

University of Utah
Masters of Public Administration
Negotiation, Mediation & Conflict Resolution
PADMN 6965-002
Spring 2012

Thursdays, 6-9 pm, OSH 237

Instructor Michele Straube, Mediator/Facilitator

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Office Hours By appointment. I am happy to come before class or stay after class to meet with students, or we can arrange another time and location that is mutually convenient.

Instructor Bio

Michele Straube was a practicing lawyer for more than 15 years, representing private and public sector clients. She has extensive experience with administrative agencies in their regulatory and enforcement functions. For over 15 years, she has focused exclusively on alternative dispute resolution, including mediation, facilitation, training, and collaborative problem-solving. Ms. Straube maintains a private mediation practice in which she designs and facilitates consensus-building processes and offers conflict management training. From January 2008 through August 2010, Ms. Straube directed Salt Lake Solutions, SLC Mayor Ralph Becker's collaborative government initiative. Salt Lake Solutions projects model collaboration by engaging all segments of the community to address difficult public problems. Ms. Straube also teaches Conflict Management and Environmental Dispute Resolution at the University of Utah S.J. Quinney College of Law.

Course Description

This course will give students a theoretical understanding of negotiation, mediation, collaborative problem-solving and conflict management. Students will have ample opportunities to practice the associated skills and apply the concepts of conflict prevention, conflict management and dispute resolution to real-life situations. The course is divided into (mostly) equal thirds: negotiation, mediation, public policy collaboration.

Course Objectives

- Understand the range of negotiation and mediation styles, and the contexts in which each is most effective.
- Provide an overview of conflict prevention, conflict management, and dispute resolution approaches.
- Explore the potential for using a variety of conflict prevention, conflict management, and dispute resolution approaches to address conflicts that MPA professionals will be faced with.
- Practice relevant skills, including negotiation, mediation, facilitation and collaborative problem-solving.

Course Requirements

Attendance / Class Participation

This course is very hands-on, meaning that much of the learning happens in class. Attendance and participation in class discussion and exercises is mandatory. We will start promptly at 6 pm. Please turn cell phones and pages to “silent” for the duration of the class; if you *have* to take a call, please step outside the classroom to do so.

There may be some class sessions that conflict with the instructor’s paying work. Arrangements will be made for a guest speaker, an in-class exercise or other alternative learning experience. Attendance and active participation in these sessions is also mandatory.

If a student must miss a class period, please give the instructor advance notice. A make-up assignment can be requested to satisfy the class participation grade for one missed class per semester.

Teaching and Learning Methods

This class is geared to adult learners. We will be covering the subject matter in three interrelated ways: reading from text, listening to lecture covering highlights (some repeating the text and some additional), and doing exercises and simulations that apply the concepts to realistic facts. Each student is expected to complete all the reading, attend all lectures, and participate in all exercises and simulations to get a complete understanding of the material.

Grading

Class participation and exercises: 50% of grade

Students will be graded on their active participation in class discussion, and good faith participation in in-class exercises and simulations. The outcomes of in-class exercises and simulations will not be graded (e.g., there is no *one* expected outcome in a negotiation or mediation simulation), but students will be assessed on their ability to implement conflict management skills and awareness of the strengths and weaknesses of their performance during the exercise debrief. The exercises and simulations are a learning opportunity -- taking risks, making mistakes and learning from them will result in a high class participation grade.

Exercises and simulations students can expect¹ include:

- Written analysis of a past negotiation
- Active listening, effective questioning and reframing exercises
- Two-party negotiation simulation
- Multi-party negotiation simulation (international fact pattern)
- Mediation skills exercises
- Written mediation exercise
- Research an ombuds program for discussion in class
- Collaborative problem-solving exercise
- Stakeholder analysis
- Facilitation skills workshop

¹ Ms. Straube reserves the right to select the exact exercises and simulations as the session progresses, based on student backgrounds and interests.

Written conflict management process design exercise: 20% of grade

Students will be given a fact scenario and asked to design a conflict management system.

Written collaborative problem-solving paper and class presentation: 30% of grade

Students will research a real-life public policy collaboration of their choice and write a 5-page paper answering specific questions about the process. During the last two class periods, each student will give a 5-10 minute presentation on the collaboration example they selected, and answer clarifying questions from other students and the instructor.

Assignments turned in late: The grade for an assignment will be reduced by one degree (e.g., from an A to an A-) for every week (or part of a week) the assignment is late.

Texts

Getting Ready to Negotiate. Roger Fisher, Danny Ertel. 1st edition (August 1, 1995)

Conflict Resolution at Work for Dummies. Vivian Scott. 1st edition (December 30, 2009)

Managing Public Disputes: A Practical Guide for Professionals in Government, Business and Citizen's Groups. Susan L. Carpenter, W.J.D. Kennedy. 2nd edition (July 31, 2001)

Additional reading materials will be available through Electronic Reserve or CANVAS or handed out in class.

University Policy Statements

Statement on Academic Honesty

Public service is a calling that requires students, as future administrators, to understand the importance of ethical behavior in all facets of their work, including their academic coursework. The University of Utah and the Program in Public Administration expect students to adhere to generally accepted standards of academic conduct. Academic misconduct is defined in the University's student code as follows:

“Academic dishonesty” includes, but is not limited to cheating, misrepresenting one’s work, inappropriately collaborating, plagiarism, and fabrication or falsification of information. These are defined in the University’s Student Code and is available on the UoU Web. All admitted MPA students should have reviewed a summary of the policy and signed a form attesting to that. If you have not done so, please go to the MPA office to read and sign the form.

In academic and journalistic writing it is required that all sources from which ideas and words are drawn be fully acknowledged and cited. It is also a basic principle that we should not represent someone else’s work as our own. Therefore, make sure that you use quotation marks to indicate use of someone else’s writing or words in your work, and provide a full citation that identifies the author(s), title, publisher, location of the publisher, year published, and page(s) at which the quotation may be found. If you use WEB sources, make sure to include a full WEB address for the specific work. When in doubt about a proper citation form, consult a style manual, and be sure to use one style consistently throughout any given paper.

A citation should also be given when using someone else’s idea(s) or concept(s), even if you are not quoting directly from their work. A common form for such a citation is to put the author and year of his/her published work in parentheses at an appropriate place in the sentence that employs the concept. Then put the full citation of the work in the references. Consult Turabian or some other style manual for specifics on proper styles of citation.

Academic dishonesty is so important that severe sanctions exist in all universities and colleges for cases of proven dishonesty. Expectations of honesty are especially high for graduate students. Correspondingly, abuses of academic honesty are not tolerated. If you are in doubt as to a proper standard of honesty in a specific situation, please consult your professor.

Faculty Responsibilities

All students are expected to maintain professional behavior in the classroom setting, according to the Student Code, spelled out in the Student Handbook. Students have specific rights in the classroom as detailed in Article III of the Code. The Code also specifies proscribed conduct (Article XI) that involves cheating on tests, plagiarism, and/or collusion, as well as fraud, theft, etc. Students should read the Code carefully and know they are responsible for the content. According to Faculty Rules and Regulations, it is the faculty responsibility to enforce responsible classroom behaviors, and I will do so, beginning with verbal warnings and progressing to dismissal from class and a failing grade. Students have the right to appeal such action to the Student Behavior Committee.

ADA Statement

The University of Utah seeks to provide equal access to its programs, services and activities for people with disabilities. If you will need accommodations in the class, reasonable prior notice needs to be given to the [Center for Disability Services](#), 162 Union Building, 581-5020 (V/TDD). CDS will work with you and the instructor to make arrangements for accommodations.

All written information in the course can be made available in alternative format with prior notification to the Center for Disability Services.

Guest Speakers

Several guest speakers have been invited to share their expertise and experience with the class. Their attendance will be scheduled as it fits with class material and based on their availability. Confirmed so far:

- David Patton, Executive Director, UT Department of Health (negotiation)
- Renette Anderson, Director, Office of Planning and Public Affairs, UT Department of Environmental Quality (public policy collaboration, facilitation skills training)

Course Outline²

Date - 2012	In-Class Activities	Assignments ³
Negotiation		
1/12	Introductions – student backgrounds and expectations Overview of class structure / syllabus Platinum paper clips exercise Conflict management spectrum Introduction to interest-based negotiations / mutual gains	No reading assignment
1/19	“Harvard 7” negotiation principles Negotiation skills and exercises Active listening Generating options / brainstorming Negotiation paradigms Two-party negotiation simulation	<p>Required Reading</p> <ul style="list-style-type: none"> • <i>Getting Ready to Negotiate</i> (text), pp. 109 – 172 – skim the examples • “Negotiation,” Michelle Maiese. http://www.beyondintractability.org/essay/negotiation/ • “Improving Negotiation Skills: Rules for Master Negotiators,” Thomas Noble. http://library.findlaw.com/2001/Jan/1/130785.html <p>Additional Reading (if you’re interested in pursuing the topic further)</p> <ul style="list-style-type: none"> • “Two Paradigms of Negotiation: Bargaining and Problem Solving,” P. Terrence Hopmann. <i>The Annals of the American Academy of Political and Social Science</i>, Vol. 542, No. 1, 24-47 (1995).

² As of 1/10/12. The course outline may change depending on guest speaker schedules and specific student interests.

³ Additional or changed reading assignments will be provided at least one week ahead of class.

		(Comparing the benefits of the bargaining and problem solving negotiation paradigms in international negotiations. Concludes that while empirical research has historically focused more on bargaining negotiations, this “does not imply that it is the best method to induce flexibility in international negotiations. On the contrary, most research tends to reveal that problem solving produces greater flexibility and more frequent, efficient, equitable, and durable agreements than bargaining does.”)
1/26	<p>Guest Speaker [invited]: David Patton, Executive Director, UT Dept. of Health</p> <p>Written negotiation analysis exercise</p>	<p>Required Reading</p> <p><i>Getting Ready to Negotiate</i>, pp. 3-106 Read carefully the pages noted below; skim the examples</p> <ul style="list-style-type: none"> • 3-8 (Introduction) • 21-23 (Interests) • 33-37 (Options) • 45-48 (Alternatives) • 61-64 (Legitimacy) • 76-78 (Communication) • 86-88 (Relationship) • 96-99 (Commitment) <p>Hand Out: Multi-party negotiation simulation fact pattern and role assignments</p> <p>Between Classes: Preparation for multi-party negotiation simulation; pre-meetings with other parties as needed</p>
2/2	Multi-party negotiation simulation and debrief	<p>Required Reading</p> <p>Multi-party negotiation simulation fact pattern and role assignment</p>

Mediation		
2/9	Understanding conflict Conflict style self-assessment Role of emotions in conflict Conflict stories	<p>Required Reading</p> <p><i>Conflict Resolution at Work for Dummies</i> (text)</p> <ul style="list-style-type: none"> • Read closely: <ul style="list-style-type: none"> ○ Understanding What People Bring to Conflict, pp. 21-40 ○ Determining How Groups Contribute to Conflict, pp. 41-58 ○ Practicing Self-Awareness: Understanding How Managers Foster Conflict, pp. 59-76 • Skim: <ul style="list-style-type: none"> ○ An Overview of Conflict Resolution at Work, pp. 9-20 ○ Knowing When to Address Conflict, pp. 77-90 <p><i>Conflict Stories</i>, summary of Kenneth Cloke's writings (on CANVAS or sent by email)</p> <p>Assignment to be completed before class:</p> <ul style="list-style-type: none"> • Take the Conflict Style Assessment Inventory (on CANVAS or sent by email), thinking of how you handle conflict at work.
2/16	Basic principles of mediation Mediation skills and exercises Effective questioning Reframing Difficult conversations / third story Impartiality Mediation process	<p>Required Reading</p> <p><i>Conflict Resolution at Work for Dummies</i> (text)</p> <ul style="list-style-type: none"> • Read closely: <ul style="list-style-type: none"> ○ Starting a Mediation Meeting and Creating a Working Agenda, pp. 105-122 ○ Negotiating Possible Solutions to a Conflict, pp. 123-141 ○ Offering Proposals and Crafting Agreements, pp. 143-160 • Skim: <ul style="list-style-type: none"> ○ Developing a Plan and Preparing for a Meeting, pp. 94-104

		<ul style="list-style-type: none"> ○ Monitoring Agreements and Progress, pp. 179-194 <p><i>Difficult Conversations</i> by Douglas Stone (book outline provided on CANVAS or via email)</p> <p>Additional Reading, as interested</p> <p><i>Conflict Resolution at Work for Dummies</i> (text)</p> <ul style="list-style-type: none"> • Identifying What Both Sides Want, pp. 241-253 • Asking for a Meeting to Talk About the Conflict, pp. 255-265 • Sitting Down to Talk Through the Issues, pp. 267-285 • Tailoring Your Approach to the Organizational Chart, pp. 287-302 • Ten Things You Can Control When You're in an Unresolved Conflict, pp. 305-309 • Ten Reasons Managers Give for Not Addressing Conflict, pp. 311-314 • Ten Pearls of Wisdom from Professional Mediators, pp. 315-318 <p>Assignment: Ombuds program to research and report on in next class session</p>
2/23	<p>Conflict resolution in the workplace Conflict management system design Workplace mediation programs Ombuds programs</p>	<p>Required Reading</p> <p><i>Conflict Resolution at Work for Dummies</i> (text)</p> <ul style="list-style-type: none"> • Determining How Your Company Can Help, pp. 209-221 • Getting Outside Experts to Facilitate Resolutions, pp. 223-238 <p>Ombuds Program Assignments</p> <p>Research the ombuds program assigned to you, so that you can help educate the rest of the class about how it works and what its purpose is. I have given some suggested places to research, but feel free to look further if you're interested.</p> <p>Hand Out: Fact scenario for written conflict management process design</p>

3/1	Using a third party mediator Mediation styles / practice models Written mediation exercise (finish at home, if needed)	Required Reading <ul style="list-style-type: none"> • “Styles of Mediation,” Zena Zumeta: http://www.mediate.com/articles/zumeta.cfm • “A Study in Mediation Styles,” Section I (Introduction) only, Katina Foster: http://www.mediate.com/articles/fosterK1.cfm
3/8	Possible mediator guest speaker Discussion about students’ conflict management process designs Mediation exercise	DUE: Written conflict management process design Hand Out: Questions for students to answer re: their selected public policy collaboration Assignment: Identify a public policy collaboration to research for paper and in-class presentation
3/15	SPRING BREAK	
Public Policy Collaboration		
3/22	Introduction to public policy collaboration Public participation spectrum Collaborative problem-solving principles Collaborative problem-solving exercise	DUE: Summary description of public policy collaboration to research for paper and in-class presentation – instructor will approve ASAP Required Reading <ul style="list-style-type: none"> • Text: <i>Managing Public Disputes: A Practical Guide for Government, Business and Citizens’ Groups</i>, Susan L. Carpenter and W.J.D. Kennedy (second edition, 2001) <ul style="list-style-type: none"> ○ Part One, pp. 1-65

		<ul style="list-style-type: none"> • International Association for Public Participation (IAP2) Public Participation Spectrum (document on CANVAS or sent via e-mail) • Collaborative Problem-Solving principles: http://www.slcgov.com/SLolutions/principles.htm • EPA's Collaborative Problem-Solving model (document on CANVAS or sent via e-mail) <ul style="list-style-type: none"> ○ pp. 5-18 • "Defining Collaborative Leadership": http://www.crosscollaborate.com/2010/06/collaborative-leadership-eshift-the-burden-thinking/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+CrossCollaborate+%28Cross+Collaborate%29
3/29	<p>Guest Speaker [invited]: Renette Anderson, Director, Office of Planning and Public Affairs, UT Dept. of Environmental Quality</p> <p>Facilitation skills workshop</p>	<p>Required Reading</p> <ul style="list-style-type: none"> • Text: <i>Managing Public Disputes: A Practical Guide for Government, Business and Citizens' Groups</i>, Susan L. Carpenter and W.J.D. Kennedy (second edition, 2001) <ul style="list-style-type: none"> ○ Skim Part Three, pp. 155-277 • Text: <i>Conflict Resolution at Work for Dummies</i>, Vivian Scott <ul style="list-style-type: none"> ○ Skim Chapter 10, Adapting a Conflict Meeting for the Entire Team, pp. 161-178 • Miscellaneous facilitation skills materials (available on CANVAS or sent via e-mail)

4/5	Statutory framework Collaborative process design Stakeholder analysis exercise Risk communication principles	<p>Required Reading</p> <ul style="list-style-type: none"> • Text: <i>Managing Public Disputes: A Practical Guide for Government, Business and Citizens' Groups</i>, Susan L. Carpenter and W.J.D. Kennedy (second edition, 2001) <ul style="list-style-type: none"> ○ Part Two, pp. 67-154 • Skim this article: "Federal Advisory Committees: An Overview," Congressional Research Service, 2009. • Regulatory Negotiations: http://negotiations.org/reg-neg1.htm • The Supply Chain Initiative: http://www.gesi.org/Initiatives/SupplyChain/tabid/75/Default.aspx • Peter Sandman article on risk communication: http://www.bcccc.net/index.cfm?fuseaction=page.viewPage&PageID=979, and a visual version: http://www.psandman.com/articles/boston.jpg • Peter Sandman article (excerpts) on handling high emotion: http://www.ishn.com/CDA/Articles/Article_Rotation/BNP_GUID_9-5-2006_A_1000000000000325677 <p>Additional Reading (for those who are interested)</p> <ul style="list-style-type: none"> • "Watershed Solutions: Collaborative Problem-Solving for States and Communities," National Policy Consensus Center, 2002.
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4/12	Student presentations about public policy collaborations (5-10 min each, plus time for clarifying questions from other students and the instructor)	DUE: Written analysis of student-selected public policy collaboration
4/19	Student presentations about public policy collaborations (5-10 min each, plus time for clarifying questions from other students and the instructor)	