CONFLICT RESOLUTION AND
CONSSENSUS BUILDING:
NEGOTIATION AND MEDIATION
AS INSTRUMENTS OF
PUBLIC POLICY AND MANAGEMENT

Autumn Quarter 2015

Tuesdays: 6, 13, 20, and 27 October, and 3 November
5:30 – 8:20 p.m.
Savery Hall, Room 156

Saturday and Sunday, 7-8 November
8:30 a.m. – 4:30 p.m.
Savery Hall, Room 156
6 OCTOBER  **SESSION I: KEY PRINCIPLES OF DISPUTE RESOLUTION**

In this opening session of the course we’ll introduce and discuss fundamental concepts and principles of conflict resolution, particularly “interests.” We’ll examine disputes in which the principles are being applied. There will be a brief negotiation exercise to practice these basic principles, as well as gain experience in the kinds of practice sessions that will be held throughout the course.

**Exercise:** “The Wrecked Corby” (to be distributed in class)

13 OCTOBER  **SESSION II: THE LANGUAGE OF CONSENSUS**

In this session we’ll assess when it is appropriate to use consensus to resolve disputes and when other forms of decision-making are more appropriate. We’ll illustrate the importance of creating an orderly decision-making process. During our discussion we’ll ask these and similar questions: How do you identify the causes of conflict and define the issues to be addressed? How do you communicate the problems and issues in a manner that lays the foundation for a resolution of the conflict, rather than aggravating the situation and deepening the dispute? Who needs to be directly involved in the negotiations? Who should be indirectly involved? How do you engage the parties?

**Readings:**
- “Integrative Negotiations: Principles and Concepts”
- Stages of Negotiation: Examples of Approaches and Work Plans
- Examples of Interests and Problem Statements: “Key Themes and Findings”

**Exercise:** “Social and Economic Change in Daisy” (included in the Workbook)

20 OCTOBER  **SESSION III: THE USE OF CONSENSUS-BUILDING TOOLS TO STRENGTHEN DECISION-MAKING, CULTURE, AND TEAMWORK**

This evening we’ll focus on the use of consensus-building tools to strengthen decision-making, culture, and teamwork inside organizations. We’ll also analyze the role of the process manager (the facilitator or mediator) in helping groups resolve conflict and build stronger teamwork.

Three key tools will be discussed: ground rules, meeting agendas, and meeting summaries. Together they form the structure and provide the guidance that give participants ownership of the negotiations process. They also allow the participants to turn their attention away from process issues to what is really important in a negotiation—the substantive issues that must be addressed to resolve the dispute.

An underlying theme of the evening is this: Understanding the use of negotiation and mediation principles, practices, and tools is an important prerequisite for establishing, managing, and directing teams.

**Readings:**
- “Internal Negotiations: Committees and Meetings”
- “Convening, Managing and Facilitating Committees: A Checklist for the Public Manager”
- Practical Tools and Techniques: Guidelines for Effective Meetings
- Examples of Ground Rules, Meeting Agendas, and Meeting Summaries

**Exercise:** “The Pacific Utilities Case” (to be distributed in class)
27 October Session IV: The Public Manager as Mediator

During tonight’s session we will focus on the role of the public manager as mediator. We’ll examine circumstances in which a manager assumes the role of mediator, allowing the employees to reach consensus and make key organizational decisions within specific parameters. Within this context we must address how to handle situations in which the group cannot reach agreement. What then does the public manager do? How does she/he prevent the group’s lack of consensus from undermining teamwork that has been carefully and consciously nurtured?

We’ll apply tonight’s lessons by engaging in an exercise in which the manager of the team decides to make the team responsible for a decision. This represents a departure for the team members, who have become used to providing advice to their boss and letting her/him make the decision.

Readings: “The Meeting Manager: Observer Form”
“Negotiating Tactics: Some Practical Tips”

Exercise: “Carver State University Hospital” (to be distributed in class)

The Mid-Term Assignment is Due No Later Than:
5:00 PM, Friday, 30 October

Please send your paper via email to me at jim@falconergroup.net If you can’t transmit it electronically, put it in my mailbox, which is in Parrington Hall, Room 109.

3 November Session V: Negotiating Multi-Party Disputes

In this session we will consider the use of negotiation and mediation techniques in complicated public policy disputes. We’ll also consider the special challenges of structuring the negotiations in complex situations, including the use of ground rules to gain agreement on the process and shift the participants’ focus to where it belongs—on the substantive issues. We will discuss the complexities and challenges of negotiating internally before negotiating externally so that a caucus comes to the negotiating table able to speak with one voice. We’ll also discuss the advantages of developing alternatives, and “packaging” them to provide a variety of options by which the parties can meet their interests.

To provide practical experience, we will focus on a case from the instructor’s recent experiences. Our goal is to identify the primary issues to be addressed, the problems needing resolution, the parties that should participate in resolving them, their interests and likely positions entering negotiations, and additional factors to be aware of as the negotiations proceed.

Readings: “Module on Negotiating as a Representative”
“Module on Complex Multi-Party Negotiations”
Building Consensus for a Sustainable Future: Putting Principles Into Practice

Exercise: The City of Tacoma’s $15 Minimum Wage Task Force (to be distributed in class)
7-8 November  SESSIONS VI AND VII: THE ST. JOSEPH’S SHOPPING MALL CASE

The weekend session is a simulated negotiation exercise that offers the opportunity to practice negotiation and mediation tools and techniques to resolve complicated public policy issues. On Saturday morning we’ll negotiate the ground rules, which will indicate to the parties in the St. Joseph’s Shopping Mall case whether or not they can work together to resolve the dispute. Early in the afternoon we’ll debrief the exercise by discussing the strategies and tactics that contributed to consensus.

Exercise:  St. Joseph’s Shopping Mall Case, Part A (to be distributed in 3 November class)

Beginning late Saturday afternoon and continuing on Sunday, we will negotiate the substantive issues of the St. Joseph’s Shopping Mall case. We will debrief the negotiations by identifying and analyzing strategies the parties used to reach agreement.

Exercise:  St. Joseph’s Shopping Mall Case, Part B (to be distributed in class)
Readings:  “Implementing Negotiated Agreements”

The Final Paper is Due No Later Than:
5 P.M., Friday, 4 December

Please include a copy of your mid-term that contains my comments and the grade. If you send the two papers via email, please scan the mid-term so I can read the comments I wrote in the margins.

You may also send the two papers to my office or put them in my mailbox in Parrington Hall 109.

To send the two papers to my office, mail them to:

Jim Reid
The Falconer Group
1300 SW Webster Street
Seattle, WA 98106-1922
CLASS ASSIGNMENTS AND GRADING

Critical to the learning experience in this course is your participation in a variety of simulations and role-play exercises. In these settings you will not only learn practical skills but also have an opportunity to observe the perspectives, approaches and practices of your classmates. The amount and quality of participation in these settings, therefore, will not only affect your learning experience but that of the others in the course. In recognition of this fact, 10% of your grade for the course depends upon your participation. The grade will be calculated as follows:

**Course participation: 10%**

When you hand in your final paper, you may assign 25 points to other class members based on your assessment of their contributions to your learning experience throughout the quarter. A form will be provided for this purpose but we advise you to keep some notes during the quarter to jog your memory. You may not award points to yourself. You may not award more than five points to any individual.

**Mid-term paper: 35%**

Analyze an on-going public policy or management conflict. It should be a situation with which you are familiar or one where you can gather sufficient information for the purposes of the assignment. A situation in which you are directly involved would most likely be of greatest value to you. If you are personally involved be sure to describe your role and factor your involvement into the analysis. You will be expected to use the concepts explored in the first half of the course (source of conflict, the parties, their interests, BATNA, etc.)

**Final paper: 55%**

Present a strategy for using negotiation and/or mediation to resolve the issues in the situation that you analyzed for the mid-term paper. This should include: a strategy for introducing negotiation and/or mediation to the case; a proposal for how to structure the process; identification of substantive issues and procedural problems likely to arise during the negotiations; likely or projected outcomes; and issues to be considered in implementing the resolution you recommend. If you are personally involved in negotiating a resolution, be clear about your role.
GROUND RULES FOR THE TWO PAPERS

1. Pretend you are writing a briefing memo for a busy decision-maker, such as your boss, an elected official or someone else you are trying to influence. The use of bullets, short paragraphs, charts and tables—techniques that quickly and clearly underscore your opinion and arguments—are encouraged.

2. Because you are writing to an extremely busy official, the first paper cannot be more than five pages, including any charts, tables or graphs you incorporate to explain and analyze the situation. The paper must be typed.

3. For the same reason, the second paper must be no more than ten typed pages. Again, that includes charts, graphs and tables.

4. Papers exceeding the page limits will be returned without having been read so that you can edit them to the required length. Then, for being late, the score will be reduced by .5. You run the risk of getting an “incomplete” if the final paper is longer than the ten-page limit.

5. The mid-term paper is due by 5:00 p.m. on Friday, 30 October. My preference is that you send it to me via email at jim@falconergroup.net. If this is inconvenient for you, you may place it in my mailbox in Parrington Hall, Room 109.

6. The final paper is due by 5:00 p.m. on Friday, 4 December. A copy of the mid-term paper that has my comments and the grade on it must accompany the final paper. If you send the two papers via email, make sure to scan the first one so that my comments and the grade appear on it. If you wish to provide me with hard copies, either put the two papers in my mailbox in Parrington Hall, Room 109, or mail it to Jim Reid, The Falconer Group, 1300 SW Webster Street, Seattle, WA 98106-1922. If I do not receive the paper by 5:00 p.m. on 4 December, it will not be read and graded, and you’ll receive an incomplete for the course.

7. If you would like the final paper returned to you, please enclose a self-addressed envelope with sufficient postage.
FRAMEWORK FOR ANALYSIS: THE FIRST PAPER

The two papers that you will write for this course should address a conflict or dispute with which you are familiar. It may be one that you are currently involved in or knowledgeable about, or it may be one in which you were involved in the past or that you are likely to be involved in or affected by in the near-term future.

The mid-term paper should address the concepts that we have addressed in class by the date it is due, including those listed below. It should NOT propose a structure or process for resolving the conflict and alternative solutions that could meet the various parties’ interests. Those are concepts that you will be required to address in the second paper.

The concepts to address in the first paper are:

1. A brief description of the conflict and its source(s).

2. The relevant parties, including, if applicable, parties directly involved in it and parties indirectly involved.

3. The interests of the relevant parties (including self).

4. The power of the relevant parties (including self) and the source(s) of their power.

5. The BATNA for each of the relevant parties (including self).

6. Any deadlines that may be of importance in resolving the conflict.

7. Nature and form of anticipated agreement(s). In other words, might the agreement be a signed document of legal standing, a memorandum of understanding, a charter for a group that defines roles, responsibilities and protocols for making decisions, or something else?

8. Who will be responsible for implementing the agreement?

9. Next major interaction with relevant parties; i.e., what step should initiate the negotiations?
FRAMEWORK FOR ANALYSIS: THE SECOND PAPER

The second paper builds on the first. For this paper you are expected to propose a structure for resolving the conflict that you presented in the first paper.

The concepts to address in the second paper are:

1. Which parties need to be “at the table?” How will you get them there?

2. What is the overall structure and timetable for the negotiating process? In other words, what steps do you propose to reach an agreement, and what timeframes do you expect will be needed? Is a mediator or facilitator advisable, or what other strategy would be useful for managing the process?

3. What are some of the key ground rules that should guide the decision-making of the parties given the unique circumstances, issues, personalities, etc. of this conflict?

4. What information will be essential and most helpful to the group? How might it be obtained? What might be some of the challenges in obtaining it or getting the group to accept and use it? What might you propose to achieve acceptance?

5. What are some alternatives that might be examined by the group? What criteria would they use to analyze them?

6. What tactics and techniques might be used to “close the deal” and reach agreement?

7. Are there any “off ramps” built into the structure so that if it becomes clear the negotiations are not going to succeed, they can be halted without damaging relationships or reputations?

8. Given the process you have proposed, why do you believe there will be agreement? And what might it look like? What are some of the remaining challenges and barriers to gaining agreement?

9. Is there anything else that is unique to this negotiation that is important to mention and/or assess?

10. What initial steps might be taken to begin implementing the agreement?