A Second Dive into Adventure Learning

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Editors’ Note: Back into the potentially treacherous waters of adventure learning just weeks after Istanbul, Press and Honeyman provide a detailed account of a “next try” that was explicitly built to respond to the first critiques of the Istanbul exercise. It shows how rapidly the initial problems with adventure learning are being addressed – even while some new ones are being revealed.

“The definition of success is: lack of failure.”
(Robert Louden¹)

Introduction
The preceding chapters in this section amply demonstrate both how much our first tryout with adventure learning inspired others to think and write about the topic, and how much rueful head-shaking it inspired – among ourselves, as well. Fortunately, a second chance to get it right came within weeks. As we will discuss here, adventure learning is not out of the woods just yet, but it is improving.

Our second opportunity to try out adventure learning presented itself when several of the organizers of the Istanbul conference were invited to teach an ADR module at the University of Deusto in Bil-

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bao, Spain, as part of the European Master in Transnational Trade Law and Finance (EMTTLF), an EU-supported Erasmus Mundus program. The EMTTLF is described as

[a] flexible, semester-based, international, multi-site program that offers

- A formative, problem-oriented, multidisciplinary itinerary with the most advanced competencies of technical and procedural analysis and judicial and economic rationality,
- An innovative itinerary in transnational trade law, which aims to develop high level professional competencies and analytical skills, offering a professional and a research track.

The program is open to graduate students of all nationalities. Candidates for admission must have completed at least a “first cycle” degree in a discipline related to law or business administration, as well as recognized qualifications in the languages of the universities where they will study. In 2009 the nearly thirty EMTTLF students included at least one student each from Albania, Algeria, Brazil, Chile, China, Costa Rica, Dominican Republic, Ecuador, El Salvador, Iran, Iraq, Mexico, Moldova, Russia, Rwanda, Spain, Taiwan, Thailand, Ukraine, Venezuela, and Yemen. This extraordinary diversity was balanced by a rather high degree of consistency in two other respects: these highly selected students (more than 500 had applied) were not only very bright, but were more adapted to working outside their own cultures than most students are.

The program is structured such that the students spend their first semester (September to February) studying Private International European Union Law at the University of Deusto in Bilbao, Spain. Among the courses completed during this semester is the module entitled Arbitration and Alternative Methods of Solving Conflicts in the European Union. This nearly one-month-long module has traditionally included sections on negotiation, mediation and arbitration – and relatively less of the latter than the title might imply – and has been taught during the month of December, after the students have studied together for several months and just prior to the winter break when many students return home for the holidays.

This year, the faculty for the module agreed that the first week would be focused on traditional negotiation theory and exercises, and the second week would be devoted to mediation theory and practice. The third week would include international arbitration and the conclusion of the mediation section, along with some additional
bits and pieces on negotiation including “heuristics and biases” and an online negotiation exercise. The final two days of the program would be devoted to the “new negotiation material” – specifically, an adventure learning activity.

The Adventure Learning Assignment

Since this chapter is the only one in this book which will describe the Deusto adventure learning experiment, we will include more nuts-and-bolts detail here than in the related chapter that begins this section, discussing Istanbul. The instructors decided that the more oblique exercise would be adapted, incorporating the lessons learned from Istanbul. The class was divided into five groups. The groups were instructed to take the following photographs:

1) Agree on and photograph whatever you find that the group believes best represents the crossroads of the sacred and the secular.
2) Agree on and photograph the most dangerous thing you see.
3) Agree on and photograph the door or any other entryway that the group agrees is most likely to be the “unmarked” CIA headquarters in Bilbao.
4) Arrange a self-portrait that best captures how your group is different from other student groups.
5) Agree on and photograph one thing that should not be where it is.

In addition, each group was to bring back one snack for the class for the end-of-class celebration, which was to be “different from what all other groups bring” – without discussing it with any other group. (The learning objective for this portion of the assignment was to highlight how decisions must often be made in the face of imperfect information and based on speculation as to what others will do.)

The groups were given the following additional instructions:

- Designate a reporter for the group (the reporter was not permitted to participate in the decision-making, so that s/he could objectively observe the dynamics of the group and report back fully on the negotiations).
- Determine a process for how decisions will be made (multi-party negotiation, mediation or arbitration).
- Determine where you will go as a group to complete the project.
- Make one addition or change to this assignment (before you do it) to create a more effective learning experience.

Unlike in Istanbul, this exercise was used as part of an academic program, and was therefore graded. As an experiment to follow up
on a strongly argued point in our 2009 book, i.e., that students would learn more if given more control in negotiation courses (Nelken, McAdoo, and Manwaring 2009), the students were informed that those in each assignment group would be graded as a group by the rest of the class based on the quality of the decisions made by the group (best choice of photo subjects, best snack, most creativity, etc.) and also on how consistent the group was in its use of the group’s own chosen decision-making process. The professors reserved the right to modify the grades up or down if appropriate (discussed in more detail below).

The activity took place on Monday, December 21, which happened to be the date of the famous Santo Tomas Festival in Bilbao. On this day, hundreds of stalls are set up along the river as a traditional country market festival. This annual event dates back to the nineteenth century, when the villagers would come to town to pay the landlords their rent, and took the opportunity to sell their home-produced goods. The festival is marked by strolling musicians playing traditional instruments, large crowds, and lots of drinking. Students were encouraged to consider the Festival as an option for their picture taking excursion.

Over the weekend, the hard-working students had taken their exam for negotiation, mediation and arbitration, and had also participated in an online negotiation exercise. Class began on Monday at 10:00 a.m. with an hour spent debriefing the online negotiation which the students had completed over the weekend. The following thirty minutes were spent explaining the adventure learning activity, assigning the class into groups, and having the groups meet to decide on a reporter, on the dispute resolution process they would use, on what change they would make to the exercise, and on where and when they would go to complete the task. Instructions were provided in writing to all of the students and were also reviewed orally along with a PowerPoint slide. Prior to their leaving the room, each group had to inform the instructors of the change they were making to the exercise, what process they would use to make decisions, and the reporter’s name.

Every group opted to use multi-party negotiation. One group further specified that if they were unable to reach agreement through multi-party negotiation, they would use arbitration, and designated one of the members to serve as the sole arbitrator. This same group decided that they would videotape their negotiation (and possible arbitration), in order to observe the techniques used and to be able to “identify the important negotiation issues.” Two of the groups requested permission to have the reporter participate in the decision-making as the change to the exercise. (The instructors
did not allow this change, in order to ensure that someone was paying attention to the interactions and would be in a position to report on them thoughtfully during the debrief.)

In other respects, each group approached the task differently. One group, for example, went to a café to develop a plan on how to approach the assignment – specifically, whether the group should split up and each take photos, which would then be shared online and culminate in an online negotiation as to which photo to select, or should the group stay together, take several photos for each required item, and then choose which one to use for the assignment.

Another group stayed in the classroom long after the other groups were gone, in an attempt to reach consensus on what to take pictures of before beginning the adventure. Other groups went right to the Santo Tomas festival and worked from there. The resulting negotiated images included these examples:

Crossroads of the sacred and the secular: exterior of Parroquia de los Santos Juanes Church, where a street artist has set up for business.
The most dangerous thing seen by one group: reporter from one of the groups, considering ending the exercise early.

The "unmarked" CIA headquarters in Bilbao.
Self-portrait of one group – represented entirely by items the rest of the class associated with each of them.

One thing that should not be where it is: a student trying to improve on the first shot, and about to be reduced to two dimensions himself.

The class reconvened at 10:00 a.m. the next morning for the last class of the module (also the last class of the semester). One student from each group in turn sat with one of the instructors and downloaded and renamed all of the pictures, so that two sets of photographs were created: 1) a collection of all five photos (one from each group) for each of the requirements and 2) a set of all five photos from each of the groups. This was so the class could review each group’s photo set while the reporter described the group’s negotiation and rationale for the photos chosen, but could also review the pictures for each topic together, to compare for creativity, etc.
During this organizational time, the other instructor had the students answer a series of questions about the last portion of the ADR module generally and the adventure learning exercise in particular. Students were asked to respond to the following questions:

1) Was the adventure learning activity a useful exercise for class? Consider the time it took to participate in this activity and what might have been covered if you remained in the classroom instead.

2) Did you learn anything new in the adventure learning activity? If so, what?

3) Where any ADR concepts reinforced in the adventure learning activity? If so, which ones?

4) Were there aspects of the adventure learning activity that did not work? If so, what were they?

5) If you were teaching negotiation, would you incorporate an adventure learning activity?

6) If yes, would you change this exercise? If so, how?

Once all of the pictures had been downloaded and organized, the reporter from each group presented the group’s work and discussed how decisions were made. The rest of the class was encouraged to ask questions of the group under discussion, in order to determine what grade to assign to the group. Much of the debrief time was devoted to looking at the pictures and to comments about whether the responses met a sufficient level of creativity. (Some, but not all, of the students were bracingly critical of the less distinguished efforts.) After each group had presented its results, each student assigned a grade to each group of which s/he was not a part, on a scale of 1 - 10. Students were permitted to talk with their classmates while deliberating on the grades to assign, but each student gave an independent grade to each group.

The grades assigned by the students were as follows:

- Group 1: average grade of 7.52 with a low of 4 and a high of 10.
- Group 2: average grade 8.15 with a low of 6 and a high of 10.
- Group 3: average grade 8.18 with a low of 6 and a high of 10.
- Group 4: average grade 7.8 with a low of 6 and a high of 10.
- Group 5: average grade 8.78 with a low of 7 and a high of 10.

While some students gave tens across the board, most students differentiated between groups. The instructors reflected on the work of the group and their own perceptions, which were broadly consistent with the students’ results, and saw no reason to alter the student-granted grades. These grades were factored in with the grades given for the other portions of the ADR module. It should be noted that the structure of the course meant that these last two days did
not account for a high percentage of the overall grade, lessening the risks involved in this experiment.

What Worked and What Did Not
The aspects of this adventure learning activity that worked well for this iteration were:

Clarity of Assignment
The combination of providing written explanations along with oral description of the exercise seemed to be effective. The students, in general, understood what they were required to do and were able to complete the tasks. It is clear that for such an exercise to be effective, instructors must do sufficient pre-planning (e.g., field-testing the assignment, determining who has the ability to take pictures which could be downloaded, assigning groups, producing written instructions, etc.).

Group Formation
The size and composition of the groups were appropriate and effective for the exercise. The class of 27 was divided into five multinational groups (each group had at least five participants and two groups had six participants). The number of groups created a sufficient number of pictures and presentations to be able to form a comparison on approaches. The number of participants within each group and the make-up of the groups provided enough different ideas so that students had to use negotiation principles.

Design of the Exercise
For the most part, we think the design of the exercise was effective. It provided an opportunity to use theory that had been taught in the prior weeks, in a “real” situation. From Istanbul, we had learned that the activity should be planned in such a way that students have sufficient time to complete the exercise and have the flexibility to spend different amounts of time doing so. Unlike how the exercise was structured when completed in Istanbul, the students in Bilbao were given the assignment at the end of the structured class period for that day. They were instructed to report back to class with the assignment complete the next morning. When and how they completed the assignment was up to the groups to decide (negotiate). The benefit of structuring it in this manner was that when class started the next morning, all groups were present at the same time, and with completed assignments.
Negotiation Theory Reinforced

Students identified the following concepts as either newly recognized or reinforced as a result of the adventure learning activity:

- “I learned to work around the edges when consensus is required…”
- “I learned that it may be possible to have other people [at] the table or in the room of negotiation. For that, I don’t have to be scared by any extra eye on the table or in the room which may cause me to negotiate the way I would not have done if they were not there.”
- “…it is very difficult to find a compromise when we deal…not only with logic but with creativeness.”
- “I learned how to manage the issue when it came to be a multi-party negotiation [and] ADR concepts could be applied to any…procedure depending on [the] level of disagreement…”
- “We all have different ideas and concepts of what we think should be done. At first you try to convince or persuade the others [then] at a certain point you have to decide if you want to give up, for the sake of the group.”
- “I could experience a real process of negotiation, whereby I was responsible myself for deciding on the techniques to use, approach of negotiation and conflict handling myself…. I reinforced the integrative approach, brainstorming and also to handle the tension between empathy and assertiveness.”
- “… different perspectives when seeing the same thing.”
- “…every phenomenon has a lot of points of view”
- “I learned how…concepts in ADR can be applicable outdoors, like negotiating common decisions, for example where to make a stop and have a coffee or a snack.”
- “…it is an interesting ‘field experience’ to implement what you have learned in the ‘real world.’”
- “…outside the room you have to deal with external factors that make the activity more challenging.”
- “I confirmed that deciding in a group is a hard task and that every opinion counts and must be respected and tried to be understood.”
- “I understood how it is very difficult to make [a] final decision for people who have different choices, different backgrounds but finally it [becomes] very easy when you agree on one important and common interest.”
- “The concepts of interests were reinforced as well as the integrative approach.”
“The multi-party negotiation was seen one more time from a different perspective and in a different environment where we had pressure to decide on where to go because we were in the middle of a lot of people.”

“We understood that we came from different cultures but we have similar perspectives of the world.”

There were also aspects of this adventure learning activity that (in our opinion and/or the students’) did not work well, but could probably be improved in another “run.” These include the following:

**Timing of the Exercise**
The adventure learning exercise took place at the conclusion of the three and a half week ADR module, which was itself the last module the students completed before winter break. The students had been together in classes and socially (some even lived together as roommates) for several months. Several students commented that while they enjoyed the activity and got something out of it, it would have worked better earlier in the term, before they all knew each other so well and before they had already learned the concepts of negotiation and had so many opportunities to practice them within the classroom. There was a split among the students as to whether being so close to the Christmas holidays was a positive or a negative.

There was another consideration, however; the instructors from the prior year were supportive of the alternative exercise, partly because, they reported, it was very difficult to hold the students’ attention during the final days of the semester when teaching such an intensive course in a traditional manner. The final relevant aspect of timing was the day chosen for this exercise, the Basque festival of Santo Tomas. While the lively crowds made it more entertaining for the students, some remarked that the crowds also made it more difficult to accomplish the tasks.

**Insufficient Conflict in the Exercise**
The most critical response from a student was that

> [t]he whole exercise didn’t work because it’s a banality that is detached from real-life scenarios and from theory explained in class. There [were] no real negotiations going on; students just agree[d] immediately.

While others were not as critical (and/or had a different experience), suggestions for improving the exercise included requiring more negotiations with strangers, locals or people on the street; having
each person in the group take their own pictures, then conduct a
negotiation and arbitration to decide which one would represent the
group; having the instructors assign the decision-making process so
that the class would have to apply every method of ADR learned in
class; “[putting] someone in the group to contradict the choices to
improve the discussion;” making the exercise more competitive; and
giving the individuals in the group contradictory personal interests.
Interestingly, one student indicated she would “definitely incorpo-
rate an adventure learning activity in class,” but suggested it should
be “something related to a real negotiation out of class using real
objects.”

The implication appears to be that for many of the students, this
exercise design still did not elicit a “real” negotiation. When asked
to assess the usefulness of the adventure activity considering the
time it took as compared to having additional classroom time, one
student noted that he liked the activity but “it would be better to
have more time for activities and…more feedback for the activities.”

**Importance of an Effective Debrief**
Several students noted the importance of the debrief. Unfortunately for purposes of analysis, the students completed their course
evaluations before the debrief session, so the comments cannot be
directly correlated with the effectiveness of the debrief. From the
instructors’ perspective, we do not think that the debrief was as ef-
eective as it could be or should be. Given the short amount of time
and the focus on grading the groups based on creativity, much of the
presentation by the reporters and the questions by the class focused
on what was selected as opposed to how it was selected. We would
change this for a future run.

**Clarity of Goals**
The learning objectives for the exercise were deliberately not made
explicit prior to the activity. The intent was to assess the effective-
ness of the exercise and what the students learned without giving
them a preconceived notion of what we wanted them to learn. The
students were only told that this activity was being done as part of a
larger effort on rethinking how negotiation is taught. As a result,
some students reported being unclear as to what the purpose of the
activity was. In addition to standard negotiation theory, students
reported learning about new places in Bilbao and more about the
Basque Country, learning more about classmates, improving their
ability to find “unusual” stuff, and learning collaboration and team-
building.
Additional Considerations

When using an exercise for a grade, some kind of contingency plan must be created for the probability that one or more students will miss the exercise through no real fault of their own, or will be physically unable to complete it (see Larson, Not Everyone Gets to Play, in this volume.) In Bilbao, we had one student who missed the entire exercise and a second student who was able to participate with her group in the adventure learning, but was not at class the next day for the presentations and debrief.

We decided that this situation offered its own experimental opportunity. Both students were asked to do the following:

1) The student would submit a short paper (2 – 4 pages long), describing a real-world negotiation which she had as a result of leaving campus. In the paper, she would analyze how the teachings of the course applied or did not apply to that negotiation. The time invested should be comparable to what other students invested in the final exercise, i.e., several hours.

2) The student would then meet with an instructor in order to demonstrate to the faculty member that she had learned as much by being away as she would have by participating in the adventure learning exercise. (For a detailed discussion of such exercises, see Cohn and Ebner, Bringing Negotiation Teaching to Life, in this volume.)

The first student chose a negotiation she had with her landlord, about her need to leave the apartment she was renting prior to the date specified in her lease. She described her negotiation in detail, including how the landlord was initially set in his position and unwilling to change, and how after she pointed out the disadvantages for both of them if they were unable to reach an agreement, he changed his position. In the end, they negotiated a new contract which called for the student to pay half a month’s rent if the landlord was unable to find another tenant (with the student’s assistance). Her paper demonstrated a clear understanding of negotiation principles and their application to a real problem.

Specifically, the student outlined her approach as follows:

Firstly, [the student] identified the problem. Secondly, she focused on the interests of the parties, [the student’s] interest was to not pay one additional month rent, [the] landlord’s interest was to have a tenant in order to not lose one month’s rent. Once identified...[the student] tried to focus on generating possible solutions suitable to both parties. After generating the solution, she evaluated the alternatives according to the parties’ interests and needs.
The student also discussed the importance of clarity in the opening and the special effort she made since she did not speak Spanish very well and the landlord only spoke Spanish, tying it to the lessons on negotiating in a multi-cultural environment. Finally, she described how she considered where to hold the negotiation, and opted for it to be in her apartment over tea and homemade apple pie(!) in order to “demonstrate to the landlord that she was keeping the house in very good condition.”

The second student described a negotiation with her roommate, with whom she was having difficulties about the upkeep and use of their apartment. Her paper contained a lot of negotiation vocabulary. She described the benefits of “interest based bargaining” and a “collaborative manner” and that her counterpart was engaging in “positional bargaining,” and “a competitive negotiation and adversarial negotiation and resource claiming negotiation.” However, she did not seem to really understand how to integrate the principles into practice. She described trying to explain to him that “both of [them] should try our BATNA” but “his way of negotiating was bringing [them] unfortunately close to [their] WATNA,” indicating a lack of real understanding of these concepts. She also simplistically described the negotiation as follows:

Knowing and being aware of all these consequences and based on my integrative mindset position I went on putting in practice the four primary integrative elements and I tried to separate him by his problem by listening carefully to him and trying to understand his point of view. I focused on his interest and his needs by asking what [did] he really need. I gave him several options that could function for both of us by trying to be inventive inspired from our common problems and I insisted that we both should focus on the objective criteria for each of us so we both could achieve the goal of this common agreement that would satisfy both of us.

This negotiation, however, ended by the student moving out and sharing a more expensive flat with a close friend.

To us, the comparison of the two papers (and their appropriately different grades, not to mention the substantive results of the respective negotiations) suggests that such an assignment is a tenable alternative to adventure learning. Although the papers were approximately the same length, the students’ respective understanding of negotiation principles and how they operationalized them were easy to differentiate.
Conclusion: Next Steps in Adventure Learning
Our personal assessment is that adventure learning is a valuable addition to negotiation teaching, well worth the inevitable struggle to make it reliable. Based on the lessons learned in Istanbul and Bilbao, for the next try or tries (and knowing we are still in the early stages of what are likely to be many iterations) we would restructure such an activity as follows:

**Timing**
Run the activity early in the course, rather than late during the time the students/participants are together. Assign the activity to take place outside of the regular instruction time, such that students complete the assignment prior to the start of the next scheduled gathering time.

**Group Formation**
Groups should have between four and six members and should be assigned by the instructor, to ensure a cross between manageable size and diversity of as many different kinds (e.g., gender, ethnicity, field of specialization) as possible.

**Content**
Include both a “concrete” negotiation (with strangers) and an “oblique” negotiation (by which we mean, one that requires reaching a conceptual agreement among a group). Specifically, students should be required to negotiate with someone who is not part of the group, and also to participate in decision-making as a group.

- Given the importance of tapping into creativity, retain the picture taking element (or an equivalent gambit that requires a conceptual negotiation but not expenditure of significant funds – which students tend to consider scarce, even when they dress better than the professors). But rather than have the group negotiate on which pictures to take (and/or which pictures to use to represent their assignment group), it may be more effective to require each group to take a set of multiple pictures that respond to each prompt, and then conduct a more intentional negotiation between the group as to which picture to use. As an alternative to requiring each group to have a reporter who does not participate in the decision making, the groups could be required to record the negotiation. (Whether this works in practice or creates too many technical foul-ups can only be tested empirically. On another level, such recording might work better if combined with student-to-student grading, as logically other students...
then listen to the tapes, freeing the instructor from what could be daunting extra hours of labor.)

- To increase the stakes even more for the students, grades could be assigned based on two aspects: 1) the highest possible grade for (the relevant percentage of) the course would go to the group which, as a group, had the “best” pictures\textsuperscript{25} and 2) within the group, based on whose pictures were selected to represent the group. For example, the student with the greatest number of pictures selected would get the highest grade, the student with the next highest number of pictures selected would get the next highest grade, and so on. This combination of grading (we think, without having tried it yet) could create an incentive for the group as a whole to choose the best pictures to represent the group – while each individual would also have a stake in having his/her personal picture(s) chosen. Depending on the grading value chosen, this could help resolve an identified problem with our early efforts by adding more tension to the intra-group negotiation, which, as our students (and fellow teachers) commented, often went too easily in these first experiments.

**Structure the Debrief**

In order to get the greatest benefit from the exercise, the goals should be clearly articulated to the participants in advance, and participants should be prompted to identify where theory and practice intersected. In addition to a structured debrief in class, participants could be assigned a reflection paper, to be handed in at the start of the debrief class period. This would enable a more authentic assessment of what each participant learned from the exercise. The debrief should include a report from each group, which would include specific examples of observed negotiation theory-in-practice from both aspects of the assignment (the negotiation with someone outside the group, and the intra-group negotiation to choose the pictures).

We have no doubt that such modifications will not represent a “six-sigma” nearing of perfection, or anything close. After all, we are still in the initial phase of what will probably be many years of development of adventure learning in our field. Even after that, adventure learning will involve a level of risk of the segment failing its intended purpose that is inherently greater than the more predictable, controllable classroom. In preparing students for the unpredictable, hard-to-control world of real negotiations, though, we believe this game is more than worth the candle: it is essential.
Notes

1 Robert Louden served as the first-ever commanding officer of the renowned Hostage Negotiation Team of the New York Police Department. The following excerpt (Cambria et al. 2002: 338) says it all:

   Bob Louden….was negotiating a rather difficult, very long and ongoing hostage situation. The chief of detectives said, “Hey Louden, seems like you aren’t having any success here.” Bob said, “I think we are.” The chief says “What’s your definition of success then?” Bob says “Lack of failure.” That’s it in a nutshell. As long as you haven’t failed, the implication is that you are succeeding.

2 The EU’s Erasmus Mundus program offers financial support for institutions and scholarships for individuals to participate in European joint Masters and Doctorate programs (see http://eacea.ec.europa.eu/erasmus_mundus/index_en.php).


4 According to the Program Brochure, “[s]election criteria include motivation, academic qualifications, language skills, research experience, and professional experience.”

5 The second semester of the program is in International Sources for Transnational Trade Law and is completed at Tilburg University. Students have the option of studying European Business Law (Strasbourg University), Law and Finance (Institute for Law and Finance), or Industrial and Intellectual Property (Strasbourg University) during their third semester. The fourth semester of the program is either a research project or an internship.

6 The team, though all-American, had significant experience with Deusto. All three U.S. institutions, represented mostly by the same individuals, have been collaborating with Deusto for more than seven years, beginning with a multi-year, joint U.S./EU project which was one of the precursors to the Rethinking Negotiation Teaching project. These years of coordination among the team made the rotation of six instructors less confusing to the students than it might first appear. Ken Fox, Associate Professor, Hamline University taught the first week in negotiation. Joseph Stulberg, John W. Bicker Professor of Law, The Ohio State University, Michael E. Moritz College of Law; Lela Love, Professor and Director, Kukin Program for Conflict Resolution, Benjamin N. Cardozo School of Law, Yeshiva University; and Sharon Press, Associate Professor of Law, Hamline University, taught the mediation portion. Ellen Deason, Professor of Law, The Ohio State University, Michael E. Moritz College of Law taught the arbitration portion of the course. And Christopher Honeyman and Sharon Press taught the final segment.

7 The prior week, the instructor had identified which students had access to a camera or cell phone to take digital pictures which would be downloaded. In assigning the groups, the instructors ensured that each group had at least one person who had that capability.
If the groups selected mediation or arbitration, they also had to agree on who would serve as the “neutral.”

By the last class (three days before Christmas), two students had already departed and the others were making plans to depart soon after class. Although one of the students had participated in the activity and only missed the debrief, both students completed a make-up exercise, which will be described below.

One student did report that the instructions were not clear, but added that this was possibly due to insufficient English proficiency. With a class of students from more than twenty cultures, however, we might have anticipated that some might have such difficulty, and taken extra steps to make sure no one was left in doubt.

“Our group was composed of people from four continents: Africa, Asia, America, and Europe and it was very possible to not agree on something…”

“The Adventure activity was a useful exercise because it is [a] practical part of what we learnt in class in this past three weeks.” “[W]e had the opportunity to work on our own and practice the concepts that we have learned during this module.”

It should be noted that five students suggested in their evaluations that having still more time would have improved the exercise. One thought the team needed more time “so that students would be able to use different ADR methods and then to debrief them in their report.” Another suggested that the exercise would be improved if the exercise developed over a couple of days, which would “increase the challenge and to actually create opportunities for conflict resolution.” The other three students did not provide a context for their statements. It is a little puzzling as to how they thought that the exercise could be designed to provide more time in the particular setting, given that the students had approximately 22 hours from when the assignment was given to when it was due. If they felt there was insufficient time, that appears to have been a decision made by the group of how much time to spend on the activity, and therefore was more appropriately a topic to discuss in the debrief, i.e., how the decision was made about how much time to spend on the activity. (See Druckman 2006 for an example of a longer exercise, but in a very different setting.)

Student added that the learning came from sometimes having to take “funny” positions for photos in public “where everyone was looking...surprised.”

Student reactions included: “These two days of classes would have been better to take place [at] the beginning of the course as a natural introduction of students to the negotiation teaching field.” “… this exercise would serve its purpose better if organized before the negotiation training in class.” Another student reported in response to the question, “did you learn anything new…?” “It was really funny, but it was like a friends’ meeting.” Two students suggested it would have been more effective in the middle of the course (not the end). Another student suggested running an adventure learning activity at the beginning of the course “when nobody has devel-
oped a friendship or relationship” and then again at the end to “compare results.”

16 “Although I believe it was a learning exercise, its effect on us was not as significant as we were already trained very well in negotiating skills and many aspects of ADR in [the] classroom...Moreover, we already worked in groups and practiced a broad range of negotiation skills and behaviors in class...” “We actually did not have any problem getting into agreements with the multi-party negotiation system, it just came very natural for all of us.” “…if I had worked with [other] people the experience could be different. We know each other and we knew which are the required skills to negotiate.”

17 “It was effective in the sense that everyone was looking forward to the holidays. Frankly speaking, when you have students with lower motivation about learning, it was considered effective that this adventure made everyone go out, do things, and negotiate.” Another student reported, “[it] could be a very good idea to be relaxing after the long time working intensely.”

18 “The last two days of class were effective but I think we would have enjoyed [them] more if they were [at] a different time of the year, because placing them right before Christmas/holidays were very hard to concentrate...” “There was not [much] discussion. Everybody was tired and wanted to agree as soon as possible with the pictures in order to finish the work.” The timing, just before Christmas, was not good because “people were nervous about packing and couldn’t concentrate sometimes during the activity.”

19 One student identified the challenge of all of the activity in the city as useful to learning about dealing “with people in the street” and “external factors” that may make a negotiation more challenging. He noted that “sometimes you have to negotiate with people in the street to ask for help.”

20 See Cohn and Ebner, Bringing Negotiation Teaching to Life, in this volume, for some ideas in this vein.

21 One student wisely noted, “to determine [the] usefulness and applicability [of the exercise], it is important to rely on the class discussion which we have not had yet.” In response to the question, “would you incorporate an adventure learning activity” if you were teaching negotiation?, one student remarked “yes, only if the development of the course would allow a thorough analysis of the experience.” Another student noted that if the time had been spent in class, “we would be able to analyze and debrief our negotiation or arbitration.”

22 This was done for efficiency reasons, so that students had a task to complete while the reporters were downloading their pictures and the instructor was preparing them for the presentation. In retrospect, it was a bad idea, because we lost valuable feedback on the exercise as a whole, which should have included the debrief.

23 One student noted “…if the purpose of the activity was 1) time management, 2) organizing a negotiation without assistance of teachers and specific information (as we had in the role plays) and 3) while performing the
activity, be ourselves (and not simulating or representing other parties), I think the adventure learning fulfilled its goals and I would not change it.”

24 See Nelken, McAdoo, and Manwaring (2009) for the pedagogical basis for this gambit. In this circumstance, the assignment was designed so that the student would meet face-to-face (or via telephone if the student had already left Bilbao) with one of the permanent professors at Deusto who were ultimately responsible for the program once the U.S.-based instructors for the class were no longer in Europe. This of course demanded an extra effort from Professor Luis Gordillo, the faculty member who volunteered, to whom we are grateful.

25 For this double-tiered grading approach to work, each student would produce a set of pictures, from which the group would select a final set to represent the group. Sufficient clarity would have to be provided as to how “best” would be defined. Possible options include most creative, most responsive, etc.

References

