

Negotiation Theory and Practice for Urban Planners

**“Never negotiate out of fear and never fear to negotiate”
President John F. Kennedy**

**“Negotiation is the art of making that which is inconceivable possible, that which is incomprehensible understandable and making those who see only differences see commonalities”
Kirk E. Harris**

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University of Wisconsin-Milwaukee
School: Architecture and Urban Planning
Department: Urban Planning
Course Number: 655-201& 655G-201
Day and Time: Tuesday, 5:30pm – 8:10pm
Semester: Spring 2023
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Course Description and Objectives:

In its most fundamental form, the function of planning and the task of planners are that of “cutting deals.” By cutting deals, planners seek to balance the needs of the general public with those of private interests. The planning environment is complex and filled with multiple sets of competing interests and a wide array of stakeholders. Yet, it is in this environmental context that planners are expected to bring expertise that generates positive outcomes for the communities that they serve. However, the generation of such outcomes has as much to do with the planner’s ability to garner consent and cooperation among a diverse set of community actors and operatives as it does with the planner’s ability to bring technical solutions to bear on existing community issues and needs. Planners must have tools that help them create opportunities for building reciprocity, open communications, and cooperation among a broad array of stakeholders. In the absence of such tools, valuable professional advice is unable to be implemented in the face of community conflict, mistrust, and poor communications. This course seeks to introduce students to negotiation theory and practice and the strategies supported by the praxis. The course will consist of readings, simulated exercises, and a group project.

Required Reading:

Getting To Yes: Negotiating Agreements Without Giving In (3rd Edition) by Roger Fisher and William L. Ury, and for the third edition, Bruce Patton. New York, NY: Penguin Books, 2011.

Getting Ready to Negotiate: The Getting to YES Workbook by Roger Fisher and Danny Ertel. New York, NY: Penguin Books, 1995.

Difficult Conversations: How to Discuss What Matters Most by Douglas Stone, Bruce Patton, and Shelia Heen. New York, NY: Penguin Books, 1999.

CLASS SCHEDULE:

Class #1 & 2-January 24th & January 31st

Individual Introductions
Course Overview and Requirements
Assign Groups for Simulation Game Project
Review of Fundamental Negotiation Concepts and Theories

“WIN ALL YOU CAN”- Simulation Game and Class Discussion

Class #3-February 7th

Out of Class Exercise: Research and Be Prepared to Report on the Details of that Notable Negotiation

Class #4-February 14th

GETTING TO YES, Chaps. 1 and 2
GETTING READY TO NEGOTIATE, Chaps. 1, 2, and 3
DIFFICULT CONVERSATIONS, Chaps. 1 and 2

Presentation on Notable Negotiation

Class #5-February 21st

DIFFICULT CONVERSATIONS, Chaps. 3 and 4
GETTING TO YES, Chaps. 3 and 4
GETTING READY TO NEGOTIATE, Chaps. 4 and 5

Bradford Simulation Negotiation Exercise

Class #6-February 28th

DIFFICULT CONVERSATIONS, Chaps. 5 and 6
DIFFICULT CONVERSATIONS, Chaps. 7 and 8

Class #7-March 7th

Catch-up Day for Reading Presentations

- **SIMULATION GAME PROJECT STATEMENT-DUE**

Class #8-March 14th

DIFFICULT CONVERSATIONS, Chaps. 9 and 10

- **IN CLASS REVIEW OF GROUP GAME IDEAS & APPROACH**

Class #9-March 21st

NO CLASS SPRING BREAK

Spring Break March 21st to March 26th

Class #10-March 28th

DIFFICULT CONVERSATIONS, Chaps. 11 and 12
GETTING TO YES, Chaps. 5 and 6

- **SIMULATION GAME DRAFT GENERAL FACT SHEET-DUE**

Class #11-April 4th

GETTING READY TO NEGOTIATE, Chaps. 6, 7, 8, 9 and 10
GETTING TO YES, Chaps. 7 and 8

- **SIMULATION GAME DRAFT STAKEHOLDER SHEETS-DUE!**

Class #12-April 11th

Catch up on Reading Presentations

- **SELECTION OF SIMULATION GAME PRINCIPLES TO BE ACTIVATED IN SIMULATION GAME DESIGN-DUE!**

Class #13-April 18th

DUE!!!! SHORT PAPER EXPLAINING WHAT PRINCIPLED NEGOTIATION TECHNIQUES AND STRATEGIES WILL BE DEPLOYED IN SIMULATION GAME & HOW YOU SEE THEM WORKING IN THE GAME DESIGN

- **IN CLASS REVIEWS OF PRINCIPLES & APPROACHES ANCHORING THE GAME**
- **IN CLASS REVIEW OF FINAL VERSION OF GENERAL FACT SHEET AND STAKEHOLDER SHEETS**
- **REVIEW OF GAME PRESSURE POINTS THAT STIMULATE PRINCIPLES**

Class #14-April 25th

OUT OF CLASS EXERCISE:

- **WORK ON GROUP SIMULATION GAME PACKAGE**
- **Difficult Conversation Write-up Due (can be handed in earlier)**

Class #15-May 2nd

Group Simulation Games

Class #16-May 9th

Group Simulation Games

Discussion of Lessons Learned

Final Group Simulation Game Package and Write-up Due -May 16th

STUDENT EVALUATION

Grading:

5%-Class Participation

10%-Research and Presentation on Notable Negotiation

20%-Reading Presentation PowerPoint

20%-Difficult Conversation Write-up

20%-Draft Simulation Games and Outline of Key Theories

25%- Final Group Simulation Game and Write-up

WORKLOAD - Statement of Time Investment by the Average Student

On average, students should spend 48 hours per credit per semester on in-class activities and activities outside of the classroom (i.e., approx. 144 hours for a 3-credit course).

Total Hours: 3 credits x 48 hours

= 144 hours

*In Class: 160 minutes x 15 weeks (approximately) = 40 hours

*Individual Readings, Group Preparation, and
Presentation on Readings = 40 hours

*Individual Exercise on Difficult Conversation = 5 hours

*Group Work on the Development of Negotiation
Simulation and Outline of Key Theories = 29.5 hours

*Group on Development of Simulation Package and Simulation
Game Write-up = 29.5 hours

DIFFICULT CONVERSATION EXERCISE

This exercise is meant to create an opportunity for you to apply the ideas, techniques, and/or strategies emerging from the Difficult Conversation book readings.

I would like you to think back on a difficult conversation that you had with a co-worker, a family member, a friend, a significant other, a supervisor, or anyone else in which your engagement with them was challenging in terms of communicating and sharing your views or perspective related to a particular issue or incident.

The exercise will have two parts.

The first part will be an articulation of the difficult conversation that you had with the aforementioned individual. The recounting of the conversation would be like a script in which you would indicate what you said during a conversation, and then you would indicate what the other individual said during the conversation, then what you said, then what they said, and so on and so forth in a script-like format line by line. The first script will capture the conversation as you remember it and you will also recount how the conversation ended.

The second part of the exercise will be a recounting of that same conversation or engagement, but your responses would be informed by the ideas, techniques, and/or strategies emerging from the Difficult Conversation book readings. I would like you to apply at least 4 to 6 of the ideas, techniques and/or strategies **exclusively** emerging from the Difficult Conversation book readings. The idea is for you to modify your responses in the second script to reflect the deployment of the ideas, techniques, and/or strategies emerging from the Difficult Conversation book that you would have applied if you had been aware of these ideas, techniques, and/or strategies at the time of your difficult conversation. Also, I want you to speculate how the other individual might have responded differently to you had these ideas, techniques, and or strategies been deployed. Those points of speculation will be presented as notes within the second script that suggests how the individual you were having a difficult conversation with might have responded differently given the deployment of the ideas, techniques, and/or strategies.

GROUP PROJECT

EXERCISE INSTRUCTIONS

Instructions for the Development of the Group Simulation Game

The simulation game should consist of three parts. These parts include the following: general fact scenario, confidential stakeholder interest sheets, and teaching notes on the key principled negotiation techniques and strategies the game is to highlight.

General Fact Scenario

The fact scenario may be developed based on a real situation, a fictional circumstance that highlights a particular subject matter of interest or may be adapted and combine real and fictitious information. You may draw from interesting situations that may have occurred at work, school, in your personal life, or which you heard about on the news or otherwise. Use your imagination and creativity. The scenario you develop must describe the general context, history, and situation that makes the scenario that you have created ripe for negotiation.

Confidential Stakeholder Sheets

These sheets represent the context and understanding in which each stakeholder views their interest. The game must have at least three sets of stakeholders. For example, a game about a community development project might have the Mayor's office, a developer, and a community group as stakeholder interests. These sheets should describe the history and the nature of the relationship between the stakeholder parties from the vantage point of each stakeholder. Additionally, the sheet should be very explicit about the objectives each stakeholder hopes to achieve by entering into negotiations.

Principled Negotiation Techniques and Strategies and their Deployment in the Simulation Exercise.

You must identify principled negotiation concepts that the game seeks to illustrate and explain those principled negotiation concepts in detail and how those concepts might have, or in fact did, play themselves out in the game exercise as deployed by the parties to the simulation. You must closely consider and discuss what you believe are the best outcomes to be achieved out of the particular game scenario given the principled negotiation techniques available to the parties in the simulation game exercise. Your game can create incentives and points of pressure to motivate stakeholders to pursue the outcomes you want to see. Part of the fascination of negotiation game simulation is that you may predict a certain result, but quite the opposite happens. This portion of the game should explain your expectations of the parties involved and how particular principled negotiation techniques were or were not used and the impact of this on the outcome of the simulation.

NEGOTIATION SKILLS

COGNITIVE SKILLS

- Understand your own feelings and needs.
- Adopt another's perspective.
- Analyze from an objective standpoint.
- Understand another's intent.
- Identify your contributions to a situation.
- Recognize ethical issues.
- Be self-aware about strategic choices.
- Be open to new information.
- Distinguish positions and interests.
- Distinguish between the substance and the process of negotiation.

STRATEGIC SKILLS

- Develop self-help alternatives.
- Be creative about options and value.
- Set goals and be purposive.
- Remain flexible.
- Manage time effectively.
- Disclose information.
- Be persistent, firm.
- Distribute what is on the table.
- Identify and use standards.
- Manage and secure commitment.
- Develop self-agency – represent your own feelings and needs.

COMMUNICATION SKILLS

- Ask "open" questions.
- Ask clarifying questions.
- Paraphrase to check understanding.
- Speak for yourself.
- Express ambivalence.
- Share observations and reasoning.
- Frame statements effectively.
- Remain calm in emotional situations.
- Be honest with yourself and others.
- Hear the underlying issues, interests.
- Express feelings.
- Be congruent in your thoughts and actions.

RELATIONSHIP SKILLS

- Negotiate with strangers.
- Negotiate with friends or family.
- Express appreciation.
- Give feedback.
- Receive feedback.
- Repair a relationship.
- Create consensus.
- Build rapport.
- Consult others before committing.
- Express empathy.
- Establish trust.
- Distinguish between the substance of the negotiation and the relationship.

CREDIT S: PROFESSOR XAVIER DE SOUZA BRIGGS COURSE ON: NEGOTIATION AND COMMUNITY BUILDING, KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY, HAUSER CENTER

COURSE POLICIES

Changes to syllabus: Students are responsible for any changes in this syllabus which are announced.

Academic Misconduct: Any students found guilty of academic misconduct (e.g. cheating, plagiarism) will be given a grade of “0” on the relevant assignment and disciplined according to the UWM Student Academic Disciplinary Procedures.

UNIVERSITY POLICIES REGARDING COURSES & INSTRUCTION

This course adheres to campus policies regarding students with disabilities, religious observances, active military service, incompletes, discriminatory conduct, academic misconduct, complaints about the course, grade appeals and course credit & time spent requirements.

1. Students with disabilities. Notice to these students should appear prominently in the syllabus so that special accommodations are provided in a timely manner. <http://uwm.edu/arc/>
2. Religious observances. Accommodations for absences due to religious observance should be noted. <https://apps.uwm.edu/secu-policies/storage/other/SAAP%201-2.%20Accommodation%20of%20Religious%20Beliefs.pdf>
3. Students called to active military duty. Accommodations for absences due to call-up of reserves to active military duty should be noted. Students: <http://uwm.edu/active-duty-military/> Employees: <https://www.wisconsin.edu/ohrwd/download/policies/ops/bn9.pdf>
4. Incompletes. A notation of "incomplete" may be given in lieu of a final grade to a student who has carried a subject successfully until the end of a semester but who, because of illness or other unusual and substantiated cause beyond the student's control, has been unable to take or complete the final examination or to complete some limited amount of term work. <https://apps.uwm.edu/secu-policies/storage/other/SAAP%201-13.%20Incomplete%20Grades.pdf>
5. Discriminatory conduct. Discriminatory conduct will not be tolerated by the University. It poisons the work and learning environment of the University and threatens the careers, educational experience, and well-being of students, faculty, and staff. <https://apps.uwm.edu/secu-policies/storage/other/SAAP%205-1.%20Discriminatory%20Conduct%20Policy.pdf>

6. Title IX/Sexual Violence. Title IX is a federal law that prohibits sex discrimination in education program or activities, and UWM policy prohibits such conduct (see Discriminatory Conduct, above). This includes sexual violence, which may include sexual harassment, sexual assault, relationship violence, and/or stalking in all educational programs and education-related areas. UWM strongly encourages its students to report any instance of sex discrimination to UWM's Title IX Coordinator (titleix@uwm.edu). Whether or not a student wishes to report an incident of sexual violence, the Title IX Coordinator can connect students to resources at UWM and/or in the community including, but not limited to, victim advocacy, medical and counseling services, and/or law enforcement. For more information, please visit: <https://uwm.edu/sexual-assault/>.
7. Academic misconduct. Cheating on exams or plagiarism are violations of the academic honor code and carry severe sanctions, including failing a course or even suspension or dismissal from the University. <https://uwm.edu/deanofstudents/conduct/academic-misconduct/>
8. Complaint procedures. Students may direct complaints to the head of the academic unit or department in which the complaint occurs. If the complaint allegedly violates a specific university policy, it may be directed to the head of the department or academic unit in which the complaint occurred or to the appropriate university office responsible for enforcing the policy. <https://apps.uwm.edu/secu-policies/storage/other/SAAP%205-1.%20Discriminatory%20Conduct%20Policy.pdf>
9. Grade appeal procedures. A student may appeal a grade on the grounds that it is based on a capricious or arbitrary decision of the course instructor. Such an appeal shall follow the established procedures adopted by the department, college, or school in which the course resides or in the case of graduate students, the Graduate School. These procedures are available in writing from the respective department chairperson or the Academic Dean of the College/School. <https://apps.uwm.edu/secu-policies/storage/other/SAAP%201-10.%20Grade%20Appeals%20by%20Students.pdf>
10. LGBT+ resources. Faculty and staff can find resources to support inclusivity of students who identify as LGBT+ in the learning environment. <http://uwm.edu/lgbtrc/>
12. Smoke and Tobacco-Free campus. UWM prohibits smoking and the use of tobacco on all campus property. <https://apps.uwm.edu/secu-policies/storage/other/SAAP%2010-8.%20Smoke%20and%20Tobacco-Free%20Campus%20Policy.pdf>

13. Final Examinations. Information about the final exam requirement, the final exam date requirement, and make-up examinations. <https://apps.uwm.edu/secu-policies/storage/other/SAAP%201-9.%20Final%20Examinations.pdf>