from a better understanding of the nature and role of negotiation in their profession and from learning and improving their negotiation skills. Engaging in equitable negotiation builds on skills and tools of adaptation discussed in the *Intercultural Competence* guide: identifying one's goals and objectives, deeply appreciating and understanding the objectives of the other parties, and finding ways to effectively bridge those differences.

Approached in this way, architects can not only negotiate their pay and promotions but also can be effective engaging clients, contractors, and officials who participate in building projects.[15] At the same time, firms and the profession need to offer more training and practice opportunities. Firms can support the profession by explicitly learning about and addressing the impact of systemic racism and sexism and individual biases to remove them from the negotiation process.

DIFFERENCE IN CUMULATIVE INCOME BETWEEN A NON-NEGOTIATOR (PERSON A) AND A NEGOTIATOR (PERSON B)

Person A and B are both offered a starting salary of $60,000.
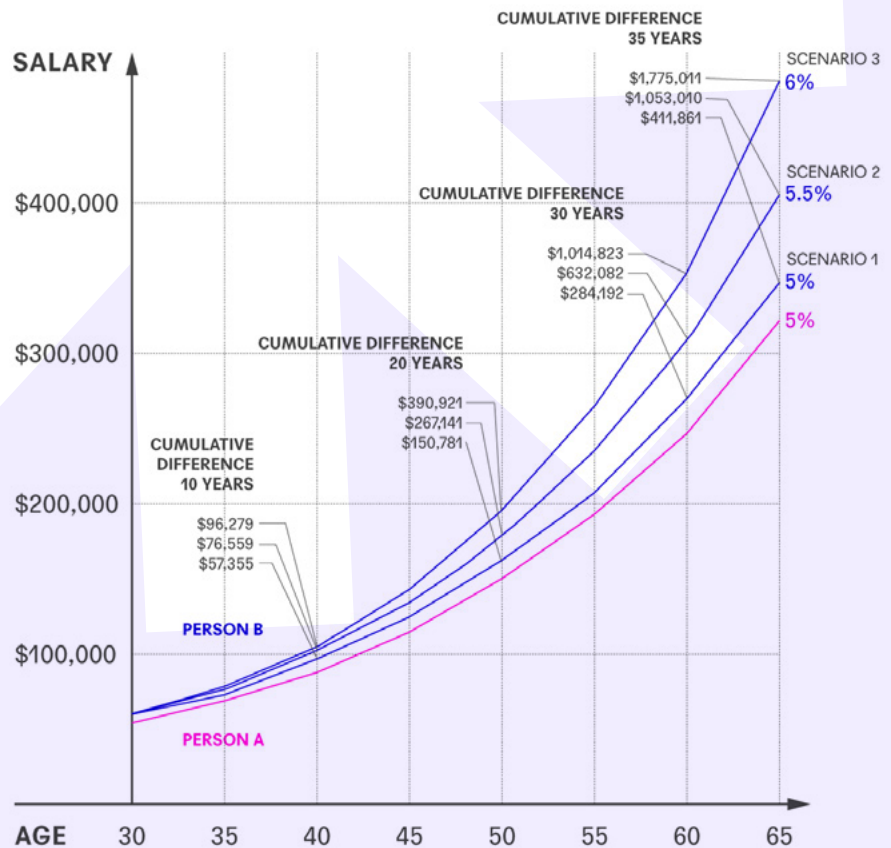
Person A accepts the offer.

Person B negotiates a salary 7.6% higher (a typical result of salary negotiation).

Then:

Scenario 1. Person A and B each receive the same 5% increase each year.

Scenario 2. B negotiates raises .5% higher each year (or 5.5%) than A.

Scenario 3. B negotiates raises 1% higher (or 6%).[8]

SALARY

CUMULATIVE DIFFERENCE
35 YEARS

SCENARIO 3
6%
$1,775,011
$1,053,010
$411,861

SCENARIO 2
5.5%

CUMULATIVE DIFFERENCE
30 YEARS

$1,014,823
$632,082
$284,192

SCENARIO 1
5%

$400,000

5%

CUMULATIVE DIFFERENCE
20 YEARS

$300,000

$390,921
$267,141
$150,781

CUMULATIVE
DIFFERENCE
10 YEARS

$200,000

$96,279
$76,559
$57,355

PERSON B

$100,000

PERSON A

AGE   30   35   40   45   50   55   60   65

Why is negotiation important for equitable practice?

Negotiation has an impact on individuals, firms, and the architecture profession as a whole and can create value for all parties when practiced as a creative, collaborative problem-solving activity.

For individuals, negotiation is a useful skill for gaining higher compensation and advancing one's career. Negotiating with one's employer at different points in a career can lead to getting greater work responsibilities, having an important role in career-advancing projects, and earning a new title, firm leadership, or ownership. Negotiation can also help with career fluidity, allowing the individual to change jobs or firms successfully.

For firms, successful negotiations, in which both parties feel like the process is fair, also affect employee retention: successful promotion negotiations demonstrate to employees that they are valued and reinforce their own sense of innovativeness.[16] Furthermore, a firm with multiple negotiable parts of its employment package can be more flexible and accommodate individual preferences, potentially leading to longer retention and increased employee engagement. Establishing equitable and transparent practices within strong and healthy workplace cultures requires identifying what individuals in the firm need to succeed and creating openings for discussions about everyone's needs. The end result is mutual advocacy from different points of view, reducing the need for individuals to advocate for themselves or struggle for equitable treatment.

Negotiation is not just a useful skill for gaining higher salaries and advancing one's career but also a requisite skill for those who are self-employed or in a firm and working daily in teams and with contractors and clients. Contract negotiation, in particular, is a rewarding skill that is essential for a firm's success. Negotiation helps affirm the value of architectural services and, hence, supports setting profitable fees. Within a project team, members may negotiate over everyday issues like who will travel with the unwieldy model or if the Building Information Modeling (BIM) lead role will rotate among peers.

Mediating between stakeholder points of view to resolve conflicts and reach decisions is another important form of negotiation. Architects may be in the ideal position to understand the different agendas of the owner, user, and builder and, therefore, to help build shared goals within office teams and wider project teams and navigate trade-offs between cost, quality, speed, and expediency.

INDIVIDUALS

Financial security · Negotiation can make a good offer better, make an unattractive one attractive, and establish a strong salary history. The cost of not negotiating results in an increasing "accumulation of disadvantage" over a lifetime of compensation.[17] (See the graphic on p. 5.04.) Furthermore, 84% of those who negotiate receive higher salaries, with one-fifth gaining as much as 20% more than the initial offer and another fifth receiving 11% to 20% more.[18] Although as noted above, women architects attempt to negotiate salaries more often than men, a more general study of the starting salaries of advanced-degree holders (defined as master's or higher) found that 57% of men but only 7% of women had negotiated their starting salaries, that the starting salary differential between the genders was 7.6%, and that the students who negotiated increased their starting offer by 7.4%—almost enough to erase the differential.[19]

Future opportunities · Pay level, whether high or low, is often used as a proxy for achievement and can lead to assumptions about a prospective employee's potential performance.[20] (For information on hiring situations in which salary history cannot be referenced, see the Compliance section of this guide.)

Satisfaction and quality of life · Effectively negotiating one's compensation package helps meet specific needs and priorities, such as caretaking responsibilities. The result could be fair and flexible working conditions, longer vacation time, better work-life integration, and even the basic motivation to stay in the profession.

Skills · Negotiation is a marketable business skill for every role in architecture. Demonstrating confidence at initiating and carrying out a negotiation indicates that a prospective employee will represent the firm well.

Some employers expect that prospective employees will negotiate their hiring packages and may even look less favorably upon those who do not. Negotiation skills can help individuals gain higher compensation and desired benefits in their first job, obtain new roles and responsibilities, and improve relationships with clients, contractors, public officials, and vendors.[21] Having advanced negotiation skills will help advance careers.

MANAGERS

Engagement · Negotiations that lead to mutually satisfying outcomes will make new and current employees feel valued and lead to stronger employee engagement and retention.

Workplace culture · Workplace culture, policies, and processes need to be balanced with the needs of individual employees. Negotiation practices within the firm that align with statements about how a workplace values its employees can improve employee engagement and advance the firm's desired culture.

Conflict mediation · Negotiation is an important tool for reducing and resolving conflict within the workplace and with external parties.

Project management · Having negotiation skills means being able to navigate and make decisions internally about firm priorities and engage in productive discussions with clients and consultants.

FIRMS

Retention · People who have engaged in successful role negotiations report that they are more likely to stay in their current job.[22] Attrition among people of color often stems from dissatisfaction with professional growth and lack of recognition, but clear, written criteria for promotion can help them negotiate from an even footing. Providing prospective employees and those seeking promotions with a wage that reflects their market value also aids in retaining employees. For example, if the employment market favors architecture employees but a firm pays a wage lower than the market level, the firm risks losing its employees.[23]

Trust · Effective negotiators aim to understand the needs and interests of both sides. Firms that avoid intimidation and being dismissive of employees or prospective employees earn trust, and their employees will feel more engaged.[24]

Risk · Negotiation is an important tool for interrupting and addressing conflict both within the workplace and with external partners, thereby protecting employers and employees alike.

Partnership · If a firm negotiates fairly with clients, contractors, consultants, and public officials, it will be viewed as a trusted business partner and is more likely to earn repeat business and referrals.

Profitability · Effective negotiation establishes the correct scope to meet client needs while also setting value for the work.

Centrality · The ability to negotiate well and fairly contributes to maintaining the architect's essential role in the building process, especially when allocating and managing risk associated with all phases of the project.

PROFESSION

Value of architects · Professionals who are collaborative, creative, and fair negotiators can establish and uphold the value of architectural services to clients, the industry, communities, and society.

Community advocacy · Architects with strong negotiating skills and who understand the complexities of power dynamics can act as community advocates, either as engaged citizens or as professionals who encourage clients to see the value of community engagement on a project. (See the *Engaging Community* guide.)

"I find that a lot of people sell themselves short. I don't know if it's just that lecture they get: 'If you're going into this business to make money, you're in the wrong business.' I try not to let that be a stumbling block. It shows leadership if you come in and say, 'Here's what I've done, what I can do, and this is what I'm worth.'"

Principal and Owner, White, Male, Straight, Differently Abled, 60

Negotiation capability and outcomes improve when...

TRUST

firm leaders and managers communicate the firm's position, policies, and compensation structure openly

employees are not penalized for sharing compensation information

everyone is committed to negotiation as a win-win practice

people build bridges across cultural differences

negotiations are conducted with the impact on long-term relationships in mind

ALIGNMENT

in negotiations, people consider the context beyond their own priorities and immediate demands

participants research the culture and possible expectations of the other parties beforehand

common goals are established up front in fee and contract negotiations

participants allow ample time for the negotiation process to reduce pressure, stress, and reversion to cultural stereotyping

negotiators have determined their own BATNA (best alternative to a negotiated agreement; your most advantageous available alternative) if negotiations fail

COMPLIANCE

employers are aware of and observe laws pertaining to compensation

employees who share salary information with others are not subject to retaliation (to the degree consistent with applicable law)

employers develop and advance their understanding of best practices

employers honor antitrust laws protecting and promoting competition

FAIRNESS

decision-makers understand and appreciate the role of power, culture, and equity in the negotiation process, and have the skills to negotiate in an equitable and inclusive manner

compensation policy is applied objectively and evenhandedly

firm leaders and managers recognize the tendencies of different groups to be rewarded or penalized for advocating on their own behalf and adjust accordingly

managers pay attention to cultural differences in negotiation styles and honor them without presuming stereotypes

firm leaders take steps to keep negotiations from perpetuating systemic advantages or disadvantages

Compliance

This section is intended to introduce you to important legal information related to negotiation and describes the mere minimum requirements. It is not a substitute for legal advice. For such advice, we strongly urge you to consult an attorney.

Laws regarding negotiation relate closely to those dealing with recruitment, retention, and compensation. For example, in some states, there are details you may not discuss with an employee when recruiting, such as previous salaries.[25] In general, to be fair, employers should be transparent about available benefits and what other employees receive while customizing equitably to address individual needs or wants. (For more information, see the *Recruitment and Retention* guide.) Other compliance issues related to negotiating roles include ethical considerations and antitrust regulations.

ETHICAL CONSIDERATIONS
Members of the AIA are dedicated to the highest standards of professionalism, integrity, and competence. The AIA Code of Ethics and Professional Conduct sets forth guidelines and rules for the conduct of its members in fulfilling those obligations and applies to the professional activities of all classes of members, wherever they occur.[26]

Canon V of the Code of Ethics states:
· [AIA] members should respect the rights and acknowledge the professional aspirations and contributions of their colleagues.
The Code's Ethical Standard 5.1 provides:
· [AIA] members should provide their colleagues and employees with a fair and equitable working environment, compensate them fairly, and facilitate their professional development.
And Rule of Conduct 5.101 mandates:
· [AIA] members shall treat their colleagues and employees with mutual respect, and provide an equitable working environment.

Members who have questions about these or other provisions in the Code of Ethics may contact the AIA's Office of General Counsel.

AIA ANTITRUST COMPLIANCE
Antitrust laws prevent or control monopolies and promote competition in business.[27] It is the policy and practice of the AIA and its members to comply strictly with all laws, including federal and state antitrust laws, that apply to AIA operations and activities. Compliance with the letter and spirit of antitrust laws is essential to maintaining the Institute's reputation for upholding the highest standards of ethical conduct.

Compliance with antitrust laws does not preclude broad discussions regarding values, market trends, and best practices concerning such business activities as recruitment, retention, and negotiation. In educational settings and with the appropriate context of identified learning objectives, there are opportunities to advance individual, firm, and profession knowledge on topics critical to the financial health and future of architecture.

However, antitrust compliance does require firms to avoid certain anticompetitive behavior. For example, employers from different firms must avoid discussions with each other on any of the following subjects unless otherwise required by law or until they have received approval from their attorneys:

→ The compensation paid to employees (including specific agreements on maximum or minimum salaries to be paid or annual pay increases)

→ Agreements on benefits to be offered to employees

→ Agreements not to hire each other's employees

→ Agreements not to hire specific individuals

Employers are strongly urged to consult legal counsel before engaging in any discussions or activities that may affect interfirm competition.

INFORMATION ASYMMETRY AND WAGE TRANSPARENCY
Some states have laws that protect workers from retaliation for sharing wage information or that prohibit employers from asking candidates for their salary history prior to making an offer of employment. (See the *Compensation* guide.)

Assess

COMPLIANCE

Are your policies and practices consistent with federal and state employment laws? · Are there state laws governing what you can and cannot discuss with an employee when negotiating? · Does your state have laws that protect workers from retaliation for sharing wage information?

Are your policies and practices consistent with federal and state antitrust laws? · How do you simultaneously support healthy competition among firms and constructive, shared discussion regarding best practices in the profession?

How does your firm keep track of changing laws regarding pay transparency? · Do you have ways to aggregate data or protect privacy while supporting transparency?

SKILL

What negotiation training and experience do you offer? · What opportunities do employees have to practice negotiating skills when the stakes are low or situations less stressful?

How do you establish common interests with the other party? · Do you look at negotiation as a battle or as problem-solving? · Do you work together to cocreate new solutions that benefit both parties?

Are you aware of the role and impact of culture, identity, bias, and power in negotiation? · Are you able to bridge cultural differences that may impede negotiations? · How do you mitigate bias during negotiations? · Do you understand intersectionality and its impact on power dynamics?

INTEGRITY

Are your proposals, priorities, and BATNAs (best alternative to a negotiated agreement) consistent with your espoused values? · Do you discuss and analyze them for alignment?

Do employees seek mutually satisfying solutions? · Do you reward win-win solutions? · How much latitude do employees and hiring managers have in negotiations? · How do people in your firm treat clients and contractors face-to-face? And how do they speak about them when they are not present?

How are disagreements and conflicts addressed? · What policies are there for managing disagreements between employees? · How about for managing conflict between employees and a client, with external teams, or with others?

PREPARATION

Before negotiating, do you establish your own interests, priorities, and BATNAs, and do you research the other parties'? · How do you determine them? · What questions do you ask to help you understand your employee's or client's situation and needs?

How do you view and manage risk? · How much and what kind of liability are you willing to take on? · Do you pursue alternative practices when accepting risk helps your firm advance an innovative business model? · Do you find ways to reduce, share, or transfer risk?

Within compensation packages, what flexibility and choices do employees have for meeting their own needs? · Do you have consistent compensation packages and offers?

Act

Negotiating is a key skill in architecture and requires practice. Being a successful negotiator can help with quality of life, job satisfaction, and financial security. Typically, individuals will negotiate for themselves upon recruitment, when seeking promotions, and when making new working arrangements. They also negotiate on behalf of their firms over project fees and with vendors and subcontractors. In addition, when acting as project managers, architects will negotiate to guide difficult choices and ensure design intent is being met.

NEGOTIATE TO BUILD A HEALTHY WORKPLACE

Everyday situations arise in which negotiating can help individuals promote a robust, healthy workplace, increase engagement, and promote equity.[28]

→ **Bring attention to the systemic nature of issues relating to diversity and equity** rather than treating them as stand-alone, personal problems. Link them to core institutional values and goals.

→ **Share information** and documented patterns of behavior or research when there are specific equity issues or conflicts. Draw on best practices, creativity, and commitment to resolve them.

→ **Develop your social capital.** Build relationships with those who can make organizational changes; expand your network to include those who influence negotiations related to workplace culture; identify opportunities to strengthen these relationships.

→ **Be honest in every aspect of every negotiation.** Know your own values and always communicate with integrity. The architecture world is small.

→ **Explore whether identity and culture play a role** in negotiation power dynamics or biases.

→ **Get training and practice in negotiation.** Negotiation is a learned skill, not an innate talent. Learn to approach negotiations as conversations. You can use the tools in the Resources section of this guide to help develop your skills.

NEGOTIATE COMPENSATION
→ Negotiating compensation packages with your employer can help you improve your short- and long-term financial security and secure an overall package that fits your needs.

→ **Know your objectives and priorities.** Plan the elements you wish to negotiate, and articulate for yourself (and possibly for the employer) the desires that underlie the elements. Before negotiating, establish your target for each item (e.g., salary, location, project types, team, work content, benefits, working hours and flexible arrangements, support for licensing exams, employer policies, training, relocation assistance, evaluation timing, bonuses) and how important they are; identify your bottom line for anything that is nonnegotiable. Be optimistic but not unrealistic in your targets. Be prepared to be flexible and exchange some goals for other benefits.

→ **Do your research about salaries.** Know the salary range for the job you are applying for or the next level of your career that you are aiming for. Know what salary level might cause the employer to walk away.[29]

→ **Know your BATNA**—the best backup you have to accepting a less-than-ideal offer or proposal—and be willing to take it.[30] If you do not have a BATNA, find other alternatives quickly, such as by scheduling interviews with other firms, or refer to objective sources, such as salary surveys.

→ **Enter with a positive attitude.** A 2018 study showed that only 39% of job seekers negotiated for a higher salary.[31] Women were discouraged from asking for raises or negotiating employment agreements.[32] In a candidate's market, in particular, overcome any discomfort and use your bargaining power; in an employer's market, prepare to be flexible and creative in finding workable solutions.

→ **Practice.** Find a partner to give you feedback in mock interviews.[33] Anticipate who you will be negotiating with in actual negotiations as the power dynamic may be different, depending on each of your agent or target identities, culture, or biases.

→ **Have an adaptive communication style.** Again, you are speaking with a potential colleague. Know your preferred style, and learn to adapt to other styles as needed (direct or indirect, casual or formal, discursive or factual and to the point).

→ **Express appreciation for the offer.** Frame your objectives as questions, requests for advice, and ways you would add value rather than as demands.

→ **Do not accept an offer immediately.** Ask for time to consider it, especially if you are weighing it against other offers. On the other hand, don't negotiate unless you are prepared to say yes once you have agreed on the elements of an offer.

→ **Watch for the double bind.** Your identity and culture may play a role in how you are perceived and what is expected of you during negotiation. Black professionals and women are typically expected to be less aggressive negotiators and to settle for less. Black job seekers who negotiate are perceived as pushier and, as a result, may receive lower starting salaries. Women who ask for more can be perceived as unlikeable and may be penalized and their reputations tarnished. A flexible negotiation style—from friendly and nonconfrontational to assertive and businesslike— can help address this double bind. However, the responsibility falls to employers to foster awareness of bias among hiring managers and to incorporate structures and practices that mitigate against it, both to diversify their workforce and to benefit from employees who have negotiation skills.[34]

NEGOTIATE WITHIN AND ON BEHALF OF YOUR FIRM
Architects often need to negotiate with clients, communities, or project team members regarding fees, contracts, their own degree of influence over project decisions, and challenging situations and within their firms about the distribution of resources or time.

→ **Outline and know the firm's objectives.** Understanding the business model, cost structures, and project goals and objectives will help you negotiate well on the firm's behalf.

→ **Advocate on behalf of others,** especially individuals from underrepresented groups for whom self-promotion can be perceived as negative.[35] Advocate for others and give credit where credit is due to manage unconscious biases in the workplace. If you are from an underrepresented group, form alliances with other employees for mutual advocacy.

→ **Stay focused on shared project goals.** Build front-end alignment on project principles, and rely on them throughout contract implementation.[36]

→ **Attend to all project stakeholders who affect your team.** Project team members come from companies with a range of workplace cultures. They have their own company agendas to achieve, and especially in the case of clients, there can be power differentials. Ensuring that your team thrives may require negotiation with others to identify differing expectations and norms and to find ways to resolve those differences.

NAVIGATE CONFLICT
Negotiating with those inside and outside of your firm as a form of conflict resolution will help you work through heightened tensions in ways that will leave all parties feeling heard and appreciated.

→ **Learn how to effectively engage and interact when there is conflict.** Conflict is a natural part of the workplace, and deepening your understanding and broadening your skill set for handling it is critical for finding viable solutions.

FIRMS

Negotiating is imperative for firms to recruit top talent, retain employees, and develop strong working relationships with clients and consultants. Transparent and equitable negotiations help build a diverse workforce and increase inclusivity. Communication between negotiating parties about salary ranges, compensation packages, and negotiation policies is key.

BE TRANSPARENT AND EQUITABLE
Use transparent negotiation practices and policies to close wage gaps and to ensure that all job candidates know salary ranges and other available forms of compensation and benefits.

→ **Mitigate bias in decision-making.** The perception that members of underrepresented groups, particularly women and Black men, are pushy when they negotiate as assertively as white men, leads to inequitable outcomes. At the same time, implicit bias requires these same people to negotiate on their own behalf more frequently. Build awareness and intercultural competence in decision-makers and change inequitable decision-making processes and structures. (See the *Intercultural Competence*, *Compensation*, and *Recruitment and Retention* guides.)

→ **Bring up salary range early in negotiations.** Be truthful. Don't exaggerate or lowball. Your candor will help candidates determine early on whether they want to pursue the position.[37]

→ **Design compensation packages with guidance on what parts are flexible.** Determine which parts of the compensation package are negotiable and which parts are not. Share this information with hiring managers, employees, and candidates.[38]

→ **Be open with employees about salary ranges and promotion criteria.** Establish a top end reserved for the most highly qualified candidates. You can also post salary bands with position descriptions to ensure that prospective employees know what salary

range to expect and how to negotiate accordingly.[39] Maintaining transparency about salary ranges and promotion criteria can help ensure greater equity in compensation, promotion, and partnership agreements.[40] (See the *Compensation* guide.)

→ **Be clear about what authority your hiring managers have.** Be transparent and honest with candidates about who the ultimate decision-makers will be and whether you have a policy that allows or prohibits salary negotiation.[41]

→ **Research market demand and prevailing local salaries for the position.** Determine the current market demand for applicants, and know what current salaries are for specific roles.[42]

→ **Offer fair salaries *and* be creative with your compensation packages.** Fair salaries and a flexible compensation package can make your workplace more attractive as well as equitable. Combining the right salaries with an offer of other desirable benefits (e.g., a standard forty-hour week plus a choice of comp time or overtime pay; reimbursement for the Architect Registration Examination® [ARE], materials, licenses, AIA membership) will help you draw top candidates.[43] (For more details, see the *Compensation* guide.) If you can't be flexible with salary, find other ways to improve the compensation package and address employee objectives.[44]

→ **Remove anchoring bias.** Anchoring bias is the tendency to rely too much on initial data to frame perceptions. When a recruiter learns an applicant's most recent salary, anchoring bias tends to lead to offers based on it. Since women and other nonmajority groups are generally paid less than white men, removing anchoring bias can help to close pay gaps.

→ **Equip employees to be effective negotiators.** Some of the ten keys to successful negotiating, published by the Human Resource Planning Society, include: matching the negotiator to the situation and, when you have more than one negotiator, being clear about who is filling what role; planning the first things you intend to say; understanding that the other party's perception of the issue is your entire challenge; and being hard on the issues but gentle on the people.[45]

→ **Provide negotiation training.** Training staff to be better negotiators enables them to become more confident and gain important skills that will help them advocate for themselves and the firm. Educate the staff in different styles and methods of negotiating in different contexts.[46]

→ **Understand the law.** Know how federal and state employment laws may affect negotiation. Many city and state laws prohibit queries about a candidate's previous salary.[47]

CONSIDER PROFIT AND RISK

Negotiate with potential clients and partners in a way that carefully considers your firm's profit and risk.

→ **Make the value you provide the basis for your fees.** The business model of architecture can improve with a focus on value and metrics over service and hours. When negotiating fee and scope, consider value as foundational.

→ **Become conversant with the ways of managing risk.** Evaluate the risks on a given project and establish your preferred strategy for managing them when you negotiate the contract. You may choose to take on more risk for a desirable project or greater profit; reduce it by improving your own knowledge; walk away if the risk is excessive and can't be reduced; allocate it to another, more expert party; or pay to transfer it, for example, to an insurer. These strategies require both the ability to assess risk and liability, as well as negotiation skill, once you have determined your desired outcome.[48]

→ **Take calculated risks to break historical patterns of inequity.** Your stance and your firm's advocacy for justice pave the way for broader change.

PROFESSION

Professional organizations can support equity with programs that provide compensation data and training in negotiation skills.

→ **Continue providing and referring to up-to-date salary data.** Knowledge of salary levels in different geographic areas can help firms and employees alike in negotiating equitable, mutually agreeable compensation. The level of compensation required to attract new employees in an architecture labor market that favors new hires can disrupt efforts to achieve parity among existing employees and requires attention to keep the two in balance. (For guidance on salary determination, see the *Compensation* guide.)

→ **Provide training in negotiation skills.** Better negotiation skills support architecture in attaining parity with other professions and thereby retaining diverse talent. Offer negotiation training and opportunities to practice.

Consider

NEGOTIATING FOR EQUITY

I was so grateful that I was employed that I never really pushed for what I thought I needed and deserved. I just chose to jump ship: I'm not getting it here, so I need to go somewhere else. That's a large part of why I left corporate practice and started my own firm—I'm not very good at asking. In terms of negotiation, I think it is a skill that people with disabilities do need to hone, to ask for what you have a right to and what kinds of accommodations are reasonable in a workplace. There can be physical accommodations: your workstation, your schedule, other things that make it easier and more effective for you to do your job. I do think that with the Americans with Disabilities Act in place, it's a little more clear-cut than when I was younger, in terms of what is a reasonable accommodation.

It's good for employers to know about the Job Accommodation Network, an independent federal agency that supports employers by asking questions like "how would you do that?" and "what are reasonable accommodations?" and, in the case of limited dexterity, "how are they going to work on a computer?" And, for example, there's a wide variety of equipment for low vision, so that shouldn't be a reason to say no to a qualified employee. But I don't know that architects have good information on accommodations. But, really, I think the important thing is for employers to know that if a person seems like they would be a great asset in terms of their work and their

personality, don't let "how will we accommodate them in the workplace?" stop you from hiring them.

— Principal and Firm Owner, White, Female, Baby Boomer, Wheelchair User

DISCUSS:

- What concerns or fears might this person's past employers have had? What might they have done to encourage her to stay? What power dynamics may have been in play?

- What was the speaker's BATNA with her previous firm? What leverage might she have had with her former employer before leaving? What principles or interests might the two parties have had in common?

- To be equitable negotiators, what are some of the perspectives and skills employers and employees need? Are these different for people who need accommodations? Do you practice these in your workplace? Does your firm train or support employees learning to negotiate?

- What are the costs to the candidate and to the employer of not negotiating?

- What nonnegotiable accommodations do people with disabilities have a right to? What are some reasonable accommodations for people with disabilities? Does your firm have good information on accommodations for people with disabilities?

- What are other things you can ask for during negotiation? What is nonnegotiable for you?

Consider

I DON'T KNOW IF IT'S A CULTURAL THING

Talking to my father, I don't know if it's a cultural thing. A lot of my classmates working in tech and other fields change jobs more often [than he is used to]. I talked with my dad about negotiating. He said, "I don't think that's a good thing." He was CEO of a bank for twenty-five years. Whenever it came to raises and negotiation, he said, "I felt better if I offered it, as opposed to them asking for it." That stuck with me. I'd rather prove myself and show my performance and the work I do through the things I do each day, rather than ask for it.

— Rising Firm Leader, First-Generation Mexican American, Male, 30s

DISCUSS:

- What expectations do you have about negotiating? Do you think your perception of what is appropriate is influenced by particular people, culture, situations, generational differences, or all of these?

- How do power differences play out in asking or receiving requests?

- What are possible strategies for making a request of a boss who believes as this one does?

- Is it a goal that good performance should eliminate the need for requesting a raise?

- Have you seen or experienced a "double bind," for example, a situation where you found it harder to ask for something because of stereotypes or expectations about your identity?

Consider

NEGOTIATE WITH CONFIDENCE

For women to get jobs—it's not easy. I remember after the 2008 recession the job market was pretty bad; it was just a matter of getting any job. But even after the market improved, the fact that we're not taken as seriously as men made me so insecure that I rarely negotiated. My husband said to me every time I was offered a position: "You have to negotiate because if you don't value yourself, why would they?" But each time after hearing the offer I got scared and thought to myself, "This is what I deserve," and that there are a lot of other candidates out there, and if I don't say yes, they'll give it to someone else. But the last time that I negotiated, they improved the original offer.

I told them about my past experiences and that I think I deserve more than this because I've worked on a number of high-profile projects in the past. (I'm not bragging, but I've got a pretty good portfolio.) However, they placed me at a midlevel position. I wasn't sure what that level meant, or its associated scope of work and responsibilities, but I knew I was past a midlevel architect. I said I deserved more than that: I'm changing my job to get a jump and a promotion; otherwise, what's the point?

I also asked them to be a little more clear about my role, what projects they're going to put me on because I've always ended up doing a lot of menial work, cleaning up after male designers. This happens to women so

many times that it's a pattern. We're all architects, we all want to realize our vision, but it's always a bunch of guys who start the project. Then when it gets to construction documents or administration phases, the women coordinate the consultants. I'm honestly so tired of cleaning up after men. I also asked for more vacation. They said no. But they also said, "We're investing in you. You have a very good portfolio and experience. We hope you'll get your license." They raised the offer just a little, but they didn't give me the higher level.

— Full-time Architect, Large Firm, White, Female, 40s

DISCUSS:

- What possible biases affected the way the hiring managers approached this negotiation? What are some strategies firms could use to keep bias from entering into negotiations?

- What assumptions were being made about the perception of women's work in architecture? What can you observe about the division of labor at architecture firms? Why did this person want to clarify her role during her negotiations?

- What assumptions and biases have affected this person's willingness or reluctance to negotiate? How does the double bind manifest for women who negotiate? What are some strategies that this prospective employee could use to mitigate the double bind?

- Do you think this negotiation was successful? What do you think the negotiation gained for the speaker? And for the firm? What was lost?

Consider

UNDERSTANDING YOUR VALUE

Coming out with a master's degree, even postrecession 2012 when I entered the market full time, the salaries I was being offered were pretty low: sub-$40,000 a year, graduating with six figures of debt. Each time I was offered a salary, I had to make a counteroffer because I couldn't afford to live in this city and pay back my loans. When I was interviewing at a firm, a friend had just left that office, and she provided great mentorship. I learned I had to do research and talk about business points that made sense: what I was billed out at, minus overhead and profit margin, what percent of my billable hours I should fairly be expected to be compensated for. Talking about how high my rent is might build empathy, but they want to hear about what I've done in the office. Crafting my story, how I was valuable as an employee and contributor was something I had to learn.

I was transitioning from one office to another—that's key for millennials because we're not staying at one place for ten-plus years. Each shift is an opportunity to increase your salary. When we're talking to firm principals, they've interviewed hundreds, but this may be only our second or third interview, and they use a lot of power plays. I was asked what my salary was, and I didn't know if I should tell them. They offered me pretty much the same salary, and then later I learned that there was a mandatory extra five hours a week of work at the new firm. It made me feel so devalued. That was a difficult start. I felt blindsided because I didn't know about the requirement

for working hours. I probably should have taken a clue that they were all too busy to meet me before I decided to work there. Getting that perspective would have been super valuable.

— Firm Owner, White, Cisgender, Gay, Male, 31

DISCUSS:

- What did this person mean by "power play"? What responsibility do firms have to offer a living wage? What is the long-term impact on talent retention for firms that offer low starting salaries?

- What responsibility—and what prospects—do you think graduating students and emerging professionals have to advocate and negotiate for themselves? How does salary pressure reflect on the profession and on firms?

- How can architecture schools help students hone their negotiation skills? What can the profession or local firms do to help students develop these skills before they look for jobs?

- What did this person learn about building a business case and demonstrating his value so that he could negotiate successfully? How might generational differences be changing how or when we negotiate?

- Do you think gender identity played a role in this story? If you were asked to help the speaker prepare for a negotiation, would you draw his attention to any aspect of his identity—race, gender, sexual orientation, or age—and how it might advantage or disadvantage him in different negotiating contexts? As his ally or coach, are there reasons why you would avoid discussing identity, such as stereotype threat or your own discomfort?

- The speaker felt blindsided about an unknown requirement for extra work hours when negotiating, despite doing research. What clues would you watch out for prior to or during a negotiation that might affect your decision to take an offer? How can you get the perspective of other employees before accepting an offer?

Resources

NEGOTIATION BASICS

**Architect's Essentials of Contract Negotiation –
American Institute of Architects, John Wiley & Sons
– Ava J. Abramovitz (2002)**
   Fundamental handbook of contract negotiation and
   long-term implementation; addresses the specific role
   of the architect in relation to all contractual parties.

**Ask for It: How Women Can Use Negotiation to Get
What They Really Want – Linda Babcock and Sarah
Laschever (2008)**
   Concrete, step-by-step guidance for people who,
   because of the double bind, have to consciously
   moderate how they negotiate.

**Getting to Yes: Negotiating Agreement without Giving
In, Revised Edition – Roger Fisher, William Ury, Bruce
Patton (2011)**
   Classic text based on the work of the Harvard
   Negotiation Project offers a method for negotiating
   business and personal situations and conflicts.

**How to Negotiate Salary: Learn the Best Techniques
to Help You Manage the Most Difficult Salary
Negotiations and What You Need to Know When
Asking for a Raise**
https://www.pon.harvard.edu/freemium/salary-
negotiations/
   Detailed guidance for successfully navigating
   employment terms.

NEGOTIATION GAP AND DOUBLE STANDARDS

**Do Women Avoid Salary Negotiations? Evidence from
a Large Scale Natural Field Experiment – National
Bureau of Economic Research Andreas Leibbrandt
and John A. List (2012)**
https://www.nber.org/papers/w18511
   Studies have shown that women are less likely to
   initiate negotiations unless a job listing specifically
   notes that the pay is negotiable. Indicating that
   negotiation is allowed is one way to attract more
   diverse employees.

**Getting the Short End of the Stick: Racial Bias in
Salary Negotiations – MIT Sloan Management Review
– Morela Hernandez and Derek R. Avery (2016)**
https://sloanreview.mit.edu/article/getting-the-short-end-
of-the-stick-racial-bias-in-salary-negotiations/
   Review of both racial and gender differences in salary
   negotiation. A study of how white versus Black job
   applicants negotiated and the effect of the biases,
   expectations, and perceptions of the employers on
   the results of the negotiations. Proposes ways for
   companies to address racial bias in negotiations.

**No Salary Negotiations Allowed – SHRM
– Joanne Sammer (2015)**
https://www.shrm.org/hr-today/news/hr-magazine
/Pages/0915-salary-negotiation-bans.aspx
   Explains the pros and cons of implementing a no-
   negotiation policy for hiring; includes alternative
   options to ensure an equal playing field for negotiation.

**Social Incentives for Gender Differences in the
Propensity to Initiate Negotiations: Sometimes It Does
Hurt to Ask – Organizational Behavior and Human
Decision Processes – Hannah Riley Bowles, Linda
Babcock, Lei Lai (2005)**
https://www.cfa.harvard.edu/cfawis/bowles.pdf
   Investigates gender differences in willingness to
   initiate compensation negotiations and outcomes,
   including differing perceptions of men and women
   who initiate negotiation.

Women Don't Ask: The High Cost of Avoiding Negotiation – and Positive Strategies for Change – Linda Babcock and Sara Laschever (2003)
Enduring, quintessential, research-based guidance for people (not only women) who wish to develop skill and confidence at negotiating.

TOOLS AND TOOL KITS

Harvard Law School Program on Negotiation
https://www.pon.harvard.edu/free-reports/
Downloadable free reports on a range of relevant topics, including negotiation skills, salary negotiation, BATNA, business negotiations, deal making, conflict resolution, and mediation.

Negotiation Advice for Women – Lean In – Ashleigh Shelby Rosette
https://leanin.org/negotiation
Series of four videos with tips on how to approach a negotiation, including both general advice and tips for counteracting the specific stereotypes that women face in negotiating.

Negotiation Skills – Queensland Government
https://www.business.qld.gov.au/running-business /marketing-sales/managing-relationships/negotiating/skills
Lists tips and strategies for negotiation and lays out the process for a negotiation, including how to proceed when a negotiation fails.

Women's Leadership Edge
http://www.womensleadershipedge.org/
A wide array of tools to help organizations support, advance, and retain women, with parallels in engineering and law.

Notes

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3. "Negotiation," *Parlour Guides to Equitable Practice*, 2014, https://www.archiparlour.org/wp-content/uploads/2014/05/Guide7-Negotiation.pdf.

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5. Ibid.

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11. Annelise Pitts et al., *Equity by Design: Voices, Values, Vision! 2018 Equity in Architecture Survey Early Findings Report* (San Francisco: AIA San Francisco and Equity by Design Committee, 2019), https://issuu.com/annelisepitts/docs/eqia_2018_early_findings.

12. Bowles, Babcock, and Lai, "Social Incentives for Gender Differences," 84–103.

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