

University of Baltimore

## PRINCIPLES OF NEGOTIATION AND DISPUTE RESOLUTION

MGMT797/LEST186 - Graduate Spring 1997 -Professor: Dr. Mollie H. Bowers Office: BC555 Phone: (410) 837-4973 E-mail: MBOWERS@UBMAIL.UBALT.EDU

Office Hours: Wed. 3:00-5:30 p.m. Thur. 11:30a.m.-2:00 p.m.

Course Description: This is the first in a series of interdisciplinary courses available to all students at the University of Baltimore. It focuses, in part, on acquainting students with fundamental principles of the negotiation process; one of the most valuable and consequential skills in all aspects of life. Application of these principles is explored in various settings including labor relations, procurement, real estate, international relations, etc. Attention will then turn to the procedures which are widely used in the U.S. in an effort to peacefully and amicably resolve disputes when an impasse in negotiations occurs. These procedures are: mediation; factfinding; and arbitration. Critical to effective use of these procedures is understanding the role of neutral third parties, who they are, how to select them, and what the parties need to know to utilize their services appropriately and effectively. In all phases of this course, experiential exercises will be emphasized.

For your information, in the Fall, 1997 semester, a course will be offered on Advanced Negotiations Strategies, which will include game theoretic and other sophisticated approaches to the negotiations process which builds upon the one in which you are now enrolled.

Course Format: The attached syllabus lists the reading assignments which are to be completed for the due date of each assignment. It is important that this material be read in advance of each class meeting so that you can participate, on an informed basis, in class discussion and in exercises essential to your learning experience. To minimize your cost and inconvenience in obtaining the materials for this course, substantial use will be made of handouts, in addition to the required texts. Each class meeting usually will begin with a brief discussion of current events pertaining to the subject matter of the course (bring in news clippings, published articles, etc., to share with your colleagues). Additionally, listening (not just hearing audible noise) and note taking skills (both of which are essential in both negotiations and dispute resolution) will be important because the Professor will not be just a talking head' simply to reiterate what you have read. Key concepts and ideas regarding the subject matter will be shared by the Professor in an interactive discussion with the students and experiential exercises will supplement most class sessions. You also need to understand that both negotiations and dispute resolution are processes that involve controversy, and to be prepared to deal with same throughout the course of this semester. You will need to be prepared for each class meeting and attendance is required (except for instances of inclement weather, personal illness, or family emergency). In the event of inclement weather, it is expected that students will call (410) 837-4201 to find out whether the University is open for classes or not; if you have any doubt from the information available through the media. Attendance is not a factor which contributes to your participation grade, unless a student misses 2 classes without a bona fide reason supplied and agreed to by the Professor. In that event, a student's participation grade will be lowered automatically by one (1) letter grade for the semester.

Student Responsibilities:

- 1) Completion of all readings and assignments before each class meeting.
- 2) Active involvement and participation in each class meeting and in all exercises related thereto. (An evaluation form usually will be provided for group exercises.)

3) Bring in clippings from such sources as: The Baltimore Sun, The Washington Post, The New York Times, "Business Week," "Forbes," "Fortune, The Monthly Labor Review, Negotiations Journal, Journal of \_ Conflict Management, publications of the American Arbitration Association, etc., to share with your colleagues in the class. It is also worth noting that such clippings may be helpful to you in negotiation and dispute resolution exercises you will engage in during the course of this semester.

4) If you have a question(s) about something in your reading, in class, \_ or a presentation by a guest speaker, ASK. This will benefit your colleagues, you, and the Professor as well as add to the dialogue that makes this course a valuable learning experience.

5) Demonstration of respect for other class members and for the Professor by using their time carefully and meaningfully, listening to others' contributions, engaging in meaningful, thoughtful, and well supported dialogue.

6) If you are going to be absent from class, notify both the Professor and your team mates (as appropriate). You can always leave a voice mail message for the Professor at (410) 837-4973.

7) Even though faculty are accessible through fax and e-mail, students are not permitted to submit work required at the beginning of class through these means.

8) On time delivery of all assigned work.

Grading:

Class Participation 100 points Assigned Exercises (50 points ea.) 200 points Term Project 200 points

Required Texts: -

Lewicki, Saunders & Minton, Essentials of Negotiation ~J Coulson, Labor Arbitration: What You Need To Know

## SYLLABUS

Feb. 5 Orientation & Introduction to Negotiations L,S,M, Ch. 1 Feb. 12 Distributive & Integrative

Negotiations L,S,M, Chs. 2-3 Feb. 19 Groundrules & Preparation L,S,M, Ch. 4

Feb. 26 Class Time to Form Groups and to Decide on a Term Project

Mar. 5 Negotiation Games/Techniques & Ethics in Handout & Negotiations L,S,M, Ch. 11 Mar. 12

Communications, Social Context & Power L,S,M, Chs. 6-8 in Negotiations Mar. 19 Global Negotiations

& Definition of Impasse L,S,M, Ch. 12 Apr. 2 Mediation Handouts

Apr. 9 Mediation - Further Exploration

Apr. 16 Factfinding & Introduction to Arbitration Handouts & C, Ch. 3 Apr. 23 More on Arbitration

Handouts Apr. 30 Neutral Third Parties L,S,M, Ch. 10 & C, Ch. 2 May 7 Wrap-Up - What Have We

Learned

## TERM PROJECT

It is expected that all term projects will be prepared by a team of two or more colleagues whom you choose to work with on this endeavor. Since you have the opportunity to choose your own team mates, choose wisely, and do not expect the Professor to bail you out if you did not. An evaluation form will be provided for this team endeavor so that each team member will have the chance to evaluate the work performed by her/his colleagues. A student's combined score on this peer evaluation will account for 25`

of the grade each student will receive for the project as a whole. Please Note: where peer evaluations for all group members are rated the same, whether positively or negatively, it is expected that a one (1) page justification be provided by the team for such ratings. Listed below are some suggestions for the term project. You may want to adopt one of these suggestions or the team may want to suggest an alternative project. All teams must provide, at the beginning of class on March 5, 1997, a one page statement regarding the term project which contains the following information:

\* Identification of Team Members \* Proposed Subject to be Addressed \_ \* Work Plan for Accomplishing the Objective \* Statement of Known or Anticipated Requirements for Assistance from the Professor in Achieving the Objective \* Statement of Expectations in Terms of the Finished Product. This information is required to assist both your team and the Professor in not only evaluating whether your project has merit, is feasible, etc., but also to help focus the time you have on February 25, to deal with such issues. As in all other aspects of this course, you should consider the Professor to be a resource, but not to have a magic wand. She has a lot of expertise and a lot of contacts, and she will help you in any way she can, as long as you give her advance notice of your need for assistance. Please remember that both the Professor and the people you may need her to contact have busy schedules and, thus, instantaneous responses to your requests for help may not be feasible or possible. ASR.

Like all other written exercises required during the course of this semester, the following is expected in terms of the way the material is presented:

- \* All documents shall be clean copy, word processed, and double spaced.
- \* All documents will appropriately footnote both primary and secondary sources used in any presentation. If a primary source wishes to remain anonymous, please so note in a footnote. All footnotes shall appear at the bottom of the page upon which the referenced material appears.
- \* All written submissions must include the student's name or the names of all team members, as appropriate.
- \* All written documents must include page numbers.
- \* All written submissions, including the team project, will be graded on the basis of grammar, logical presentation, and factual support for conclusions reached.

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\* It is essential for the term project, and sometimes otherwise, that a bibliography of sources used be supplied. This bibliography must be provided at the end of any written

I document and does not count in terms of the page numbers set forth for that assignment.

\* The term project shall encompass no more than 15 pages, exclusive of bibliography.

Suggested Team Projects:

Multi-party negotiations are not uncommon in many settings (e.g., public sector, environmental, baseball, community, health care, etc.). Prepare an "Anatomy" of any multi-party negotiation. Who are the parties (at the table and behind the table), what is the relationship among these parties, what were the critical issues on the table/behind the table, how did this affect the course of the negotiations, was a settlement reached/if not, why?

The qualifications for, training, and ethics of mediators who serve, or seek to serve, in an Alternative Dispute Resolution capacity are controversial issues among neutrals, never mind the politicians and judges who often legislate use of ADR. The Professor has substantial information which you are welcome to use as part of your research on these issues. An added advantage is that you may be able to collaborate with the Professor in publishing an article on this subject matter. Be sure to speak to her about this, before you launch into your research. Only one, high performance team will be allowed to select this project.

Last Fall, Governor Glendenning signed an executive order which enable public employees to form (or to refuse to form) and join unions, and to engage in a kind of bargaining (meet and confer'). Several employer groups in Maryland have opposed this executive order and have taken their case to court. Prepare an "Anatomy" of what this controversy is all about. NOTE: Ohio is a highly unionized state, both public and private sector, and has led the nation for the last 3 years in new business and economic growth. You need to consider the Ohio situation in determining the validity of business opposition in Maryland.

Design a role played mediation or arbitration on any subject your team chooses. You will have one hour to put the role play on in class. If you choose this project, you do not have to write a paper, but you do have to submit all the background research you did to develop the role play, and the script.

Your suggestions are most welcome for alternative projects.

Work Hard, Learn Much, Have Fun!