SYLLABUS

CMP 6620-01 / CMP 4420-01

Negotiation and Dispute Resolution

For Planners, Policy-Makers, Real Estate Developers, Natural Resource Managers, and Others Working in the Public Sector

Course Information

Semester: Spring 2020
Credit Hours: 3.00
Day/time: Tuesdays 6-9 p.m.
Location: College of Law room 3609
Department: City & Metropolitan Planning

Instructor Information

Instructor: Danya Rumore, Ph.D.
Office Hours: By appointment
Cell/ Text: 208-659-1415
Email: danya.rumore@law.utah.edu

Course Description

Anyone who works in the public sector—whether public officials, planners, real estate developers, resource managers, environmental advocates, justice advocates, technical experts, or others—will have to work with stakeholders with different perspectives and interests. They will also run into situations of conflict, perhaps even full-blown disputes. Unfortunately, conventional decision-making processes often fail to effectively address different stakeholder interests. Similarly, traditional legislative, administrative, and judicial means are often insufficient for productively resolving public policy-related disputes. It is therefore not surprising that many people who are concerned about the fairness, efficiency, stability, and wisdom of public sector decision-making are searching for better ways of addressing public policy conflicts. Fortunately, mutual gains negotiation, alternative dispute resolution, and consensus building techniques hold great promise for supporting more collaborative and effective public sector decision-making and helping all involved parties meet their needs.

This experiential seminar will use lectures, scenarios, case studies, and role-play simulations to train graduate students and advanced undergraduate students in the "art and science" of mutual gains negotiation, conflict management, and consensus building. Occasional guest lectures by practitioners will be included to provide an opportunity for students to engage with different perspectives and experiences. The class will provide an intensive opportunity for each student to build his or her individual negotiating and collaborative problem-solving capabilities. It will also introduce students to the theory and practice of adaptive leadership.

This course draws on decades of research and work conducted by partners of the inter-university Program on Negotiation at Harvard Law School (PON) and the MIT-Harvard Public Disputes Program. It is designed for students with no prior background or experience in the fields of negotiation or dispute resolution.

Updated December 2019
Intended Learning Outcomes Through lectures, readings, and exercises, this course aims to train students in the theory and practice of:

- Mutual gains negotiation;
- Multi-party negotiation;
- Consensus building; and
- Conflict management

It will familiarize students with dispute resolution approaches including:

- Facilitation;
- Mediation; and
- Dispute systems design

It will also:

- Introduce students to the concepts of adaptive leadership; and
- Enhance the capacity of students to identify opportunities for and to engage in collaborative problem-solving

Assignments, Requirements, and Evaluation of Student Performance

This class centers on experiential learning. Therefore, participation is a critical part of the coursework. Classes will include some lecture time but will consist largely of group discussion and exercises. There will be a final exam. No term paper is required.

- **Class participation (25%)**
  - *Class participation is a necessary part of the learning experience in this course.* Participation means more than “just showing up” – it means doing assigned readings before class, being an active contributor to discussions, and preparing for and fully participating in exercises and simulations.
  - *Participation in all of the role-play simulations is required.* Students will engage in a number of role-play simulations during the semester. These negotiation exercises provide an opportunity for students to put the concepts and skills they are learning about into action. Simulations may be videoed from time to time to enhance student learning. Students who miss role-play simulations are required to make up the exercises on their own time and are responsible for finding other people to participate in the simulation. See below for more information about this.
  - *If students know they will be missing a class, they should notify the instructor in advance.* Absences due to a documented emergency or sanctioned University activity (e.g., band or intercollegiate athletics), government obligation (e.g., military duty), or religious holiday will be excused. However, any student who misses a role-play simulation—regardless of the reason—will still be required to make up the exercise.

- **Reflection memos (55%)**
  - Students will write short reflection memos following each of the negotiation simulations and other key exercises. There will be guiding questions for each assigned reflection memo.
  - These memos are **2-3 page (12-point font, single spaced)** personal reflections on the exercise experience. Memos should tie the exercise experience to the topics discussed in class and assigned readings.
  - Reflection memos will be graded based on (1) the thoughtfulness of students’ reflections and how well responses address the assigned guiding questions; (2) the extent to which students meaningfully tie their reflections to assigned readings and class discussions; and (3) the quality of writing and clear communication of ideas. If you are concerned about your ability to effectively communicate your ideas in writing, please see the below section on writing and ESL resources.
  - Guiding questions for each reflection memo and due dates will be posted with the assignment on
Canvas. Reflection memos will be due the day before the next class unless otherwise noted on Canvas.

- **During-class final exam (20%)**
  - During the final class session, students will take a final exam. The exam will be short essay format. Example exam questions will be handed out a couple weeks in advance of the final to help students prepare. The exam will be open book. The exam will be held during the final class period, but it will be administered online—students can complete it from elsewhere.

- **Extra credit**
  - Opportunities for earning extra credit may be made available during the semester.

**Submitting assignments:** All assignments must be submitted via Canvas class site as Word Documents—this makes grading them and providing comments easier. Please do not submit assignments as PDFs or in any other format.

**Late assignments:** Assignments turned in late will be marked down. You will lose points for each day the assignment is late. Assignments will not be accepted if they are over a week late, unless arranged with the Instructor.

**Feedback on assignments:** Grades and feedback on assignments will be provided through Canvas.

**Grading**
The grading scale for this class is: A+ (100 – 97), A (96.9 – 93), A- (92.9 – 90), B+ (89.9 – 87), B (86.9 – 83), B- (82.9 – 80), C+ (79.9 – 77), C (76.9 – 73), C- (72.9 – 70), D+ (69.9 – 67), D (66.9 – 63), D- (62.9 – 60) and F (Below 60).

Grades will generally be entered on Canvas within 1 to 2 weeks after receiving your homework. I will do my best to get your grades and feedback on assignments to as quickly as possible.

**Making Up Missed Negotiation Simulations**
Participation in all of the role-play negotiation simulations is required. If students miss a negotiation simulation, it is their responsibility to arrange to make this up on their own time with fellow classmates or friends. Students should arrange to pick up game materials for the make-up simulations from the Instructor. Students are expected to complete the simulation and submit their reflection memos by the original due date, unless otherwise arranged with the Instructor; memos that are submitted late will be marked down accordingly.

**Course Materials**
Required books (see below) can be purchased new or used for an affordable price online or at local bookstores. They are also on reserve at the university library. All other readings will be available through Canvas, as will additional materials such as class announcements and PowerPoint slides. Assignments and due dates will also be posted on Canvas. Students must submit their assignments (as Word documents) through Canvas, and they will receive their grades and comments on assignments via Canvas. Students should check Canvas regularly. To login to Canvas, go to: https://utah.instructure.com/login/canvas.

**Course Communication**
Class emails and announcements will be sent to students’ University of Utah email accounts (not Gmail, etc.), so make sure to check your U email account regularly or set up email forwarding. To set up forwarding on your U email account, see: http://www.cmes.utah.edu/students/UMail%20Tutorial.pdf.

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Required Books

These books will be required for the course. They can be found new or used online and at local bookstores. They are also on reserve at the university library.


Student Feedback on the Course

Throughout the course, I will ask for your feedback on the class. I will use your feedback to target the remaining sessions of the semester, as well as to improve the course for the future. Please share your honest thoughts and constructive criticism, while also taking responsibility for your own learning.

Notice of Possible Changes to the Syllabus/Course

During the semester, the syllabus may be updated and/or additional assignments and materials may be added. I will give advanced notice about any changes via in-class and email announcements.

“Ground rules”

- **No laptop/cell phone/other device use in class:** Research has shown that laptops and other devices in classrooms tend to detract from student learning. As previously noted, this class is very experiential—most of your learning will come from being present and engaged and interacting with other students. Additionally, any notes that need to be taken can easily be taken with a paper and pen. So, please do not use your laptops, cell phones, or other devices in class. Doing so will lead to a detraction from your participation grade.

- **Create a positive environment for learning:** Please help create a positive environment for your own learning and the learning of others. This means being respectful to each other and the Instructor in class and online; coming prepared so you can meaningfully contribute to group discussions and activities; taking class exercises seriously; being considerate about how you communicate with others; and “taking responsibility for the energy you bring into the room.”

- **Take ownership for your learning:** I take my responsibility to facilitate your learning very seriously. Thus, the assigned readings, lectures, exercise, and other class activities are all carefully thought out to help you learn as much as possible through this course. That said, it is ultimately your responsibility to engage meaningfully with these materials. Please take ownership for your own learning.

- **Come to class ready to play and have fun:** Playfulness, creativity, and open-mindedness are key to effective negotiation, conflict resolution, and collaborative problem solving. Additionally, class exercises and activities are designed to be fun. Please come to class ready to play and have fun.

- **Practice what you’re learning about:** If something isn’t working for you in the class, you’re having trouble, etc., practice all of the things you are learning about and work with me and others to collaboratively and productively problem solve.
### Detailed Class Schedule

Note: Reflection memos will be due after all role-play simulations (“games”) and most other exercises (e.g., “scenarios”). See Canvas for assignments guidelines and due dates.

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<thead>
<tr>
<th>Topic</th>
<th>Date</th>
<th>Title and Readings</th>
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| **1** Introduction        | 1/7  | **Introduction to Democratic Decision-Making, Deliberation, and Dispute Resolution in the Public Sector**<br>*Personal assessment (in class)*<br>  
  - Susskind, Lawrence and Jeffrey Cruikshank (1987) *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes*. New York: Basic Books. Chapters 1–2. (book; skim read - you don’t have to read every word, focus on key ideas)  
| **2** Negotiation Theory  | 1/14 | **Introduction to Negotiation: Playing the Traditional Game Well**<br>*Game #1: Parker v. Gibson + Debriefing*<br>*Scenario #1: Traditional Negotiation Game*<br>  
  - Fisher, Roger and William Ury (2011) *Getting to Yes*, Updated Revised edition. New York: Penguin. (book; skim read – you don’t have to read every word, focus on key ideas)  
Consensus Building: Introduction to the Mutual Gains Approach (MGA) to Negotiation

Game #2: Redstone + Debriefing

- Susskind, Lawrence and Jeffrey Cruikshank (1987) *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes.* New York: Basic Books. Chapters 3–4. (book; skim read - you don’t have to read every word, focus on key ideas)
- Mutual Gains Approach to Negotiation: A Four Step Process (handout)

Value Creation and Integrative Bargaining AND Introduction to Multi-party Negotiation Theory

Game #3: Three Party Game + Debriefing

Scenario #2: The Consensus Building Approach

- How to Practice Politics with Music in Mind, TED Talk, [https://www.youtube.com/watch?time_continue=1&v=m1GL6gbfbwY](https://www.youtube.com/watch?time_continue=1&v=m1GL6gbfbwY)

Multi-party Negotiation Theory (continued)

Game #4: Harborco + Debriefing

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<th>6</th>
<th>Facilitation</th>
<th>2/11</th>
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| **Gender and Negotiation; Culture and Negotiation**  
*Scenario #3: Gender and Negotiation*  
*Exercise: Negotiating with a Newtonian* |

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<th>Facilitation</th>
<th>2/18</th>
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| **Introduction to Facilitation AND**  
**Roles and Responsibilities of the Facilitator in a Public Disputes Context**  
*Scenario #4: Facilitation* |
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<tr>
<td>8</td>
<td>Mediation and Dispute Resolution</td>
<td>2/25</td>
<td>Game #5: Dirty Stuff + Debriefing AND Introduction to Mediation in the Public Sector</td>
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</tbody>
</table>
| 9    |       | 3/03 | Roles and Responsibilities of the Mediator  
|      |       |      | Scenario #5: Roles and Responsibilities of Public Sector Mediators |
|      |       |      | - Conducting a Conflict Assessment (handout).  
| 10   |       | 3/10 | NO CLASS – SPRING BREAK |
| 10   |       | 3/17 | Wrap-up Discussion about Roles and Responsibilities of Mediators  
<p>|      |       |      | Game #6: Carson Extension + Debriefing |</p>
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| 11 | 3/24 | **The Ethics of Mediation and Dispute Resolution; Cross-Cultural Applications of Public Dispute Mediation**  
**Scenario #6: Cross Cultural Communications**  
| 12 | 3/31 | **Introduction to Dispute Systems Design in the Public Sector**  
**Guest lecture by Nedra Chandler**  
- Readings to be assigned on Canvas |
| 13 | 4/07 | **Creative Problem-Solving and Leadership**  
**Improv exercise with Laurie Mecham (to be confirmed)**  
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| 4/14 | Values-Based Disputes and “Dealing with an Angry Public”  
*Game #7: OutFest + debriefing*  
*Scenario #7: Value-Based Disputes* |
| 4/21 | Tying It All Together, Wrap-Up Discussion  
*Final exercise* |
|       | ● Readings TBD |
| 4/28 | Final Exam (during class time but online – can be done from elsewhere) |
University Policies

Academic Misconduct: Academic misconduct includes cheating, plagiarizing, research misconduct, misrepresenting one’s work, and inappropriately collaborating. These are major offences. Make sure you are familiar with university policies: http://www.regulations.utah.edu/academics/6-400.html. And, really, just don’t do these things!

Discrimination and Sexual Harassment: Students who engage in violence and harassment based on sex, gender, race, national origin, color, religion, age, status as a person with a disability, veteran’s status, or genetic background should be reported to the Title IX Coordinator in the Office of Equal Opportunity and Affirmative Action, 135 Park Building, 801-581-8365, or the Office of the Dean of Students, 270 Union Building, 801-581-7066. For support and confidential consultation, contact the Center for Student Wellness, 426 SSB, 801-581-7776. To report to the police, contact the Department of Public Safety, 801-585-2677 (COPS).

ADA Statement: The University of Utah seeks to provide equal access to its programs, services and activities for people with disabilities. If you will need accommodations in the class, reasonable prior notice needs to be given to the Center for Disability Services, 162 Olpin Union Building, 581-5020 (V/TDD). CDS will work with you and the instructor to make arrangements for accommodations. All written information in this course can be made available in alternative format with prior notification to the Center for Disability Services.

University Resources

Center for Student Wellness: Personal concerns such as stress, anxiety, relationship difficulties, depression, cross-cultural differences, etc., can interfere with your ability to succeed and thrive at the University of Utah. For helpful resources contact the Center for Student Wellness at www.wellness.utah.edu or 801-581-7776.

Writing and ESL Resources: There are many resources on campus to assist students with their writing and English skills. These resources include: the Writing Center (http://writingcenter.utah.edu/); the Writing Program (http://writing-program.utah.edu/); and the English Language Institute (http://continue.utah.edu/eli/). If additional support is needed, please speak to the instructor.

Campus Safety

The University of Utah values the safety of all campus community members. If you don’t know who to turn to, please know that I will listen and believe you if someone is threatening you. Also know that I am required to report misconduct. Here are some additional resources available to you:

- If you are in immediate danger, call 9-1-1
- To report suspicious activity or to request a courtesy escort, call campus police at 801-585-COPS (801-585-2677)
- If you are experiencing sexual assault, domestic violence, or stalking, please report it to me and I will connect you to resources. Or you can call directly:
  - Rape Recovery Center (24-hour crisis Line) – (801) 467-7273
  - Utah Domestic Violence Coalition — (800) 897-5465
  - Center for Student Wellness, 426 SSB – 801-581-7776 (for support and confidential consultation).
  - The Family Justice Center – (801) 537-8600 (24-hour crisis line) or (855) 992-2752 (for help with a medical evaluation)
- National Sexual Assault Hotline – (800) 656-4673 (free, confidential counseling, 24 hours a day)

As a University of Utah student, you will also receive important emergency alerts and safety messages regarding campus safety via text message. For more information regarding safety and to view available training resources, including helpful videos, visit safeu.utah.edu. You may also want to download the “SafeUt” app – which provides information about safety on campus.