SYLLABUS

11.255 Negotiation and Dispute Resolution in the Public Sector
Spring 2013
Mondays and Wednesdays, 3:00 p.m. – 5:00 p.m.
Room 9-354

Faculty:       Professor Lawrence Susskind
               Phone: 617-253-2026
               Rm: 9-332
               e-mail: susskind@mit.edu

Teaching Assistants:  Carri Hulet
                       Phone (cell): 801-656-9506
                       Rm: 9-338
                       e-mail: carri@mit.edu

                       Nick Marantz
                       Phone (cell): 347-834-1068
                       Rm: 10-495M
                       e-mail: nmarantz@mit.edu

Introduction

Conventional legislative, administrative, and judicial means of resolving resource allocation and policy disputes in the public sector often produce less than satisfactory results. This is true in democracies around the world. Planners, policy-makers, developers, and advocates of the poor, concerned about the fairness, efficiency, stability, and wisdom of public sector decision-making are searching for better ways of resolving public policy conflicts. Recent advances in the theory and practice of negotiation and dispute resolution are, therefore, of great interest.

This seminar is designed for graduate students with no prior background or experience in the fields of negotiation or dispute resolution. Lectures, scenarios, case studies, and role-play simulations are used to introduce students to the "art" and "science" of negotiation and consensus building. The class also provides an intensive opportunity for each student to build his or her individual negotiating capabilities. Occasional guest lectures by well-known practitioners provide an opportunity for students to test some of the theoretical ideas presented in class against issues that arise in practice.

Some of the most important work in the field of dispute resolution is being done at the inter-university Program on Negotiation at Harvard Law School (PON). The Department of Urban Studies and Planning is well represented at the Program through the work of students and faculty affiliated with the MIT-Harvard Public Disputes Program. 11.255 builds on the last three decades of research at PON.

Assignments and Requirements

No term paper is required. There will be an in-class final and a series of simulation exercises and scenarios throughout the semester. Every student is expected to come to class familiar with the assigned
**scenarios** - when applicable - and ready to apply the ideas covered in the assigned readings. **Scenario leaders** (each student will fill this role twice over the course of the semester) have the added responsibility of preparing a two-page framing memo in advance, and of facilitating discussion in small groups. **Participation in all of the role-play simulations** is required. **Short reflective memos** focused on each of the negotiation simulations are required from all students for every game, except when one student performs the role of videographer, in which case the assignment is a 2-3 minute video presentation for the debrief in the following class. Each student shall also write a memo on **Dispute Systems Design**. All memos must be posted on the 11.255 Stellar class site in PDF format by the ascribed deadlines.

Required books will be available at the MIT COOP. Other required readings will be posted on Stellar. All class announcements, and updates to this syllabus, will be posted on the Stellar web page, so students should check the site regularly.

Enrollment is limited. Preference will be given to DUSP students. The TAs will be available weekly to meet with students during office hours. In addition, if you would like to set up a time to see Professor Susskind, please contact his assistant, Nina Tamburello (ninat@mit.edu), to arrange time during scheduled office hours (9-332).

**Grading**

Grades are based on the various course elements as follows:

- Facilitation of two scenario discussions, including the preparation of two framing memos in advance (20%);
- Memos and video presentation (35%) (a reflective memo or video presentation for each game, plus one dispute systems design memo);
- In-class final (20%); and
- Class participation, especially in games (25%).

Scenario presentations, memos, and videos are graded as follows:

- A cursory effort that shows only a minimal attempt to address the questions or the assigned material will receive a check-minus (i.e. a grade of C+ to B-).
- An acceptable effort will get a check (i.e. a grade of B to A-)
- A superior level of effort will get a check-plus (i.e. a grade of A to A+).

**Books to Purchase** (*These books can be found at the MIT Coop*)

*This is a short paperback. Please read before the 3rd class session.*

*This is background reading. Please read the first four chapters before the 2nd class.*

*This is background reading. Please read Part 1 before the 6th class.*
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<th>Focus</th>
<th>Date</th>
<th>Title and Readings</th>
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<td>1</td>
<td>2/6</td>
<td><strong>Democratic Decision-making: An Overview</strong></td>
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<td>2</td>
<td>2/11</td>
<td><strong>Deliberation vs. Dispute Resolution in the Public Sector</strong></td>
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<td>3</td>
<td>2/13</td>
<td><strong>Introduction to Negotiation: Playing the Traditional Game Well</strong></td>
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<td>Negotiation Theory</td>
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<td><em>Game #1: Parker v. Gibson + Debriefing</em></td>
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<td>2/18</td>
<td><strong>NO CLASS – Presidents Day</strong></td>
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<td>Date</td>
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<td>2/19</td>
<td>4</td>
<td>NO CLASS – TAs available for small group consultations</td>
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| 2/20  | 5   | Playing the Traditional Game Well (Framing, Anchoring and Managing the Pattern of Concessions)  
*Scenario #1: Traditional Negotiation Game*  
| 2/25  | 6   | Consensus Building: Introduction to the Mutual Gains Approach (MGA) to Negotiation  
*Scenario #2: The Consensus Building Approach*  
- Mutual Gains Approach to Negotiation: A Four Step Process - handout plus laminated card |
| 2/27  | 7   | MGA continued  
*Game #2: Redstone + Debriefing* |
| 3/4   |     | Value Creation and Integrative Bargaining  
| 3/6   | 8   | Multi-party Negotiation Theory (Conflict Assessment)  
*Game #3: Three Party Game + Debriefing* |
| 9 | 3/11 | Multi-party Negotiation Theory continued |
|   |     | Game #4: Harborco |

| 10 | 3/13 | Game #4 Debriefing; Gender and Negotiation |
|    |     | Scenario #3: Gender and Negotiation |

<p>| 11 | 3/18 | Introduction to Facilitation |
|    |     | Scenario #4: Facilitation |</p>
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|  |  | Roles and Responsibilities of the Facilitator in a Public Disputes Context  
|  |  | Facilitation (Cont.)  
   *Game #5: Dirty Stuff* |
|  |  | Debrief Game #5; Introduction to Mediation  
|  |  | Roles and Responsibilities of the Mediator  
   *Scenario #5: Roles and Responsibilities of Public Sector Mediators*  
|  |  | World Trade Center Video  
| 17 | 4/17 | Mediation (Cont.)
|    |     | *Game #6: Carson Extension*
| 18 | 4/22 | Game #6 Debrief; Wrap up discussion about roles and responsibilities of mediators (and planners as mediators)
| 19 | 4/24 | **Ethics and Culture**
|    |     | **The Ethics of Mediation and Dispute Resolution**
| 20 | 4/29 | **Cross-Cultural Applications of Public Dispute Mediation**
|    |     | *Scenario #6: Cross Cultural Communication*
| 21 | 5/1  | **Dispute Systems**
|    |     | Introduction to Dispute Systems Design in the Public Sector (Rule making, rate setting, etc.)
<table>
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<th>Design</th>
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<th>Dispute Systems Design in the Public Sector (Cont.)</th>
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<td>Values-Based Disputes</td>
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<td>Game #7: OutFest</td>
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<td>Design</td>
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<td>Game #7 Debriefing</td>
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<td>Conclusion</td>
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<td>5/15</td>
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