

Negotiation Activity

RULES OF THE NEGOTIATION ACTIVITY

Introduction:

Negotiation Activity provides a means for engineering students to practice and improve their negotiating skills. Because technical ability alone is not enough, we seek to build exceptional working relationships with our clients. By doing so, we are able to develop a deeper understanding of our clients' businesses, provide commercially astute, innovative advice and create better business outcomes for our clients. The activity simulates legal negotiations in which students, acting as lawyers, negotiate a series of legal problems. The simulations consist of a common set of facts known by all participants and confidential information known only to the participants representing a particular side. All of the simulations deal with the same general topic, but the negotiation situation varies with each round and level of the activity.

Problems:

The persons and events depicted in the problems are purely fictional and are prepared solely for the educational exercise being conducted in the activity. Any resemblance to actual persons, living or deceased is unintentional and purely coincidental.

The problems will consist of the following:

- A common set of facts known by all competitors and
- Confidential information known only to the competitors representing a particular side.

NEGOTIATION FORMAT

First 15 minutes will be given to all teams to get acquainted with the problem given.

A. General Negotiation Format

Each round will consist of 20 minutes of active activity. The general negotiation format is as follows:

- a 15-minute negotiation session (which may include one 2-minute break per team);
- a 2/3-minute self-analysis period (2/3 minutes per team);

1. Breaks during Rounds

Each team may take one break of no more than 2 minutes. The 15-minute negotiating period will continue during any such break. Both teams must leave the room during the break.

2. Permissible Team Supplies during Rounds

During a negotiation round, competitors may use the following:

- blank flip charts or black/white boards to write on during the round;
- any handwritten or typed notes for their own reference; and
- calculators or stopwatches.

No technological devices may be used, including laptop computers, tablets, mobile phones, smart phones, personal digital assistants, and similar electronic communication devices, except for timekeeping purposes. Further, any technological device used for timekeeping must be kept in “airplane mode.”

No prepared materials may be presented or handed out during the negotiation session or self-analysis, except as specifically authorized by the problem. Self-analysis may only reference materials created or used during the negotiation session.

3. Timekeeping

Responsibility rests with the student competitors for adherence to allotted time periods for negotiating sessions and breaks. Under no circumstance will a negotiation session last longer than 20 minutes, excluding the self-analysis period and judges’ feedback.

If volunteers are available, timekeepers may be provided, but no individual identified with a competitor may act as timekeeper in a negotiation involving such competitor. Decisions by the judges as to elapsed time and as to when the negotiation should end are final and non-reviewable.

B. Self-analysis

1. Self-analysis Process

Following the 2-minute preparation for self-analysis, each team will have 2/3 minutes in which to analyze for the judges the team's performance in the negotiation. This will take place outside the presence of the opposing team.

2. Self-analysis Content

During the 5-minute self-analysis, competitors should directly address the judges and answer the following two questions:

- (1) "In reflecting on the entire negotiation, if you faced a similar situation tomorrow, what would you do the same and what would you do differently?"
- (2) "How well did your strategy work in relation to the outcome?"

The judges will not be expected to prompt answers to these two questions. Competitors should also be prepared to answer questions from the judges concerning their performance. For scoring purposes, the judges may consider anything said during this session.

PROHIBITED COMMUNICATION AND ATTENDANCE

A. Communication

1. Prohibited Communication during a Round

Communications with competitors. No one, including other persons associated with a competitor, may give advice or instructions to, or attempt to communicate in any other way, including using any form of technology, with any of the competitors during the period from commencement of the negotiation session through the completion of the judges’ feedback to the competitors.

Communications with judges. Competitors, and other persons identified with a team may not speak to a judge during the period from commencement of the negotiation session through the completion of the judges’ feedback to the competitors. Competitors may respond to questions about the negotiation posed by the judges during the self-analysis session, but competitors may not ask questions of the judges during the round until the feedback period, and then only if the judges grant permission.

2. Consequences of Engaging in Prohibited Communication

The mere act of communication or receipt of information proscribed by this rule will constitute a violation, regardless of the substance thereof and regardless of whether initiated by a competitor or by any other person affiliated with a competitor. Violation of this rule may result in disqualification. Harmless error will not be a defense to a complaint based on violation of this rule because of the appearance of impropriety occasioned, even by casual exchanges unrelated to the substance of the negotiation.

B. Attendance

1. Attending Rounds

Competitors may attend only their scheduled negotiation sessions.

2. Scouting Prohibited

Scouting in any form is strictly prohibited. Scouting is the observation and sharing of information with a competitor about another team in the activity, during the activity, whether intentional or inadvertent. The responsibility rests on the team to refuse any attempted prohibited communication.

Are the judging standards premised on the assumption that there is one correct approach?

These standards are based on the premise that there is not one "correct" approach to effective negotiation in all circumstances. Instead, the strategies and techniques used will vary with the nature of the problem, the specific mix of personalities involved, and other circumstances. Whatever approach is used, however, negotiation effectiveness can be judged at least in part by the outcome of the session, regardless of whether agreement was reached.

A good negotiation outcome is one that:

- Is better than the best alternative to a negotiated agreement (with this party);
- Satisfies the interests of
 - the client – very well
 - the other side – acceptably (enough for them to agree and follow through)
 - third parties – tolerably (so they won't disrupt the agreement);
- Adopts a solution that is the best of all available options;
- Is legitimate – no one feels "taken";
- Involves commitments that are clear, realistic, and operational;
- Involves communication that is efficient and well understood, and
- Results in an enhanced working relationship or an agreement to negotiate further.