

1st Asian Mediation
Association Conference
4 - 5 June 2009

Nine Lessons For Teaching Negotiation Skills

Naomi Cukier

Lander & Rogers Lawyers and The Australian Centre for Peace
and Conflict Studies (University of Queensland)

Melissa Conley Tyler

Senior Fellow, Melbourne Law School, University of Melbourne

Objectives

- To reflect on the challenges of negotiation skills training and drawbacks of the basic training model commonly used
- To identify new and innovative methods that can be used to teach negotiation skills
- To offer practical advice for class activities

Negotiation Skills Training

A Teachable Skill

The Basic Model for Training

- Theoretical introduction
- Role play
- Debrief
- Theoretical extension

Disadvantages Of Basic Model

- May confuse experience with training
- Tends towards over-reliance on theory
- Role plays often ignore real world context
- Does not feature rich review of experience
- Tends to use only single examples to illustrate a principle
- Does not usually involve observation
- May not have time to address emotional intelligence and communication “micro skills”

Innovative Approaches

- Studies on the effectiveness of negotiation training were reviewed, including classroom and lab-based studies on:
 - Emotional intelligence
 - Analogical reasoning
 - Expert observation
 - Placements and service learning
 - Computer-assisted learning

Nine Lessons For Teaching Negotiations Skills

The Lessons of Innovation

1. Students Won't Learn Just From Experience

- **Learning:**
Experience is the least effective way to teach negotiation
- **Suggestions:**
 - Use role plays to consolidate learning
 - Incorporate theoretical material before and after role plays
 - Leave at least as long for debrief of role plays as for the role play itself.

When the trainer asks the student
about their negotiation experience...

<http://www.xtranormal.com/watch?e=20090519211647765>

Instead I will...

- Ask students to reflect on their negotiation experiences while we do another activity
- Provide students with role play facts
- Facilitate and structured preparation for a role play
- Ask students to negotiate (providing a new experience of negotiation)
- Facilitate a structured de-brief (referring back to the structured preparation)
- Use the de-brief lessons to plan for the next negotiation experience (plan, act, review cycle)

2. Students Won't Learn Just From Theory

- **Learning:**
Principled based learning requires other teaching techniques to facilitate transfer of principles
- **Suggestions:**
 - Present theory in context using examples similar to students' own real-life situations
 - Incorporate theoretical material before and after role plays
 - Use theoretical material to enhance student understanding of preparing for negotiation

3. Role Plays Need To Be Credible, Relevant And Contextual

- **Learning:**
Role plays need to replicate real life negotiations
- **Suggestions:**
 - Give role plays realistic contexts and include personalities and circumstances outside students' likely experiences
 - Include at least one relationship-based and one transactional role play
 - Give adequate facts and figures to avoid gaps which may distract students
 - Include cross cultural issues in negotiations
 - Allow adequate preparation time before negotiations



The Asian Context

- What are some of the issues which might arise in cross cultural negotiations or in negotiations taking place entirely in other non-similar cultures?
- How might these issues be addressed by providing role plays that are credible, relevant and contextual?
- What are the specific aspects which might be included for the Asian context?

4. Students Need A Rich Review Of Negotiation Experience

- **Learning:**
Rich review facilitates students learning from their own experience
- **Suggestions:**
 - Explicitly mention deep learning as one of the aims of negotiation training
 - Incorporate at least one deep learning question in debriefing
 - Explicitly promote self-reflection as a key skill of experienced negotiators
 - Use journals and video for self-reflection
 - Consider how assessment tasks can promote self-reflection and deep learning

Deep learning questions

- Examining new facts and ideas critically, and tying them into existing cognitive structures and making numerous links between ideas.
((Compiled from Biggs (1999), Entwistle (1988) and Ramsden (1992))
- How did that experience effect what you already know about negotiation?
- How did that experience compare to real life negotiations you have had?

5. Students Learn Best Through Analogical Reasoning

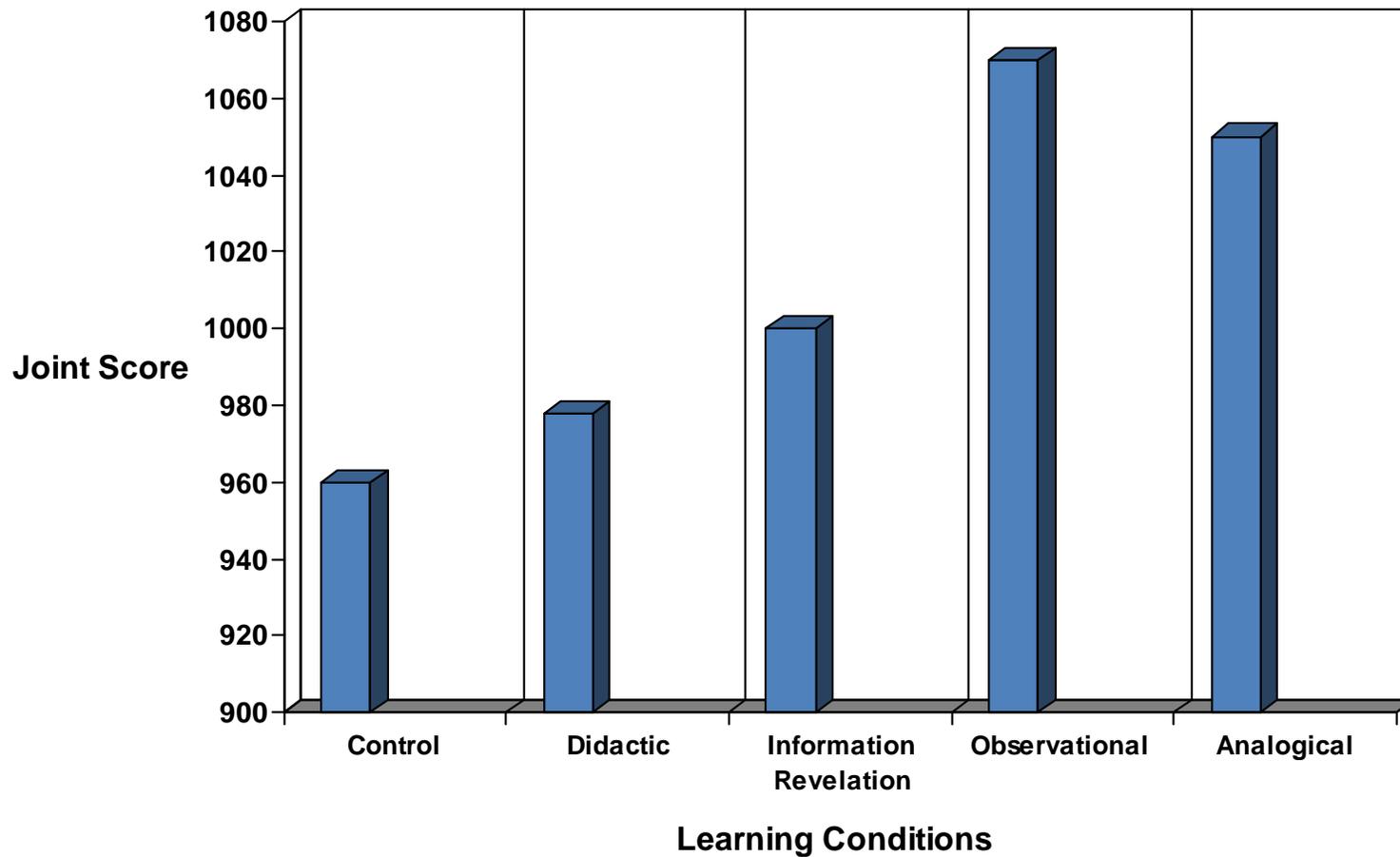
- **Learning:**
Comparing multiple examples facilitates similarity-mapping and illustrates underlying principles
- **Suggestions:**
 - Ask students to compare and contrast two or more negotiation cases
 - Explicitly ask students to access negotiation skills from past cases and apply them to novel situations
 - Provide/elicit multiple examples to illustrate a single principle

6. Observation Is One Of The Best Learning Techniques

- **Learning:**
Observation enables students to absorb beneath the conscious level and then apply by analogy to new situations
- **Suggestions:**
 - Invite expert guests to negotiate “live” in front of students
 - Create a video-tape of expert negotiators negotiating students’ role play
 - Use video extracts from movies to illustrate good negotiation techniques
 - Use group role plays eg “rotating fishbowl” exercises, where students can observe each others’ behaviour

J Nadler, L Thompson and L Van Boven, "Learning Negotiation Skills: Four Models of Knowledge Creation and Transfer" (2003) 49 *Management Science*

Effect of Learning Condition On Final Joint Outcome



7. Real World Placements Can Be An Effective Training Tool

- **Learning:**
Learning through placements provides the opportunity to teach about the variables that affect negotiations in the real world
- **Suggestions:**
 - Select placements that offer contextual complexity and a variety of planned and unplanned negotiations
 - Be aware of the need to resource placements (eg placement contracts, insurance and support)
 - Use placements in combination with other instructive methods of teaching

8. Emotional Intelligence And Interpersonal Skills Assist Learning

- **Learning:**
Effective relationships are more likely to be built if one first gains a fundamental understanding of human emotion
- **Suggestions:**
 - Explicitly mention the interpersonal skills that enhance negotiation performance
 - Ask students to work on interpersonal skills which they find challenging
 - Provide opportunities for self reflection after negotiation activities
 - Use role plays which explicitly detail emotion and sensitivities – ask students to imagine how various parties “feel” whilst role playing

9. Technology Can Enhance Negotiation Learning

- **Learning:**
Technology allows analysis and retrieval of raw data on negotiation experience, minimising students' defensiveness and resistance to improvement
- **Suggestions:**
 - Use videotaping to assist review, reflection and assessment
 - Use discussion boards and other techniques to assist reflection and class discussion
 - Conduct one or more negotiation simulations online

Implications For Trainers

Ideas for Action

What I Am Going To Change...

- Incorporate theory and detailed de-briefing into role plays/real world placements
- Use multiple examples to demonstrate each principle
- Use observation as a teaching method
- Give role plays adequate context, including real life difficulties, different personalities, interpersonal skills, emotional and transactional aspects
- Incorporate some deep learning questions into every role play de-briefs
- Use technology where possible

Further Reading

- Reilly, Teaching a law student how to feel (2005) *Negotiation Journal*
- O'Connor and Adams, What Novices Think About Negotiation (1999) *Negotiation Journal*
- Gillespie, Thompson, Loewenstein and Gentner, Lessons from Analogical Reasoning in the Teaching of Negotiation (1999) *Negotiation Journal*
- Kolb, Constructing a Theoretical Framework for Teaching about Gender in Negotiation (2000) *Negotiation Journal*
- Fells, Teaching a subject like negotiation: How might we encourage deep learning? Proceedings of the 10th Annual Teaching Learning Forum, 2001
- Loewenstein and Thompson (2000) *Negotiation Journal*
- R C Bordone and B Mnookin, *Hewlett Pedagogy Survey Report on Negotiation Teaching in Law Schools, at the Hewlett Conference 2000*
- A Kenworthy–U'ren, Service Learning and Negotiation (2003) *Negotiation Journal*
- R B McKersie and N O Fonstad, Teaching Negotiation Theory and Skills Over the Internet (1997) *Negotiation Journal*
- S R Peppet, Teaching Negotiation Using Web Based Streaming Video (2002) *Negotiation Journal*

1st Asian Mediation Association
Conference
4 - 5 June 2009

For Further Information

ncukier@landers.com.au
m.conleytyler@gmail.com