



Venturing Home: Implementing Lessons from the Rethinking Negotiation Project

*Kenneth H. Fox & Sharon Press**

***Editors' Note:** In 2011, the authors set out to create from scratch the first fully-realized course to take advantage of everything that had been learned up till then in the course of the RNT project. For 2012, they have already revamped the course, to respond to their own initial critiques as well as to some of the latest writings, in this volume and the parallel volume 3. The result is the closest educational venture that yet exists to the project's original intent to create a "Negotiation 2.0" course. Fortunately, the length of the course series the authors designed is significantly greater than a typical compressed "executive" course. That has allowed room for a significant degree of depth, subtlety and experimentation.*

"Roads go ever ever on, over rock and under tree ...
Roads go ever ever on under cloud and under star,
[y]et feet that wandering have gone [t]urn at last to
home afar. . . . Look at last on meadows green [a]nd
trees and hills they long have known." (Tolkien 1937:
252-253)

Introduction

At the end of his long journey to Lonely Mountain, Bilbo Baggins realizes that he, like most, must venture home again. Yet, when returning

* **Kenneth Fox** is a professor of business and director of conflict studies at Hamline University, and a senior fellow in the Dispute Resolution Institute at Hamline University School of Law in St. Paul, Minnesota. His email address is kenfox@hamline.edu. **Sharon Press** is an associate professor of law and director of the Dispute Resolution Institute at Hamline University School of Law in St. Paul, Minnesota. Her email address is spress01@hamline.edu.

to the trees and hills of a shire he has long known, he realizes he has changed – he is not the same hobbit who ventured forth so long ago and his dear shire no longer looks the same.

So, too, has been the journey for many of us who participated in the multi-year Rethinking Negotiation Teaching (“RNT”) project. After venturing “over rock and under tree” – to Rome, Istanbul, and finally Beijing – farther and farther from our geographic, cultural and ideological “meadows green,” it is time to come home. It is time to see what we have learned and how we have changed as negotiation teachers and scholars.

The RNT project has focused on a rich and broad range of themes related to negotiation and negotiation teaching. In this chapter, we focus on what we (in this instance, the authors of this chapter in particular) have taken from the past four years, and how we have incorporated those insights into classroom practice. Specifically, we address three themes:

- 1) The big picture – what we believe to be our most important conceptual shift toward a new generation of negotiation thinking.
- 2) Practical Implications – how we translated our emerging conceptual framework into classroom teaching practices. In this section, we describe a new six credit international business negotiation certificate program and the ways in which we incorporated various themes from the RNT project.
- 3) The Connected World – finally, we draw several conclusions about the ways in which the project fundamentally changed the way we think about, and teach, negotiation in our ever more connected world.

The Big Picture:

Plus ça change, plus c’est la même chose?

As the French critic Alphonse Karr once quipped, “the more things change, the more they stay the same” (Karr 1849). We wanted to test this epigram in relation to the RNT project. Put differently, after four years of journeying, looking, thinking and writing, is anything really new about our understanding of negotiation and negotiation teaching? We think so, although not in ways we had originally expected.

At the outset of the RNT project, participants were reminded of Jeffrey Rubin’s observation that “. . . the field of dispute settlement is so broad, encompassing so many forms of theory and practice, that no one of us knows the full contours of the terrain” (Honeyman, Coben, and De Palo 2010: 2). Our experience bore out this admonition. We learned a great deal simply by working with new colleagues

from broadly different academic disciplines and professional settings. They introduced us to a rich variety of ideas and insights that illuminated more “contours of the terrain.” But this was a reflection of our own individual learning and not an evolution in the negotiation *terrain* itself. In order for the RNT project to truly advance the field, there would need to be more.

We believe there was. The project’s real impact came at a deeper level, where we observed and experienced a shift in the very conception of how negotiators can understand themselves, interact with one another, and recognize the larger context within which negotiation interactions occur. As a consequence, we also saw a shift in the ways one can teach negotiation. As we discuss below, these shifts are both deeply philosophical and very practical – impacting how we now understand the negotiation process and how we have since designed and delivered new negotiation teaching strategies in the classroom. We suggest these deeper shifts are where one can find the true heart of “Negotiation 2.0.”

A Philosophical Shift

In the first volume of the RNT series, Ken suggested that

[d]espite the multitude of worldviews we experience in [negotiation] practice, . . . our knowledge about the field arises, primarily and ironically, from a single worldview. . . . We are only beginning to examine conflict and negotiation from the perspective that I refer to as post-modern scholarship. I suggest it is precisely here that fundamentally new ways of thinking about negotiation can flourish. By stepping outside the current paradigm, we may find new and interesting insights that were previously invisible” (Fox 2009: 19).

The “current paradigm” to which Ken refers rests on a set of assumptions about negotiators as separate and autonomous entities who come together for the purpose of claiming or creating maximum value to satisfy the negotiator’s (or her principal’s) self-interest. Others made similar observations during the RNT project. For example, Michelle LeBaron and Mario Patera observed that

the tendency of first-generation negotiation trainers to base negotiation training on the tried-and-true principles of *Getting to Yes* (Fisher and Ury 1981) has kept our collective attention riveted on material, instrumental aspects of negotiation. We contend, along with Peter Adler (2006), that second generation negotiation scholarship and teaching must be protean

– it must equip people to adapt, shape-shift and create new synergies in the moment (LeBaron and Patera 2009: 58-59).

Ran Kuttner made a similar observation about current negotiation thinking, arguing that current negotiation theory is based on

a view of human nature that emphasizes separateness, autonomy, individuality, and self-interestedness. According to this view, human beings are engaged primarily with themselves and with satisfying their own needs, while others are viewed as instruments in service of reaching that satisfaction (Kuttner 2010: 939).

This “current paradigm”¹ leads to a particular (first generation) understanding of human nature, interaction and negotiation.

As part of the RNT Project, a number of scholars stepped outside this current paradigm. One example of a new paradigm for understanding negotiation is seen in the examination of “wicked problems.”² An entire section of the second volume of the RNT series was devoted to such negotiation situations, which arise

. . . when technical problems meet conditions of political, social, and institutional uncertainty or when established ways of doing business are incapable of addressing the presenting problems (Docherty 2010: 482).” Wicked problems “cannot be separated from the surrounding context; any engagement with a wicked problem has its own implications for the larger societal, political, and cultural order (Christie et al. 2010: 453).

These “wicked” negotiation situations highlight the interconnections between the “content” of the negotiation and the complex and ever-changing context in which the content itself is embedded. As Chris Honeyman and Jim Coben wrote, to resolve wicked problems “we must be creative; we need to adopt a stance of openness that facilitates continued learning and revision of our understanding of the problem and possible outcomes. We also need to monitor the ways our own actions reshape the problem and its contexts” (Honeyman and Coben 2010: 440).

Honeyman’s and Coben’s observation marks an important shift in the way negotiators view themselves in relation to their counterparts and to the “problem.” Wicked situations strip away any sense of certainty and stability in negotiation. These situations put into question the very concept of a shared set of truths and assumptions (see Anderson 1995:

6, making even broader claims about shared truths in our increasingly complex and diverse “post-modern” world). As Jayne Docherty writes,

[a]ddressing these types of problems requires a post-modernist theoretical foundation that incorporates two levels of analysis: “social constructionism, which posits that meaning is embedded in society through patterns of social interaction” and “relational or dialogic theories,” which focus on the ways we co-create meaning through our specific interpersonal and social interactions [internal references omitted] (2010: 482).

The Project’s study of “wicked problems” highlights an important understanding of negotiation that applies well beyond “wicked” situations. It can (and, we argue, should) be part of all negotiation teaching and practice.

Other scholars also have focused on how negotiation thinking changes when looking at embedded meaning in social interaction. For example, Kuttner has examined negotiation from a Buddhist-oriented, relational, view of the “self” – a view very similar to the “post-modern” view that challenges the most basic philosophic tenets of Western thinking about how we understand humans, interaction and, as a consequence, negotiation. Specifically, Kuttner examines the recent move in the conflict field to question the idea of “self” as a separate, independent and fixed entity, an idea that is central to “first generation” negotiation thinking (Kuttner 2010: 932).

In turn, Kuttner finds that Baruch Bush and Joseph Folger, John Winslade and Gerald Monk, Leonard Riskin, and others all question, though in different ways, this dimension of first generation thinking (see, e.g., Berger and Luckmann 1966; Lyotard 1979; Gergen 1999; McNamee and Gergen 1999; Pearce 2007). Bush and Folger, who articulated the transformative model of mediation, describe a relational worldview where “[i]ndividuals are seen as both separate and connected, both individuated and similar. They are viewed as being to some degree autonomous, self-aware, and self-interested, but also to some degree connected, sensitive, and responsive to others” (Bush and Folger 1994: 242). In this regard “we should read the emphases of the relational worldview from within a different framework, with different governing values than those of the individualistic worldview” (Kuttner 2010: 944). The “relational worldview” described by Bush and Folger changes the way we understand humans, human interaction, conflict, and, in our context, even negotiation.

Winslade and Monk, who articulate the narrative model of mediation, similarly criticize the idea of “self” as possessing a “separate,

permanent inner core” and, in its place, articulate an alternative set of “governing values” that speaks of the “self” as being “relationally constructed” (Kuttner 2010: 932). “Through [this] . . . postmodern lens, a problem is seen not as a personal deficit of the person but as constructed within a pattern of relationships . . . From this perspective, identity is not fixed, nor is it carried around by the individual largely unchanged from one context to another” (Winslade and Monk 2000: 44-45).

Riskin offers a mindfulness-based approach to negotiation that also questions the individualistic mindset, particularly in the practice of law (2002). Referring to what he calls “the Lawyer’s Standard Philosophical Map,” Riskin states

[t]he traditional mind-set provides a constricted vision of legal problems and human relations that rests on separation and autonomy, on rights and rules. Thus, it contrasts with mind-sets grounded on connection, relationship, and duty. And mind-sets can affect a lawyer’s understanding and performance in virtually any task (2002:16).

Riskin’s observation is consistent with what we have described so far: the current (first generation) negotiation thinking is grounded in a conception about human relations that centers on individualism, separation and autonomy. This view shapes the way we think about negotiation and, as a result, negotiation teaching. In contrast, a second generation, relational, view of humans is gaining currency in the conflict field, and is changing the way we think about negotiation.³

This view of negotiation not only reflects what scholars have written, but also fits with conversations we had with colleagues at each of the three RNT working conferences. In particular, we noticed how colleagues who come from, or understand, “high context cultures” recognize how meaning not only comes from the words a negotiator says, but also – and more importantly – from the myriad contextual elements that surround those words. Further, the contextual elements that surround those words are not static, but instead are emergent, fluid, and dynamic. Over these past four years of the RNT project, we have come to embrace this different, relational, way of viewing humans and the practice of negotiation. Moreover, we have come to see this view as more than revealing hidden contours of the existing negotiation “terrain.” Instead, we see it as changing the very landscape on which negotiation stands.

After venturing “over rock and under tree” it was time to come home. It was time for us to see how our “shire” had changed and how to put this new way of thinking into practice in the classroom.

Practical Implications – Part One (A Framework for Teaching)

The re-imagining of “self” that we describe in the section above reflects a paradigm shift in how we conceive of negotiation. But this philosophical re-imagining also has very practical implications for negotiators and negotiation teachers. These implications reveal themselves in two important ways.

First, the way that negotiators imagine themselves and their counterparts begins to change. This “re-imagining” of the negotiator herself, in turn, has an impact on the way negotiators see the very process of negotiation. Put differently, this “re-imagining” occurs in three dimensions: a different and fuller “awareness of self;” a different and greater “awareness of other;” and a different and greater “awareness of context.” We take each in turn.

Awareness of Self

At a fundamental level, a relational understanding of negotiation begins with a very intentional focus on the negotiator herself. It begins with self-awareness in two dimensions: *mindfulness* and *critical self-reflection*.

Mindfulness is a concept that is well examined in the conflict field (Riskin 2002; Freshman, Hayes, and Feldman 2002; Riskin 2004; Rock 2005) and gaining attention in the corporate and business world as well (Gardiner 2012). At its simplest level, mindfulness involves “cultivating an awareness of what exists in the present moment, without objective, ambition or judgment” (Rock 2005: 350). Mindfulness is achieved through a variety of practices, including meditation. Riskin states that this practice “can produce important insights as well as practical benefits. Just as practice drills help basketball players hone their jump-shots which they can use in games, mindfulness meditation can help people develop an ability to pay attention, calmly, in each moment, which they can apply to everyday life” (2002: 26).

Closely related to mindfulness is an awareness of our emotional selves, often referred to as “emotional intelligence” (Solovey and Mayer 1989; Goleman 1997; Mayer, Solovey, and Caruso 2008). Emotional intelligence relates to one’s ability to perceive, understand, regulate and use emotional information as one experiences it (Solovey et.al 2008: 533). As part of the RNT project, several colleagues examined the role of emotion in negotiation and its importance in negotiation teaching (Patera and Gamm 2010; Nelken, Schneider, and Mahuad 2010). We agree that a deeper understanding of one’s emotional experiences is an important part of “awareness of self” and, as Solovey writes, is “fundamental to social intelligence”

(Solovey et al. 2008: 533-34). Mindfulness and emotional intelligence are increasingly recognized as mainstream concepts and “teachable” practices. They are also an essential element in developing the awareness necessary to engage meaningfully in the process of “co-arising” in negotiation.

The second dimension of self-awareness focuses on critical self-reflection. Critical self-reflection involves a close examination of the framework on which our beliefs are built – the ways in which we make sense of our experiences. This, in turn, has two dimensions: First, it involves a greater awareness of how our understanding of events (including negotiation situations) is shaped by our worldviews and ideologies (or, as Jeffrey Nealon and Searls Giroux (2003) describe it, what each of us will even “count as knowledge”; see also Fox 2009: 19). For example, concepts like “democracy,” “communism,” or even “respect” or “cooperation” can hold deeply different meanings to different people depending on the way they experience and make sense of, their world. We return to this specific example when we discuss the negotiation program we designed.

In addition to understanding how our worldviews shape the meaning we “construct” from our experiences, second generation thinking also calls on us to recognize how our own worldview is not necessarily normative. By this we mean that our way of thinking (and seeing the world) is not the “gold standard” against which other negotiators’ perspectives should be measured. This is particularly important as we increasingly engage in trans-national and cross-cultural negotiation interactions.⁴ In order to see such differences among negotiators, we need to develop a greater awareness of what we, ourselves, hold to be “true” about the world, what is valuable or important to us, how we see things organized, and how we believe we should act in given situations. (Docherty 2001:51).

The process of critical self-reflection is different than the practice of mindfulness. While mindfulness involves a shift in our way of “being present” in the moment (including a presence with our emotional selves), critical self-reflection involves more deeply examining the attitudes, beliefs and assumptions we carry with us into negotiation settings. In the context of mediation, Ken Cloke writes

[T]he roles we play in mediation are largely defined by our own attitudes, expectations and styles. These roles, in turn, depend on a set of assumptions about human nature, the nature of conflict, and the nature of change that have reverberated throughout Western political and philosophical thought for centuries, resulting in radically different definitions of mediation (2001: 9).

The same can be said of negotiation. The assumptions on which we stand regarding human nature (for example, the individual or the relational “self;” the nature of “things”) lays the groundwork for fundamentally different views of negotiation (Kuttner 2010: 935). As a result, we see the development of self-awareness as a critical element in second generation negotiation training.

Awareness of Other

In the same way that negotiators need to develop a greater awareness of themselves, they must also know how to develop a greater awareness of their counterpart. From a second generation perspective, awareness of one’s counterpart goes beyond doing research on the person’s reputation, background, company or culture. It also involves a way of focusing and “tuning in” to their counterpart at the negotiation table. We believe that, to the degree negotiators can develop their awareness of self, they enhance their ability to develop this “awareness” of their counterpart. Put differently, a negotiator’s ability to be critically self-reflective opens up the possibility to more fully recognize and deeply understand the worldview and presence of the negotiator sitting across the table.

In addition to the qualities discussed in relation to self-awareness, awareness of other also involves a sense of curiosity – a genuine desire to learn about and from one’s counterpart. In the first volume of the RNT series, Chris Guthrie wrote about the importance of curiosity:

To understand one’s counterpart, a negotiator needs to be curious about what her counterpart has to say. In other words, a negotiator should cultivate a “stance of curiosity” or develop “relentless curiosity about what is really motivating the other side” [internal citations omitted] (Guthrie 2009: 63).

We agree. When viewed in conjunction with developing greater self-awareness, this awareness of other is consistent with “relational or dialogic theories,” which focus on the ways we co-create meaning through our specific interpersonal and social interactions. It is also consistent with broader second generation principles that recognize that the “action” is in the “interaction,” which requires a keen awareness of the negotiation interactions as they unfold.

Awareness of Context

Finally, we believe negotiators need to attend to the larger context that surrounds and informs (and, in turn, is influenced by) a particular set of negotiation interactions. By “context,” we mean developing a greater awareness of how specific negotiation events are part of

larger situational and social contexts in three dimensions: the practical and social surroundings in which the negotiation is imbedded; the dialogic interplay between the specific negotiation interactions and the surrounding context as the negotiation unfolds; and the different theoretical principles available to negotiators to make sense of, and navigate, the negotiation process.

This understanding of “context” is consistent with what Docherty suggests about a constructionist view of negotiation, namely that “meaning is embedded in society through patterns of social interaction” (Docherty 2010: 482). It is also consistent with what Honeyman and Coben write in the context of wicked problems: negotiators “need to monitor the ways our own actions reshape the problem and its contexts” (Honeyman and Coben 2010: 440). By recognizing how negotiation events are part of, and also reshape, larger patterns of social interaction, negotiators are better able to adapt and engage in purposeful negotiation.

We see these three dimensions of awareness – of self, other, and context – as central elements to second generation negotiation thinking. They reveal new and different ways to understand negotiation. They also change how we think about negotiation teaching. And if we believe that these three levels of awareness are central to effective negotiation, then these three levels of awareness must also be central elements in the negotiation classroom.

The second implication of this philosophical re-imagining is that the distinction between negotiation “content” and “process” begins to disappear. First generation negotiation teaching includes the study of strategic negotiation steps and stages. These make perfect sense if one views individuals as autonomous and rational actors who respond to stable external stimuli (Fox 2009). However, from a second generation point of view, negotiation interactions take on a more fluid, emergent and dynamic character (the character of “co-arising” selves). This shift becomes evident as we think about the nature and connections between “self,” “other,” and “context,” particularly in the ways they interact. From this different perspective, social context and patterns of interaction become central to, if not the essence of, meaning-making. In other words, it is in the *interactions themselves* where we find the “negotiation action” consistent with the relational practice described by Bush and Folger (2005) in the context of transformative mediation. It becomes clear that negotiators need to develop a different and greater awareness of the emergent and dynamic ways in which the negotiation process unfolds.

One concrete result of this shift in focus (from the individual actor to the interaction) is that negotiators must re-orient themselves to

become more aware of “what” they focus on and, at the same time, to “how” they understand the very process of unfolding negotiation interaction. As we discuss below, this shift in focus has important practical implications for negotiation teaching and course design.

The challenge we faced was how to translate this set of abstract principles into concrete practice. In the following section, we describe how we designed a six-credit negotiation certificate program around these principles. We also discuss additional lessons we incorporated from the RNT project that we believe reflect important “second generation” negotiation teaching.

Practical Implications – Part Two (Application: The International Business Negotiation Certificate Program)

A first attempt to design and deliver “second generation” negotiation teaching took place in Istanbul in October, 2010, as part of the RNT project’s second working conference. The second volume of the RNT series includes a description of that pilot one-day executive training (Fox, Schonewille, and Çuhadar-Gürkaynak 2010). In the training, we tested the idea of focusing on three overarching principles that were similar to, but less developed than, the levels of awareness described above: increasing self-awareness; cultivating curiosity; and the over-arching importance of worldview (Fox, Schonewille, and Çuhadar-Gürkaynak 2010: 16). After this pilot course, we reported:

Further work is needed to develop and clarify what distinguishes first from second generation negotiation principles. While we understood these concepts in isolation from a training setting, once in the classroom, we found ourselves interacting with students in ways quite similar to previous trainings (Fox, Schonewille, and Çuhadar-Gürkaynak 2010: 29).

After that one-day pilot training in 2010, the authors, together with a group of advisors⁵ undertook to refine the design and content and to deliver a full academic negotiation certificate program built on the lessons from the entire RNT project. The result was a two-course, six-credit law-school program in international business negotiation (IBN). During the summer of 2011, we offered the first IBN certificate program and enrolled a diverse group of law and other graduate students at Hamline University in Minnesota. The program fully implemented the conceptual framework which had been developing since Istanbul and also provided a platform to pilot new methods for interaction via distance technology. In 2012, we partnered with RNT

project colleague Nadja Alexander at Hong Kong Shue Yan University International Institute of Conflict Engagement and Resolution (IICER) to launch the completed program, which combined a more fully refined conceptual framework and a fully implemented distance learning component with an international group of participants. The course attracted law and business students from throughout the United States, including several who were born and raised outside the United States, as well as lawyers, business professionals, and students from Hong Kong, the Netherlands, the United Kingdom, Germany, and Mainland China.

What follows is a description of an integrated two-course program. We include some discussion of refinements that were made between the first year of implementing the program in 2011 and the full implementation in 2012, as well as revisions we made based on the continued evolution of the RNT project. We conclude with a list of features we believe to be most important to integrate into a “second generation” negotiation program.

A Strong Focus on Students’ Own Lived Experience

IBN is designed to draw, as much as possible, on students’ own lived experiences. This puts into concrete practice the exploration of such abstract notions as “self,” “other,” and “context.” It also reflects insights that grew directly from the RNT project and that called for greater student empowerment (Nelken, McAdoo, and Manwaring 2009), that critically examined the use of role-plays in student learning (Alexander and LeBaron 2009; Ebner and Kovach 2010; Matz and Ebner 2010), and that explored “adventure learning” in negotiation teaching (see chapters 7-14 in volume 2 of the RNT series [Honeyman, Coben, and DePalo 2010]).

We drew on students’ lived experiences in several ways: First, the course is organized thematically more than based on a set structure. That is, we moved away from discrete “modules” or teaching units and instead organized the program as a matrix. Looking longitudinally (across time), in the first class meeting we introduced the three levels of awareness – self, other and context (which included an explicit examination of culture), and then carried the themes forward through the entire two-course program, returning to them regularly. As the courses progressed, we then introduced more discrete topics (for example, positions, interests, competition, cooperation, and so forth). This created natural conversational intersections between the on-going themes and the more discrete topics. As we introduced students to the various discrete topics, we would return to the ongoing themes, inviting students to reflect on the discrete topics based on

their own experiences and in the context of the three themes. We also designed activities that invited students, first, to connect their own experiences with the concepts being examined, and second, to interact with and teach one another about how they understood the concepts from their respective worldviews. The result was an ongoing class conversation with multiple threads that remained grounded in the students' own experiences while increasing in depth and complexity as the course progressed.

Second, we developed experiential activities that drew as much as possible on real experience, rather than assigned roles. One of the on-going debates in the RNT project has been whether to abandon the use of role plays. We tried to avoid this "sucker's choice." Instead, we adopted the philosophy that experiential activities can be designed to sit at any point along a continuum, from raw and completely unscripted lived experience to contrived and artificial play-acting. We designed each activity with a particular learning objective in mind, and then looked for ways to minimize artificiality and maximize eliciting from students their own experiences as they interacted with one another in the activities.

By way of example, none of the negotiation activities included assigning names or, to the extent possible, specific "roles" to play. We avoided instructions that included information such as lists of a party's interests or secret objectives. Instead, we described negotiation situations we believed students could relate to (and that were representative of what they would actually encounter in real international business negotiation situations) and assigned tasks where the students could draw on their own experience to flesh them out. Furthermore, we also did not use isolated, one-off activities. Instead, we designed a series of negotiation interactions that were inter-related and that evolved logically over time. Specifically, because ours is an international business negotiation program, we formed two companies, based on actual publicly listed companies – an American high technology start-up and a Chinese technology manufacturing company – where students could research the real organizations and related issues as the course progressed. The students were assigned to, and stayed with, their company throughout the entire program. This enabled the students to work together (within their given company) over time, developing their own corporate culture and making decisions based on an increasingly rich and complex identity and history of decisions.

In addition, our negotiation activities built on one another and followed a natural business progression: business formation, facility site selection and government approvals, internal negotiations related

to hiring, product development or manufacture, intra- and inter-team negotiations and business strategy, external negotiations (related to supplies and later, an exclusive manufacturing agreement between the two companies), conflict anticipation and dispute response. Making particularly good use of the iPad technology each student had at their disposal, each activity included hyperlinks to actual internet resources. In this way, students drew upon real research about real companies and developed depth over time as they made a range of increasingly inter-related individual and collective decisions involving their company.

When the program shifted from two parallel in-residence courses (one in Minnesota and the other in Hong Kong) to an integrated distance learning course, the participants were faced with another layer of challenges in how to negotiate or otherwise work with someone whom they had not met or with whom they had no prior relationship, who was in a time-zone thirteen hours away, and who did not share the same mother tongue or life-experience. Even arranging when and by what means they were to negotiate surfaced very real practical and conceptual challenges. The “realness” of this shift deepened the degree to which the students had to engage their real selves in the negotiation activities and put in clear relief the importance of self, other and context awareness.

Third, in addition to regular negotiation activities, students participated in an adventure learning activity that took them outside the classroom and into their local business districts as they worked through intra- and cross-team negotiations. The activity asked teams of students to inspect a selection of downtown office buildings that might be suitable as their company’s regional headquarters. They were provided with real commercial building market information, links to each building’s leasing web-site, and company-specific selection criteria (such as overall space needs, private vs. shared office lay-outs, and so on). The buildings represented a range of strategic choices (for example, a “Class A” high-rise as compared with a historic or a low-cost efficiency building). This required the teams to develop and examine their own company’s identity, financial priorities and business needs. While some of this information was contrived, the overall activity called on the students to engage in a range of very real interactions and decisions.

Fourth, as instructors, we were intentionally elicitive rather than didactic in our classroom interactions. Rather than presenting material and concepts from the standpoint of “all-knowing” professors, we identified topics to explore together. For example, when we had a focused discussion of culture (in addition to an ongoing conversation

thread), in addition to select readings, we asked each student to complete their own culture survey. We then aggregated the information and distributed this to the entire class as a basis for an online discussion. The activity led to a deep, rich, nuanced and insightful conversation about what “culture” is (and is not) that could never have come from readings or lectures alone and that went well beyond what we, as instructors, could imagine. The activity also illustrated the generative process of “co-created” meaning making – where the students’ own lived experiences contributed substantially to the “content” of the course. We discuss our roles as instructors further below. We also discuss how this process contributed to a change in how we viewed “content” and “process” in the class.

Finally, we incorporated into the classroom various physical “movement” activities that drew upon other dimensions of the students’ own “ways of knowing.” The idea of “kinesthetic” learning is an emerging area of study in the conflict field that complements cognitive and emotional “knowledge.” At its most basic, experiencing physical movement can unlock different dimensions of understanding and can inform how we think. Examples include the adventure learning activity described above, and asking students to participate in a “human thermometer” (a single line where students organize themselves along a continuum in response to instructor prompts, described in detail in Fox, Schonewille, and Çuhadar-Gürkaynak 2010), as well as a range of other additional activities drawn from Michelle LeBaron’s work (see, for instance, Alexander and LeBaron, *Embodied Negotiation*, in this volume).

Taken together, the four elements we discuss here represent a focus on inviting students to bring the richness and value their lived experience offers into the learning environment.

A Fundamental Re-Thinking of the Role of the Instructor in Relationship to the Student

Perhaps the biggest shift in course design was how we reconceptualized our roles as instructors in relation to our students. During our planning discussions related to keeping the IBN course “real,” we had an “aha” moment about how the project had contributed to our way of thinking about teaching negotiation. In order to make a space in the class environment for students’ own real and lived experiences, we had to let go of our “first generation” definition of what it means to be an “instructor.” Put differently, we had to make a fundamental shift from an “individualist” to a “relational” paradigm in how we experienced the classroom environment and how we related to our students. This took our abstract understanding of the philosophic

shift we describe in section one, above, and caused us to rethink in concrete terms how to design course elements and interact with students at every moment of the program.

In volume two of the RNT series, Roy Lewicki and Andrea Schneider argued that while the negotiation field has paid attention to theory development (the “what”) and to pedagogy (the “how”), the field has neglected the “who” – gaining a better understanding of the particular students who are in a given classroom or training (Lewicki and Schneider 2010). They offered a three-level guide to “market segmentation” to help instructors determine the degree to which a given negotiation course or training should be commoditized or customized (Lewicki and Schneider 2010: 50-51). We agree that instructors need to focus more on “who” is in the classroom. At the same time, the “who” they describe is a “first order” shift in thinking – a way to more accurately categorize and segment the negotiation teaching market for purposes of course design. While this is a valuable contribution to our understanding of negotiation teaching, our experience with IBN suggests yet a different paradigm.

The “shift” we experienced with the IBN program and describe here is, we believe, a “second order” shift in the “who” in the classroom – that is, a deeper and more fundamental re-imagining of the nature of the relationship – and way of interacting – among instructors and students. Put differently, the quality and manner in which instructors interact with students in the classroom (the “how”) *is itself* an essential “content” element of a course (the “what”) that cannot be realized without a relational connection along the lines we describe in section one of our essay above (the “who”). Once you accept a different role for the instructor in relation to the students and recognize how knowledge and insights “co-arise” through the process of discourse, the “who” shifts from a static category of *students* to become *real people* whose lived experiences add to and enrich every aspect of their (and the instructor’s) learning.

We submit that this “second order” shift is a major contribution of the RNT project. We further submit that the inseparability of the “what,” the “how,” and the “who” of teaching is wholly consistent with the relational principles discussed above that inform second generation negotiation thinking.

An additional concrete way in which the “what,” the “how,” and the “who” all came together was in our decisions related to instructors. Given our commitment to honoring “lived experience,” the course instructors were intentionally drawn from a mix of backgrounds. During the first year of IBN, Ken (business school professor from the United States) was the primary instructor for the basic nego-

tiation course with some assistance from Sharon (law school professor from the United States). For the advanced business negotiation course, Andrew Wei-Min Lee (Australian negotiation consultant and adjunct law professor now living in mainland China) and Vivian Feng Ying Yu (mainland Chinese practitioner and adjunct law professor) joined the faculty. The following year, Ken taught the basic negotiation course in Hong Kong, while Sharon and Andrew taught the same class in Minnesota. For the distance portion (the advanced international business negotiation course), Ken and Sharon co-taught the combined class. The advantages of having instructors from different backgrounds were many, but one example for illustrative purposes may be helpful.

In the U.S.-based course, rather than having a discussion of the importance of recognizing different perspectives, we had a discussion of the one-child policy in China, which surfaced different views on this controversial topic (in addition to Andrew as co-instructor, the U.S. class included two Mainland Chinese students). The rich conversation confronted participants with different worldviews, and led to interesting and profound insights about the implications for negotiation. Similarly, in the Hong Kong-based course, Ken engaged with the class in a discussion about the different conceptions of “communism” and “capitalism.” The diverse mix of students (Mainland China, Hong Kong, Western Europe and North America), combined with Hong Kong’s changing status from a British colony to a “Special Administrative Region” within China, led to a similarly rich conversation, with unexpected insights about what various students took to be “true,” “right,” and “just,” and how these differences impact the ways one approaches negotiation.

Throughout the program, all the instructors looked for ways to bring out differences in perspectives naturally and to engage the participants in self-discovered learning. Thus, we considered not only “who” the students/participants in the course were, but also “who” *we*, the instructors, were (intentionally looking for instructors whose cultural and professional backgrounds differed in important ways from one another and from the students).⁶ In so doing, the “who,” the “what” and the “how” became intertwined.

Additional Second Generation Implications

In addition to the important paradigm shift we experienced and put into practice as described above, we also incorporated a number of other valuable “second generation” lessons into the IBN program. Among these were:

Incorporation of Distance and Other Technology into the Course Design and Delivery

In contemplating and developing a distance component to the program, we were committed to having it provide, at a minimum, equivalent learning quality to an in-residence course. For a variety of reasons described below, we believe that the distance portion of the program was not only an equivalent learning format to an in-residence class, but actually enhanced student learning as we integrated the lessons from the RNT project.

Recognizing that international business negotiations frequently take place across great distances, we integrated various types of distance technology and activities into the course design and delivery. Each student received an iPad with a proprietary “app” designed for the program. The app, along with other uploaded software programs, provided students with virtually all the materials and technology needed for the entire program (including readings, video content, access to the internet, and communications software). Assignments and course activities were stored in the “cloud” and included hyperlinks connected to appropriate internet sites. During the distance portion of the fully implemented program, the U.S. and Hong Kong groups were deliberately intermixed, even though they had never met or otherwise worked together before. Students in both locations worked on course project teams, participated in online discussions and conducted a series of negotiations with their counterparts across the world.⁷ The result was that students encountered very real limitations and advantages to working with technology and distance. For example, they experienced how synchronous (e.g., Skype) and asynchronous (e.g., email) technology were relatively more or less effective for group projects, class assignments and negotiation activities when their classmates and counterparts are in a time zone thirteen hours away.

Selecting Appropriate Course Materials.

One challenge we faced was identifying a text and other course materials for the program. To the extent possible, we wanted the readings to promote critical discussion related to our key themes (awareness of self, other and context) and which would encourage, rather than interfere with, reflection on students’ lived experience. There is no limit to the number of books on negotiation.⁸ However, many of the books we reviewed, while excellently written, were prescriptive in nature. Because of our approach to teaching, and the program’s international business focus, we ultimately decided to utilize *Negotiating Globally* (2nd edition) by Jeanne Brett, supplemented by a number of readings drawn from a variety of sources (the course syllabus is attached

as an Appendix). In addition, we took advantage of the multi-media capabilities of the iPad by incorporating websites and apps into the course, such as Culture GPS and TEDTalks. We also produced a series of video interviews with business and legal practitioners and negotiation scholars. These interviews allowed students to “sit in” on conversations about real life negotiation experiences by a diverse group of professionals who work, negotiate and teach internationally.

Designing Assessments

A final area where we focused on incorporating a “2.0” frame to the IBN program was in assessment. We agree with the many contributors to Volume 3 of the RNT series who suggest that assessment is not merely a static, end of course, grading tool. Rather, “as we have already observed but cannot stress too highly, [assessment] is at the heart of our teaching. It is always under way, at least by implication, affecting relationships, communication, motivation and learning” (Ebner, Coben, and Honeyman 2012: 5). We found this particularly true with regard to the distance portion of the IBN program.

We believe that careful attention to the assignments and the assessments in the distance portion of the IBN program resulted in a distance learning experience that was not merely comparable to, but actually exceeded, the possibilities for integrating the lessons of the RNT project in an in-residence environment. Before commenting further, a brief description of our assessment methods in the distance portion, both formative and summative, may be helpful:

Negotiation reports

At the conclusion of each assigned negotiation, the students completed an individual and a collective report (jointly completed by all participants in the negotiation activity). The individual reflection reports contained the following questions:

- 1) *What was your strategy and how well did it work in relation to the outcome of this negotiation?*
- 2) *If you were to do this negotiation again tomorrow, what specifically would you do the same? What specifically would you do differently? Why?*
- 3) *In relation to the primary negotiation content area associated with this activity, what new insights have you gained in relation to awareness of self, other, and negotiation process/theory/context?*
- 4) *What new insights have you gained from this activity about the use of distance technology when conducting negotiation activities? How, if at all, will you use technology differently the next time you participate in a distance negotiation?*

- 5) *What, if any, ethical issues arose in this negotiation and how did you address them?*

The questions were specifically designed to encourage the students to reflect on the negotiation, particularly drawing their attention to the concepts of awareness of self, other and context and to connect their “lived experience” with negotiation theory. Even though the reports were not graded, they were considered as part of the assessment of the student’s program participation and, more important, served the valuable function of focusing the student’s attention on the experience of the negotiation, what the student learned from the negotiation, and what, if anything, she would do differently in the future. In addition to individual reports, the students also had to work as a group to complete a collective report for their negotiation. This provided an additional opportunity for the students to negotiate a real set of issues: who would write it, what it would contain, and how it would be approved before submission. Finally, the reports gave us a window into how the negotiations were unfolding, even though we could not observe them directly.

Reading/video reports

In addition to reporting on negotiation activities, students completed a Reading/Video Report for each group of readings (or videos) due on any particular day. Unlike some distance learning programs, we were directive in when the students were to complete the supplemental material (readings and videos) which we assigned. For each due date, the students completed a Report Form on the material which was to have been completed. Since each due-date included several readings or videos, the students were called upon to synthesize the material rather than simply summarize an individual reading.⁹ These reports focused their attention on the most important elements to the readings/videos, provided some level of accountability for completing required readings, and often gave us an on-going indication of what material was clear and what material might warrant added attention.

Online discussions

During the roughly two-week distance portion of the program, the students participated in four separate online asynchronous discussion threads.¹⁰ The forty-two students (from both the United States and Hong Kong locations) were divided into four mixed sub-groups for each discussion thread, and were then re-assigned to different sub-groups for each subsequent thread, thereby enabling each student to have in-depth interaction with a variety of different students and perspectives. The first discussion focused on ethics, the second on ethics implications for international business, the third on negotia-

tion context and framing, and the fourth on culture. Each of the discussions included a thought-question prompt to which each student posted a substantial response, and at least one follow-up comment to other students' postings, after having read the initial postings of their colleagues. As instructors, we were able to pull out each student's initial posting and subsequent response(s) and, using a scoring matrix, measure the level of their participation in the discussion and the depth and quality of their insights and understanding of the theme. The students' engagement in these discussions was extremely thoughtful, and reflected a truly generative process of "co-arising," understanding where powerful insights emerged from the unfolding conversations.

Reputation index

Incorporating an idea from Nancy Welsh (2012), we used a "reputation index" assessment tool twice during the program (once at the end of course one, and again at the end of the distance course). A "reputation index" is a means by which students (and, if desired, instructors) can provide feedback to one another about their reputation as negotiators and contributors to class learning. Using the index twice enabled us to do both formative and summative assessment over time. At the end of the first class, the students were asked to identify up to six other students with whom they had direct negotiation experience and who they thought had "developed a positive reputation as a negotiator,"¹¹ up to another six students who they thought had "developed a negative reputation as a negotiator,"¹² and up to six other students who "contributed substantially to your learning in this course through good feedback, insightful participation or other actions (intended or otherwise) that have helped you learn." For each person identified as having a positive or negative reputation, the students were instructed to provide a concrete narrative explanation for that assessment. We aggregated the responses and explanations and each student received a confidential (and anonymous) summary of the reputation they earned. For this part of the program the students were not graded based upon the reputation they had earned from others, but solely based on their own "thoughtful completion" of the index about others.

At the conclusion of the second distance course, the students were again asked to complete a reputation index that included all students from both the United States and Hong Kong groups. This second time, students were graded on their "thoughtful completion" of their own form as well as the reputation they had earned from others in the combined class.

In both cases, we were impressed by the care with which the students completed the index and the thoughtful comments they provided to their colleagues. Even more significantly, we found that students took the comments received in the first class to heart and acted upon those items about which they received negative feedback. For example, one student who had received negative comments from the first course actually reached out to fellow students during the second course to redress what they had reported experiencing. As instructors, we found it useful to have an indication of how the students perceived each other. We also found that this nearly “360°” feedback loop was much richer and more impactful than could have been achieved by our feedback alone. We found it to be a powerful example of how assessment can function “at the heart of our teaching.”

Group presentation

After having been divided into cross-national sub-groups of ten or eleven students each, the students engaged in multi-party negotiations to choose partners and topics for five team research presentations to their sub-group.¹³ After researching and preparing their team presentations, the sub-groups convened over Skype with the instructors and made their presentations to one another. The students were not directly evaluated on the team and topic selection negotiation itself (although they did complete individual and collective reports on the negotiation), but they were assessed on their actual presentation to their sub-group based on criteria they knew in advance. The presentation assessments included factors that could only be successfully achieved through effective teamwork and use of technology. As a result, students received feedback on more than the content of their presentation, but also on their ability to work as a team across significant distance.

Final paper

At the conclusion of the program, each student selected a topic for a final paper. They could choose to write an analytical paper, or to conduct an in-depth interview with an experienced negotiator and write a paper based on what they learned from the interview. As part of the process, the students had one-on-one consultations with the instructors (via Skype, phone, or in one case in-person) to discuss the topic and research plan in depth. This allowed the instructors to provide formative feedback to each student as they progressed on their final assignment. In addition to substantive criteria, the students were also assessed on the degree to which they meaningfully participated in the consultation.

While any of these assessment practices might be found in existing courses, we believe that taken as a whole they moved assessment to the heart of student learning, and reflect important insights from the RNT project.

“The Connected World” – How the RNT Project Changed our Paradigm

The use of the “2.0” imagery dropped out of favor with many project participants because it (wrongly in our view) was considered to be an attempt to discard old negotiation ideas and develop something entirely new and different. From our view, this is not the case. As computer users might recall, when you get the next version of software, it often looks a whole lot like the prior version. It includes the same functionality that has served you well. Yet, as you use it, you begin to see new features and, more importantly, different capabilities that are only possible because of its deeper design changes. In the same way, we believe the IBN program is a negotiation 2.0 version. The fundamentals of negotiation teaching as previously performed are all still there. Yet, because of the deeper shift in how we conceptualize negotiation, we believe those fundamentals take on a different and even richer meaning for students. Moreover, reflecting on the RNT project as a whole and on our own lived experience teaching the IBN program, we find that in addition to a changed conception of negotiation, *we* too have changed. We approached our students’ learning from a very different standpoint. We incorporated different ideas and interacted with them in a qualitatively different way. We had to test our ideas in a genuinely global setting, with students from across the world working and learning together.

Looking back, we see the following as essential elements to teaching negotiation 2.0 for a connected world:

- 1) The process of negotiation takes on a very different complexion when experienced from a “relational” standpoint. By developing a greater awareness of “self,” “other,” and “context,” and by appreciating the nature of how meaning is “co-arising,” negotiators are able to see and work with previously invisible negotiation dynamics.
- 2) From this “relational” standpoint, the instructor’s role is significantly different. She elicits and facilitates an emergent conversation, rather than lecturing and delivering a set body of information. She must be sufficiently knowledgeable and comfortable with negotiation as to follow the ebb and flow of class conversations as they emerge in order to seize on important teachable moments.

- 3) Learning is enhanced by focusing on lived experience. There are many ways that lived experience can be mined, and a negotiation course should take advantage of all of them, from the design of activities, to the use of adventure learning and movement, to structured opportunities for discussion among the students. Some students will have prior experience that they will be able to draw from and some will draw from the experience they have in the class – all of these lived experiences are valuable. Moreover, by drawing on students' (and instructors') lived experiences, students are better tuned into, and prepared for, interactions across cultures and worldviews.
- 4) Distance learning adds intrinsic value. Learning outside of the traditional classroom opens up many opportunities to teach and engage students in different ways. By its very nature, distance learning calls upon students to be more responsible for their learning and, if the program is structured well, to be more reflective. Given the importance of awareness (of self, other, and context), this makes distance learning an ideal platform for delivery of portions of a 2.0 negotiation course.
- 5) Assessments are central to student learning. Since we know that students learn in a variety of ways, assessments should include a range of methods. Thoughtful use of assessment will provide the students with opportunities to learn while at the same time providing instructors the opportunity to evaluate student learning more precisely.

Conclusion

On reflection, we are convinced that the RNT project did not simply uncover formerly hidden “contours of the existing [negotiation] terrain.” The project added to the landscape.

Getting to this point was a long philosophical and practical journey “over rock and under tree.” In the same way that Bilbo Baggins returned home from his long journey, we, too, have had to venture home to our classrooms. And like Bilbo's return to the shire, our return to the classroom revealed that while everything appeared familiar, at the same time, our negotiation classroom was ever changed.

Notes

¹ This paradigm goes back at least as far as the Enlightenment (see Pearce 2007: 173, writing of Thomas Hobbes *Leviathan*, where the primary entity is the “solitary man”).

² As described elsewhere (see Honeyman, Coben, and De Palo 2010: 439), the term “wicked problems” was first articulated in the context of public

planning. We find the use of this term in the context of negotiation both helpful and confusing. It is helpful to the extent that it signals a qualitatively different set of factors that change the very nature of what negotiation can be about. It is confusing to the extent that literature from fields outside of negotiation often describe “wicked problems” in ways that obscure or misdirect us away from what we consider to be the heart of what makes them so “wicked”: the realization that some situations require negotiators to engage with fundamental questions of meaning and “truth.”

³ Kuttner goes further still than Honeyman and Coben, Bush and Folger, Winslade and Monk and Riskin, suggesting that by looking to Buddhist teachings, we can more fully understand the “relationally constructed self” and the nature of “things.” In turn, understanding these Buddhist teachings, he suggests, will give us a very different understanding of negotiation. According to Kuttner, a key concept in the Buddhist worldview is “dependent co-arising” – that is, the notion that no “thing” (including the “self,” “interests” and so on) can exist as independent and separate. Rather, a “thing’s” “existence” only arises in relation to other “things” (Kuttner 2010: 950). The notion of “co-arising” is similar to, but goes deeper than, the idea of “co-constructed” meaning. From a communication perspective, meaning is “co-constructed” or “co-created” through the process of communication interaction as it unfolds between people (and not through the words themselves) (Fox 2009: 21). “Co-arising” goes even deeper than the *meaning we give* to things, suggesting that the true *nature* of things “demands the realization of relationality – a realization that all things are always dependent on other things – in other words, whatever we believe to exist, exists only in relation to other things (Kuttner 2010: 950). These post-modern claims stand in stark contrast to a worldview that favors individuality, autonomy and separateness. Honeyman and Coben’s, Bush and Folger’s, Winslade and Monk’s, Riskin’s, and Kuttner’s critiques all illuminate a fundamental re-imagining of “self” and “other.” They also mirror what was first noticed in the first RNT conference in Rome. And, by re-imagining the “self” in relational terms, it becomes possible to re-imagine negotiation as well – a profoundly different orientation toward our field of study. This deeper exploration of the “self” and “other” warrants even further examination as second generation scholarship evolves.

⁴ Here, we do not limit “cross-cultural” interactions to international negotiations. In our increasingly diverse communities, and professions, we encounter “cross-cultural” interactions at home more often than we might imagine. See, for instance, Volpe and Cambria (2009).

⁵ We gratefully acknowledge Professors James Coben and Bobbi McAdoo, for their comments during the development of the program. We also gratefully acknowledge Andrew Lee and Vivian Feng, for offering their advice and for co-teaching in the program.

⁶ We also included a set of video-taped interviews with negotiation experts and scholars from Israel and Italy as well as from multi-national corporations who regularly negotiate across the globe.

⁷ At the same time the students were engaging in the use of technology, they were reading appropriate materials – including essays from the RNT project – that challenged them to develop greater awareness of “self,” “other” and “context.”

⁸ A quick search of Amazon.com for books with a title that included “negotiation” yielded over 16,000 results.

- ⁹ The Reading/Video Report included the following questions:
- Discuss the key insights/“take-away” points you learned from the various assignments due today. This question calls for critical thinking and synthesis. Think in terms of how the material informs your awareness of self, other, and international business negotiation. Be sure to include some discussion from each individual article, book chapter and/or video.
 - What, if any, new questions arise from this assignment that you would like to explore further?
 - In what ways were these readings/videos helpful/not helpful to your understanding of international business negotiation? Why or why not?
- ¹⁰ The students also conducted one on-line discussion during the first (in-residence) course so as to have practice with the online technology before dispersing to their distant homes.
- ¹¹ The instructions included the following additional information: “Positive reputations as negotiators are gained by displaying competence, effectiveness, trustworthiness, integrity and so on.”
- ¹² The instruction included the following additional information: “Negative reputations as negotiators are gained by displaying – or being perceived as displaying – dishonesty, incompetence, ineffectiveness, lack of trustworthiness, lack of integrity, lack of preparation, and so on.”
- ¹³ For the sake of some consistency and also to provide every student with information on some important topics, the students could select from the following topics: negotiation and technology; culture and negotiation; creativity and negotiation; and “wicked problems.”

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Appendix

CERTIFICATE IN INTERNATIONAL BUSINESS NEGOTIATION

July 5 – July 27, 2012

Professor Kenneth Fox, Hamline University School of Business
Professor Andrew Wei-Min Lee, Peking University
Associate Professor Sharon Press, Hamline University School of Law

The DRI Certificate in Business Negotiation is an integrated two (2) course, six (6) credit program that is designed to prepare law, business and other graduate students and professionals to negotiate effectively in a wide range of dynamic, complex, multi-cultural, and international settings and environments. This document includes the syllabi for both courses.

Overall Learning Objectives

By the end of the certificate program, students will:

- 1) Understand and be able to effectively apply key principles that underlie the negotiation process in a variety of complex business, legal and other professional settings. (course one)
- 2) Know themselves as negotiators and professionals who work in a range of cultural and professional contexts. (course one)
- 3) Know how to adapt to, and work effectively in, diverse and complex negotiation situations, including individual, group, team and organizational settings, internal and external negotiation interactions, trans-national and multi-cultural situations and with emerging and changing communication technologies. (course two)
- 4) Have developed the capacity to recognize, understand and incorporate changing insights and trends in negotiation. (course two)

Requirements for Both Courses

Technology Requirements

This certificate program requires regular use of various technology-based equipment, platforms, programs, and processes. As a result, every student is required to have and use the provided iPad 2 tablet computers. Students will pick up their iPad at the Pre-Class Technology Orientation on July 5.

Attendance and Participation in Certificate Program

Students registered for the certificate program are expected to attend and actively participate in all sessions and activities of both courses. Students are not permitted to register for, or participate in, only a single of the two courses, regardless of prior coursework or experience with negotiation. There are no exceptions.

Some activities may be scheduled to accommodate time-zone differences with other students and/or faculty who participate in the program from a distance. While course instructors will provide as much notice as possible for

such activities, students are expected to remain available and flexible so as to respond to outside scheduling needs.

Each student contributes to class discussions in his or her own way. The instructors will assess each student's willingness to seriously engage the topics under consideration, as well as the quality and thoughtfulness of your contributions and insights. In other words, it is primarily the quality (and not necessarily the quantity) of your contributions to discussions and exercises that matter. Effective and thoughtful comments demonstrate your recognition of the key concepts we are studying and add your unique (but relevant) perspective to discussions, for the enrichment of all.

This certificate program evolved from Hamline University School of Law's work leading a four year international project to examine what is taught in negotiation and how it is taught. The project put special emphasis on how best to "translate" teaching methodology to succeed with diverse, global audiences. Results of this project, including links to its multiple publications, can be found at <http://law.hamline.edu/rethinkingNegotiation.html>. The instructors wish to acknowledge the sponsors, leaders and contributors to this four year project for the vision, insights and scholarship that informed the design of this certificate program.

Negotiation (2 credits)

Course Description:

This course introduces students to the skills, constraints, and dynamics of the negotiation process in the context of international business transactions. Through readings and highly interactive exercises, students will learn the fundamental skills of systematic and thorough negotiation preparation, the ongoing management of a negotiation process, and the identification and achievement of optimal agreements. Legal and ethical constraints of negotiation will also be considered as students in intentionally diverse teams participate in negotiations typically encountered in the formation of a business. Course content is drawn from the fields of law, psychology, business, and communication. This course will serve as the foundation for Advanced International Business Negotiation and must be completed in the same summer as Advanced International Business Negotiation is completed.

Specific Course 1 Learning Outcomes:

By the end of course one, students will:

- Understand and be able to effectively apply key principles that underlie the negotiation process in a variety of business, legal and other professional settings.
- Prepare effectively for most any negotiation;
- Understand when a particular negotiation approach is appropriate;
- Employ appropriate and effective negotiation skills and techniques.
- Know themselves as negotiators and professionals who work in a range of cultural and professional contexts.

- Appreciate the importance of curiosity and creativity in the negotiation process;
- Build emotional intelligence as a negotiator in a range of contexts;
- Recognize the relationship between culture, worldview and negotiation interaction.

Course 1 Readings:

Specific reading assignments are listed with their corresponding class day. We will use one (1) primary required text in course 1 plus one optional text. In addition, we have collected a number of articles you will be reading that are part of a course reader, which will be uploaded to your iPad. The texts are:

Required: *Negotiating Globally* (second edition) by Jeanne M. Brett (hereafter NG)

Optional: *Getting to Yes: Negotiating Agreement without Giving In* by Roger Fisher and William Ury (hereafter “GTY”- this text has not been uploaded and can be purchased separately)

A number of additional readings are from the following three books, which are referenced accordingly in the syllabus: *Rethinking Negotiation Teaching: Innovations for Context and Culture*, Christopher Honeyman, James Coben and Giuseppe de Palo, Eds. (hereafter “Rethinking”)

The Negotiator’s Fieldbook: The Desk Reference for the Experienced Negotiator, Andrea Kupfer Schneider and Christopher Honeyman, Eds. (hereafter “Fieldbook”)

Venturing Beyond the Classroom: Volume 2 in the Rethinking Negotiation Teaching Series, Christopher Honeyman, James Coben and Giuseppe de Palo, Eds. (hereafter, “Venturing”)

Negotiation Course Assignments and Grading:

On-line Discussion (10%)

July 7 – July 10 (by noon) – You will participate in one (1) on-line discussion during the first course, which will comprise 10% of your grade. The topic will be distributed in class. Specific grading criteria are found at appendix one, at the end of this course packet. You are expected to participate in the forum as follows:

Between Saturday, July 7 at 4:30pm and Tuesday, July 10 at noon, you are to post one substantial original posting in response to question prompts in the discussion portion of the class app on your iPad. Specific instructions will be distributed in advance of July 7.

Reflective Journal (20%)

You will write one reflective journal, which will be due on July 14 by 23:59 GMT. The specific journal topic and instructions will be distributed at the beginning of the course.

Final paper (50%)

Due July 14 – You will complete a take-home paper for course one that will be due by July 14 by 23:59 GMT. Specific instructions will be distributed in class.

Participation (10%)

Ten percent of your course grade will be based upon your participation. We expect that all students will actively participate in the course. Exceptional participation can raise your course grade. Uneven or poor participation can lower your course grade.

Reputation Index (10%)

Ten percent of your course grade will be based on your thoughtful completion of a reputation index instrument which will be due on July 14 by 23:59 GMT. Specific instructions will be distributed in class.

Course 1 – Detailed Schedule**Pre-course preparation – No later than Tuesday, July 3****Preparation for course beginning**

Confirm that you have completed and returned your “Pre-certificate Questionnaire Form” electronically

Class Day I – Thursday, July 5**2:00 – 4:00 Pre-class Technology Orientation**

Check in for class, pick up iPad, orientation to technology.

4:30 – 9:15

Focus

Introduction and overview, including a variety of self-awareness and group activities designed to open up a deeper conversation about how individuals, companies and cultures make sense of, and approach negotiation; Conversation about course and course design. Negotiation in the larger context of worldview, culture and conflict. Introduction to negotiation theory and key concepts.

Preparation for today's class

Read NG, chapters 1 and 2 (pps. 1 – 52) (R1-1)

Read Riskin, Knowing Yourself: Mindfulness (Fieldbook 27) (R1-2)

Day 2 – Friday July 6 – 4:30 – 9:15**Focus**

Formation of initial company teams. Understanding the tension between claiming and creating values with a focus on the distributive (claiming) mindset. Power and Influence.

Preparation for today's class

NG Chapters 1 and 2, continued;

Read Nealon & Giroux, *Ideology* (R1-3);

Read Bernard, *Finding Common Ground In the Soil of Culture* ("Rethinking") (R1-4)

Read Birke, *Neuroscience and Settlement: An Examination of Scientific Innovations and Practical Applications* (R1-5)

[Activities: Cray Computer (N1-1)]

**Class Day 3 – Saturday, July 7 – 9:00 – 12:30 (class) 12:30 – 4:30
Adventure Learning**

Focus

Understanding the integrative (value-creating) mindset. The tension between empathy and assertiveness; Emotion in negotiation; Set-up for adventure learning

[Activities: Hiring Negotiation (in class)(N1-2); Headquarters Identification (adventure)(N1-3); Interest Framing Activity (N1-4)]

Preparation for today's class

Read NG chapter 3 (R1-6);

Read Chamoun, *Bazaar Dynamics* ("Venturing") (R1-7)

Note

On-line discussion (D1-1 *Comparison of Negotiation Models*) opens today at 4:30 pm. Your original posting is due by Tuesday, July 10 at noon (central).

Class Day 4 – Monday, July 9 – 4:30 -9:15

Focus

Debrief Adventure Learning; Executing negotiation strategy. A close look at integrative negotiation; Psychological barriers; listening skills; Decision analysis

[Activities: Equipment purchasing negotiation (in class)(N1-5)]

Preparation for today's class

Read NG chapter 4 (R1-8). Additional optional reading: GTY.

Planning for exclusive manufacturing agreement begins (N1-6) and continues through July 15, 2012

Class Day 5 – Tuesday, July 10 – 4:30 - 9:15

Focus

Negotiation planning; Ethical issues in transnational business negotiations

Preparation for today

Read Ebner, Bhappu, Brown, et al, "You've Got Agreement: Negoti@ting via e-mail" (R1-9) (Rethinking); Model Rule 4.1, Rules of Professional Conduct (US) (R1-10)

Note

Your original on-line posting (D1-1) is due at noon today.

- Your final take-home paper will be distributed at the end of class today. It is due Saturday, July 14 by 23:59 GMT.
- Discussion D2-1 (ethics) begins – original response due Tuesday, July 16, 23:59 GMT.
- Voice Thread and Linked In profile due July 14 by 23:59 GMT. Reputation Index and Reflective Journal due July 14, by 23:59 GMT.

Advanced International Business Negotiation (4 credits)

Course description: Building on the basic negotiation principles introduced in “Negotiation,” this course will critically examine advanced concepts, skills, constraints and dynamics of the negotiation process in the context of international business transactions and dispute settlement. Designed to attract an international and interdisciplinary mix of students, it draws upon and incorporates key theoretical and pedagogical lessons from Hamline University School of Law’s “Rethinking Negotiation Teaching” project. Students will receive an overview of legal and institutional principles that impact international business, examine and experience how worldviews shape negotiation as it unfolds and engage in a series of applied and coached activities that require translation of negotiation theory into practice. The course design enables students to gain experience in negotiating across national boundaries and to make effective use of emerging communication technologies. Special focus will be given to negotiation challenges that arise during the process of business formation, internal management, sales and transactions, joint ventures, and responding to internal and external disputes.

Course 2 learning outcomes: In addition to more deeply examining learning objectives one and two which were considered in the negotiation course, this course has the following specific additional objectives:

1. Know how to adapt to, and work effectively in, diverse and complex negotiation situations, including:
 - a. individual, group, team and organizational settings;
 - b. internal and external negotiation interactions;
 - c. trans-national and multi-cultural situations;
 - d. emerging and changing communication technologies; and
 - e. Conflict anticipation and dispute response situations
2. Develop the capacity to recognize, understand and incorporate changing insights and trends in negotiation

Course 2 Readings and Videos

Readings and videos are assigned in connection with activities and discussions. For each set of assigned readings and videos you will submit the following:

- The name of the reading or video(s)
- The key take away points
- Two questions you have about the application of the reading or video(s) to international business negotiation
- A statement as to whether the reading or video(s) was helpful to your understanding of international business negotiation and why or why not

Each reading or video should be completed prior to your participation in the activity or discussion for which it is most relevant (date will be provided on the syllabus). Your statement about the reading or video assignment is to be submitted after you have completed the activity or discussion in order to allow you to reflect on its relevance. We will continue to work with the primary text, Negotiating Globally (Second Edition) as well as using readings from other related chapters and articles and videos. Internet site references are also listed with appropriate class days.

The following readings must be completed prior to the start of the Advanced International Business Negotiation Course:

- Chapters 1 – 4, NG (R1-1, R1-6,R1-8)
- Riskin, *Knowing Yourself: Mindfulness* (Fieldbook 27) (R1-2)
- Nealon & Giroux, *Ideology*; (R1-3)
- Bernard, *Finding Common Ground In the Soil of Culture* (“Rethinking”) (R1-4)
- Birke, *Neuroscience and Settlement: An Examination of Scientific Innovations and Practical Applications* (R1-5)
- Chamoun, *Bazaar Dynamics* (“Venturing”) (R1-7)
- Ebner, Bhappu, Brown, et al, “You’ve Got Agreement: Negoti@ting via e-mail” (Rethinking) (R1-9)
- Model Rule 4.1, Rules of Professional Conduct (US) (R1-10)

Advanced International Business Negotiation
Course Assignments and Grading

Discussions (30%)

You will participate in four (4) graded on-line discussions during the second course, as follows:

Discussion 2-1 (ethics): *On Tuesday, July 10, a discussion prompt will be posted. Between July 10 and July 16 (23:59 GMT), you are to make an original post to this prompt. On July 16, a new prompt will be added which calls on you to reflect on the initial posts in discussions D1- 1 (models) and 2-1 (ethics). A minimum of two responsive postings that build on this prompt and on the postings of your classmates are required by July 19, 23:59 GMT. Specific instructions will be distributed in advance of July 10.*

Discussion 2-2 (implications for international business): *Between July 16 and July 19, you will participate in a discussion. Your original post to the prompt will be due by July 17, 23:59 GMT and one responsive post will be due by July 19, 23:59 GMT.*

Discussion 2-3 (Context and Framing): *Between July 18 and July 20, you will participate in a discussion. Your original post to the prompt will be due by July 20, 23:59 GMT and one responsive post will be due by July 22, 23:59 GMT.*

Discussion 2-4 (Culture): *After reviewing the culture app on July 18, you will post, by July 19 23:59 GMT, an original post relating to the app and your own lived experience. Between July 19 and July 21, review a minimum of five other posts and you will post one responsive post. Details will be provided.*

All students are expected to actively participate in the course discussions.

Reputation Index Part II (10%)

Ten percent of your course grade will be based on your thoughtful completion of a reputation index instrument which will be due on July 27 by 23:59 GMT. Specific instructions will be distributed in class.

Group Presentation (15%)

Each student will participate in a team on-line presentation. All students on the team will receive the same grade. Specific instructions will be distributed in class. Presentations will take place on July 26 – 27.

Final Analytical Paper (45%)

Due Friday, August 10 at 23:59 GMT – You will write a substantial analytical paper on a topic to be selected during course two. Preparation for the paper will include one on-line consultation with one of the course instructors. Additional information will be distributed in class.

Participation

We expect that all students will actively participate in the course. Reading and video reports will be considered in assessing student participation. Exceptional participation can raise your course grade. Uneven or poor participation can lower your course grade. As a distance education course, you should anticipate spending approximately 4 hours per day for the entire period of this course (including weekends).

Detailed Course Assignments

The distance portion of the program is organized in layers. We will introduce new areas of focus as described on the daily schedule while continuing to work with previously introduced topics and areas of focus. As a result, you will see multiple topics and ideas being covered at the same time. Pay close attention to the new and continuing assignments in addition to the dates when assignments are due. **Posting after the assignment due date will result in an automatic one grade deduction for the assignment.**

Saturday, July 14

Focus Area:

Context and groundwork for international negotiating (differences between public vs. private negotiations in international settings, including negotiating with bureaucracies, government entities); Institutional context (such as impact of differences in regulatory, legal and economic systems); Social dilemmas

New Assignments:

Complete chart on international settings from the perspective of your own national identity - due July 15, 2012

Presentation Topics and Clusters Posted N2-2- due July 18, 2012

Complete the following prior to engaging in this negotiation:

- NG Chapters 8 and 9 (reading report form due July 19, 2012) (R2-1)

Review Ebner, Bhappu, Brown, et al, "You've Got Agreement: Negotiating via e-mail" (Rethinking) (R1-9)

Continuing Assignments:

Exclusive Manufacturing Contract Planning (N2-1) – due July 15, 2012

Discussion (D2-1) – original post due July 16

Assignments Due:

Reflective Journal (course 1) due

Final Paper (course 1) due

Reputation Index I due

VoiceThread and/or Linked In Profile posted

Sunday, July 15**Focus Area:**

Negotiating within teams/workgroups; deal design (while continuously returning to the reflective work on the theme of worldview and meaning-making)

New Assignments:

Multi-party negotiation for topics and partners begins (N2-2) - due July 18, 2012

Exclusive Manufacturing Negotiation Results (N2-1) - due July 20, 2012

Complete the following prior to engaging in this negotiation:

- NG Chapter 7 (R2-2) (reading report form due July 19)
- Read Matz, "*Intra-team communication*" (Fieldbook 63) (R2-3) (reading report form due July 19, 2012)

Assignments Due:

Chart on international settings due to professors by 23:59 GMT

Exclusive Manufacturing Agreement Planning Summary Document (N2-1) submitted to professors by 23:59 GMT

Monday, July 16

Focus Area:

Multi-party complex negotiation; timing and ripeness

Monday, July 16**Focus Area:**

Multi-party complex negotiations; timing and ripeness

New Assignments:

Review posted chart on context and worldview and begin discussion D2-2 (implications for international business negotiation) - original post due by July 17; one responsive post due by July 19

Discussion D2-1 (models and ethics) additional prompt added – minimum 2 responsive posts due by July 19

Complete the following readings before completing negotiation 2-2 (readings report due July 20)

- Caton Campbell and Docherty, "What's In a Frame" (Fieldbook 5) (R2-4);
- Money and Allred, An Exploration of a Model of Social Networks and Multilateral Negotiations, *Negotiation Journal* (R2-5);
- Zartman, Timing and Ripeness (Fieldbook 17) (R2-6);
- Lax and Sebenius, 3D Negotiation: Playing the Whole Game (R2-7)

Assignments Due:

Discussion 2-1 (ethics) original post by 23:59 GMT

Tuesday, July 17**Focus:**

Multi-party complex negotiations, continued

New Assignments:

No new assignment

Assignments Due:

Discussion D2-2 (implications for international business negotiation) original post due by 23:59 GMT

Wednesday, July 18**Focus:**

Culture

New Assignments:

Discussion D2-3 (context and framing) begins – initial post due July 20; minimum 1 responsive post due July 22

Review Culture App for own culture of origin post original comment in Discussion D2-4 (culture) about the consistency of the app with your own lived experience due July 19, 2012

Complete culture survey due July 18, 2012

Review chapter 2 & 3 NG (no reading report required) (R1-1, R1-6)

Presentation pairs begin researching and preparing presentations to be made to all participants of their cluster on July 26 or July 27, 2012

Assignments Due:

Multi-party negotiation for topics and partners (N2-2) results posted by 23:59 GMT

Culture survey submitted by 23:59 GMT

Thursday, July 19**Focus:**

Perspectives on International Business Negotiation Part I

New Assignments:

View video interviews with business leaders (group one) (R2-8) – video report form due July 22, 2012 (*Note: You are only required to view two – you may choose any two to view*)

Discussion D2-4 Review minimum of 5 postings, responsive post due July 21, 2012

Assignments Due:

Discussion D2-1 (models and ethics) minimum 2 responsive posts by 23:59 GMT

Discussion D2-2 (implications for international business negotiation) one responsive post due by 23:59 GMT

Post comment in Discussion D2-4 about the consistency of the culture

app with your own lived experience due 23:59 GMT
 Reading reports for NG Chapters 7, 8, 9 and Fieldbook 63 due

Friday, July 20

Focus:

Perspectives on International Business Negotiation Part II

New Assignments:

N2-3 Information - International ADR Providers/Processes posted – located in *Zigg 2012/Activities Course 2 and Shenzhen/Negotiation Activities – Review in preparation for N2-3 which opens on July 22*

N2-2 Continues for Presentation Times – See Instruction for Paired Presentations in the Zigg and Shenzhen folders – **no negotiation reports required**

Assignments Due:

Discussion D2-3 (context and framing) initial post due 23:59 GMT

Exclusive Manufacturing Negotiation (N2-1) Results due 23:59 GMT

Reading report for:

- Caton Campbell and Docherty, “What’s In a Frame” (Fieldbook 5);
- Money and Allred, An Exploration of a Model of Social Networks and Multilateral Negotiations, [Negotiation Journal](#)
- Zartman, Timing and Ripeness (Fieldbook 17)
- Lax and Sebenius, 3D Negotiation: Playing the Whole Game

Saturday, July 21

New Focus:

Deal Drafting and conflict anticipation

New Assignments:

Complete the following before negotiation N2-3

- NG Chapters 5 and 6 (R2-10) – reading report form due July 25, 2012
- Honeyman et al, “The Next Frontier is Anticipation” (R2-11) – report form due July 25, 2012
- Holland, “Drafting a Dispute Resolution Provision in International Commercial Contracts” (R2-12)– Reading report due July 25, 2012

Assignments Due:

Discussion D2-4 (culture) responsive post due 23:59 GMT

Sunday, July 22

New Focus:

Deal saving/deal breaking

New Assignments:

Negotiation N2-3 on ADR Provider and Clause begins due July 24, 2012
View 2 video interviews (group 2) – OPTIONAL

Optional additional reading:

- a. chapter 2, “Reasons for Choosing Alternative Dispute Resolution;” (R2-13)
- b. chapter 7, “The Roles of Dispute Settlement in ODR;” (R2-14)
- c. chapter 8, “Legal Issues Raised by ADR;” (R2-15)and
- d. chapter 11, “ADR Under the ICC ADR Rules;” (R2-16)
- e. (See also “Venturing” chapters 25-27) (R2-17)

Assignments Due:

Discussion D2-3 (context and framing) minimum 1 responsive post due 23:59 GMT

Video report forms for business leaders due 23:59 GMT

Monday, July 23**Focus:**

Deal saving/deal breaking

New Assignments:

Discussion Forum Opens to Select Group Presentation Time (23:59 GMT)

Assignments Due:

Presentation Time Discussion Opens at 22:00 GMT

Tuesday, July 24**Focus:**

Deal breaking

New Assignments:

Contract breach negotiation (assume no ADR clause) N2-4 due July 27, 2012

Assignments Due:

Negotiation N2-3 on ADR Provider and Clause Reports (individual and collective) due 23:59 GMT

Wednesday, July 25**Focus:**

Contract breach, continued

New Assignments:

NG Chapter 10 (R2-18) – report form due July 27, 2012

Assignments Due:

NG Chapters 5 and 6; Honeyman et al., “The Next Frontier is Anticipation”

(R2-11) and Holland, “Drafting a Dispute Resolution Provision in International Commercial Contracts” (R2-12) – report form due 23:59 GMT

Thursday, July 26**Focus:**

Synthesis

New Assignments:

Sign up for individual consultations between July 28 and August 10 by July 27, 2012

Reputation Index II due July 27, 2012

Assignments Due:

First set of presentations – time to be determined

Friday, July 27**Focus:**

Synthesis

New Assignments:

View mediation of contract breach video (R2-19) – report form due July 30, 2012

Assignments Due:

Second set of presentations – time to be determined

NG Chapter 10 report form submitted by 23:59 GMT

Reputation Index II by 23:59 GMT

Contract breach negotiation N2-4 reports (individual and collective) due 23:59 GMT

Between July 28 and August 10

Students will each have one scheduled conference (by phone, Skype or other technology) to review progress toward final paper.

Monday, July 30

Mediation of contract breach video report form due by 23:59 GMT

Friday, August 10

Final papers due. Specific instructions for submission will be distributed.

