COLLABORATIVE SKILLS FOR NATURAL RESOURCE LEADERS

ENST 515, NRSM 515, COMX 515
The University of Montana
Stone Hall, Room 217

Spring 2018   **Office Hours**
Monday   Monday 12-1
1:00 p.m. to 3:50 p.m.   By Appointment

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Course Description

Exceptional leaders share two important traits: the ability to negotiate effectively and the capacity to inspire and engage other people to solve problems. This course prepares future leaders to shape and implement natural resources policy by developing and refining practical skills in negotiation and mediation. Regardless of your interests and agenda, the ability to achieve short-term objectives and long-term goals depends on your capacity to communicate effectively, build coalitions of the unalike, forge agreements, and move from vision to action.

Drawing on the theory and methods of multiparty negotiation and mediation as well as alternative approaches to leadership, this course engages students in a series of simulations and case studies to develop and refine practical skills. The simulations and case studies cover a diversity of natural resources and environmental challenges, and students will have the opportunity to step into multiple roles, from designing and facilitating a collaborative process to advancing the interests of one or more stakeholders.

This is an independent, stand-alone course. There are no prerequisites. It is also the second in a series of three courses required for the *Natural Resources Conflict Resolution Program*. The first course -- *Natural Resources Conflict Resolution* – introduces students to the nature of natural resource and environmental conflict; the history of ideas, institutions, and strategies for preventing and resolving such conflict; and the theory and methods of collaboration. The third course in the series – *Practicum in Collaborative Conservation* – is the capstone experience in the NRCR Program and provides students an opportunity to develop and refine skills in negotiation, facilitative leadership, and collaborative problem-solving by working with communities, government agencies, and other groups on real-world projects.

Overview of Modules

This course consists of 14, three-hour sessions organized into the following categories. Note that this overview of modules is organized by skill-building category; the weekly course schedule is provided on the following page.

Negotiation Modules

- ❖ Fundamentals of Negotiation

- ❖ Preparing to Negotiate

- ❖ Multiparty Negotiation

- ❖ Building Coalitions

Facilitation & Mediation Modules

- ❖ The Importance of Process Managers

- ❖ A Beginner's Guide to Facilitation & Mediation

- ❖ Facilitation Skills to Gather Diverse Viewpoints

- ❖ Facilitation Skills to Develop Common Understanding

Integrated Modules (include negotiation and mediation skills)

- ❖ Introduction

- ❖ Communication Skills for Collaborative Leaders

- ❖ Finding Common Ground / Building Agreement

- ❖ Reaching Closure and Following-through

- ❖ Managing Difficult People and Conversations

- ❖ Final Exam

Course Schedule

January 22	Week 1:	Introduction
January 29	Week 2:	Fundamentals of Negotiation
February 5	Week 3:	Preparing to Negotiate and Mediate
February 12	Week 4:	Multiparty Negotiation
February 19	President's Day – No Class	
February 26	Week 5:	The Importance of Process Managers
March 5	Week 6:	Communications Skills for Collaborative Leaders
March 12	Week 7:	A Beginner's Guide to Facilitation & Mediation
March 19	Week 8:	Facilitation Skills to Gather Diverse Viewpoints
March 26	Spring Break – No Class	
April 2	Week 9:	Facilitation Skills to Develop Common Understanding
April 9	Week 10:	Building Coalitions
April 16	Week 11:	Finding Common Ground / Building Agreement
April 23	Week 12:	Reaching Closure and Following-through
April 30	Week 13:	Managing Difficult People and Conversations
May 7	Week 14:	Final Exam

Readings & Resources

Required Textbooks

- ❖ Roger Fisher, William Ury, and Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (Penguin Books, 1981).
- ❖ William Ury, *Getting Past No: Negotiating with Difficult People* (Bantam Books, 1991).
- ❖ Suzanne Ghais, *Extreme Facilitation: Guiding Groups Through Controversy and Complexity* (2015).
- ❖ Lucy Moore, *Common Ground on Hostile Turf: Stories from an Environmental Mediator* (Island Press, 2013).
- ❖ Moodle site

Resources on Negotiation (Available on Moodle site)

Matthew McKinney
- ❖ *The Nature of Natural Resource & Environmental Conflict* (2010): 2 pages
- ❖ *Alternative Approaches to Manage Natural Resource Conflicts* (2014): 2 pages
- ❖ *Benefits of and Need for Collaboration* (2010): 2 pages
- ❖ *Collaborative Approaches to Natural Resource Policy: Key Elements* (2011): 2 pages
- ❖ *Place of Negotiation and Facilitation in Collaboration* (2010): 2 pages

Consensus Building Institute, *Mutual Gains Approach to Negotiation* (2004): 1 page + essay

D. Ancona, R. Friedman, and D. Kolb, "The Group and What Happens on the Way to YES," *Negotiation Journal* (1991): pp. 155-173.

Susan Carpenter & W.J.D. Kennedy, "Reaching and Carrying out Agreements," in *Managing Public Disputes* (Jossey-Bass 2001): pp. 116-154.

Susan Carpenter & W.J.D. Kennedy, "Paying Attention to Underlying Dynamics: Values, Trust, Power," in *Managing Public Disputes* (Jossey-Bass 2001): pp. 197-223.

Robert Mnookin, "The Tension Between Creating and Distributing Value," in *Beyond Winning* (Harvard University Press 2000): pp. 11-43.

Robert H. Mnookin, et al., *Beyond Winning: Negotiating to Create Value in Deals and Disputes* (Harvard University Press, 2000): 2 pages

Christopher W. Moore, "Generating Options and Problem Solving," in *The Mediation Process: Practical Strategies for Resolving Conflict* (Jossey-Bass, 2003): 387-434.

Bruce Patton, "Negotiation: A Critique of the Problem-Solving Approach," in Michael L. Miffitt and Robert C. Bordone, eds., *The Handbook of Dispute Resolution* (Jossey-Bass, 2005): 295-300.

Karl E. Weick, "Small Wins: Redefining the Scale of Social Problems," *American Psychologist* (1984): pp. 40-49.

James White, "The Pros and Cons of Getting to Yes" and "Comment by Roger Fisher," *Journal of Legal Education* 34 (1984): 115-124.

Resources on Facilitation & Mediation

Association for Conflict Resolution, *Paradigms of Practice* (Winter 2007): 25 pages.
Michael Doyle and David Straus, *How to Make Meetings Work* (Jove Books, New York 1976).
Noah Rimland Flower and Anna Muolo, *Gather: The Art and Science of Convening* (Deloitte Development 2012).
Matthew McKinney, *The Role of Facilitators and Mediators* (Center for Natural Resources & Environmental Policy 2010): 17 pages.
Matthew McKinney, *Managing Effective Meetings* (Center for Natural Resources & Environmental Policy 2015).
Roger Schwarz, et al., *The Skilled Facilitator Fieldbook: Tips, Tools, and Tested Methods for Consultants, Facilitators, Managers, Trainers, and Coaches* (Jossey-Bass 2005).

Course Requirements and Expectations

Attend and Participate in Class = 28 points

The essence of collaborative problem solving is "informed engagement." To practice this core skill-set, you will receive a maximum of 2 points for every class you attend and are fully engaged, for a total of 28 points over 14 weeks. Given that class sessions rely on dialogue and conversation, each student should read the required reading prior to class, be ready to discuss the readings, and fully engage in discussion and simulations. The goal is to engage the entire class, not just a few committed students. *If class participation and discussion is poor, unannounced pop-quizzes may be given*. If you cannot attend class and let the professor know in advance, you may earn 1 point by completing all of the reading assignments for that class and preparing a critical essay on the readings in the context of the unfolding narrative of the class. Unexcused absences will earn you zero points.

Written Critiques = 28 points

Performace in Simulations = 22 points

Final Exam = 22 points

Grading Scale

93-100   A
90-92   A-
88-89   B+
83-87   B
80-82   B-
78-79   C+
73-77   C

Student Conduct Code

All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or a disciplinary sanction by the University. All students need to be familiar with the Student Conduct Code.

Important Dates for Dropping a Course, Spring Semester 2018:

Deadline	Description	Date
The 15th instructional day	Students can drop classes on CyberBear with a refund and no "W" on her or his transcript.	February 9
16th to 45thinstructional day	Dropping a class requires completing a form with the instructor's and advisor's signature as well as a $10 fee from registrar's office. The student will receive a 'W' on transcript; no refund will be issued.	February 10 through April 2
Beginning the 46th instructional day	Students are only allowed to drop a class under very limited and unusual circumstances. Not doing well in the class, deciding you are concerned about how the class grade might affect your GPA, deciding you did not want to take the class after all, and similar reasons **are not** among those limited and unusual circumstances. If you want to drop the class for these sorts of reasons, make sure you do so by the end of the 45th instructional day of the semester. Requests to drop must be signed by the instructor, advisor, and Associate Dean (in that order), so if you pursue this request, leave sufficient time to schedule meetings with each of these individuals (generally this will take at least 3-5 working days). A $10 fee applies if approved. Instructor must indicate whether the individual is passing or failing the class at the time of the request.	April 3 – May 4

Students with Disabilities
The University of Montana assures equal access to instruction through collaboration between students with disabilities, instructors, and Disability Services for Students. If you have a disability that adversely affects your academic performance, and you have not already registered with Disability Services, please contact Disability Services in Lommasson Center 154 or 406.243.2243. I will work with you and Disability Services to provide an appropriate modification.

Week 1: Introduction

This module reviews the purpose, structure, and requirements of the course; and examines the theory of natural resources conflict resolution, including different approaches to preventing, managing, and resolving such conflict.

Learning Objectives

- ❖ Understand the basic theoretical framework for natural resources conflict resolution, including:
  - o The causes, types, characteristics, and outcomes of natural resource conflicts
  - o The options available to prevent and resolve such conflicts
  - o The benefits of and need for collaboration
  - o Key ingredients for collaboration
  - o The place of negotiation and mediation in collaborative problem-solving
  - o The nature of success in natural resources policy and conflict resolution

- ❖ Develop a working knowledge of the alternative ways that individuals approach conflict, highlighting the merits of the alternative approaches and the need to develop an ability to use a variety of approaches in different situations;

- ❖ Clarify that this course is focused on building and refining skills for interested parties/stakeholders (i.e., negotiators) and process managers (i.e., mediators and facilitative leaders); and

- ❖ Understand the role of providing and receiving feedback in learning new skills; develop active and reflective listening skills.

Skill-building Exercises

Students will participate in three excercises to develop and refine active listening, reflective listening, and interviewing skills. They will also complete the *Thomas-Kilmann Conflict Style Assessment* to highlight their predisposition to conflict and conflict resolution.

Required Reading

Lucy Moore, *Common Ground on Hostile Turf: Stories from an Environmental Mediator*
     (Island Press, 2013): chapters 1-3

Handouts
  - ❖ *Effective Critique Form*
  - ❖ *Ah Ha Moments Form*

Week 2: Fundamentals of Negotiation

Negotiation over natural resource and environmental issues nearly always takes the form of multiparty negotiations, meaning that they typically involve three or more groups. Before exploring the theories and methods of multiparty negotiation, this session reviews what we know about two-party negotiation. It introduces several basic principles, concepts, and frameworks for two-party negotiation, and concludes by exploring the limitations of interest-based and mutual gains negotiation.

Learning Objectives

- ❖ Understand the basic concepts and principles of two-party negotiation theory, including:
    - ○ Types of negotiation styles (*Review Thomas-Kilmann Conflict Style Assessment*)
    - ○ Interests vs. positions (i.e., integrative negotiation vs. positional bargaining)
    - ○ Best Alternative to a Negotiated Agreement (BATNA)/ Worst Alternative to a Negotiated Agreement (WATNA)
    - ○ Creating and sharing value
    - ○ Bottom Lines and Zone of Possible Agreement
    - ○ Stages of Negotiation
- ❖ Develop a working knowledge of the seven elements framework, the three tensions, and the negotiator's dilemma; and
- ❖ Clarify the limitations of interest-based negotiation.

Skill-building Exercise

A *Modern Dilemma, Part 1* is a two-party negotiation simulation designed to provide an opportunity to practice principled negotiation concepts and basic two-party negotiation skills. This and all subsequent negotiation/mediation exercises will be video-taped and reviewed by the participants, classmates, and the instructors.

Required Reading

Roger Fisher, William Ury, and Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (Penguin Books, 1981). **Please read the entire book prior to this session**.

Handouts
- ❖ *Interest-based Negotiation Checklist*
- ❖ *Stages of Negotiations*

Week 3: Preparing to Negotiate

The first step in interest-based negotiation is to prepare. This session will review why and how to prepare, and provide students an opportunity to practice preparing for a multiparty negotiation. Preparing to negotiate involves a thorough analysis of the interests of the parties as well as the best and worst alternatives to a negotiated agreement. This session will examine a variety of methods to prepare for negotiations, whether simple or complex, through all the stages of a negotiation.

Learning Objectives

- ❖ Understand the importance of adequate preparation and the role of first impressions in the context of negotiation.
- ❖ Understand interests, BATNA/WATNA and use that understanding to develop negotiations.
- ❖ Examine and discuss how preparation looks on the ground by exploring one or more case studiesbetween goals, strategies and tactics for negotiators and constituents.
- ❖ Understand principled negotiation skills and avoid gamesmanship.
- ❖ Be able to communicate interests to constituents and make decisions based on those interests.

Skill-building Exercise

A Modern Dilemma, Part 2 is a two-party negotiation simulation designed to enhance two-party negotiation skills from Week Two, while adding understanding of the negotiation structure. Students will able to describe BATNA and WATNA in specific negotiation sessions; summarize the value of using BATNA and WATNA to improve negotiation alternatives; plan the use of BATNA and WATNA in negotiation; and employ the interest-based negotiations checklist in planning negotiation sessions.

Required Reading

William Ury, *Getting Past No: Negotiating with Difficult People* (Bantam Books, 1991).

Handouts
- ❖ *Negotiation Planning Worksheet*

Week 4: Multiparty Negotiation

Multiparty negotiations differ from two-party negotiations in several important ways: participants will seek to mobilize both winning and blocking coalitions; group interaction will become more difficult, impeding effective communication and problem-solving; decision rules will take on increasing importance; the difficulties of gathering and sharing information will be multiplied; and the structure of the negotiating forum will, itself, become a constant topic of conversation.

Learning Objectives

❖ Clarify how the lessons from two-party negotiation theory should be adapted to multiparty environmental negotiation;

❖ Examine the key differences between two-party and multi-party negotiation;

❖ Understand the defining characteristics of multiparty negotiation, including (1) the formation and dissolution of coalitions; (2) group interaction when there are many parties around the table; and (3) the need to continuously modify the structure of negotiations in multiparty situations; and

❖ Develop a working knowledge of the mutual gains framewok for environmental negotiation.

Skill-building Exercise

A Modern Dilemma, Part 3 is a multiparty, skill-based exercise designed to illustrate similarities and differences between two-party and multiparty negotiation. Focus areas of the exercise include preparing and planning for a multiparty negotiation; adapting and assembling multiparty negotiation skills; and understanding coalitions and coalitional behavior.

Required Reading

Lucy Moore, *Common Ground on Hostile Turf: Stories from an Environmental Mediator* (Island Press, 2013): chapters 4-6.

Lawrence Susskind, et al., "Multiparty Negotiation: Key Distinguishing Features," in *Teaching Multiparty Negotiation: A Workbook* (The Program on Negotiation at Harvard Law School, 2003): 158-171.

Week 5: The Importance of Process Managers

Given the complexity of multiparty negotiations, it is often essential to have someone whose job is to manage the process … a facilitator, mediator, or collaborative leader. This "process manager" focuses on the process of people coming together to address common concerns and resolve conflict, as distinct from people who are at the table as stakeholders and decision-makers representing different interests and viewpoints.

Learning Objectives

- ❖ Clarify the purpose of facilitation and mediation (what is it and why do it?)
- ❖ Highlight the similarities and differences among mediation, facilitation, and collaborative leadership
- ❖ Review different theories and styles of environmental mediation
- ❖ Review the common tasks of environmental mediators
- ❖ Examine the qualifications for environmental mediation, and understand the importance of selecting the right mediator
- ❖ Learn how to "contract" with a group, building understanding and agreement on what participants can/should expect from a process manager

Skill-building Exercise

Selecting an Environmental Mediator: This exercise involves a panel attempting to select a mediator to lead a multi-party collaboration in the Gallatin Range of southwest Montana. The panel will interview three applicants, analyze their different approaches to mediation, and select the best applicant for the collaborative process. This exercise allows participants to explore alternative approaches and styles to mediation, and to clarify the desired traits, skills, and capacities for effective facilitation and mediation.

Required Reading

Lucy Moore, *Common Ground on Hostile Turf: Stories from an Environmental Mediator* (Island Press, 2013): chapters 7-9.

Suzanne Ghais, *Extreme Facilitation: Guiding Groups Through Controversy and Complexity* (2015): 1-46.

Zena Zumeta, "Styles of Mediation: Facilitative, Evaluative, and Transformative Mediation," *National Association of Community Mediation* (September, 2000): 5 pages.

David Chrislip, "Skills for a New Kind of Leadership," *Collaborative Leadership: How Citizens and Civic Leaders Can Make a Difference* (1994): 20 pages.

International Association of Facilitation, *Core Facilitator Competencies* (2015): 4 pages.

Week 6: Communication Skills for Collaborative Leaders

Guest Instructor: Professor Gregory Larson

One of the most critical ingredients of effective negotiation and mediation is communication, which becomes much more complex and complicated in a multi-party context. This session will examine several key elements of communication for environmental negotiation, including perception processes, identity/ impression management, the nature and use of language, and utilizing communication technologies.

Learning Objectives

- ❖ Better understand perception process, including key perception biases that may influence multiparty negotiations
- ❖ Better understand decision-making as a complex process involving bounded rationality, retrospective sense-making, and the appearance of rationality
- ❖ Understand how sense-making influences multi-party negotiations
- ❖ Learn how meaning is constructed communicatively through framing
- ❖ Understand how to manage meaning in multi-party negotiations through the strategic use of framing
- ❖ Better assess the potential impacts of communication technologies and make informed choices as to which technologies to utilize
- ❖ Understand how gender and culture influence communication styles.

Skill-building Exercise

***Skull Valley Band of the Goshutes Case Study*:** This exercise reveals the problems of perception, sense-making, and framing in environmental conflict.

Required Reading

Adler et al., *Interplay: The Process of Interpersonal Communication*. (Oxford University Press, 2004): Chapter 3.

S. Littlejohn & K. Domenici, *Communication, Conflict and the Management of Difference*. (Waveland, 2007): Chapter 2.

Sam Kaner, *The Facilitator's Guide to Participatory Decision Making.* (Jossey-Bass, 2007): pp. 41-60.

I. Parker. "Absolute PowerPoint: Can a Software Package Edit Our Thoughts?" *New Yorker*, 77, no. 13, (2001): pp. 76-87.

K.E. Weick. "The Nature of Sensemaking," in *Sensemaking in Organizations* (Sage, 1995): Chapter 1.

Week 7: A Beginner's Guide to Facilitation & Mediation

Once the process manager and participants have agreed on the purpose and scope of a multiparty dialogue, it's time to focus on the substantive issues that people care about. There is no single model on how to facilitate multiparty groups. However, there is a general framework that is flexible and allows facilitators and participants to adapt the process to meet their needs and interests.

Learning Objectives

❖ Understand the basic stages of facilitation and mediation, including opening and setting the tone, gathering diverse viewpoints, developing common understanding, reaching closure, and follow-through;

❖ Clarify the roles of process managers (i.e., facilitators and mediators);

❖ Review and refine skills to prepare to facilitate/mediate, including:
  - o Complete an assessment to understand the basic contours and constraints of the issue at hand – legal, scientific, financial, institutional, authority, etc.;
  - o Custom-design a process to match the needs and interests of the participants, including clarifying roles and responsibilities of any convener, participants, observers, resource people, and the process manager;
  - o Develop a working knowledge of alternative discussion formats, including open dialogue, rounds, and small group breakouts; and
  - o Plan and manage logistics for the initial gathering, including location, supplies, food and drink, electronics, etc.

❖ Develop and refine skills for basic interventions, including (1) remaining silent; (2) asking questions; and (3) paraphrasing and summarizing.

Skill-building Exercise

Forthcoming

Required Reading

Suzanne Ghais, *Extreme Facilitation: Guiding Groups Through Controversy and Complexity* (2015): 48-170 (especially 127-170).

Sam Kaner, *The Facilitator's Guide to Participatory Decision Making.* (Jossey-Bass, 2007): pp. 61-74 and pp 155-174.

Week 8: Facilitation Skills to Gather Diverse Viewpoints

Assuming you have completed an assessment, custom-designed a process for multiparty negotiation, and clarified your roles and responsibilities as a process manager, you are now ready to convene the process and facilitate the substantive discussion. This module focuses on the practical tasks that need to be addressed prior to any multiparty gathering, beginning with finding a physical space that will maximize the participants energy and physical comfort (physical discomfort and fatigue can undermine the most brilliant process design and most well-executed facilitation techniques);

Learning Objectives

- ❖ Develop and refine skills to open a multiparty dialogue:
    - o Clarify objectives of the meeting
    - o Facilitate introductions – know who is in the room!
    - o Use "start-up" questions to get the conversation going
    - o Review objectives & clarify expectations and outcomes
    - o Prepare and use an agenda to guide the discussion ...
        - ▪ Unless the participants choose to go in a different direction
        - ▪ Once the objectives are clear, how will you use your time to achieve those objectives?
    - o Make sure everyone is comfortable and participating

- ❖ Develop and refine basic facilitation skills, including (1) reframing positions to interests; (2) capturing areas of agreement and clarifying areas of disagreement; and (3) adapting the agenda and process in real-time.

- ❖ Review and practice the basic skills to record on flip charts.

Skill-building Exercises

For this week and next, there are a series of brief exercises on (1) preparing an agenda; (2) opening a meeting; (3) reframing positions into interests; (4) capturing areas of agreement/disagreement; and (5) recording on flip charts.

Required Reading

Suzanne Ghais, *Extreme Facilitation: Guiding Groups Through Controversy and Complexity* (Jossey-Bass, 2005): 171-190.

Sam Kaner, *The Facilitator's Guide to Participatory Decision Making.* (Jossey-Bass, 2007): pp. 191-220.

Week 9: Facilitation Skills to Develop Common Understanding

At the start of most discussions, people are focused on sharing their own perspective and experience. While it's important to share individual perspectives, it's critically important for the group to develop a deeper understanding each other's perspectives. This understanding of others' perspectives helps the group develop a shared framework for thinking about options to address the issue or challenge they are discussing. In this session, we will explore a number of structured tools and approaches faciliators can use to help groups move from individual concerns to a common understanding.

Learning Objectives

➢ Develop and refine skills to welcome strong emotions and channel them toward the resolution of the underlying issues.

➢ Manage group dynamics
  o Understand the process of group development -- forming, storming, norming, performing, & transforming
  o Manage interpersonal dynamics in groups
  o Be aware of cultural differences

Skill-building Exercise

For last week and today, there are a series of brief exercises on (1) preparing an agenda; (2) opening a meeting; (3) reframing positions into interests; (4) capturing areas of agreement/disagreement; and (5) recording on flip charts.

Required Reading

Sam Kaner, *The Facilitator's Guide to Participatory Decision Making.* (Jossey-Bass, 2007): pp. 221-262.

Week 10: Building Coalitions

As soon as there are more than three or more participants in a negotiation, coalitions become possible when two or more parties band together to advance their interests (and to get the votes they need) or to stop others from forming a winning coalition and achieving their interests. The process of building, maintaining, and dissolving such coalitions is complicated by the fact that negotiation takes place both at the table and away from the table, between formal meetings. Moreover, individual negotiators are often at the table representing a larger constituency, raising yet additional questions on how to manage communication, expectations, and make decisions both at the negotiation table and within constituent groups.

Learning Objectives

❖ Understand the purpose and dynamics of building coalitions, types of coalitions, and sequencing – in terms of both the participants approached and the issues addressed.
❖ Review the challenges of creating and maintaining groups, including pressures related to communication and decision-making between the principle and agent and the evolution of group behavior.
❖ Understand distinguishing features of coalitions and group interaction.
❖ Understand decision-making rules affecting multiparty negotiations.
❖ Understand the use of task forces or working groups.

Skill-building Exercise

Flathead Lake Dilemma: This negotiation involves six different parties, representing divergent groups or entities all with differing backgrounds, experiences and motivations. The parties are seeking to resolve a conflict regarding the future of a roadway along Flathead Lake. This problem allows participants to apply the lessons learned from two-party negotiation in a multi-party session, and to evaluate the impact of additional parties on a negotiation.

Required Reading

Lucy Moore, *Common Ground on Hostile Turf: Stories from an Environmental Mediator* (Island Press, 2013): chapters 10-12.

Matthew McKinney, *Managing Multiparty Dialogues: Stages of Group Development* (April 2008): 3 pages.

Week 11: Finding Common Ground

Generating and evaluating options to satisfy multiple interests is a key step in the process of finding common ground. This process of "creating value," as discussed in negotiation theory, improves the possibility of mutual gains and is made possible by a rich menu of tools, techniques, and strategies. Having created value, negotiators must then create a package of options that satisfies most, if not all, interests at the table. In the literature, this is often referred to as claiming or distributing value, but is perhaps better understood as "sharing value." Unfortunately, the cooperative strategies used to generate and evaluate options are often underutilized during the process of sharing value or packaging agreements, when more competitive negotiation strategies tend to dominate.

Learning Objectives

- ❖ Practice using several methods to generate options to satisfy most, if not all, interests at the table;

- ❖ Develop a working knowledge of different types of interests (i.e., common interests, different [but not conflicting] interests, and competing interests) and how to build on common interests and trade across things you value differently;

- ❖ Practice using several methods to evaluate options; and

- ❖ Develop and refine skills to package options and build agreements (including the 80-20 rule where participants focus on the 80% they agree on while working slowly on the 20% that they disagree on).

Skill-building Exercise

Flathead Lake Dilemma: Students will build on the progress made during the simulation the prior week that focused on clarifying interest and building coalition. This exercise will focus on generating and evaluating options.

Readings & Resources

E Suzanne Ghais, *Extreme Facilitation: Guiding Groups Through Controversy and Complexity* (Jossey-Bass, 2005): 191-230

Matthew McKinney, *Best Practices for Deliberating and Deciding* (2011): 16 pages.

Week 12: Reaching Closure and Following-Through

After convening and facilitating a multiparty gathering, the process manager typically prepares a meeting summary to help the participants document their conversation, including areas of agreement, disagreement, and next steps. The process manager also provides "backbone support," including but not limited to planning, managing, and supporting the activities of the participants through facilitation, data collection and reporting, and technology and communication support; convening regular meetings of a small but representative leadership team to review the status of projects, examine trends, and refine strategic priorities as appropriate; and facilitating informal problem-solving between meetings by supporting working groups to accomplish various activities and deliverables.

Learning Objectives

- ❖ Practice preparing effective meeting summaries by using the agenda as a framework; focusing on what was said, not who said what; and highlighting areas of agreement, disagreement, and next steps (e.g., research, public outreach, fundraising, etc.);

- ❖ Monitor and evaluate the effectiveness of the multiparty negotiation process by regularly checking-in with participants and their constituents;

- ❖ Reflect on what worked well and what did not; make adjustments for future meetings; and

- ❖ Facilitate informal problem solving by convening conference calls, working groups, and other informal conversations outside the formal negotiation process to give participants a chance to generate ideas, examine options, and test packages in a more private rather than public setting.

Skill-building Exercise

Forthcoming

Readings & Resources

Sam Kaner, *The Facilitator's Guide to Participatory Decision Making.* (Jossey-Bass, 2007): pp. 265-311.

13: Managing Difficult People and Conversations

Even when the best practices for environmental negotiation and mediation are employed, they are often not sufficient to prevent or resolve multiparty conflict. In the first instance, how can you get to "yes" when the other party says "no?" Whether people are angry, skeptical about the benefits of agreement, overestimate their power (i.e., their best alternative to a negotiated agreement), the challenge for facilitators and mediators (as well as negotiators) is to prepare for and conduct difficult conversations.

<u>Learning Objectives</u>

❖ Develop a working knowledge of the "breakthrough negotiation" strategy;

❖ Clarify the roles and responsibilities of facilitators and mediators within the "breakthrough negotiation" strategy – in other words, how can process managers help manage difficult people and conversations; and

❖ Practice applying the "breakthrough negotiation" strategy to several common environmental negotiation and mediation situations, such as:
   o Dealing with the media and other 'outside' entities
   o Dealing with direct challenges to an ongoing collaborative public process
   o Dealing with angry stakeholders
   o Dealing with strong biases (cultural, gender specific, etc.)
   o Breaking deadlocks and impasses
   o Avoiding breakdowns

<u>Skill-building Exercises</u>

Students will participate in several real-world scenarios/vignettes to apply the "breakthrough strategy" and practice utilizing it and other techniques to manage difficult people and difficult conversations.

<u>Required Reading</u>

Douglas Stone, et al., *Difficult Conversations: How to Discuss What Matters Most* (Penguin Books, 2000): pp. xxvii-20.

Suzanne Ghais, *Extreme Facilitation: Guiding Groups Through Controversy and Complexity* (2015): 171-190; 231-279.

Sam Kaner, *The Facilitator's Guide to Participatory Decision Making.* (Jossey-Bass, 2007): pp. 135-154.

14: Final Exam

Forthcoming