Welcome to Negotiation and Public Dispute Resolution!

Course Premise
This is a course in the theory and practice of negotiation, with an emphasis on negotiating public disputes and building collaborative planning strategies for plans and policies. Our intent is to challenge the conventional wisdom about negotiation in several ways. As a society, we find ourselves having to deal with increasingly complex, wickedly intricate issues relating to land use, resource management, and policy development. As planners, architects, lawyers, engineers, community advocates, we are asked to help resolve disputes and problems in ways that recognize a range of important public values and that result in fair and sustainable outcomes. How can this be accomplished? Is it, indeed, possible?

Many believe that negotiation is about “getting one’s way,” learning how to impose one’s will more effectively. Others look to negotiation as a means for eliminating conflict, or, at least, minimizing a sense of competition and maximizing the feeling of cooperation among parties in conflict. And still others see negotiation as a way of “splitting the pie,” of fairly distributing value as part of a zero-sum game. Power is crucial to consider, cooperation is a worthy objective, and distributing proceeds fairly is an important concern: however, framing negotiation principally as a function of any of these may miss opportunities to understand more deeply the background and values of each party and the underlying concerns driving the dispute. More important, the participants may miss opportunities to craft more creative, useful, valuable and sustainable ways of resolving disputes and making agreements.

Course Objectives
Our objectives for students taking the course are:
• To experience and analyze the usefulness of negotiation concepts and skills in a variety of contexts, with emphasis on their applicability in the public sphere
• To feel more confident in recognizing and applying negotiation concepts and skills
• To learn to apply meeting facilitation skills and learn practical methods in the art of facilitation
• To interact with guest panelists and practitioners
• To engage in a spirited dialogue with other class participants on these topics throughout the semester
Content & Organization
The course is in three parts, building from understanding concepts of competition and cooperation and the principles of mutual gains negotiation to more complex concepts, situations and exercises. It starts with two-party, single-issue negotiations and moves gradually to multi-party, multi-issue negotiations. Exercises focus attention on building specific concepts and skills, and readings, lectures, and class discussions will help us analyze and integrate these points, expand our understanding of their applicability in real-world situations, and develop confidence in their appropriate use.

Part One – Unassisted Negotiation We will introduce fundamental concepts of negotiation, identify selected topics in intra-group and inter-group dynamics, and explore the ethics of various negotiation tactics. Our principal conceptual framework will be the Mutual Gains approach developed by the Harvard Program on Negotiation and the Consensus Building Institute.

Part Two – Group Facilitation We believe that the capable use of facilitation processes and skills has become essential for effectively managing multi-party negotiation and collaborative planning situations, and for assisting groups to make fair and sustainable agreements. While we will use processes and tools from a variety of sources, we will especially refer to the Technology of Participation® developed by the Institute of Cultural Affairs.

Part Three – Assisted Negotiation We will engage the class in a series of complex, multi-party, multi-issue simulated negotiations, allowing students various opportunities to “get inside” various roles and to integrate concepts introduced in Parts One & Two. We will also hear from guests with experience in real-world negotiating, and with experience in facilitating and mediating such negotiations.

Instruction Methods
Exercises and Simulations— The course will primarily be taught through a series of exercises, simulations and demonstrations. It will be highly experiential. We will learn by engaging in the simulations, reflecting about the experience and discussing the negotiations afterward. A fair amount of your effort in this course will be to prepare for the simulations outside of class, especially as the semester progresses.

Lectures—Occasional lectures will provide an overview of major concepts.

Reading—Readings in electronic reserve will correspond to the major theme of each class. We expect you to complete the assigned readings before each class, although we may or may not explicitly discuss them in the upcoming class. Many of the readings are useful in helping you think about or prepare for upcoming negotiations.

Written Reflections—We will ask you to keep an electronic journal of your experience of the exercises, class discussion, and readings. The journal is intended to help you refine your understanding and develop your self-awareness of negotiation and your own role as a negotiator.
Written Products
We ask that you to turn in your journals at two points during the semester as scheduled in the syllabus. We will offer a set of reflective questions to guide your journal entries, though you may decide to offer additional remarks and insights. The entries should describe your experiences in the negotiation simulations, highlight the lessons learned from the session as well as the class discussions and offer your insights about the readings that accompany the classes.

Grades, Participation & Attendance
The heart of this course is the set of simulations and the class discussions about negotiation. Therefore, attendance is required for every class. Grades will be based on class participation and the brief written assignments described above. There will be no final examination, nor will there be a term paper.

Many of the simulations require the presence of a particular number of participants as well as prior reading and preparation. Unscheduled absences will cause logistical problems and undermine the experience of your classmates. If there are occasions when you cannot be in class, please contact one of us with as much advance notice as possible. If you cannot attend classes regularly, please contact us to determine whether it is appropriate for you to take the course.

Students will not be graded on their “amount” of participation or their “success” in the simulations. Just as in the real world, in the simulations there is a range of possible outcomes along with the unique opportunity to experiment with different roles and interests, as well as testing your style and approach to negotiation. We expect that students prepare for class, actively engage in the simulations, and offer ideas in class discussions thoughtfully, irrespective of how often they speak or how much they agree with other students or the instructors.

A special note about class attendance: Several of the concepts and exercises require more time than is available in a 2-hour time block once a week, so it is important that you devote time to doing the assigned reading and preparing outside of class – often in teams – for the up-coming simulations and negotiation sessions; and attend all of the in-class sessions.

Culture, Gender and Personal Style
Throughout the course, we will explore how the context surrounding disputes affects the theory, practice and analysis of negotiation. In particular, the culture, gender or personal styles of the parties may have a significant impact on the process and outcomes. In addition, the process and outcome of any dispute may be influenced by whether it is private or public, local or international, in a particular field of concern or knowledge, e.g., community planning, environmental, construction management, public policy, water law, etc., or whether its origins are recent or historic, or its parameters are general or specific.

Rather than focusing solely on these dynamics in one or two classes, we will consider them in discussions throughout the semester. Questions to ask in any dispute include, “How should the analytic framework we are developing be modified to incorporate the effects of culture, race,
class and gender?” “How would my approach differ as we move across different cultural contexts or shift the race, class or gender of the participants?”

**Maintaining Honor: Cautionary Notes about Simulations**

Simulations provide opportunities for you and your classmates to explore specific aspects of real-world dynamics. We are primarily interested in your faithful and creative participation in the exercises and in your active, thoughtful reflection with the class members. There are a number of ways to play them usefully, exploring approaches and comparing the range of results that other class members and teams may achieve.

That said, it is pretty easy to defeat the purpose of the simulations and exercises. You can exchange confidential instructions, or collude with your partner or “adversary” to otherwise break the rules. You can ask people who have taken similar classes in the past. You can look up published accounts of some of them. We urge you to not do any of these. You will only undermine your own learning experience and that of your classmates.

You will also have to determine how to play the roles in the exercises, that is, how to reflect the “real-life” nature of the exercises. By playing the roles in a straightforward way, most people find that they can find their own sense of style and values within assigned roles and have a sufficiently rich experience to have a number of insights. We advise that you not “overplay” or the “underplay” the role. You may want to explore alternative approaches in your own style and personal reactions as well as invent options to create solutions. This is great. However, inventing new information not included in the instructions or creating unrealistic technical or political “fixes” for the problem will likely confuse the other participants. It is best to be engaged, attentive, yet stay within the parameters of the exercise.

**A word about emotions.** While the exercises simplify real-world situations, they do intend to raise and isolate real-world dynamics, including conflict. (Many of them are taken from actual case studies.) As such, by preparing for them well and playing them in a straightforward manner, you may experience strong emotions, generated by your opinion of the merit of your own situation or approach, or your criticism of another’s situation or approach. Occasionally, it is tempting to infer that others in the class are honorable or dishonorable from the way they play an exercise. We urge you to resist this temptation. It is important to remember that a) everyone is exploring a range of roles and approaches (we are all learning), and b) we all have the obligation to engage thoughtfully in debriefing the exercises (we all are helping each other learn).

**Contact Information**

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Course Schedule and Syllabus

Jan 13  Approaches to Negotiation and Conflict Resolution

Introduction and Course Overview
Course Requirements
Writing Assignments – case analysis, reflective writing and keeping a journal

Discussion of Course Terrain:
Continuum of Control
Public Disputes and Collaborative Decision-making

Exercise #1: Negotiation Styles Inventory

Jan 20  Single Party-Single Issue Negotiation
Negotiating and Distributive Bargaining

- Fisher, Roger and William Ury, Getting to Yes, Chapter 2

Exercise #2: Win as Much as You Can
Debrief and Discussion: Competition and Cooperation

Exercise #3: Appleton and Baker
Debrief and Discussion:
The Conventional Wisdom about Negotiation
Challenges and Pressures of Distributive Bargaining

Jan 27  Exercise #4: Tell Your Story
Debrief: Developing empathy; building trust and developing working relationships

Integrative Bargaining and the Mutual Gains approach
Negotiation and Mutual Gains Approach: Getting to Yes; Win-Win; Principled Negotiation

Feb 3  
**Exercise #5: Sally Swan Song**  
Debrief: The role and power of integrative bargaining

**Hand out Power Screen General Instructions and Assign Roles**  
Review Case and Form Negotiating Teams  
Video: Case Introduction  
Carry out negotiation preparation outside of class

Feb 10  
**Single Party/Multi Issue Negotiation**

Using The Logic of Principled Negotiation  
The Value of Preparation in Getting to the Table


**Exercise #6: The Power Screen Problem**  
Report outcomes or negotiations and debrief exercise  
Video and discussion – Roger Fischer, Harvard Program on Negotiation

Feb 17  
**Multi-Party Negotiations**  
Dynamics of Complex Issues and the Power of Boundaries


**Exercise #7: Build as Many Roads....**  
Report Outcomes and Debrief Exercise  
Discussion: Competition and Cooperation

Collect Journals

Feb 24  
**Facilitation and Collaborative Planning**  
Facilitation Skills and Techniques
E-reserve Resources – Becoming a Skilled Facilitator


**Exercise #8: Conversation Method: Learning methods of inquiry**
Discussion: ORID and Guides for Structuring Dialogues
In-class: The Scramble Exercise

**Exercise #9: Facilitation & Recording Techniques**

• Bens, Ingrid, *Facilitating with Ease* (2005)
• Handouts: Facilitation – Methods and techniques

Mar 3  Facilitating and Managing in Complex Situations
Managing group dynamics


**Exercise #10: Neighborhood Care**

Mar 9 – 13  SPRING BREAK

Mar 17  Guest Panel: Stories from the Field

Mar 24  Assisted Negotiations
The Role of a third party in assisting and mediating negotiations

Exercise #11: East Danburg
Introduce Inside/Outside mediator Responsibilities
Volunteer Facilitation teams – Create Small Groups
Report Outcomes - debrief
Discussion – Facilitating negotiations; identifying interests; and assessing the power of coalitions

Mar 31
Assessing the Prospect for Environmental and Regulatory Negotiations
Designing process for assisted and mediated negotiations


Exercise #12: Rocky Mountain Spotted Trout
Same roles meet to prepare negotiation strategies and approaches
Engage in Menehune Bay negotiations
Collect Journals

Apr 7
Practicing Mediation and Facilitation
Guest Panel: TBA

Handout: Menehune Bay Generals Instructions
Review Case, Assign Roles and Create Negotiating Teams

Apr 14
Managing Negotiations and Coalitions
Responsibilities and opportunities for mediators and facilitators

Exercise #13: Menehune Bay
Questions about facilitation and mediation dynamics and dilemmas
Facilitating complex negotiations; Incorporating key interests; and responding to external pressures. Reflections on responsibilities of mediators and facilitators.

• Excerpts from Difficult Conversations, Fierce Conversations, Extreme Facilitation.

Apr 21
Managing Negotiations and Coalitions
Debrief of the Menehune Bay Exercise
Apr 28  The Practice of Collaborative Problem Solving and Mediating Community Disputes
Reflecting on your negotiating style and facilitation skills

• Dukes, Franklin, Integration of Theory, Research and Practice in Environmental Conflict Resolution, Conflict Resolution Quarterly, Vol. 19, No 1, Fall 2001, pp. 103 – 115.

Course Evaluation and Wrap-up
Reviewing the course modules and concepts
Reflecting on your experience
Discussing course outcomes