

# SYLLABUS

## **Negotiating Environmental Agreements** *Vermont Law School* *Online course*

### **Course Information**

Semester: Summer 2020 Term 3  
(July 6-16, 2020)  
Day/time: M-Th 1-4pm Eastern Time  
Virtual meeting platform: Zoom  
Class website platform: Canvas

### **Instructor Information**

Instructor: Danya Rumore, Ph.D.  
“Office” Hours: By appointment  
Cell/ Text: 208-659-1415  
Email: danya.rumore@law.utah.edu

### **Course Description**

This synchronous online and experiential seminar teaches the skills necessary to effectively negotiate and develop mutual gains solutions in the environmental context. It does so through a blend of lectures, scenarios, case studies, and role-play simulations. Students will explore a range of processes that can be used to productively resolve environmental disputes, examine the advantages and disadvantages of adversarial and collaborative approaches, and learn the art and science of mutual gains negotiation, conflict management, and consensus building. The class will provide an intensive opportunity for each student to build their individual negotiating and collaborative problem-solving capabilities. It will also introduce students to facilitation, mediation, and adaptive leadership.

This course draws on decades of research and work conducted by the inter-university Program on Negotiation at Harvard Law School (PON), the MIT-Harvard Public Disputes Program, and the Wallace Stegner Center Environmental Dispute Resolution Program. It is designed for students with no prior background or experience in the fields of negotiation or dispute resolution. While this course will focus on environmental contexts, the concepts and skills from this class are relevant to a range of public policy settings. The class is designed to be relevant for students in a range of disciplines, not just law.

### **Intended Learning Outcomes**

Through lectures, readings, and exercises, this course aims to train students in the theory and practice of:

- Mutual gains negotiation;
- Multi-party negotiation;
- Consensus building; and
- Conflict management.

It will familiarize students with facilitation, mediation, and adaptive leadership. It will also enhance the capacity of students to identify opportunities for and to engage in collaborative problem-solving.

### **Online Class Delivery Logistics**

- This online class will be delivered via the video conferencing program Zoom. Please DO NOT share Zoom login information with anyone outside of class. Note that you will need to enter the password to log in and you will arrive in a waiting room until I admit you into the classroom.

- **Zoom login link:** <https://lms-utah.zoom.us/j/95610044667>
- **Password:** 234383
- Class will be conducted online during the designated class time (Mon-Thurs, 1-4 pm Eastern Time).
- Students will need to connect via a computer, tablet, or other device that has speakers, a microphone, and a camera. This will allow students to see and interact with each other as well as use all of the features of Zoom.
  - Do your best to find a reliable internet connection. If this poses a challenge for you, please let me know ASAP.
  - Please see the Online Class Etiquette section below for steps we will all be taking to reduce distractions and facilitate communication in our Zoom classroom.
- Zoom allows us to work in small groups. I will use this “breakout room” feature to put you into small groups for scenario discussions, simulations, and other class activities.

### **Online Class Etiquette**

- Connect via Zoom 3-5 minutes before class starts to make sure you are on time.
  - If you run into technical difficulties, text me at #208-659-1415.
- Keep your video on unless you need to step away. If you need to step away, mute yourself and turn your video off.
- Keep yourself on mute unless you are talking. Muting yourself will prevent background noise from interfering with class and making it hard for others to participate.
- Headphones are recommended; they will improve your sound quality.
- Please do not share any personal information via Zoom. This is not a fully private/secure platform, meaning protected information (such as grades) should NOT be shared using this technology
- Keep in mind that everyone will see what is in the chat feature. Even if you direct a chat at a certain person, that information may not be secure. So, please be careful and thoughtful about what you share via the chat feature.
- Please turn off your notifications, close email, and put away your phone to avoid distractions during class. Limiting distractions will improve your experience and that of your classmates.
- We will have to work together to navigate Zoom and hold class online. It may be clunky at times and we may run into technical issues or other challenges. Thanks for being partners in problem-solving, being flexible and adaptable, and being open minded.

### **Class Website: Canvas**

Class readings and other materials will be shared via Canvas (not TWEN). All students will be invited to Canvas in advance of the class. Readings and other materials for each class session will be available in the “Files” section of Canvas, organized by class. Assignments will also be administered via Canvas. Students will need to upload their assignments to Canvas by the assigned due date.

### **Assignments, Requirements, and Evaluation of Student Performance**

This class centers on experiential learning. Therefore, participation is a critical part of the coursework. Classes will include some lecture time but will consist largely of group discussion and exercises. No final exam or term paper is required.

- **Class participation (35%)**
  - *Class participation is a necessary part of the learning experience in this course.* Participation means more than “just showing up.” It means doing assigned readings before class, being an active contributor to discussions, and preparing for and fully participating in exercises and simulations. Students are expected to participate in all classes and to arrive on time.

- **Participation in all of the role-play simulations is required.** Students will engage in a number of role-play simulations during the class. These negotiation exercises provide an opportunity for students to put the concepts and skills they are learning about into action. Students who miss role-play simulations are required to make up the exercises on their own time and are responsible for finding other people to participate in the simulation. See below for more information about this.
- **If students know they will be missing a class for any reason, they should notify me in advance.** Keep in mind that absences will affect your participation grade and any student who misses a role-play simulation—regardless of the reason—will be required to make up the exercise.
- **Personal assessments and reflection memos (40%)**
  - Students will complete a brief personal assessment prior to the first class and write short (**500-1000 word**) reflection memos following each class session. There will be guiding questions for each reflection memo. Memos should tie the exercise experience to the topics discussed in class and assigned readings.
  - Reflection memos will be graded based on (1) the thoughtfulness of students' reflections and how well responses address the assigned guiding questions; (2) the extent to which students meaningfully tie their reflections to assigned readings and class discussions; and (3) the quality of writing and clear communication of ideas.
  - Guiding questions for each reflection memo and due dates will be posted with the assignment on Canvas. **Reflection memos will generally be due by the start of the next class** unless otherwise noted on Canvas.
- **Final reflection (25%)**
  - Students will write a final reflection synthesizing their learning and takeaways from the full course. There will be guiding questions for the final reflection.

**Submitting assignments:** All assignments must be submitted via the Canvas class site as **Word documents** – this makes grading them and providing comments easier. If you do not have Microsoft Word installed on the computer you are using, you may write your assignment in Google Docs, download your work as a Word document, then submit that to Canvas. Please **do not submit assignments as PDFs** or in any other format. If this presents any issues for you, please let me know.

**Late assignments:** Assignments turned in late will be marked down. You will lose points for each day the assignment is late. Assignments will not be accepted if they are over a week late, unless previously arranged with me.

**Feedback on assignments:** Grades and feedback on assignments will be provided through Canvas.

## Grading

The grading scale for this class is: A+ (100 – 97), A (96.9 – 93), A- (92.9 – 90), B+ (89.9 – 87), B (86.9 – 83), B- (82.9 – 80), C+ (79.9 – 77), C (76.9 – 73), C- (72.9 – 70), D+ (69.9 – 67), D (66.9 – 63), D- (62.9 – 60) and F (Below 60).

Grades will generally be entered on Canvas within one to two days after they are received. I will do my best to get your grades and feedback on assignments to as quickly as possible.

## Making Up Missed Negotiation Simulations

Participation in all of the role-play negotiation simulations is required. If students miss a negotiation simulation, it is their responsibility to arrange to make this up on their own time with fellow classmates or friends. Students will need to arrange with me to get game materials for the make-up simulations. Students will still be expected to complete the simulation and submit their reflection memos by the original

due date, unless otherwise arranged with me; memos that are submitted late will be marked down accordingly.

## **Course Materials**

Required books (see below) can be purchased new or used for an affordable price online or at local bookstores. They may also be available through the Vermont Law School library system. All other readings will be available through Canvas, as will additional materials such as class announcements and PowerPoint slides. Assignments and due dates will also be posted on Canvas. Students must submit their assignments (as Word documents) through Canvas, and they will receive their grades and comments on assignments via Canvas. Students should check Canvas regularly. To login to Canvas, go to: <https://utah.instructure.com/login/canvas>.

## **Course Communication**

Email communications will be sent to the email addresses provided by Vermont Law School. Make sure to check your Vermont Law School email account regularly or set up email forwarding if you typically use another account.

## **Required Book: Getting to Yes**

Roger Fisher and William Ury (2011) **Getting to Yes**, New York, NY: Penguin Press. (paperback, Updated Revised edition)

This book will be required for the course. It can be found new or used online and at local bookstores as well as in e-book form. It may also be available through the Vermont Law School library system.

## **Student Feedback on the Course**

Throughout the term, I will ask for your feedback on the class. I will use your feedback to target the remaining sessions of the semester, as well as to improve the course for the future. Please share your honest thoughts and constructive criticism, while also taking responsibility for your own learning.

## **Notice of Possible Changes to the Syllabus/Course**

During the course, the syllabus may be updated and/or additional assignments and materials may be added. I will give advanced notice about any changes via in-class and email announcements.

## **Ground Rules (a.k.a., Mutual Commitments)**

- **Be as present as possible:** This is an experiential seminar and much of the learning will occur from your interactions with each other. Please plan to be fully present during class and minimize distractions, such as by turning off notifications and silencing or putting away your phone. I recognize many of you have families at home or other things that may require your attention. If you need to step away, please do so – just mute yourself and turn off your video, return as soon as you can, and take responsibility for catching up on what you missed.
- **Create a positive environment for learning:** Please help create a positive environment for your own learning and the learning of others. This means being respectful to each other and me in class and online; coming prepared so you can meaningfully contribute to group discussions and activities; taking class exercises seriously; being considerate about how you communicate with others; and “taking responsibility for the energy you bring into the room.”

- **Take ownership for your learning:** I take my responsibility to facilitate your learning very seriously. The assigned readings, lectures, exercise, and other class activities are all carefully thought out to help you learn as much as possible through this course. That said, it is ultimately your responsibility to engage meaningfully with these materials. Please take ownership for your own learning.
- **Come to class ready to play and have fun:** Playfulness, creativity, and open-mindedness are key to effective negotiation, conflict resolution, and collaborative problem solving. Class exercises and activities are designed to be fun. Please come to class ready to play and have fun.
- **Practice what you are learning about:** If something is not working for you in the class, you are having trouble, etc., practice all of the things you are learning about and work with me and others to collaboratively and productively problem solve.

## Detailed Class Schedule

Your personal assessment is due BEFORE the first class.

Readings listed for each class should be completed BEFORE that class.

You will have reflection memos due after each class, which will be due by the start of the next class.

	<b>Topic</b>	<b>Date</b>	<b>Subject, Readings, and Assignments</b>
<b>0</b>	<b>Pre-class Personal Assessment</b>	Before class	Assignment: <ul style="list-style-type: none"> <li>• Before class on 7/06, complete this ten-minute personal assessment:  <a href="https://docs.google.com/forms/d/e/1FAIpQLScni388Jzr_aUj7P4SLDDvFvV6Q-53L1ZcGeowhhgZCyieGcw/viewform?usp=sf_link">https://docs.google.com/forms/d/e/1FAIpQLScni388Jzr_aUj7P4SLDDvFvV6Q-53L1ZcGeowhhgZCyieGcw/viewform?usp=sf_link</a></li> </ul>
<b>1</b>	<b>Introduction and Context</b>	7/06	<p style="text-align: center;"><b>Introduction to Environmental Negotiation and Dispute Resolution</b></p> Pre-class readings: <ul style="list-style-type: none"> <li>• Start reading Fisher, Roger and William Ury (2011) <b>Getting to Yes</b>, Updated Revised edition. New York: Penguin. (Skim read the full book; no need to read every word, focus on key ideas.)</li> </ul> Assignment: <ul style="list-style-type: none"> <li>• Post-class reflection memo (due by next class)</li> </ul>
<b>2</b>	<b>Negotiation Theory</b>	7/07	<p style="text-align: center;"><b>Basics of Negotiation and Introduction to the Mutual Gains Approach (MGA)</b></p> Pre-class readings: <ul style="list-style-type: none"> <li>• Finish reading Fisher, Roger and William Ury (2011) <b>Getting to Yes</b>, Updated Revised edition. New York: Penguin. (Skim read the full book; no need to read every word, focus on key ideas.)</li> <li>• <b>Mutual Gains Approach to Negotiation: A Four Step Process</b> (handout)</li> </ul> Assignment: <ul style="list-style-type: none"> <li>• Post-class reflection memo (due by next class)</li> </ul>

3		7/08	<b>Value Creation and Multi-party Negotiation</b> <i>Negotiation simulation</i>
			Pre-class readings: <ul style="list-style-type: none"> <li>● Wheeler, M. (2013). <b>The Art of Negotiation</b>, New York: Simon and Schuster. Pp. 75-140 and the Appendix on the 25 Principles</li> </ul> Assignment: <ul style="list-style-type: none"> <li>● Post-class reflection memo (due by next class)</li> </ul>
4		7/09	<b>Multi-party Negotiation (continued)</b> <i>Negotiation simulation</i>
			Pre-class readings: <ul style="list-style-type: none"> <li>● Sebenius, James (1994) <b>Sequencing to Build Coalitions: With Whom Should I Talk First?</b> Wise Choices: Decisions, Games, and Negotiations. R. Zeckerhauser, R. Keeney, and J. Sebenius (eds.) Boston: Harvard Business School Press. Pp. 324-348.</li> </ul> Assignment: <ul style="list-style-type: none"> <li>● Post-class reflection memo (due by next class)</li> </ul>
5	<b>Consensus Building, Facilitation, and Mediation</b>	7/13	<b>Consensus Building, Facilitation, and Mediation</b>
			Pre-class readings: <ul style="list-style-type: none"> <li>● Straus, David (1999) <b>Managing Meetings to Build Consensus.</b> The Consensus Building Handbook. L. Susskind, S. McKearnan, and J. Thomas-Larmer (eds.) Thousand Oaks, CA: Sage. Chapter 7. Pp. 287-324.</li> <li>● EPA video on “Facilitation and Mediation at EPA”: <a href="https://www.youtube.com/watch?v=luGM9BMdbJQ&amp;feature=youtu.be">https://www.youtube.com/watch?v=luGM9BMdbJQ&amp;feature=youtu.be</a></li> <li>● PON video “Breaking Roberts Rules – Prof. Lawrence Susskind”: <a href="https://www.youtube.com/watch?v=WEGK7nkeaY8">https://www.youtube.com/watch?v=WEGK7nkeaY8</a></li> </ul> Optional reading: <ul style="list-style-type: none"> <li>● Thayer-Hart, Nancy (ed.) (2007) <b>The Facilitator’s Tool Kit: A Guide for Helping Groups Get Results.</b> University of Wisconsin System Board of Regents.</li> </ul> Assignment: <ul style="list-style-type: none"> <li>● Post-class reflection memo (due by next class)</li> </ul>
6		7/14	<b>Consensus Building, Facilitation, and Mediation (cont.)</b> <i>Negotiation simulation</i>

			<p>Pre-class readings:</p> <ul style="list-style-type: none"> <li>● Schwarz, Roger M. (1994) <b>Group Facilitation and the Role of the Facilitator, What Makes Work Groups Effective, The Skilled Facilitator: Practical Wisdom for Developing Effective Groups</b>. San Francisco: Jossey Bass. Pp. 3-41.</li> <li>● Moore, Christopher W. (1986) <b>How Mediation Works, The Mediation Process: Practical Strategies for Resolving Conflict</b>, San Francisco: Jossey Bass. Pp. 13-43.</li> <li>● Conducting a Conflict Assessment (handout).</li> </ul> <p>Optional reading:</p> <ul style="list-style-type: none"> <li>● Nolon, Sean (2012) <b>Second Best Practices?: Addressing Mediation's Definitional Problems in Environmental Siting Disputes</b>. Idaho Law Review, 49. Pp. 70-119.</li> </ul> <p>Assignment:</p> <ul style="list-style-type: none"> <li>● Post-class reflection memo (due by next class)</li> </ul>
7	Values-Based Disputes	7/15	<p><b>Values-Based Disputes and Adaptive Leadership</b></p> <p>Pre-class readings:</p> <ul style="list-style-type: none"> <li>● Forrester, John (1999) <b>Dealing with Deep Value Differences</b>. The Consensus Building Handbook. L. Susskind, S. McKernan, and J. Thomas-Larmer (eds.) Thousand Oaks, CA: Sage. Chapter 12 (pp. 463-493).</li> <li>● Heifetz, Ronald, Alexander Grashow, and Marty Linsky (2009) <b>The Practice of Adaptive Leadership</b>. Boston, MA: Harvard Business Press. Chapter 1–2 (Pp. 5–40).</li> </ul> <p>Optional reading:</p> <ul style="list-style-type: none"> <li>● Susskind, Lawrence and Patrick Field (1997) <b>Dealing with an Angry Public: The Mutual Gains Approach</b>. New York: The Free Press. Chapters 1 and 6. (pp. 1-14; 152-197).</li> </ul> <p>Assignment:</p> <ul style="list-style-type: none"> <li>● Post-class reflection memo (due by next class)</li> </ul>
		7/16	<p><b>Creative Problem-Solving, Getting to Yes with Yourself, and Tying it All Together</b></p> <p>Pre-class readings:</p> <ul style="list-style-type: none"> <li>● Ury, William (2015) <b>Getting to Yes with Yourself (and Other Worthy Opponents)</b>. New York, NY: Harper One. Chapter 1 and Chapter 4 (Pp. 15–39 and 89–113).</li> <li>● Rumore, Danya (2019) <b>Devising Strategies for Complex Public Policy Challenges: Lessons learned from the Visitation on Utah's Public Lands Workshop</b>. EDR Blog: <a href="https://law.utah.edu/devising-strategies-for-complex-public-policy-challenges-lessons-learned-from-the-visitation-on-utahs-public-lands-workshop/">https://law.utah.edu/devising-strategies-for-complex-public-policy-challenges-lessons-learned-from-the-visitation-on-utahs-public-lands-workshop/</a></li> </ul>
	Tying It All Together		

			<ul style="list-style-type: none"> <li>● Susskind, Lawrence and Danya Rumore (2015) <b>Using Devising Seminars to Advance Collaborative Problem Solving in Complicated Public Policy Disputes</b>. <i>Negotiation Journal</i>, 31(3): 223-235.</li> </ul> <p>Assignment</p> <ul style="list-style-type: none"> <li>● Final reflection (due by end of day on Sunday, July 19)</li> </ul>
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## Policies

**Academic Misconduct:** Academic misconduct includes cheating, plagiarizing, research misconduct, misrepresenting one’s work, and inappropriately collaborating. These are major offences.

Make sure you are familiar with university policies. And, really, just don’t do these things!

**Discrimination and Sexual Harassment:** Students who engage in violence and harassment based on sex, gender, race, national origin, color, religion, age, status as a person with a disability, veteran’s status, or genetic background should be reported to the administration of the Vermont Law School.

**ADA Statement:** If you have a disability and would like to request an accommodation please visit the Dean of Students to discuss Vermont Law School’s policy and procedures.