



**11.255**  
**Negotiation and**  
**Dispute Resolution in the**  
**Public Sector**

Spring 2021

Class #1



# Course Goals

- Introduce techniques of effective negotiation and dispute resolution, especially as they apply in the public sector. Tie these to the Mutual Gains Approach (MGA) to negotiation and to emerging ideas about multi-party negotiation. Frame these ideas in the context of deliberative democracy and other approaches to collaborative decision-making.
- Explore the techniques that professional “neutrals” (i.e. mediators and facilitators) can use to help parties work through their disputes and achieve mutual gains, particularly in the public arena.
- Use role-play simulations and scenario discussions to give students a chance to try out and improve their individual negotiating and mediating capabilities.

# + Entering Survey:

[link removed]

# + Course Components

- Class participation, especially in games (15%)
- Reflections, one for each game and scenario. Plus feedback to at least one other student for each game and scenario. (30%)
- Facilitation of two scenario discussions, including the preparation of two framing memos in advance (20%)
- Video presentation (15%)
- In-class final exam (20%)

# + Scenarios and Games

Scenarios		
03/01	Mon	Traditional Negotiation Game
03/03	Wed	The Consensus Building Approach
03/24	Wed	Facilitation
03/31	Wed	Gender and Negotiation
04/14	Wed	Roles and Responsibilities of Public S
04/28	Wed	A Call to Prayer
Games		
Date	Day	Name
2/24	Wed	Parker v. Gibson
03/09	Tue	Bakra Beverage
03/15	Mon	Three Party Game
03/17	Wed	Harborco
04/05	Mon	Dirty Stuff
04/21	Wed	Hydropower in Santaes
05/05	Wed	Outfest

## Scenarios

1. Lead scenario discussion twice, based on framing memo due before class.
2. Write memos reflecting on your discussions.

## Games

1. Videotape and present an analysis of one exercise.
2. Write memos reflecting on your negotiation skill development.
3. Provide feedback to your partner.

# + Key Logistical Points

- Check Canvas every week for announcements. Supplementary readings may be added. Join the class conversation on Canvas. Personal opinions and reflections (especially as they relate to negotiations and dispute resolution efforts in the news) are very much appreciated.
- Upload scenario framing memos to Canvas at least one day before.
- Upload reflection memos (both role-play simulations and scenarios) to Canvas.
- Email your feedback to your partner and **copy** Lidia.
  - Partner information, including emails will be available on Canvas.
- Participation in all role play simulations is mandatory.
  - If you miss a sim or a scenario, it is your responsibility to arrange to play the game with others (classmates or friends) outside of class. You are still responsible for submitting the reflection memo.

# + Key Logistical Points

- Everyone will videotape at least one role play for class debriefings.
  - Guiding questions will be shared before each role play simulation.
  - When it is your turn to produce a video of a class session, it will be up to you to script and shoot commentary pointing out what you think everyone can learn from the video. Revise and test ahead of time which of the tools for videographer's works best for you.
- Class participation is a critical part of this class, so engage in discussion! Don't wait to be called on.
- Use the Canvas Forum
  - Raise a question or offer your point of view (post a reply to continue the thread)
  - Share links to media, online new articles, op-eds (but include a brief description)

- + On-going google doc in the general folder on Canvas:

**Key Lessons for Practice –  
Add one or two key points  
each during the course of  
the semester.**



## Today's Class

# Democratic Decision-Making

- Conceptions of the common good (e.g. Majority Rule?)
  - Aggregative – Summing the collective will and interests of the people. Concerns around the ‘tyranny of the majority’ and how it might be overcome.
  - Deliberative – The whole is greater than the sum of its parts. Preferences are transformed via deliberation.
- Challenge: What are the ideal settings for deliberation? Who participates? Who sets the agenda? Who decides what the results are?
- Proposed solutions include:
  - Habermas' *ideal speech situation*
  - Rawls' *veil of ignorance*



## Let's discuss...

- What is the common good?
- How do we find out what it is in any situation?

# + Let's discuss...

- Do most people have "fixed" interests or not?

# + Let's discuss...

- What do you think deliberation produces under "ideal, non-coercive conditions?"



## Let's discuss...

- Should we be worried about the tyranny of the majority?
- How might it be countered?



## Let's discuss...

- Do you believe that majority rule can promote political stability? Why?



## Let's discuss...

- Why is unanimity such an appealing decision rule in a democracy?
- What problems does it present?



## Let's discuss...

- What do deliberative democrats have to say about the common good?
- Why do they advocate deliberation?

## + Let's discuss...

- Do you really think that most people will modify their interests or their preferences as the result of democratic deliberation (and the presentation of evidence and arguments)?
- Under what conditions might they make adjustments?

# + Let's discuss...

- Is more deliberation always better in a public context?
- What's the downside?

# + Let's discuss...

- What and who shapes the terms of deliberation in a modern democracy?



## Let's discuss...

- What are ideal deliberative conditions?

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