Unit Outline*

IREL8514 / IREL8714

Negotiation and Dispute Resolution

Semester 2, 2011

Crawley

Professor Ray Fells

Business School

www.business.uwa.edu.au

* This Unit Outline should be read in conjunction with the Business School Unit Outline Supplement available on the Current Students web site http://www.business.uwa.edu.au/students
All material reproduced herein has been copied in accordance with and pursuant to a statutory licence administered by Copyright Agency Limited (CAL), granted to the University of Western Australia pursuant to Part VB of the Copyright Act 1968 (Cth).

Copying of this material by students, except for fair dealing purposes under the Copyright Act, is prohibited. For the purposes of this fair dealing exception, students should be aware that the rule allowing copying, for fair dealing purposes, of 10% of the work, or one chapter/article, applies to the original work from which the excerpt in this course material was taken, and not to the course material itself.

© The University of Western Australia 2011
UNIT DESCRIPTION

Introduction
Welcome to the Negotiation and Dispute Resolution unit. You should be prepared for a high level of practical involvement during the classes but you should also be ready to do the hard work needed to understand the theories and frameworks that guide the behaviour of effective negotiators. There is a vast amount of research into negotiation so you will have to read a lot but have a discerning frame of mind.

The unit will relate theory to practice. So in preparation for the unit, please think of some negotiations you have been involved in. How well did they go? What was helpful? What was not so helpful? What would you do differently if you did the negotiation again?

Unit content
This unit will examine a range of perspectives on the task of resolving disputes through negotiation. It will explore the similarities and differences between ‘cooperative’ and ‘competitive’ models and so develop a strategic approach. The focus will be on negotiation in the employment context but an understanding of negotiation will complement the student’s study of other aspects of management because most management policies are implemented through a process of negotiation rather than direction.

An important element of the unit will be student participation in a major negotiation exercise that will spread across several classes.

Students should be aware of the intensive format of this unit and of the limited time that is available to complete assignments. Students must also be available to fully participate in other activities that will occur outside of formal class time.

The goal of the unit
‘Compromise, give and take, reasonable civilised, grown up behaviour is not a sign of weakness but a sign of strength’
[David Cameron, leader of the Conservative Party and incoming UK Prime Minister, on the negotiations with Nick Clegg, leader of the Liberal Democrats, to form a coalition government.]

“What do we want?” “More!”
“When do we want it?” “Now!”
[core bargaining positions of both parties in a management-union negotiation]

We regularly find ourselves in situations where the only way we can achieve an outcome is through negotiation with someone else. To overcome this challenge we need a clear understanding of the factors that contribute to negotiation effectiveness. The issues are both strategic and behavioural, knowing when to stand firm and when to make a concession; knowing how to manage the processes of interaction. The unit seeks to provide the student with the opportunity to understand the dynamics of the negotiation process and develop frameworks that will guide decision-making in the negotiation context.

‘No one who flies off in a rage ever makes a good landing’
[Ginger Meggs]
Learning outcomes

On completion of this unit, you should be able to:

• develop a familiarity and a critical understanding of core concepts in the scholarly literature on negotiation strategies, processes, behaviours, and methods of dispute resolution
• develop a critical understanding of the significance of negotiation in the workplace and the changing character of negotiation and dispute resolution in Australian industrial relations.
• develop applied negotiation skills through a series of class-based case study, role play and other activities
• learn to reflect critically on your own practice of negotiation, and, in doing so, understand how to improve your skills as a negotiator
• further develop research, essay and report writing, and verbal presentation skills.
• gain further experience through working in group situations in exercises and assignment tasks.

Educational principles and graduate attributes

In this unit, you will be provided with the opportunity to:

• develop your analytical skills through the use of case studies and in preparation for role play exercises
• develop competencies to participate in complex and conflictual processes of interaction through involvement in role play exercises
• develop competencies to work more effectively in teams through participating in negotiating teams
• develop an awareness of the impact of culture on the negotiation process through comparative analysis of negotiation profiles
TEACHING AND LEARNING RESPONSIBILITIES

Teaching and learning strategies

The unit will involve a high degree of participation by students, in the presentation of seminar papers, in discussions and through involvement in the skill-building exercises. Additional subject material will be provided by the lecturer during each class. Each day there will be experiential exercises to reinforce the teaching material and to give students the opportunity to develop their inter-personal and negotiating skills.

The approach to learning which underpins the structure of this unit is shown in the following diagram:

<table>
<thead>
<tr>
<th>Resources</th>
<th>Processes</th>
<th>Learning</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>other students' experiences</td>
<td>feedback</td>
<td>identification of own approach</td>
<td>behavioural learning &amp; application</td>
</tr>
<tr>
<td>own experiences (work, role plays etc)</td>
<td>reflection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>research (principles of good practice)</td>
<td>reading lectures &amp; discussion</td>
<td>cognitive understanding</td>
<td>academic learning &amp; assessment</td>
</tr>
</tbody>
</table>

It is presumed that Masters level students will engage fully in the learning process in class. This does not mean a student should strive to be the first to respond to any question or seek to dominate the class with long answers. It does mean that students are expected to have read the readings and to prepare for the exercises by thoroughly understanding the background material and roles. They are also expected to make their own contribution to the exercises and to contribute fully in the group tasks.

Students must work within the parameters set for the exercises as each exercise had been designed to focus on particular aspects of negotiation. Further, it is expected that students will encourage the participation of others in the exercises and activities. To gain the maximum benefit from the exercises, students should seek to neither control nor 'hide'.

When reviewing exercises and while giving (and receiving) feedback, the fundamental purpose is to assist others in the class to gain greater understanding of the negotiation process and see how they might improve their own negotiation behaviour.

Teaching and learning evaluation

You may be asked to complete two evaluations during this unit. The Student Perception of Teaching (SPOT) and the Students’ Unit Reflective Feedback (SURF). The SPOT is optional and is an evaluation of the lecturer and the unit. The SURF is completed online and is a university wide survey and deals only with the unit. You will receive an email from the SURF office inviting you to complete the SURF when it is activated. We encourage you to complete the forms as your feedback is extremely important and can be used to make changes to the unit or lecturing style when appropriate.

The unit received pretty good student feedback last year (which was the first time I had taught the unit for a long time), but even so, I’ve made some changes to (hopefully) improve it further, based on some comments from last year’s students.
Attendance

Participation in class, whether it be listening to a lecture or getting involved in other activities, is an important part of the learning process, therefore it is important that you attend classes. More formally, the University regulations state that ‘to complete a course or unit students shall attend prescribed classes, lectures, seminars and tutorials’. Where a student, due to exceptional circumstances, is unable to attend a scheduled class, they are required to obtain prior approval of the unit coordinator to be absent from that class. Any student absent from class without having had such absence approved by the unit coordinator may be referred to the faculty for advice and may be required to withdraw from the unit.

CONTACT DETAILS

We strongly advise students to regularly access their student email accounts. Important information regarding the unit is often communicated by email and will not be automatically forwarded to private email addresses.

<table>
<thead>
<tr>
<th>Unit coordinator/lecturer</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Ray Fells</td>
<td>Email: <a href="mailto:ray.fells@uwa.edu.au">ray.fells@uwa.edu.au</a></td>
</tr>
<tr>
<td>Phone: (08) 6488 2933</td>
<td>Consultation hours: By appointment</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lecture times:</th>
<th>Lecture venue:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friday 30th September</td>
<td>BUSN: G42</td>
</tr>
<tr>
<td>Saturday 1st October</td>
<td>BUSN: 142</td>
</tr>
<tr>
<td>Thursday 6th October</td>
<td>BUSN: 201</td>
</tr>
<tr>
<td>Saturday 8th October</td>
<td>BUSN: WSFMLT</td>
</tr>
<tr>
<td>Friday 14th October</td>
<td>BUSN: 142</td>
</tr>
</tbody>
</table>

Your lecturer

Prior to becoming an academic Ray Fells gained experience in employment and industrial relations matters in the U.K. which gave rise to his interest in dispute resolution through negotiation and mediation. His research and teaching have been aimed at finding ways to negotiate more effectively in the business environment. He has been involved in management roles within the Business School including oversight of the MBA programs in Perth, Singapore, Manila and Jakarta and then in the role is Associate Dean, International Relations. He has twice received the ‘Best Postgraduate Lecturer’ award. He provides skill development programs for private and public sector organisations.
TEXTBOOK(S) AND RESOURCES

Unit website
http://www.webct.uwa.edu.au
This website will contain important material that you will need for the unit so you should check the site regularly. The handouts for the formal class presentations will be made available on the site prior to each class (hard copies will not be provided). The web site will also contain case studies and background information for some of the negotiation and other exercises.

You will also find a number of readings, mainly book chapters and articles that are sometimes difficult to access. These are not the only ones that you should read; you also need to draw heavily upon the references provided below.

Required text

Additional resources and reading material


<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
</tr>
</thead>
</table>
| **Friday 30th September** | **The essence of negotiation**  
Negotiation exercise: Arak and Barkan  
**A strategic approach to negotiation**  
Exercise: NIMBY |
| **Saturday 1st October** | **Managing the process of reaching agreement**  
Negotiation exercise: The Island Queen  
**Negotiation exercise:** Workplace negotiation  
Preliminary organisation for the negotiation |
| **Thursday 6th October** | **Managing the process of interaction**  
Reading: Fells (2010) chs 4,5; Olekalns et al, 2003); Putnam (1990)  
Negotiation exercises: Bookdeal and other exercises  
**Some insights into cross cultural negotiation and conflict management**  
Reading: Fells (2010) ch.10; Brett and Gelfand (2006); Salacuse (1998); Sebenius (2002).  
**Negotiation exercise:** Workplace negotiation  
Time will be set aside for negotiation |
| **Saturday 8th October** | **Patterns of workplace relations**  
**Negotiation exercise:** Workplace negotiation  
Time will be set aside for further negotiation and for preparation for report back  
Final report back to constituents |
| **Friday 14th October** | **Group presentations on the management – union negotiations**  
**Mediation as a dispute resolution process**  
Reading Boule (1996) ch 4; Fells (1999i).  
Exercise: The Rortnest Mediation  
**Characteristics of good negotiators and good negotiations**  
**Final negotiation exercise:** Salary Committee  
Final review |
The management – union negotiation exercise

The exercise will involve working in teams and negotiating with another team. Some time will be made available in class but you should anticipate working on the negotiation at other times between the formal class times. Each team must determine how and when it will present offers, meet for negotiation etc etc. The only constraint is the need to report back on Saturday 8th October.

Saturday 1st October
The exercise will commence. You will be given the role of either management or worker/union negotiators. Each negotiating team will involve 3-5 negotiators. Each team must nominate a contact person and the contact persons for each management and union team should establish how they will communicate with each other.

Wednesday 5th October
Each team has to develop an understanding of the issues and develop its negotiating objectives. A confidential statement of objectives must be given to the lecturer by 9am Wednesday 5th October (email will suffice).

Thursday 6th October
Approximately 60-90 minutes will be made available at the end of class for the parties to progress their negotiations. This does not mean the parties have to meet at this time.

Saturday 8th October
Approximately 3 hours will be made available during class for the parties to progress their negotiations. At 4pm each party should be ready to report back to their respective constituents (senior management or employees) on the outcome of their negotiations. This will be a formal report back session leading to a vote on the agreement (or on other courses of action if no agreement has been reached).

Negotiating teams should endeavour to allow an hour to prepare for this meeting.

Clearly, if you have not achieved a good agreement then this will be a difficult meeting. However, you can anticipate that it will be even more difficult if you have not reached agreement at all. The votes at the meetings will determine whether your negotiation has been successful. Equally clearly, the report-back session will show how well your team has performed compared to others in the class.
ASSESSMENT MECHANISM

The purpose of assessment

There are a number of reasons for having assessable tasks as part of an academic program. The assessable tasks are designed to encourage you to explore and understand the subject more fully. The fact that we grade your work provides you an indication of how much you have achieved. Providing feedback on your work also serves as part of the learning process.

Very important assignment advice

I offer the following advice, based on my past experience of marking assignments. Please take note of my advice to avoid disappointment.

Assignments that rely on dot points or single sentence paragraphs will NOT be well received. This style of presentation is appropriate in a number of situations but it does not help the writer demonstrate a depth of understanding or analysis. It is therefore viewed as being inconsistent with the learning approach of this Masters level unit. Since I am not an executive I don’t need an executive summary.

Further, having just five or six references does not really convey the impression of comprehensive background reading (nor does drawing lots of references from the text). Direct quotes from an article or book must be referenced to the specific page; this should also be done when you draw upon a reference for a specific point. Inaccurate or improper referencing merely shows the writer is not taking the assignment seriously. The reference list in this unit outline provides an example to follow.

When marking assignments, I often wonder whether the student would be prepared to hand their written work to her or his boss as an example of why they believe they should be awarded a salary increase.

Assessment mechanism summary

<table>
<thead>
<tr>
<th>Item</th>
<th>Weight</th>
<th>Due date</th>
<th>Submission</th>
<th>Remarks</th>
</tr>
</thead>
</table>
| Assignment 1 | 20%    | Presentation 14th October | Uniprint before 12noon | See page 13
|              |        | Written 13th October |                     | All students in the group will be allocated the same mark unless the group indicates that it should be otherwise |
| Assignment 2 | 40%    | 20th October      | Uniprint before 12noon | See page 13                                                                 |
| Individual assignment | 40%    |                     |                     |                                                                                                                                    |
| Exam         | 40%    | Formal exam period |                     | See page 14                                                                                                                      |

Participation is expected so no assessment marks are allocated to ‘participation’. However all students should note that failure to fully engage in the classroom learning activities will result in a reduction of the student’s final mark. Please see page 14.

Note 1: Results may be subject to scaling and standardisation under faculty policy and are not necessarily the sum of the component parts.

Note 2: The grade FC indicates failure to complete an identified essential assessment component and means failure of the unit.

Note 3: Your assessed work may also be used for quality assurance purposes, such as to assess the level of achievement of learning outcomes as required for accreditation and audit purposes. The findings may be used to inform changes aimed at improving the quality of Business School programs. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the unit.
Assessment components

Assignment 1

Group project based on the management – union negotiation exercise
This assignment task will be worth 20% of the total marks for the unit. It will involve a presentation in class on Friday 14th October. The written presentation must also be submitted to Uniprint on Thursday 13th October before 12noon.

Aim
To demonstrate your ability to collectively analyse and learn from your negotiation experience.

Description
In your negotiation teams, you should reflect on and analyse the management – union negotiation. A useful framework is the Kolb learning cycle that has four steps:

- concrete experience: what actually happened? (Do not provide a full description of the events in your assignment; describe, briefly, only those events that are needed to provide the context for your reflections, abstractions and prescriptions.)
- reflection: what was helpful and what was not helpful?
- abstraction: what does it tell us about the process of negotiation?
- concluding prescription: what should we try next time we negotiate? and why?

Each group will prepare a written report (approx. 5 pages; approx. 2,500 words) that will focus on what was helpful and not so helpful and what insights the group gained about the process of negotiation. The report will explain the basis upon which the group reached its conclusion.

Each group will also make a short (no more than 10 minutes) presentation to class, based on their report. The key points should be presented on butcher’s paper. These presentations will then lead into a general class discussion on the nature of effective negotiation.

Assignment 2

Individual written assignment
This assignment task will be worth 40% of the total marks for the unit. This individual assignment must be submitted to Uniprint by Thursday 20th October before 12noon.

Aim
To analyse – in a rigorous and practical way – an essential concept or problem related to negotiation and dispute resolution.

Description
Write an assignment of not more than 2500 words on one of the following topics.

i) Examine the implications for managers, employees, unions and others of the notion that an organisation is a ‘negotiated order’.

ii) Using practical examples show the relevance of one of the ‘DNA links’ in negotiation – reciprocity; trust; power; information exchange or ethics

iii) To what extent do the characteristics of the negotiator impact on the process. Consider either (a) personality effects; (b) gender effects or (c) cultural effects.

iv) Examine the effect of constituency on negotiation.

v) Explain how an understanding of mediation might assist a negotiator.

/continued
Assessment criteria

The assignment will be assessed according to

- the extent to which what is presented is well grounded in the research literature
- the extent to which the practical implications are clearly demonstrated
- whether the Very important assignment advice (see above) has been taken into account

Exam
The exam will be worth 40% of the total marks for the unit.
The exam will be held during the University’s Semester 2 Exam Period (12th-26th November)

Aim
The purpose of the exam is to give students the opportunity to demonstrate the breadth and depth of their understanding of the negotiation process.

Structure of the exam
It is anticipated that the exam will comprise a combination of short answer questions, an essay question and a case study analysis question.

Submission of assignments
Submit your assignment in an electronic formatted PDF file by going to the Uniprint web site http://www.uniprint.uwa.edu.au/current-students, then click on “Student Assignments” and follow the instructions.

Student Guild
Phone: (+61 8) 6488 2295
Facsimile: (+61 8) 6488 1041
E-mail: enquiries@guild.uwa.edu.au
Website: http://www.guild.uwa.edu.au

Charter of Student Rights and Responsibilities

Appeals against academic assessment
The University provides the opportunity for students to lodge an appeal against assessment results and/or progress status (refer http://www.secretariat.uwa.edu.au/home/policies/appeals).