

Fall 2010
USP 584 NEGOTIATION IN THE PUBLIC SECTOR
URB 270 - Mondays, 5:30-9:10 p.m.

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Today's most vexing public problems are interdisciplinary and require the actions of multiple stakeholders. If we as a collective body are to continue to adapt to changing biophysical conditions on the planet – global climate change, depletion of mineral resources, collapsing fisheries – we must learn to address the social and political consequences and motivations behind alternative solutions. Negotiations play an important part in public sector life as an essential element of successful public involvement processes, collaborative planning, and interagency coordination efforts as well as administrative decision making and even running meetings. Negotiation theory provides a theoretical lens and an analytical tool to improve the conduct of these processes and our own effectiveness as planners, public administrators, expert advisors, public interest advocates, and citizens. A course in negotiations can benefit practitioners in a wide range of professions.

What are the benefits of a negotiated approach in contrast to other methods of public decision making? Clearly if one has the ability to make unilateral decisions, implement them fully, and not suffer adverse consequences or repercussions from those adversely affected, negotiation skills may be unnecessary. Such conditions rarely exist in today's world, however. We live in a social world with multiple and overlapping layers of institutions. Material resources and political authority and rights are widely and unevenly distributed. In formal applications, who gains when a select group of people is invited to sit down and bargain, and who loses? What kinds of process and institutional structures can be erected to ensure that public goals are attained and preserved throughout the deal making process? Can negotiations help achieve a consensus on an understanding of current conditions and a common vision of where we are headed?

In all negotiation situations, how can we best prepare ourselves? Can negotiation theory help us to communicate more effectively with others? What are sources of negotiating power and what techniques can best exploit the power we hold?

This course has three main objectives. First, we will examine negotiation theory in order to more fully appreciate the possibilities and limitations of negotiated approaches to public decision making. What are the gains in efficiency, equity or efficacy and under what conditions? Second, participants will be exposed to various examples of negotiations in the public sector. Finally, participants will have ample opportunity to practice negotiation techniques and to apply theory in order to improve their own negotiating skills. A critical question underlying the approach of the course is whether the public-private dichotomy holds true in public sector negotiations, and if so, to what extent and in what ways.

The class format includes lecture, discussion, and simulation exercises. Participation in discussions and in-class exercises is critical.

Required Texts

Roger Fisher, William Ury, and Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In*. 2nd ed., New York: Penguin Books, 1991.

Deborah Kolb, and Judith Williams., *Everyday Negotiation: Navigating the Hidden Agendas in Bargaining*. San Francisco, CA: Jossey Bass. 2003.

Lawrence Susskind and Jeffrey Cruikshank. *Breaking Robert's Rules: The new way to run your meeting, build consensus and get results*. New York: Oxford University Press, 2006.

Collection of journal articles and book chapters, distribution TBA.

USP 584: Expectations

***PEARLs** (Personal Experience, Assessment and Reflections on the Literature) (five, approximately 750-word entries, first one @ 5 pt., second two @ 7 pt. each; last two @ 8 pt. each = 35 pts. total)

PEARLs are significant reflections on negotiation theory and actual negotiations in which you have been involved (inside or outside of class) or observed. Theory is an attempt to generalize about patterns of interactions and events. We test theory by comparing what theory would predict against what actually occurs. In the PEARLs, you should describe a theory or partial theory about negotiations, and test it against an actual experience of yours or one you have read about. Reflections on in-class exercises is not acceptable. (This sort of debriefing should be done with the class members with whom you have negotiated!) The objective of the PEARL is to infuse analysis into negotiations, not to simply describe situations. In other words, try to explain why things happened the way they did, and what the experience teaches us about how to negotiate in the future. Do not simply retell or comment on what is written in the literature.

You have a choice of the following weeks to submit PEARLs: Weeks 2, 3, 4, 5, 7, 8 or 9 (not week 6, 10 or 11). PEARLs should be submitted through Blackboard by the beginning of each class period (i.e. 5:30 p.m.). Only one PEARL per week will be accepted. Late submissions will be docked 1/2 pt. per day. No PEARLs will be accepted for credit after Wednesday, November 24, 2010.

***Mid-term exam** (on Blackboard) (30pts.)

***Term project.** (35 pts.)

USP 584: In self-selected groups, develop a project that **adds to our knowledge about how negotiation theory can be useful** to professionals. Your project can take many paths. The purpose of this exercise is to demonstrate mastery of key negotiation concepts and how they can be used in analysis. Key components of all project papers will be: (1) The introduction to your paper should make the purpose of the project clear and should be defined specifically; (2) The body may vary depending on the project. One form this project might take is to identify a case in which a controversy erupted. As a group, describe the context, the issues, the players, their positions and interests, their access to information and potential objective criteria for settling the dispute/making the decision(s). Be sure that the objective criteria suggested are practical and feasible. If this approach is taken, each member of the group can identify one or more stakeholders to

research in depth. If the number of stakeholders researched is fewer than the total number of stakeholders, then a rationale should be given for the selection decision. The stakeholder report *minimally* should include a description of the issues of concern to the stakeholder, their positions, interests, and BATNAs. (Try to maintain a match between the number of persons in your group and the number of stakeholders involved in the case you select.) and; (3) All projects should have a concluding section that presents a “so what?”. That is, what is the take-home message from your effort? A hard copy of the project is due at the beginning of class on Nov. 29th or Dec. 6th, depending on your presentation date.

***Group presentation of Term Project (Minus 3 pts. if not in attendance at sessions)**

***Attendance:**

The class is scheduled to meet 11 times (including Finals Week). You will lose attendance points according to the following schedule:

Miss 1 class – No penalty.

Miss 2 classes – 5 point penalty.

Miss 3 classes or more – You will be advised to withdraw.

Summary of Grading for USP 584

PEARLS	35 points
Mid-term	30 points
Final project	35 points
Final presentation	---
Attendance	---

Doctoral Students

Assignment #1 (15 points):

What questions do you have about the relevance of negotiation theory and skills to planning, community development, and other areas of urban and public affairs? Select three of these questions and write 200-250 words (about one page) about why it is important to answer and how you might go about trying to understand the answer better through the term. (Due October 18, 2010.)

Assignment #2 (20 points):

Select a public policy or planning issue that has been discussed in the media sufficiently for you to describe the substantive issues, key stakeholders and their positions and interests, and the legal, economic and social contextual factors of relevance. Assess the prospects of this case for a negotiation-based process. (Due October 25, 2010.)

Mid-term exam (25 points):

Assignment #3 (40 points):

Write a provocative, research-based paper challenging existing “theory” on a topic derived from Assignment 1 or 2.

Summary of Grading for doctoral students

Assignment #1	10 points
Assignment #2	15
Mid-term	25 points
Assignment#3	50 points

General Notes for USP 584:

- **Special Needs:** If you have a disability that requires academic accommodation, please see the instructor immediately.
- **Incompletes:** If circumstances arise to prevent you from completing the course this term, come speak with me immediately. A written agreement will be required before an “I” grade will be awarded.
- **Academic Integrity:** Please review University policies about plagiarism and other infractions of academic integrity.
- **Written assignments:** All submission should be typed (12 pt. Font).
- **Attendance:** If you know in advance that you will be absent, please let me know so that we may plan simulations accordingly.

Class Schedule

1 September 27 Introduction

What are our basic assumptions about who we are and how we behave in the world? Are we nice? Naïve? Suspicious? Is the world a welcoming place or a mean place? What is the likelihood of a cooperative spirit prevailing?

Reading:

Hofstadter, Douglas. “Computer tournaments of the Prisoner’s Dilemmas suggest how cooperation evolves.” *Science*, c 1984, 7-14.

2 October 4 Theoretical Foundations

Our behaviors are constructed on a set of assumptions about how the world works. Our recognition of these theories may vary. The value of understanding negotiation theories is that making *explicit* our *implicit* assumptions allows us to respond intentionally and deliberately.

Readings:

Fisher and Ury, *Getting to Yes*.

Lewicki, Roy J., Joseph A. Litterer, John W. Minton, and David M. Saunders, *Negotiation*, 2nd edition, Chapter 3, “Strategy and Tactics of Distributive Bargaining,” in *Negotiation*, 2nd edition, Burr Ridge, IL: Irwin Publishers, 1994.

3 October 11 Analytic Tools

Negotiation is an art and a science. The “science” part of negotiations allows us to be deliberate about our actions. Although human interactions are more complicated than cookbook recipes, an explanation for how differences may be resolved in a mutually agreeable fashion can enhance our ability to interact with others.

Readings:

Fisher and Ury, *Getting to Yes*.

Kolb and Williams, pp.1-24.

- 4 **October 18 Analytic Tools 2**
The concept of “joint gains” is essential for truly understanding “win-win”. What can the negotiation field help us to understand in terms of becoming effective communicators? What are effective methods for exchanging information?

Readings::

Kolb and Williams, pp. 25-119.

Lax, David and James Sebenius, "The Negotiator's Dilemma: Creating Value or Where Do Joint Gains Really Come From?" *The Manager as Negotiator*, New York: the Free Press, 1986.

- 5 **October 25 Multiparty Negotiations**
Interpersonal dynamics change when the numbers of participants change. In what ways ought we adjust our behaviors? What kinds of analytical tools are helpful? How do elements of negotiations change when more parties are at the table? How are coalitions formed and built; how do coalitions affect negotiations?

Readings:

Kolb and Williams, pp.120-169.

Susskind and Cruikshank, pp. 3-60.

- 6 **November 1 Mediator and Facilitator Roles [Mid-term Exam.]**
What are some examples of formal applications of negotiations in the public sector? What is the role of a process leader? How does a process leader facilitate the creation of a common base of knowledge? How does a facilitator affect the distribution of varying forms of power, including the personal credibility of individuals at the table? *Should* a facilitator intentionally attempt to affect power relations?

Readings:

Kolb and Williams, pp. 171-341.

Elliott, Michael L. Poirier. 1999. “The Role of Facilitators, Mediators, and other Consensus Building Practitioners” in Lawrence Susskind, Sarah McKernan and Jennifer Thomas-Larmer, *The Consensus Building Handbook*, Thousand Oaks, CA: Sage Publications.

Susskind and Cruikshank, pp. 61-132.

- 7 **November 8 Negotiations for Planners, Public Managers and Others Working in the Public Realm**

Readings:

Baxamusa, Murtaza. “Empowering Communities through Deliberation The Model of Community Benefits Agreements,” *Journal Of Planning Education and Research*, vol. 27, no. 3, pp. 261-276. 2008

Beierle, Thomas and Jerry Cayford, “Dispute Resolution as a Method of Public Participation,” in Rosemary O’Leary and Lisa Bingham, eds., *The Promise and*

Performance of Environmental Conflict Resolution.” Washington, D.C.: Resources for the Future. 2003.

Forester, John. “Making Participation Work when Interests Conflict,” *Journal of the American Planning Association*, Autumn 2006, 72(4): 447-456.

Shmueli, Deborah, Sanda Kaufman and Connie Ozawa. “Mining Negotiation Theory for Planning Insights.” *Journal of Planning Education and Research*. 27(3):359-364. 2008.

Susskind and Cruikshank, pp. 132-153.

8 November 15 TBA

Readings: TBA

9 November 22 Power, People and Relationships: Success?

How do we put knowledge to use efficiently and effectively? How do we balance preparation with flexibility? Once negotiations begin, how do we manage to protect and promote our own interests while being open to others? What constitutes power in negotiations? What are the different sorts and sources of power and how does power away from the table affect power at the table? The “art” of negotiation is its execution and how we deal with the people involved, both our own emotions, prejudices and assumptions, and those of others. Context and history matter; learning styles differ. Gender, class and culture place varied lenses over our views and should be attended to in negotiations.

Readings:

Susskind and Cruikshank, pp. 154-187.

10 November 29 Project Presentations

Finals Week: December 6 Project Presentations