

Fall 2008
USP 584/684 NEGOTIATION IN THE PUBLIC SECTOR
URB 270 - Mondays, 5:30-9:10 p.m.

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Office Hours: Tuesdays, 11:00-1:00 p.m., or by appointment

Negotiations play an important part in public sector life. Public involvement processes, collaborative planning, and interagency coordination efforts as well as administrative decision making can all be viewed as negotiations. 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, public interest advocates and citizens.

What are the benefits of a negotiated approach in contrast to other methods of public decision making? 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? When are negotiations and consensus building appropriate and possible? In all negotiations, how can we best prepare ourselves? 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, the course will expose participants to 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.

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 Patrick Field. *Dealing with an Angry Public*. New York: The Free Press, 1996.

Reader (available at Smart Copy, 6th Avenue).

USP 584 Assignments:

***PEARLS** (Personal Experience, Assessment and Reflections on the Literature) (four 750-word entries @ 5 pt. each = 20 pts.)

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. The objective 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 at the beginning of each class period. 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 26, 2008.

***Mid-term exam** (in-class) (35 pts.)

***Term project.** (30 pts.)

USP 584: Planners and public managers are regularly engaged in negotiations with advocacy, special interests, and citizen groups. In self-selected groups, research such an instance. 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. Each member of the group will then identify one stakeholder to research. 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.) A hard copy of the project is due on Nov. 26th, at the beginning of class.

***Group presentation** of Term Project (5 pts.)

USP 684 Written Assignments:

Assignment #1 (10 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 13, 2008.)

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. (Due October 27, 2008.)

Class facilitation (5 points):

Prepare to lead a 30 minute discussion about #2.

Mid-term exam (25 points):

Assignment #3 (40 points):

This written assignment is open to negotiations.

All written assignments should be typed (12 pt. Font). Hard copies only, please.

Attendance: (10 pts.)

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

Miss 2 classes – 3 points

Miss 3 classes – 7 points

Miss 4 classes or more – You will be advised to withdraw.

If you know in advance that you will be absent, please let me know so that we may plan for simulations accordingly.

Grading Basis Summary

USP 584:	PEARLS	20 points (4 x 5 points each)
	Mid-term	35 points
	Final project	30 points
	Final presentation	5 points
	Attendance	10 points
USP 684	Assignment #1	10 points
	Assignment #2	20 point
	Class facilitation	5 points
	Mid-term	35 points
	Assignment#3	30 points

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.

Class Schedule

- 1 **September 29** 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?
Optional reading:
Robert Axelrod; Douglas Dion. "The Further Evolution of Cooperation," *Science*.
New Series, Vol. 242, No. 4884, pp. 1385-1390

- 2 **October 6** 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*.
Kolb and Williams, pp.1-24.
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 13** 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. The concept of "joint gains," which builds on understanding interests, is presented.
Readings:
Fisher and Ury, *Getting to Yes*.
Kolb and Williams, pp. 25-72.
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.

- 4 **October 20** Multiparty Negotiations
Interpersonal dynamics change when the numbers of participants change. How can 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. 73-119.

Susskind and Field, pp. 1-107.

5 **October 27** Negotiations as a Lens for Public Participation

Readings:

Amy, Doug. *The Politics of Environmental Mediation*. Chapter 5, "Mediation and Inequalities of Power." New York: Columbia University Press, 1987.

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.

Dukes, E. Franklin. Chapter 11 "The practical foundations of a transformative practice," pp. 156-171, in *Resolving Public Conflict: Transforming Community and Governance*. Manchester and New York: Manchester University Press, 1996.

Forester, John. "Making Participation Work when Interests Conflict," *Journal of the American Planning Association*, Autumn 2006, 72(4): 447-456. Applications in Public Decision Making

Kolb and Williams, pp. 120-168.

6 **November 3** People and Relationships [**In class Mid-term Exam.**]

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:

Kolb and Williams, pp. 171-341.

Susskind and Field, pp. 108-197.

7 **November 10** Mediator and Facilitator Roles – Regulatory Rulemaking

Readings:

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

Ozawa, Connie P. 1993. "Improving Citizen Participation in Environmental Decisionmaking: The use of transformative mediator techniques." *Environment and Planning: Government and Policy*. 11: 103-117.

Susskind and Field, pp. 198-238.

8 **November 17** Meeting Facilitation

Readings:

Doyle, Michael and David Straus. *Making Meetings Work*.

9 **November 24** Preparation and Power

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?

No readings assigned.

10 December 1 Project Presentations

Finals Week: December 8 Project Presentations