

Eastern Mennonite University – Center for Justice & Peacebuilding

**Negotiation & Mediation Skills**

PAX 601 – Spring 2011

Professor David Anderson Hooker

**Cell phone (404) 226 2246**

**Meeting place:**

Hartzler Library 121

**Meeting time:**

Weekend 1: Friday January 21, 2011 (8:30 a.m. – 5:30 p.m.) Negotiation 1  
Saturday January 22, 2011 (8:30 a.m. – 5:30 p.m.) Negotiation 2

Weekend 2: Friday February 4, 2011 (8:30 a.m. – 5:30 p.m.) Negotiation 3  
Saturday February 5, 2011 (8:30 a.m. – 5:30 p.m.) Mediation 1

Weekend 3: Friday February 25, 2011 (8:30 a.m. – 5:30 p.m.) Mediation 2  
Saturday February 26, 2011 (8:30 a.m. – 5:30 p.m.) Mediation 3

**This course only meets three weekends.** Each hour represents a substantial portion of the material to be covered for the semester. **It is important for students to plan to participate in the entire seminar each day.** Missing portions of the course (other than for Friday prayer or other pre-approved religious commitments) will be difficult to make up. **If a student knows that they will be absent from a substantial portion of any day (even for religious commitments), this situation should be discussed with the professor as soon as the student becomes aware of it and in almost every instance, should be discussed before the session is missed. DISCUSSING AN ABSENCE FROM CLASS AFTER THE FACT (EVEN IN THE CASE OF A GENUINE EMERGENCY) IS STRONGLY DISCOURAGED AND MAY RESULT IN A REQUEST BY THE PROFESSOR THAT THE STUDENT WITHDRAW FROM THE COURSE**

The reading assignments and theoretical work for this course is HEAVILY FRONT LOADED. Which means that most of the reading should be done BEFORE THE CLASS BEGINS. This is a compact learning and fast-paced experience and it will be quite difficult to keep pace if a student does not enter the first day of the class with some significant level of preparation.

**Course description:** Negotiation is considered by practitioners to be one of the “basic building blocks” for all conflict transformation and peacebuilding activities. Some have said that: “[n]egotiation is about learning how to get your way.” In this course we will advance the notion that the aim of negotiation is to construct implementable agreements that help parties advance a range of interests through joint decision making. In a world where more and more important actions are jointly decided rather than given or imposed in traditional ways, we all need to be better negotiators—on our own behalf and, in ways we will explore, on behalf of complex and often divided constituencies as well. This course will expose students to some of the theories and practices of negotiation.

Likewise, Mediation is a fundamental practice for community builders, peacemakers and managers of NGOs, municipal and civil society organizations. Mediation is a voluntary, informal yet structured process in which an impartial or neutral party assists parties communicate, negotiate, evaluate options and participate in joint decision making. Students will experience negotiation and mediation through classroom simulations, observation and analysis of informal negotiations in their own lives and case studies.

### **Course objectives:**

- To understand the foundations of principled negotiation;
- To learn the fundamentals of and one approach to mediation;
- Learning to observe negotiations critically and to think strategically about how to improve negotiation processes;
- Recognize stages of negotiations and the interactive processes that move parties through those stages
- Apply understanding of negotiation stages and processes to the process of mediation;
- Apply communications skills learned in other settings (i.e. earlier course work) to negotiation and mediation processes; and
- To understand the impact of culture and other factors in negotiated (and mediated) transactions.

### **Texts (required reading):**

Fisher, Roger, William Ury, and Bruce Patton (1991). *Getting to Yes* (2<sup>nd</sup> edition). New York: Penguin Books

Ury, William, *Getting Past No* (1991). New York: Bantam Books

Lax, David and James Sebenius, *Manager as Negotiator*

### **Handouts posted on-line**

1. Lewicki, Roy, D.M. Sanders, B. Barry & J.W. Minton, *Essentials of Negotiation* (3<sup>rd</sup> ed.) Chapter 2 *Negotiation: strategizing, Framing and planning*
2. Deutsch, Morton, *Handbook of Conflict Resolution*, Chapter 1 *Cooperation and Competition*
3. *Mediation (training)resources*

### **(Encouraged) Supplemental reading:**

Baruch-Bush, Robert, and Joseph Folger, *The Promise of Mediation*, San Francisco: Jossey-Bass 1994

John Winslade and Gerald Monk, *Narrative Mediation: A new Approach to Conflict Resolution*, San Francisco: Jossey- Bass 2001

(The assignments to be handed in are designated with either 1, 2 or 3. This indicates which submissions are required based on the number of credits that each student is registered for)

**BEFORE WEEKEND 1:**

- a. Read (or re-read) Getting to Yes in its entirety. This material will be presented based on the assumption that all students have read (and understood) the material before the first session
- b. **Read: Lax and Sebenius, Chapter 2, 5 & 6**
- c. **Read:** Lewicki, Roy, D.M. Sanders, B. Barry & J.W. Minton, Essentials of Negotiation (3<sup>rd</sup> ed.) Chapter 2 *Negotiation: Strategizing, Framing and Planning*
- d. **Read:** Deutsch, Morton, Handbook of Conflict Resolution, Chapter 1 *Cooperation and Competition*
- e. **Writing assignment #1 SUBMIT BEFORE THE FIRST DAY OF CLASS (1,2,3 this means EVERYONE regardless of the number of credits registered for is expected to complete this assignment) (This will serve as the first entry into your negotiations Journal) Before the first class (if possible before you do any additional reading on negotiations) write a 2 page reflection on**
  - your philosophy of negotiation:
  - your strategy and approach,
  - how do you define “winning” in negotiation, and
  - the areas of greatest difficulty (for you personally) in negotiations.

**Writing assignment #2: (1,2,3) SUBMIT BEFORE THE FIRST DAY OF CLASS.** The glossary of negotiation and mediation terminology: Attached to this syllabus is a list of terms, phrases and concepts related to negotiation and mediation. The definitions or concepts are discussed in the various reading assignments. To encourage a level of pre-class preparation, each student is required to submit an electronic copy of this list of concepts with your understanding of the concept. This is not a request for a text book definition for each concept, rather this is an opportunity for each student to state where they are clear on concepts and which concepts require further explanation.

**++EXTRA (THIS AN OPTIONAL ASSIGNMENT):** Write a detailed description of one successful negotiation that you have participated in and concluded since the beginning of the school year (no more than three pages). Include:

- Context
- Why was negotiation needed?
- Description of “parties”
- Subject matter of negotiation
- Stages of negotiation
- Results (compromise, collaboration, mutual loss, stalemate/impasse/status quo)
- Your personal reflection (i.e. satisfaction with process/outcome)

(This assignment can be worth up to 10 points. It is in addition to the total points that are available for the course. You can choose to spend as much or as little time with it as you wish. These points (10 max) will only be valuable if the evaluation of another assignment during the semester falls below your expectation and you wish to supplement a particular grade. **This assignment, in order to be accepted, must be emailed to the professor ([wecanworkitout@mindspring.com](mailto:wecanworkitout@mindspring.com)) before the start of the first session. No exceptions.**)

**Weekend #2 Required reading:**

Ury, Getting Past No (read entire book before Friday’s session come prepared with any questions

**Handouts:** (these will be passed out during weekend 1 and should be read carefully before weekend

II)

Deutsch, Chapters 9      *Problem Solving and decision making*

**(1,2,3) Writing Assignment:      DUE FEB 6<sup>TH</sup> BY 5:00 PM**

**Journal entry #2:** Write a 2-3 Page detailed description of one recent negotiation in which you were personally involved since the beginning of the 2008- 2009 school year. Include in your description:

- ✓ Context
- ✓ Why was negotiation needed?
- ✓ Description of the parties
- ✓ Subject matter of negotiation
  - (notice that the basis for negotiation may be different for each party)
- ✓ Stages of negotiation
- ✓ Results (compromise, collaboration, mutual loss, stalemate/impasse/status quo)
- ✓ Reflection (your level of satisfaction with the process/outcome, what could improve the process)

Focus of weekend 2 (Fri):                      Planning for negotiations  
    Communication skills in negotiation  
    Skills/ Techniques for Impasse (why negotiations fail)  
    Culture and World viewing

**FOCUS OF WEEKEND 2 (SAT) INTRODUCTION TO MEDIATION**  
    Process/Stages of Mediation  
    Opening statements

**Writing assignment for Saturday: Based on the handouts from weekend 1 that identifies the important contents for describing the mediation process write out an introduction statement for mediation.**

Focus of Weekend Three                      Communications in mediation  
    Process management (caucus mgmt, developing evaluating options)  
    Styles of Mediation (facilitative, evaluative, transformative, narrative)  
    Culture and world viewing

Readings:                                      Handouts from Weekend II re: mediation.

Final Writing Assignments:

After weekend #2: **Negotiations Journal (1, 2, 3):** Keep a journal of negotiations (large or small ) that you participate in over the next 3-5 weeks; make journal entries for five (5) negotiations that take place (or that are resolved) **after** weekend #2. For each negotiation, write a detailed description including information from Journal entry #2 (above). In addition to the information from Journal entry #2, **A PRIMARY PURPOSE OF KEEPING A JOURNAL IS TO INFUSE YOUR REAL LIFE EXPERIENCES WITH THE THEORETICAL CONSTRUCTS LEARNED IN THE CLASS. I WILL LOOK FOR YOUR INCLUSION OF THE CONCEPTS DISCUSSED IN CLASS AND IN THE READING. I am especially interested in correct application of the concepts and not just surface inclusion of the terms.** (Due date will be determined by in-class negotiation)

**(2, 3) Negotiations analysis.** Using popular media accounts (newspapers, magazine articles, Internet blogs, etc) or other accounts of current ongoing negotiations (local, national or international) use the concepts, categories and criteria introduced in the required readings to describe and analyze the negotiation.

Analysis should be 6-8 pages (plus attach at least a sampling of the articles used as sources). In addition to analysis, using questions as the mode of advice-giving, provide a series of 10 (min) to 15 (max) questions that you would ask the parties to help move the negotiations toward a productive end. If the value/intent of each question is not obvious to the reader, you may have to offer a brief explanation for the hoped-for outcome from each question.

### **(3) Mediation Proposal**

Based on the negotiation analysis (above) make a proposal for how to mediate the conflict. **Chose one of the following texts and apply the principles and concepts presented to the structure, formation and proposal for mediation:**

**The Promise of Mediation (transformative mediation) (Baruch-Busch and Folger)**

**Narrative Mediation (Narrative mediation) (Winslade and Monk)**

**Resolving Identity-Based Conflicts (ARIA method) Jay Rothman**

The important process issues should be considered that means the proposal should include not be limited to:

Which parties should participate (not names but roles/positions)

Where and when

Who should(should not) mediate (this is not a request to name a person rather to describe the specific qualities, characteristics, experiences and worldviewing of the mediator(s))

What other logistics considerations

Using the negotiation analysis, begin to craft an agenda and identify any early challenges to mediation

***In an effort to improve the process of returning papers in a timely manner with comments, all materials must be submitted in electronic form (i.e. as email attachments).***

***Please use the following naming convention for all electronic submissions: last name assignment 11***

***Eg: smithglossary11, pappasanalysis11, hookerproposal 11***

### Course Requirements

Students will be assigned grades based on the following requirements:

(E = experience/participation; W = Writing/ Analysis)

This assignment is required (X) if you are taking the course for	1	2	3 credits
(E) Participation in Role plays Weekend 1	X	X	X
(E) Participation in Role plays Weekend 2	X	X	X
(E) Participation in Role Plays Weekend 3	X	X	X
(W) Analysis negotiation/mediation observation		x	x
(W) Negotiations journal	X	x	x
(W) Negotiation Analysis of current		x	x
(W) Mediation Proposal			x
<i>With extra++ assignment</i>			
		<i>Optional</i>	

**All writing assignments are due on or before 5:00 p.m. on March 31<sup>st</sup> 2011**

#### *Additional resources for negotiation*

- Robert Cialdini, *Influence: The Psychology of Persuasion*, New York: Quill, 1984.
- Morton Deutsch and Peter T. Coleman, eds. *The Handbook of Conflict Resolution*, San Francisco: Jossey-Bass, 2000.
- Robert Fisher, *Let The People Decide: Neighborhood Organizing in America*, New York: Twayne, 1994.
- \* Barbara Gray, *Collaborating: Finding Common Ground for Multi-Party Problems*, San Francisco: Jossey-Bass, 1989.
- \* Sam Kaner et al., *Facilitator's Guide to Participatory Decision-making*, British Columbia: New Society, 1996.
- \* Christopher Moore, *The Mediation Process: Practical Strategies for Resolving Conflict*, 2nd edition, San Francisco: Jossey-Bass, 1996.
- Dean Pruitt and Jeffrey Rubin, [Social Conflict: Escalation, Stalemate, and Settlement](#), New York: Random House, 1986.
- Howard Raiffa, [The Art and Science of Negotiation](#), Cambridge, MA: Harvard, 1982.
- \* Roger Schwarz, [The Skilled Facilitator: Practical Wisdom for Developing Effective Groups](#), San Francisco: Jossey-Bass, 1994.
- \* Lawrence Susskind, S. McKernan, and J. Thomas-Learner, eds., [The Consensus Building Handbook](#), Thousand Oaks: Sage , 1999.

On-line resources:

- Program on Negotiation (Harvard Law School) [www.pon.harvard.edu](http://www.pon.harvard.edu)
- Consensus Building Institute [www.cbi.org](http://www.cbi.org)
- Civicus: World Alliance for Citizen Participation [www.civicus.org](http://www.civicus.org)
- Synergos Institute [www.synergos.org](http://www.synergos.org)

***IT'S A LOT OF WORK!!!***

***THE WEEKENDS WILL BE INTENSE!!!***

***LET'S HAVE FUN!!***

***EVERYTHING IS NEGOTIABLE***

***dah***

**Writing Guidelines:**

*Writing* will be a factor in evaluation: EMU has adopted a set of writing guidelines for graduate programs that include four sets of criteria: content, structure, conventions and style (see below). It is expected that graduates will be able to write at least a “good” level with 60% writing at an “excellent” level.

For the course papers, please follow the APA style described in CJP’s *GUIDELINES for GRADUATE PAPERS* (see student handbook or request a copy from the Academic Program Coordinator).

**Academic Integrity Policy (AIP):**

EMU faculty and staff care about the integrity of their own work and the work of their students. They create assignments that promote interpretative thinking and work intentionally with students during the learning process. Honesty, trust, fairness, respect, and responsibility are characteristics of a community that is active in loving mercy, doing justice, and walking humbly before God. EMU defines plagiarism as occurring when a person presents as one’s own someone else’s language, ideas, or other original (not common-knowledge) material without acknowledging its source. (Adapted from the Council of Writing Program Administrators). [Taken from “Academic Integrity,” 2010-11 Undergraduate Catalog.] This course will apply EMU’s AIP (see catalog, pp. 16-19) to any events of academic dishonesty. For more information see <http://www.emu.edu/academic-support/writing/academicintegritypolicy03-09.pdf> If you have doubts about what is appropriate, one useful website is <http://www.indiana.edu/~istd/>

**Grading Scale & Feedback:**

*Grades* will be based on an accumulation of numerical points that will be converted to a letter grade at the end of the course. Each assignment will receive a score expressed as a fraction, with the points received over the total points possible (e.g. 18/20). The following is the basic scale used for evaluation. *Points may be subtracted for missed deadlines.*

95-100 = A outstanding	90-94 = A- excellent
85-89 = B+ very good	80-84 = B good
75-79 = B- satisfactory	70-74 = C passing
Below 70 = F failing	

Graduate students are expected to earn A’s and B’s.  
A GPA of 3.0 is the minimum requirement for graduation.

*Regarding feedback on papers/projects:* Students can expect to receive papers/assignments back in a class with faculty feedback before the next paper/assignment is due. This commitment from faculty assumes that the student has turned the paper in on the agreed upon due date.

**Institutional Review Board:**

All research conducted by or on EMU faculty, staff or students must be reviewed by the Institutional Review Board to assure participant safety: <http://www.emu.edu/irb/>

**Academic Support Center & Disability Support Services:**

If you have received services in the past related to a learning disability or attention deficit disorder and/or you feel you may have such a problem in this course, please make an appointment to speak with the faculty member or with the Coordinator of Student Disability Support Services in the Academic Support Center, third floor of the Hartzler Library (432-4254). Please take advantage of the free individual tutoring from writing tutors. Writing tutors are strong writers who hold scheduled one-on-one sessions with students and are an excellent resource for writers at any level or at any stage in the writing process. Please remember that writing tutors do not provide editing or proofreading services. They will help you put what you learn into practice and will work with you to improve your own proofreading and editing skills. To make an appointment, please visit the Academic Support Center on of the Sadie Hartzler Library, 3<sup>rd</sup> fl.

**Class Attendance:** Students are expected to attend all class meetings. If unusual or emergency circumstances prevent class attendance, the student should notify the professor in advance if possible. Multiple absences from class will result in lower grades. The student is responsible for the material presented in classes missed. (EMU Graduate Catalog)

Students should be aware of the importance of regular class attendance, particularly in the case of CJP classes that meet weekly or over several weekends. Being absent for more than one class leads to a student missing a large portion of the class content. In addition to consistent class attendance, students should make every effort to arrive to class on time out of respect for the learning process, fellow students and faculty.

**Course Extensions and Outstanding Grades:**

For Fall and Spring semesters, all coursework is due by the end of the semester. If a student will not be able to complete a course on time, the student must submit a request one week before the end of the semester for an extension (up to 6 months) using a course extension form provided by the Academic Program Coordinator. If the request is granted the student will receive an "I (incomplete) for the course which will later be replaced by a final grade when the work has been turned in on the agreed upon date. If the request for an extension is denied, the student will receive a grade for the work that has been completed up until the time the course was expected to have been completed. If no work has been submitted, the final grade will be an F (or W under certain circumstances). Extensions will be given only for legitimate and unusual situations. Extensions are contracted by the student with the program for up to a maximum of 6 months after the deadline for the course work. PLEASE NOTE: If the outstanding course work is received within the first 6 weeks of the extension, no grade reduction will be imposed; after 6 weeks any outstanding coursework will be reduced by ½ letter grade. If the extension deadline is not met, the student will receive a final grade for the work completed. Under exceptional circumstances, an additional 6-month extension may be granted by special petition to the CJP academic committee. To receive this additional extension, a letter of petition is expected with full rationale for the reason unable to finish to this point and a practical plan on how the student will actually finish if this extension is permitted. This must be submitted at least 1 week before the end of the first extension. A student is encouraged to use this only when absolutely necessary.

**Writing Standards –Graduate Level (Grid Version)**

<b>Criteria</b>	<b>A excellent</b>	<b>B minimal expectations</b>	<b>C below expectations</b>	<b>Comments</b>
<b>Content</b> <i>(quality of the information/ideas and sources/details used to support them)</i>	<ul style="list-style-type: none"> <li>- shows clarity of purpose</li> <li>- shows depth of content</li> <li>- applies insight and represents original thinking</li> <li>-demonstrates quality and breadth of resources</li> </ul>	<ul style="list-style-type: none"> <li>- shows clarity of purpose</li> <li>- shows substantial information and sufficient support</li> <li>- almost always represents original thinking</li> <li>- uses quality resources</li> </ul>	<ul style="list-style-type: none"> <li>- shows clarity of purpose</li> <li>- lacks depth of content and may depend on generalities or the commonplace</li> <li>- represents little original thinking</li> <li>- uses mostly quality resources</li> </ul>	
<b>Structure</b> <i>(logical order or sequence of the writing)</i>	<ul style="list-style-type: none"> <li>- is coherent and logically developed</li> <li>- uses very effective transitions</li> </ul>	<ul style="list-style-type: none"> <li>- is coherent and logically developed</li> <li>- uses smooth transitions</li> </ul>	<ul style="list-style-type: none"> <li>- is coherent and logically (but not fully) developed</li> <li>- uses some awkward transitions</li> </ul>	
<b>Style</b> <i>(appropriate attention to audience: effective word choice, sentence variety, voice; appropriate level of formality for academic writing vs. informal text messages and email)</i>	<ul style="list-style-type: none"> <li>- is concise, eloquent, and rhetorically effective</li> <li>- composes varied sentence structure</li> </ul>	<ul style="list-style-type: none"> <li>- displays concern for careful expression</li> <li>- composes some varied sentence structure</li> </ul>	<ul style="list-style-type: none"> <li>- displays some personality <u>but</u> lacks imagination and may be stilted</li> <li>- composes little varied sentence structure</li> <li>- frequently uses jargon and clichés</li> </ul>	
<b>Conventions</b> <i>(adherence to grammar rules: usage, mechanics)</i>	<ul style="list-style-type: none"> <li>- composes well-constructed sentences</li> <li>-makes virtually no errors in grammar and spelling</li> <li>- makes accurate word choices</li> </ul>	<ul style="list-style-type: none"> <li>- almost always composes well-constructed sentences</li> <li>- makes minimal errors in grammar and spelling</li> <li>- makes accurate word choices</li> </ul>	<ul style="list-style-type: none"> <li>- usually has well-constructed sentences</li> <li>- makes several errors</li> <li>- makes word choices that distract the reader</li> </ul>	
<b>Source Integrity</b> <i>(appropriate acknowledgment of sources used in research)</i>	<ul style="list-style-type: none"> <li>- cites sources for all quotations</li> <li>- composes credible paraphrases, cited correctly</li> <li>- includes reference page</li> <li>- makes virtually no errors in documentation style</li> </ul>	<ul style="list-style-type: none"> <li>- cites sources for all quotations</li> <li>- composes credible paraphrases, usually cited correctly</li> <li>- includes reference page</li> <li>- makes minimal errors in documentation style</li> </ul>	<ul style="list-style-type: none"> <li>- cites sources for all quotations</li> <li>- composes mostly credible paraphrases, sometimes cited correctly</li> <li>- includes reference page</li> <li>- makes several errors in documentation style</li> </ul>	
<p>The weighting of each of the five areas is dependent on the specific written assignment and the teacher's preference. Plagiarism occurs when a person presents as one's own "someone else's language, ideas, or other original (not common-knowledge) material without acknowledging its source" (adapted from Council of Writing Program Administrators).</p>				<b>Grade</b>

Approved by University Faculty April 28, 2004  
 Revised by the Writing Committee April 2008  
 Updated March 2009