

UNIVERSITY OF WASHINGTON DANIEL J. EVANS SCHOOL OF PUBLIC AFFAIRS

Public Affairs 507

**CONFLICT RESOLUTION AND
CONSENSUS BUILDING:
NEGOTIATION AND MEDIATION AS
INSTRUMENTS OF PUBLIC POLICY
AND MANAGEMENT**

FALL QUARTER 2009

**Tuesdays: 6, 13, 20 and 27 October, and 3 and 10 November
6:00 – 8:50 p.m.
Parrington Hall, Room 108**

**Saturday and Sunday, 7 - 8 November
8:30 a.m. – 4:30 p.m.
Parrington Hall, Room 108**

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SESSION I: INTRODUCING THE COURSE AND KEY CONCEPTS

6 OCTOBER

In tonight's opening session we will introduce and discuss fundamental concepts and principles of conflict resolution. We'll describe some disputes in which the principles are being applied, several of which the instructor is currently involved in. There will be a brief negotiation exercise to practice the basic concepts and principles, and provide a "taste" of the practice sessions that will be held throughout the course.

Negotiation Exercise: "The Wrecked Corby"

**SESSION II: BEHAVIORAL DECISION RESEARCH AND ITS
RELEVANCE TO THE NEGOTIATIONS PROCESS**

13 OCTOBER

This session will provide an overview of behavioral decision research and its relevance to negotiation. Drawing from the fields of psychology, behavioral economics, and decision analysis, we will discuss the individual as a psychologically imperfect agent in competitive contexts. Much of this research has demonstrated how individuals often engage in systematic and predictable (yet suboptimal) behavior. An overview of key findings from the literature will be presented, along with a discussion of strategies for leveraging this information in negotiation scenarios, and avoiding susceptibility to these patterns when engaged in the negotiation process.

Guest Lecturer: Crystal Hall, Assistant Professor, The Evans School

Readings: to be distributed at the end of the first session on 6 October

**SESSION III: WHEN IS CONSENSUS APPROPRIATE? ASSESSING
THE CONFLICT AND STRUCTURING DECISION-MAKING**

20 OCTOBER

In this session we will assess when it is appropriate to use consensus to resolve conflicts and when other forms of decision-making are more appropriate. We will illustrate the importance of creating an orderly decision-making process. During our discussion we will ask these and similar questions: How do you identify the causes of conflict, and define the issues to be addressed? How do you communicate the problems and issues in a manner that lays the foundation for a resolution of the conflict? Who needs to be directly involved in the negotiations? Who should be indirectly involved? How do you initially engage them?

Readings: "Integrative Negotiations: Principles and Concepts"
Stage I of Negotiations: Assessing the Situation: Examples of
Different Approaches

Negotiation Exercise: "Social and Economic Change in Daisy"

SESSION IV: APPLYING PRACTICAL CONSENSUS-BUILDING TOOLS 27 OCTOBER
TO IMPROVE DECISIONS AND STRENGTHEN TEAMWORK

In this session we will examine and apply practical negotiation and mediation tools and techniques to improve the quality of decisions and build or strengthen teamwork and partnerships. We will also analyze the role of the process manager in helping groups resolve conflict and build stronger teamwork.

Among the tools we will consider are: ground rules, which give participants ownership of the process and eliminate or reduce the element of surprise, thus allowing them to focus on substantive issues rather than on process; meeting agendas and summaries, which are also vital management tools for maintaining progress and improving the quality of the group's decisions; and informal negotiations—what happens outside the meetings—which are equally important, if not more so, in gaining agreement.

An underlying theme of the evening is this: Understanding the use of negotiation and mediation as a basis for establishing, managing and directing teams has proven an important prerequisite to their success.

Readings: *“Internal Negotiations: Committees and Meetings”*
 “Convening, Managing and Facilitating Committees: A Checklist
 for the Public Manager”
 Practical Tools and Techniques: Guidelines for Effective Meetings;
 Ground Rules; Meeting Agendas; Meeting Summaries

Negotiation Exercise: *“Pacific City Utilities Service Department”*

THE MID-TERM ASSIGNMENT IS DUE
BY 5:00 PM ON FRIDAY, 30 OCTOBER

Please send your paper via email to me at jfalconerreid@comcast.net or, if you cannot transmit it electronically, put it in my mailbox, which is in Parrington Hall, Room 109.

**SESSION V: NEGOTIATING MULTI-PARTY DISPUTES AND
COMMUNICATION IN NEGOTIATIONS**

3 NOVEMBER

In this session we will consider the use of negotiation and mediation techniques in complicated public policy disputes. We will also consider the special challenges of structuring the negotiations in complex situations, including the use of ground rules to gain agreement on the process and shift the participants' focus to where it belongs—on the substantive issues. We will discuss the complexities and challenges of negotiating internally before negotiating externally so that a caucus comes to the negotiating table able to speak with one voice. We'll also discuss the advantages of developing alternatives, and "packaging" them to provide a variety of options by which the parties can meet their interests.

To provide practical experience, we will focus on case examples from the instructor's recent experiences. Our goal is to identify the primary issues to be addressed, the problems needing resolution, the parties that should participate in resolving them, their interests and likely positions entering negotiations, and additional factors to be aware of as the negotiations proceed.

We will end tonight's session by discussing communications in negotiations. Communications are intended to inform or influence. As negotiations progress, communications are increasingly intended to influence the choices and decisions of others, and to get those with whom you are negotiating to agree to your proposals and even to adopt them as their own.

Readings: "*Module on Negotiating as a Representative*"
 "*Module on Complex Multi-Party Negotiations*"
 "*Building Consensus for a Sustainable Future: Putting Principles Into Practice*"
 "*Communication and Relationship Management*"

SESSIONS VI AND VII: NEGOTIATING THE ST. JOSEPH'S CASE

7-8 NOVEMBER

This weekend is a "mock" negotiation exercise to provide opportunities to practice negotiation and mediation tools and techniques to resolve complicated public policy issues. On Saturday morning we will negotiate ground rules to enable the parties in the St. Joseph's Shopping Mall case to determine whether or not they can work together to resolve the substantive issues. In early afternoon we will debrief the exercise by reviewing the tactics and strategies that contributed to consensus.

Negotiation Exercise: *St. Joseph's Shopping Mall Case, Part A*

Beginning late Saturday afternoon and continuing Sunday, we will negotiate the substantive issues of the St. Joseph's Shopping Mall case. We will debrief the negotiations by identifying and analyzing strategies the parties used to reach agreement.

Negotiation Exercise: *St. Joseph's Shopping Mall Case, Part B*

Reading: "*Negotiation and Change*"

SESSION VIII: THE MANAGER AS MEDIATOR

10 NOVEMBER

We will also examine circumstances in which the public manager assumes the role of mediator, allowing her/his colleagues to reach consensus and make key organizational decisions within specific parameters. Within this context we must address how to handle situations in which the group cannot reach agreement. What then does the public manager do? And how does she/he prevent the group's lack of consensus from undermining teamwork that has been painstakingly crafted?

We will apply these lessons by engaging in an exercise in which the manager of the team decides to make the team responsible for a decision. This represents a departure for the team members, who have become used to providing advice to their boss and letting her/him make the decision.

As this session comes to a close, we will review the key concepts of the course and address miscellaneous issues and lingering questions.

Readings: *"The Meeting Manager: Observer Form"*
 "Negotiating Tactics: Some Practical Tips"

Negotiation Exercise: *"Carver State University Hospital"*

4 December
5:00 p.m.

**FINAL PAPERS MUST BE RECEIVED IN
JIM'S EMAIL IN-BOX, AT HIS OFFICE or
IN HIS MAILBOX IN PARRINGTON HALL,
ROOM 109**

**Please include a copy of your mid-term that contains Jim's
comments and the grade. If you send the two papers via email,
please scan the first paper so he can read the comments he
wrote in the margins.**

**To you send the two papers to his office, mail them to:
Jim Reid, The Falconer Group, 1300 SW Webster Street,
Seattle, WA 98106-1922.**

CLASS ASSIGNMENTS AND GRADING

Critical to the learning experience in this course is your participation in a variety of simulations and role-play exercises. In these settings you will not only learn practical skills but also have an opportunity to observe the perspectives, approaches and practices of your classmates. The amount and quality of participation in these settings, therefore, will not only affect your learning experience but that of the others in the course. In recognition of this fact, 10% of your grade for the course depends upon your participation. The grade will be calculated as follows:

Course participation: 10%

When you hand in your final paper, you may assign 25 points to other class members based on your assessment of their contributions to your learning experience throughout the quarter. A form will be provided for this purpose but we advise you to keep some notes during the quarter to jog your memory. You may not award points to yourself. You may not award more than five points to any individual.

Mid-term paper: 35%

Analyze an on-going public policy or management conflict. It should be a situation with which you are familiar or one where you can gather sufficient information for the purposes of the assignment. A situation in which you are directly involved would most likely be of greatest value to you. If you are personally involved be sure to describe your role and factor your involvement into the analysis. You will be expected to use the concepts explored in the first half of the course (source of conflict, the parties, their interests, BATNA, etc.)

Final paper: 55%

Present a strategy for using negotiation and/or mediation to resolve the issues in the situation that you analyzed for the mid-term paper. This should include: a strategy for introducing negotiation and/or mediation to the case; a proposal for how to structure the process; identification of substantive issues and procedural problems likely to arise during the negotiations; likely or projected outcomes; and issues to be considered in implementing the resolution you recommend. If you are personally involved in negotiating a resolution, be clear about your role.

GROUND RULES FOR THE TWO PAPERS

1. Pretend you are writing a briefing memo for a busy decision-maker, such as your boss, an elected official or someone else you are trying to influence. The use of bullets, short paragraphs, charts and tables—techniques that quickly and clearly underscore your opinion and arguments—are encouraged.
2. Because you are writing to an extremely busy official, **the first paper cannot be more than five pages**, including any charts, tables or graphs you incorporate to explain and analyze the situation. The paper must be typed.
3. For the same reason, **the second paper cannot be more than ten typed pages**. Again, that includes charts, graphs and tables.
4. PAPERS EXCEEDING THE PAGE LIMITS WILL BE RETURNED WITHOUT HAVING BEEN READ SO THAT YOU CAN EDIT THEM TO THE REQUIRED LENGTH. THEN, FOR BEING LATE, THE SCORE WILL BE REDUCED BY .5. You run the risk of getting an “incomplete” if the final paper is longer than the ten-page limit.
5. **The mid-term paper is due by 5:00 p.m. on Friday, 30 October. My preference is that you send it to me via email at jfalconerreid@comcast.net.** If this is inconvenient for you, you may place it in my mailbox in Parrington Hall, Room 109.
6. **The final paper is due by 5:00 p.m. on Friday, 4 December.** The paper must be accompanied by a copy of the mid-term paper that has my comments on it. If you choose to send the two papers via email, make sure to scan the first one so that my comments and the grade appear on it. If you wish to provide me with hard copies, either put the two papers in my mailbox in Parrington Hall, Room 109, or mail it to Jim Reid, The Falconer Group, 1300 SW Webster Street, Seattle, WA 98106-1922. If I do not receive the paper by 5:00 p.m. on December 4th, it will not be read and graded, and you will receive an incomplete for the course.
7. If you would like the final paper returned to you, please enclose a self-addressed envelope with sufficient postage.

FRAMEWORK FOR ANALYSIS: THE FIRST PAPER

The two papers that you will write for this course should address a conflict or dispute with which you are familiar. It may be one that you are currently involved in or knowledgeable about, or it may be one in which you were involved in the past or that you are likely to be involved in or affected by in the near-term future.

The mid-term paper should address the concepts that we have addressed in class by the date it is due, including those listed below. It should NOT propose a structure or process for resolving the conflict and alternative solutions that could meet the various parties' interests. Those are concepts that you will be required to address in the second paper.

The concepts to address in the first paper are:

1. A brief description of the conflict and its source(s).
2. The relevant parties, including, if applicable, parties directly involved in it and parties indirectly involved.
3. The interests of the relevant parties (including self).
4. The power of the relevant parties (including self) and the source(s) of their power.
5. The BATNA for each of the relevant parties (including self).
6. Any deadlines that may be of importance in resolving the conflict.
7. Nature and form of anticipated agreement(s). In other words, might the agreement be a signed document of legal standing, a memorandum of understanding, a charter for a group that defines roles, responsibilities and protocols for making decisions, or something else?
8. Who will be responsible for implementing the agreement?
9. Next major interaction with relevant parties; i.e., what step should initiate the negotiations?

FRAMEWORK FOR ANALYSIS: THE SECOND PAPER

The second paper builds on the first. For this paper you are expected to propose a structure for resolving the conflict that you presented in the first paper.

1. Which parties need to be “at the table?” How will you get them there?
2. What is the overall structure and timetable for the negotiating process? In other words, what steps do you propose to reach an agreement, and what timeframes do you expect will be needed? Is a mediator or facilitator advisable, or what other strategy would be useful for managing the process?
3. What are some of the key ground rules that should guide the decision-making of the parties given the unique circumstances, issues, personalities, etc. of this conflict?
4. What information will be essential and most helpful to the group? How might it be obtained? What might be some of the challenges in obtaining it or getting the group to accept and use it? What might you propose to achieve acceptance?
5. What are some alternatives that might be examined by the group? What criteria would they use to analyze them?
6. What tactics and techniques might be used to “close the deal” and reach agreement?
7. Are there any “off ramps” built into the structure so that if it becomes clear the negotiations are not going to succeed, they can be halted without damaging relationships or reputations?
8. Given the process you have proposed, why do you believe there will be agreement? And what might it look like? What are some of the remaining challenges and barriers to gaining agreement?
9. Is there anything else that is unique to this negotiation that is important to mention and/or assess?
10. What initial steps might be taken to begin implementing the agreement?