

**NOVA SOUTHEASTERN UNIVERSITY
THE FISCHLER GRADUATE SCHOOL OF EDUCATION AND HUMAN SERVICES**

GRADUATE LEADERSHIP STUDIES

DOCTOR OF EDUCATION IN ORGANIZATIONAL LEADERSHIP

**LDR 9620
MEDIATION AND NEGOTIATION STRATEGIES**

Online Study Guide

Revised Fall 2002

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PREFACE

This study guide is designed for Nova Southeastern University (NSU) students pursuing Doctor of Education in Organization Leadership who are pursuing a specialization in conflict resolution and alternative dispute resolution. The instructional sequence of LDR 9620, Mediation and Negotiation Strategies is delivered over a 15-week period, covering the major themes within mediation and negotiation. Mediation and Negotiation are life skills, which everyone must occasionally employ.

Mediation will be the first process explored within LDR 9620. Mediation has a long history. Essentially, this course describes how mediation fits into the larger field of dispute resolution and negotiation. Along these lines, this course will examine the nature of impasse in conflict and demonstrate methods of understanding impasse as necessary and often constructive within the process of resolution. Students will have the opportunity to learn about the essential contribution that mediation brings to the resolution process. Mediation can assist negotiators how to be cooperative rather than competitive problem solvers and how to achieve win-win rather than win-lose outcomes. Understanding mediation can assist negotiators in deciding when to call in a third party and the intervenor can do for them. Hopefully, you will come away with an understanding of the basic skills mediators bring to the situation actually do to affect the course of a conflict. The dichotomy between what mediators believe is their role and what disputants want from a mediator is examined.

This course will then delve into the negotiation process, examining the contradictory pulls that most negotiations face. Negotiation is often used as a buzzword, for bringing about desired results. The term negotiation is often imbued with mythical properties. In reality, everyone negotiates something every day. Negotiation is a basic means of getting what you want from others. It is a two-way communication designed to reach an agreement when you and the other person have some interests, which are shared, and others, which are opposed. Whether in business, government, school or the family, people reach decisions through negotiations. Although each negotiation is different, the basic elements do not change. In this course, students will have the opportunity to look at the dimensions of negotiation and how negotiators function along these dimensions, and demonstrate the different ways in which negotiator reach agreements and come to closure.

COURSE DESCRIPTION

LDR 9620 MEDIATION AND NEGOTIATION STRATEGIES

Mediation and negotiation strategies are essential skills for success in today's organizations. In this course, participants will learn and practice the various stages of the mediation process. The major themes of study include, an overview of the entire mediation process, activities that occur prior to mediation, the steps of the mediation process, and the various steps involved in reaching a settlement. Negotiation strategies will also be examined. Participants will explore various negotiation tactics focusing on people, interests, opinions, and criteria. Students will also survey negotiation literature dealing with culture and gender.

INSTRUCTIONAL SEQUENCE

The instructional sequence of LDR 9620 is divided into three components that will be examined over the 15-week period of the course.

- The first component focuses the role of **the mediator and on the mediation process**. The role of the mediator includes managing the initial contact with disputants, selecting mediation strategies, and gathering data for the planning of the mediation. The steps for conducting a productive mediation will also be presented.
- The second component presents the **transformative potential of mediation**. Empowerment and recognition will be explored as elements that can both help individuals resolve conflicts and transform their relationships by focusing on personal growth, and acceptance of others.
- The third component presents the **concepts and theories of negotiation**. Negotiation is a fact of life. It is people's way of getting what they want, although it is not always easy. Separating the people from the problem, focusing on interests, developing options for mutual gain, and using objectives as criteria are four negotiation methods presented.

LEARNING OUTCOMES

As a result of actively engaging in LDR 9620, the participants will:

- Understand the theoretical foundations of mediation.
- Identify the various stages of the mediation process.
- Explore various mediation strategies.
- Understand the various stages of the mediation process.

- Practice each stage of the mediation process.
- Identify their strengths and weakness as mediators.
- Analyze and interpret data.
- Explore transformative mediation.
- Create case study and analyze case studies that require mediation and/or negotiation.
- Develop negotiation strategies.
- Explore the issue of cross-cultural mediation and discuss implications of gender differences in the mediation.
- Discuss a variety of common concerns related to the negotiation process.

COURSE CONDUCT

The topics are organized over a 15-week session. You should plan to spend a minimum of five hours per week working online exploring and examining Internet sites and related materials as well as preparing written assignments. Off-line activities include reading the required texts and doing the necessary background work to prepare for the chat sessions and the assignments. Written assignment information appears in the Written Assignment Requirements section of the study guide. Additionally, the assignments and activities for all sessions will be posted as messages in the course area on Embanet.

As you progress through the course, you are encouraged to apply the concepts and principles that you are learning to everyday practice. Use this learning as an opportunity to apply, informally and immediately, your new learning within your work setting. More formal opportunities may arise as you progress through the program. The value you receive from this course is in direct proportion to your active engagement in reading assignments, writing assignments, and online chat sessions. Make the most of this experience.

REQUIRED TEXTS

Fisher, R., & Ury, W. (1991). *Getting to yes: Negotiation agreement without giving in*. NY: Penguin Book. ISBN: 0140157352

Lewicki, R.J., Saunders, D. M., & Minton, J.W. (1999). *Negotiation: Reading, exercises, and cases*. NY: Irwin McGraw-Hill. ISBN: 0-256-21591-X

Moore, W. C. (1996). *The mediation process: Practical strategies for resolving conflict*. San Francisco: Jossey-Bass Publishers. ISBN: 0787902489

RECOMMENDED READINGS

Bush, R. A., & Folger, J. P. (1994). *The promise of meditation: Responding to conflict through empowerment and recognition*. San Francisco: Jossey-Bass Publishers.

Breslin, W., & Rubin, J. Z. (1995). *Negotiation theory and practice. The Program on Negotiation at Harvard Law School*. Cambridge, MA. Harvard Law Press.

Kolb, D.M., & Williams, J. (2000). *The shadow negotiation: How women can master the hidden agendas that determine bargaining success*. NY: Simon and Schuster.

Nierenberg, G. I. (1995). *The art of negotiating*. NY: Barnes & Nobles Books.

Raiffa, H. (1998). *The art and science of negotiation: How to resolve conflicts and get the best out of bargaining*. Cambridge, MA: Harvard University Press.

COURSE REQUIREMENTS

Learning activities for LDR 9620, Mediation and Negotiation Strategies consist of readings, writing assignments, and interactive learning experiences (chats).

Readings: The reading assignments are essential for your understanding and participation in online chat sessions and in the presentation of written assignments. Furthermore, the reading assignments are vital in the preparation of your written assignments. It is important that you complete all of the required reading as quickly as possible. You are expected to integrate the content of reading assignments into all of your work. There will be opportunities for questions and clarification of the concepts presented during each online chat. Reading assignments will be posted in the Embanet weekly folder.

Chats: You will be required to attend 7 chats with the instructor and 5 chats with your cohorts. The dates and times for the instructor's your instructor will post chats. Cohort chats will be organized by you and your classmates and will be conducted without the instructor. All chats will be saved as electronic files and posted on Embanet to facilitate future reviews by the instructor and the students. You are required to attend all chats. Chat attendance counts as part of your final course grade. (See Grading Criteria)

WRITTEN ASSIGNMENT REQUIREMENTS

Written Assignment #1 Literature Review

Following the topics in the Course Assignment Outline, each student will research three sources (journal articles, web sites, books, articles, etc.) and post bibliographic data to the designated Embanet file. Each of the three sources should be thoroughly reviewed by the student and a brief synopsis of the source provided (1-2 paragraphs). This will serve as a major source of information for the Case Study Project and a comprehensive bibliography for all the students in this class. Note: Sources should be current, the only exception being for seminal works in the field (15% of the grade). **Due fifth week of class.**

Written Assignment #2 Case Study Project

Part One

Each student shall design a case study that includes a scenario requiring mediation and negotiation. The case study component should be a minimum of 3- 5 pages (20 points). **Due week 7.**

Examples may include:

- Dealing with Anger,
- When one party thinks there is no conflict,
- Dealing with people who only want things their way,
- Domestic violence,
- When to seek a third-party facilitator,
- Cross cultural differences,
- Socio-political conflict, e.g. (Israeli - Palestine, Northern Ireland)

Note: The case study should be substantive and focus on a significant conflict, so a comprehensive plan for resolution can be designed.

The case study must contain the following components:

- Introduction to the problem
- History/background information
- Detailed description of the parties involved- What is their relationship to each other?
- Detailed description of the current state of conflict (who, what, where, when, etc.)

- Comprehensive description of each parties needs and wants – The BATNAs, the options on which they might agree.
- The commitments of the parties- what will they do or not do?
- What is the communication style and flow between the parties?

Part Two

Analysis and Synthesis

After the students submit their case studies, the instructor will randomly assign the case studies to individuals in the class. Depending on class size, the cases may be assigned individually, or to groups of two or more students. For each case, take an analytical approach and formulate a mediation and/or negotiation strategy. Why did the conflict occur? How could it have been prevented? What are the options? Focus on individual and shared needs. Look to the future, but learn from the past. What is the recommended Intervention Strategy? What are the recommendations? What are the expected outcomes of this case? Add answers to other appropriate questions and issues related to the case study. **Randomly assigned week 8.**

This component should be approximately 2-3 pages (20 points). **Due week 10.**

Written Assignment #3

Research Paper

This is a major research paper, consisting of 12-15 pages. Use APA style. Choose a topic within the umbrella of mediation and negotiation. It is perfectly acceptable to research a topic relevant to your occupation, or you may chose a topic that has relevance to any area which you believe is important for you to understand the basic processes of mediation and/or negotiation. This can be within a school, a clinic, a civic organization, corporation, or business, etc. Research your chosen topic and write a paper demonstrating your scholarship in the subject. Use references throughout the paper, and use APA form and style. Please refer to *the Publication Manual of the American Psychological Association 5th Ed.* if you are unsure of how to reference particular sources.

The Research Paper should be a minimum of 12 pages, not including the reference page (35 points). **Due week 13.**

Chat and Class Participation

Although each instructor will vary the content and delivery of the chats and class participation component, they are nevertheless, integral components of the course. Where lecture readings and

responses are required, they will become part of the class participation grade. The same philosophy applies for chat participation. It is expected that each student will be available for each instructor led chat. If on occasion, a situation arises making this impossible, the instructor will usually require a written assignment in lieu of the chat. Be proactive if you know you will miss a chat, and ask the instructor what assignment will be required in lieu of the chat. (10 points)

GRADING CRITERIA

The major assignments for LDR 9620 and their corresponding points are as follows:

- | | | |
|----|--|--------------------------|
| 1. | Literature Review (APA) for the Team Project | 15 points (15% of grade) |
| 2. | Case Study Project | 40 points (40% of grade) |
| 3. | Research Paper (APA) | 35 points (30% of grade) |
| 4. | Chat and Class Participation | 10 points (10% of grade) |

The grades issued in all Organizational Leadership courses are A, B and F. There are no plus or minus grades. Professors may issue C, D, as well as plus and minus grades on assignments as indicators of quality.

The student must negotiate the Incomplete (I) grade with the professor. An (I) is given at the discretion of the professor and is only considered in a case where the student has completed most of the course assignments. The professor will determine the time extension given to each student. The time extension may not exceed one term, or 15 weeks.

A student who does not complete any assignments is not entitled to an (I) grade and will receive an F. Students who receive F's will be placed on probation and will be expected to take the course over again.

Each student is responsible for knowing the guidelines for probation and dismissal. Information is provided in the Student Handbook located on the web site <http://www.fgse.nova.edu/orgleader>

COURSE OUTLINE

WEEK ONE

Understanding Mediation

- Overview of the mediation process
- How mediation works
- Mediator role
- Approaches to mediation
- Stages of mediation

Readings:

Moore, W. C. (1996). *The mediation process: Practical strategies for resolving conflict*.

San Francisco: Jossey-Bass Publishers. ISBN: 0787902489. Part I.

WEEK TWO

Groundwork for effective Mediation.

- Prenegotiation
- Initial Contact with Parties
- Strategy
- Background Information
- Planning the mediation
- Trust and Cooperation

Readings:

Moore, W. C. (1996). *The mediation process: Practical strategies for resolving conflict*.
San Francisco: Jossey-Bass Publishers. ISBN: 0787902489. Part II.

WEEK THREE

The Mediation

- Beginning the Process
- Defining Issues
- Hidden Agenda
- Generating Options

Readings:

Moore, W. C. (1996). - Part III

WEEK FOUR

Reaching Settlement

- Assessing Options
- Final Bargaining
- Formal Agreement

Readings:

Moore, W. C. (1996). *The mediation process: Practical strategies for resolving conflict*.
San Francisco: Jossey-Bass Publishers. ISBN: 0787902489. Chapters 12 to 15.

WEEK FIVE

Mediation and Ethics

- Code of ethics
- Training
- Associations for mediators

Readings:

Moore, W. C. (1996). *The mediation process: Practical strategies for resolving conflict*.
San Francisco: Jossey-Bass Publishers. ISBN: 0787902489. Chapter 16.

Literature Review Due

WEEK SIX AND SEVEN

Transformative Mediation

- Mediation at the crossroads
- Transformative approach to mediation
- Practicing the transformative approach
- A larger context for mediation

Readings:

Bush, R. A., & Folger, J. P. (1994). *The promise of mediation: Responding to conflict through empowerment and recognition*. San Francisco: Jossey-Bass Publishers.
(Entire book)

Case study due week 7 – will be randomly assigned week 8

WEEK EIGHT

Negotiation

- Prenegotiation
- Negotiation Tactics
- Separate the People from the Problem
- Focus on Interest not Positions
- Insist on Using Objective Criteria

Readings:

Fisher, R., & Ury, W. (1991). *Getting to yes: Negotiation agreement without giving in*. New York, NY: Penguin Books. ISBN: 0140157352. Part I and II.

Lewicki, R.J., Saunders, D. M. & Minton, J.W. (1999). *Negotiation: Reading, exercises, and cases*. NY: Irwin McGraw-Hill. ISBN: 0-256-21591-X. Section 1,2,3.

WEEK NINE

- BATNA
- Ethics in Negotiation
- Team and Group Negotiation

Readings:

Fisher, R., & Ury, W. (1991). *Getting to yes: Negotiation agreement without giving in*. New York, NY: Penguin Books. ISBN: 0140157352. Part III.

Lewicki, R.J., Saunders, D. M. & Minton, J.W. (1999). *Negotiation: Reading, exercises, and cases*. NY: Irwin McGraw-Hill. ISBN: 0-256-21591-X. Section 4 & 9.

WEEK TEN

Women and Negotiation

Readings:

Kolb, D.M., & Williams, J. (2000). *The shadow negotiation: How women can master the hidden agendas that determine bargaining success*. NY: Simon and Schuster.

Case plan analysis due

WEEK ELEVEN

Cross-cultural negotiation

- The American way
- Cross-cultural differences (Japan)

Readings:

Lewicki, R.J., Saunders, D. M. & Minton, J.W. (1999). *Negotiation: Reading, exercises, and cases*. NY: Irwin McGraw-Hill. ISBN: 0-256-21591-X. Section 11.

WEEK TWELVE

Managing difficult situations

- Psychological traps
- Difficult people

Readings:

Lewicki, R.J., Saunders, D. M. & Minton, J.W. (1999). *Negotiation: Reading, exercises, and cases*. NY: Irwin McGraw-Hill. ISBN: 0-256-21591-X. Section 12 and 13.

WEEK THIRTEEN AND FOURTEEN

General Concerns in negotiation

- Communication
- Ethics and Morals
- Legal Issues
- Tactics

Readings:

Lewicki, R.J., Saunders, D. M. & Minton, J.W. (1999). Sections 5, 6, 7, 8 and 10.

Research paper due end week 14

WEEK FIFTEEN

Final Summary and Review