

MIR 886: Negotiations and Conflict Resolution
Winter Term 2012

Instructor:

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Course Description:

MIR 886 takes the arena of union-management relations as a point of departure to examine the processes and issues related to negotiations and conflict resolution. Negotiations take place everyday in a wide variety of contexts: between labour and management, within organizations, across social groups and even between friends and family members. While this has always been the case, many of the forces which are changing the nature of the global economy in general and the Canadian workplace in particular, such as globalization, increases in workforce diversity, and shifts in organizational structures, are making negotiating skills more critical.

Course Objectives:

This course will explore the major concepts and theories of the negotiations process and the dynamics of organizational conflict and resolution. A key purpose of the course is to provide opportunities for class participants to develop their negotiating abilities for use in organizational and other settings. This course assumes that negotiating concepts are best learned through a practice grounded in rigorous analysis and reflection. Although theoretical principles and concepts from various disciplines (e.g. industrial relations, social psychology, sociology, philosophy, anthropology, and economics) will be presented through lectures and readings, this course will primarily focus on developing practical skills. The course is designed to achieve four primary learning outcomes:

- 1) Develop a critical understanding of negotiating theory and practice*
- 2) Improve your ability to negotiate successfully*
- 3) Explore and experiment with a range of strategies for successful negotiations*
- 4) Develop an enlightened model of negotiations*

Teaching Format:

The class will meet once a week. Class sessions will include lectures and class discussions, but most class sessions will include simulations, for which class participants will be provided roles and contexts and asked to negotiate with these given constraints. The simulations have been selected to illustrate concepts and principles, and will provide occasions for class participants to

practice skills where specific outcomes are not personally binding. The simulations are designed to fulfill two purposes: (1) to improve and expand participants' repertoire of negotiating skills; and (2) to enable participants to develop their ability to analyze different situations and contexts. After each simulation, we will discuss the results of the simulation and class members will critique their negotiating performance, both as individuals and as a group. The ultimate goal is to learn through practice, analysis and reflection (based on experience and feedback) how to continually enhance negotiation skills beyond the boundaries of this course. Thus, the essential idea is that negotiation skills are best developed through an ongoing process of practice and reflection.

Negotiations Simulations:

Throughout the course you will participate in role-playing negotiations exercises. You will be assigned a role, partnered with one or more students, given a case with instructions and confidential information, and asked to prepare and negotiate. When cases are handed out ahead of time, you should come prepared to negotiate. As a general rule, you should try to do as well for yourself as you can in these exercises. As you will see, what this means can be problematic. In many of the exercises you will receive confidential information. You may reveal as much or as little of this information (or any other information) as you wish in negotiation. Under no circumstances should you show another party your confidential information during a negotiation. Other negotiators must believe you, not a piece of paper.

It should be understood that everyone is trying to achieve as good an outcome as they can, consistent with their particular instructions. Your skill will improve if you are matched with excellent counterparts. Someone who takes it easy on you does you no favour. By the same token, there is no obligation to come to agreement in any of these exercises. If you believe the other side is being unreasonable or unfair, you are free to declare an impasse and walk away from the bargaining table. You should be prepared to explain your understanding of the process and the outcome in class.

These simulations are designed to be self-explanatory. Please follow the instructions carefully. Please observe schedules or time limits when they are provided. It is not hard to defeat the purpose of these exercises. You can consult with others who have played an exercise, deviate from the rules, or collude with your counterparts against the simulation. You might be able to locate published accounts of some simulations. As a tactic, however, such practices are self-defeating. They undercut the richness of the experience, deaden discussion, and distort outcomes. We trust that you will avoid them to the extent that you can.

Course Assignments, Examination & Grading:

Students are expected to complete the assignments on time and follow the instructions carefully. Assignments should be submitted in printed format in accordance with the program's policy. The final grade will be a weighted average of the following:

| | |
|----------------------------------|-----|
| Simulation evaluation papers (3) | 60% |
| Final (take home) exam | 40% |

A note on class attendance and participation: This course depends on active engagement on the part of all participants. Several of the simulation exercises will require that you prepare before class. Failure to prepare, or worse, absence from class, not only detracts from your learning experiences, but will also negatively impact your negotiating partners. If you know you will be unavoidably absent, please let me know as soon as possible so that I can adjust the class simulation accordingly. Furthermore, since this class meets just once per week, missing a class will result in missing a significant amount of material. If you may be absent for three or more classes, you should not take this course. Each unexcused absence will result in a 10% reduction of the term grade.

Simulation evaluations: The purpose of these papers is to encourage a reflection and analysis process on the ‘learning by experience’ simulations; the papers will also give the instructor a sense of your individual progress, and your personal assessment of your negotiating style and skills. Your task in this paper is to describe your reactions, perceptions, impressions or significant insights gained from participation in or reflection on the simulation. **The key objective of these papers is to provide analytical reflection to connect experiences in the simulations with the main theories and concepts from the lectures and readings.**

You may talk about yourself or the behaviour of your negotiating partners (without specific names please) and may want to address some of the following points: Briefly, what happened in the simulation(s) -- that is, provide a brief overview of the key events. However, the descriptions of events should be limited to illustrating analytical points. What did you learn about yourself from this experience? What did you learn about the behavior of others from this experience? How does this experience compare to others that you have had in similar or comparable circumstances? What did you learn about bargaining or conflict from this situation? How do the concepts in lectures or readings enrich your understanding of the process of negotiation, its outcome or your own negotiation style? What would you do the same or do differently in the future, or how would you like to behave in order to perform more effectively?

The papers should be no more than five pages and are due roughly every two weeks. The following table outlines the schedule and scope of topics for each paper.

| Paper # | Sessions covered | Topics | Date due |
|----------------|-------------------------|---|-------------------------|
| 1 | 1, 2, 3, & 4 | Intro Nature of negotiations Dynamics of bargaining | Friday, February 9 |
| 2 | 5, 6, & 7 (8) | Contract language Contract costing Negotiating relationships | Friday, March 16 |
| 3 | 9, 10, 11, & 12 | Dispute resolution Settlement strategies Difficult negotiations Leadership | <i>Monday, April 9*</i> |

While most of the simulations will take place during class, some exercises will take place outside of class or extend beyond normal class hours. We will discuss the scheduling of these exercises to make sure all students can participate. More information about these simulations will be provided later in the term.

Final exam: The final exam will test your knowledge and ability to use the core concepts from the course. The exam will include a variety of question formats, including case analyses and negotiation planning. We will discuss the final in more detail towards the end of the term. The final will be a take home exam. The exam will be distributed electronically at 8 AM on Thursday, April 12th. A hard copy of the exam should be turned in to the MIR 886 assignment box across from 217 Sutherland Hall by 4:30 PM the same day (April 12th).

Code of Academic Integrity: The promotion of academic integrity involves more than the absence of dishonesty. While there is zero tolerance for academic dishonesty, students are expected to promote an environment of academic integrity by creating a safe and active learning environment that allows all students to participate fully and exchange ideas freely. Since much of this course involves simulation exercises, maintaining a safe and active learning environment is especially critical. Students are encouraged to experiment with various negotiating tactics and behaviours. However, this does not mean that threatening, harassing, or intimidating behaviour will be tolerated.

Course Text & Resources:

Required text:

Thompson, Leigh. 2012. *The Mind and Heart of the Negotiator*. (5th Ed). New Jersey: Prentice Hall.

Additional readings:

Bazerman, Max H. and Margaret A. Neale. 1992. *Negotiating Rationally*. New York: The Free Press.

Cleary, Patrick J. 2001. *The Negotiation Handbook*. Armonk, NY: M.E. Sharpe.

Fisher, Roger, William Ury, and Bruce Patton. 1991. *Getting to Yes*, 2nd edition. New York: Penguin Books.

Kochan, Thomas A. and David B. Lipsky (eds). *Negotiations and Change: From the Workplace to Society*. 2003. Ithaca, NY: ILR Cornell University Press.

Lax, David and James Sebenius. 1986. *The Manager as Negotiator*. New York: Free Press.

Loughran, Charles S. 2003, *Negotiating a Union Contract: A Management Handbook*. Washington D. C.: Bureau of National Affairs.

Shell, Richard. 1999. *Bargaining for advantage: Negotiating strategies for reasonable people*. New York: Viking.

Summary course schedule

| Class session | Date | Topic |
|-------------------|--------------------|--|
| Session 1 | January 12 | Introduction, course overview, and the negotiation process |
| Session 2 | January 19 | The nature of negotiations: Structure, process, and power |
| Session 3 | January 26 | Behavioural & strategic dynamics of bargaining (Part 1) |
| Session 4 | February 2 | Behavioural & strategic dynamics of bargaining (Part 2) |
| Session 5 | February 9 | Drafting & negotiating contract language |
| Session 6 | February 16 | Costing collective agreement proposals |
| Session 7 | March 1 | Negotiating relationships |
| Session 8 | March 8 | (No class – Montreal competition) |
| Session 9 | March 15 | Workplace dispute resolution strategies |
| Session 10 | March 22 | Settlement strategies |
| Session 11 | March 29 | Managing difficult negotiations |
| Session 12 | April 5 | Leadership and the future of negotiations |

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Detailed Course Outline and Readings

Session 1 Introduction, course overview, and the negotiations process.

Definition of key terms and concepts in negotiations. Negotiations in context – the changing bargaining environment.

Session 2 The Nature of Negotiations: Structure, Process, and Power

Readings:

Thompson (Chapters 1, 2, & Appendix 4: pp. 1 – 37 & 370 - 378)

Thompson (Chapter 12: pp. 312 – 328)

Additional resources:

Bazerman, Max H., and Margaret A. Neale. 1992. *Negotiating Rationally*. New York: The Free Press. Chapter 1.

Zartman, I. William. 1988. “Common Elements in the Analysis of the Negotiation Process.” *Negotiation Journal*. Vol. 4, No. 1: 31-43.

Galinsky, A. D. (2004). Should You Make the First Offer? *Negotiation*, 3-5.

Session 3 Behavioural and strategic dynamics of bargaining (Part 1)

Readings:

Thompson (Chapters 3 & 7: pp. 40 – 73 & 153 - 178)

Cleary, Patrick J. 2001. *The Negotiation Handbook*. Armonk, NY: M.E. Sharpe. Chp. 1, pp. 15-28.

Additional resources:

Mnookin, Robert. (2010). *Bargaining with the devil: When to negotiate, when to fight*. New York: Simon and Schuster. (Especially part 1, pp. 1 – 50)

Schelling, Thomas. 1980. “An Essay on Bargaining.” *The Strategy of Conflict*. Cambridge, MA: Harvard University Press. pp. 21-52.

Raiffa, Howard. 1982. "Elmtree House." *The Art and Science of Negotiation*. Cambridge, MA: Harvard University Press. Chapter 3.

Session 4

Behavioural and strategic dynamics of bargaining (Part 2)

Readings:

Thompson (Chapter 4: pp. 74 – 95)

Walton, R. E., Cutcher-Gershenfeld, J., & McKersie, R. B. (2000). *Strategic negotiations : a theory of change in labor-management relations*. Ithaca N.Y.: ILR Press. Chapter 10, pp. 287 – 319.

Additional resources:

Davis, Albie. 1989. "An Interview with Mary Parker Follett." *Negotiation Journal*. vol. 5, no. 3: pp. 223-235.

Lax, David and James Sebenius. 1991. "Interests: The Measure of Negotiations," in J. W. Breslin and Jeffrey Rubin (eds.) *Negotiation Theory and Practice*. Cambridge, MA: Harvard University Press.

Raiffa, Howard. 1985. "Post-Settlement Settlements." *Negotiation Journal*. Vol. 1, No. 1.

Session 5

Negotiating contract language

Readings:

Thompson (Chapters 5 & 11: pp. 92 – 124 & 285 - 311)

Loughran, Charles S. 2003, *Negotiating a Union Contract: A Management Handbook*. Washington D. C.: Bureau of National Affairs. Chapter 9, pp. 260-284.

Additional resources:

Better, Maurice. (1993). *Contract bargaining handbook for local union leaders*. Washington D.C.: The Bureau of National Affairs Inc. Chapter 11, "Bargaining contract language," pp. 177 – 192).

Session 6

Costing collective agreement proposals

Readings:

Hickey, R. "Contract Costing Manual."

Loughran, Charles S. 2003, *Negotiating a Union Contract: A Management Handbook*. Washington D. C.: Bureau of National Affairs. Chapter 10, pp. 295-326.

Additional resources:

Spatz, Donald. *Contract costing for union negotiators*. Maryland, Union Communication Services.

Session 7 **Negotiating relationships**

Readings:

Thompson (Chapters 6 & 9: pp. 125 – 152 & 215 - 251)

Additional resources:

Walton, Richard and Robert McKersie. 1965. *A Behavioral Theory of Labor Negotiations: An Analysis of Social Interaction Systems*. Chapter 7, pp. 222 – 280.

Session 8 **No Class – Montreal Competition**

Session 9 **Workplace dispute resolution strategies**

Readings:

Thompson (Chapter 8: pp. 179 – 214)

Additional resources:

Kolb, Deborah. 1993. “Her Place at the Table: Gender in Negotiation.” In *Negotiation: Strategies for Mutual Gain* by Levinia Hall (ed.) Newbury Park, CA: Sage Publications. pp. 138-150.

La Botz, Dan. (2005). “Shop Floor Tactics,” in *A Troublemakers Handbook 2*, Jane Slaughter (Ed.) Detroit: A Labor Notes Book. (pp. 9 – 30).

Session 10 **Settlement strategies**

Readings:

Shell, R. 1999. *Bargaining for advantage: Negotiating strategies for reasonable people*. New York: Viking. (Chapter 10, “Closing and gaining commitment.” pp.

177 – 200).

Session 11

Difficult negotiations

Readings:

Thompson (Chapter 10: pp. 252 – 284 & Appendices 2 and 3: pp. 351 - 369)

Malhotra, D. and M. Bazerman. (2007). *Negotiation genius*. New York: Bantam Books. Chapter 12 “When negotiations get ugly: Dealing with irrationality, distrust, anger, threats, and ego.” Pp. 257 – 279.

Additional resources:

Rubin, Jeffrey and Frank Sander. 1991. “When should we use agents? Direct versus representative negotiation.” In J.W. Breslin and J. Rubin (eds) *Negotiation Theory and Practice*, Program on Negotiation. Cambridge, MA: Harvard University Press.

Bazerman, Max et al. “The Effect of Agents and Mediators on Negotiation Outcomes.” In *Judgment and Decision Making: An Interdisciplinary Reader*. Connolly, T. H. Arkes, and K. Hammond (eds.) Cambridge, UK: Cambridge University Press.

Menkel-Meadows, Carrie. 1995. “The Many Ways of Mediation: The Transformation of Traditions, Ideologies, Paradigms, and Practices.” *Negotiation Journal*. Vol. 7: pp. 217-242.

Session 12

Leadership and the future of negotiations

Readings:

Thompson (Appendix 1: pp. 329 – 350)

Friedman, Raymond A., (1995). *Front Stage, Backstage-The Dramatic Structure of Labor Negotiations*. Cambridge, Massachusetts: The MIT Press. Chapter 4, “Taking charge: Acting as the lead bargainer.” Pp. 69 – 84.

Additional resources: