

# Developing Negotiation Skills in the Classroom: A Case Simulation

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## ABSTRACT

*Effective negotiation skills are required in all positions and at all levels of modern organizations. Employees in the human resources department utilize these skills on a daily basis when they deal with such items as new hire packages, salary increases, performance issues, labor contracts, and terminations. Research indicates that by using practical, real-life simulated negotiation scenarios, learners can develop more effective negotiating skills. This paper introduces a case where students can be assigned to a management team or a union team to negotiate a mock collective bargaining agreement. Guidance is provided on how to apply the case in the classroom and facilitate the discussion at the conclusion of the exercise.*

## INTRODUCTION

Employees in every organization utilize negotiating skills on a daily basis. From negotiating deadlines and workloads to prices of supplies and contracts with unions, negotiations range from the small and mundane to the large and exceptional. A company with effective negotiating capabilities can gain a competitive advantage, reduce costs, increase profits and improve relationships (Masters, Albright & Irr, 2003). When identifying the ten managerial roles that leaders perform to accomplish organizational objectives, Mintzberg (1973) classified the role of “Negotiator” as one of the essential decisional roles that must be executed by managers.

Human Resource managers utilize negotiation skills regularly in a wide variety of areas. Encouraging line managers to get on-board with a new performance management system, recruiting a promising new job candidate, or vying to secure top management support of a new pay plan, all require excellent negotiation skills in order to succeed (Anonymous, 2001). Further, a 2007 survey of salaries of Human Resource executives conducted by Watson Wyatt, a global consulting firm, and the Society for Human Resource Management (SHRM) indicates that the top Human Resources executive in a company who also has responsibility for labor relations (which includes negotiating collective bargaining agreements) collects the highest salary in the Human Resources field at a reported median total cash compensation of \$218,000. A similar Human Resources executive without responsibility for labor relations earns a median reported income of \$170,000 indicating the financial value to both the organization and the individual of having effective negotiating skills (Dooney & Esen, 2007, p. 38).

Negotiation involves two parties coming together to forge an agreement. It usually involves one or more of three purposes: to reach new agreements or renew expiring ones; to resolve disagreements and prevent conflict from escalating; or to change behavior (Masters, Albright & Irr, 2003). Poorly conducted negotiations can lead to very costly problems such as breach-of-contract suits, lost business opportunities, the need to re-do work, and dissatisfied

customers and/or employees (Masters, Albright & Irr, 2003). There is a strong likelihood that the parties to the negotiation process will interact on an on-going basis. As a result, it is important that the negotiations do not deteriorate into a situation that has a negative impact on the relationship (Grensing-Pophal, 2001). When employees learn negotiating skills, the result is better relationships, characterized by improved communication and reduced dysfunctional conflict in the workplace (Masters, Albright & Irr, 2003).

### **CHARACTERISTICS OF EFFECTIVE NEGOTIATORS**

One essential characteristic of effective negotiators is their ability to listen to the other party. Good relationships are built on trust and understanding and these are developed through listening. Asking probing questions and listening carefully to the responses can provide much needed information about the other side and will likely lead to more progress than simply pushing one's own agenda (Grensing-Pophal, 2001). Sebenius (2001) explains that it is important to listen for the difference between one party's position and its interests. He defines "position" as where a party stands on the issues, while "interests" are defined as the underlying concerns that determine the party's position. Negotiations can reach a stalemate when neither party will budge on its preconceived position (Grensing-Phophal, 2001). By listening carefully, the effective negotiator can determine the other party's interests and provide a solution to satisfy those interests while allowing the party to amend its position (Grensing-Pophal, 2001; Sebenius, 2001).

Masters, Albright and Irr (2003, pp. 122-124) identify other characteristics of effective negotiators. These include:

1. Having a vision of what is to be achieved
2. Confidence
3. Ability to disagree when necessary
4. Ability to move on when things are not working out as desired
5. Communication and persuasion skills
6. Empathy
7. Open mindedness
8. Persistence
9. Tolerance of criticism
10. Tolerance of risk
11. Ability to be a team player

### **SIMULATIONS TO TEACH NEGOTIATING SKILLS**

Evidence indicates that negotiating skills can be improved through study and practice (Taylor, Burns & Mesmer-Magnus, 2008; Manwaring, 2006; Wheeler, 2006). Taylor, Burns and Mesmer-Magnus (2008, p. 135) provide a list of skills that poor negotiators can be taught to become more proficient:

1. Acknowledge the position of the other party
2. Use active listening techniques

3. Adopt effective questioning techniques
4. Accurately interpret nonverbal communication
5. Use collaborative communications
6. Think creatively to find win-win conflict resolution strategies in lieu of the more common competitive or win-lose tactics

The principles of Instructional Design Theory presented by Gagne, Briggs and Wagner (1992) indicate that introducing material, permitting practice, and providing feedback to students increases confidence, skill, and transfer intentions. Gagnon (2007) confirms that by using practical, real-life simulated negotiating scenarios, learners can develop more effective negotiating skills. The next section of this paper will present a negotiating scenario that can be used in the classroom to learn, develop, and practice negotiating skills.

### **THE NEGOTIATING SIMULATION: COLLECTIVE BARGAINING AT BEHRCO INDUSTRIES**

This simulation requires students to conclude a collective bargaining agreement for a manufacturing facility. It can be utilized in many different classes including, but not limited to, Human Resource Management, Labor Relations, Leadership, or Organizational Behavior. Students should be separated into groups. Ideally the groups should number six to eight students. Half of the students will be randomly assigned to the management team while the other half will be randomly assigned to negotiate on behalf of the union. Each team should have three to four students. This appears to be an optimum number in order to prevent social loafing and ensure that all students have an opportunity to fully participate in the process. Once the teams are formed, the case materials can be distributed. Students can be asked to meet and develop their negotiation plan prior to the class meeting when the negotiations will take place. If there is adequate time, this first meeting can take place in class. Appendix 1 provides a summary of the steps in the simulation along with some tips for facilitators. Materials for use in the simulation are presented in the next section of the paper.

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#### **BARGAINING AT BEHRCO INDUSTRIES (Management Position)**

You are a member of the *management* negotiating team at Behrco Industries, a major producer of auto parts for various retail outlets (e.g. Auto Zone, Pep Boys) across the country. You are bargaining with your production/maintenance employees' union. Your company has been successful in its chosen market, turning a good profit each year and compensating the employees within the top 15% of the relevant labor market. In your current contract negotiations you have settled the majority of the outstanding wage and benefit issues. You feel it is an equitable agreement so far with each side compromising where necessary to reach an agreement. You were even able to settle a long-standing contracting out issue to the satisfaction of both sides. Now, however, you have four remaining issues that must be settled. All of these issues are important and have generated strong feelings on both sides. You want to get this agreement signed and ratified before your present contract expires next week. With so many of your competitors anxious to supply your customers if your employees strike, it is essential that you conclude this contract without a work stoppage.

### **Facts about the organization/issues**

- There are 1000 employees in the organization – 700 in the bargaining unit.
- Financially the company is doing very well. Profits have been up for the past four years and there is no reason to expect that the trend will not continue.
- Thirty-three percent of the employees in the bargaining unit currently smoke. Fifteen percent of the non-bargaining unit employees are smokers.
- Health insurance premiums have been increasing due to the current smoking policy. (Premiums could be reduced by 5% if the company had a no smoking policy. Current rates are \$300/month for a single employee or couple, \$400/month for a family with children. Costs are shared 60%-40% between the company and the employee.).
- Managers and employees have been complaining about employees who smoke taking an excessive number of breaks during the work day.
- The industry average for statutory holidays is six per year, which is what the company currently provides. Employees also earn an average of 15 vacation days per year.
- The cost to build the parking structure will be approximately \$4,000,000.
- The average employee in the bargaining unit earns \$45,000 per year – the range is \$35,000 – \$55,000.

### **Management Issues:**

1. **No Smoking Policy:** Currently smoking is allowed in one of the two break rooms and on the grounds of the plant. You would like to eliminate smoking completely while on company premises.
2. **Dress Code:** The current dress code is not being followed – employees often show up for work wearing ripped and dirty jeans and t-shirts, dirty sneakers and baseball caps. After struggling with enforcement of the dress code for years, you have decided that the best solution is for all employees to be required to wear coveralls at work. You feel that these should be purchased by the employees at their own expense - \$45/pair. However, you may be willing to purchase each employee one set of coveralls each year.

### **Union Issues:**

1. **Parking:** There has been a 25% increase in the number of employees in the plant over the past year. As a result, there is no longer adequate space in the employee parking lot (employees get spaces on a first come first served basis). Many employees now have to park on the street (if they can find spaces) or they must pay \$6.00/day to park in the commercial lot across the street. The employees want the company to build a new parking garage where the current parking lot is to accommodate the increase in cars. While management is opposed to this capital investment, it may be willing to subsidize the cost of employee parking at the commercial lot up to \$3.00/day.
2. **Day off:** The employees are pushing for an extra day off in this year's contract – specifically Thanksgiving Friday. They currently are off on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. The

company has been considering this extra holiday for some time and may support this; however, you plan to hold out and use this concession only if necessary.

Take about 30 minutes to discuss your options and your strategy with the members of your bargaining team. Delineate your demands clearly and then discuss what compromises you may be willing to accept. Are there trade-offs you might be prepared to make in return for the satisfaction of your most important issues?

You will then begin negotiating with the union team. In collective bargaining, the union typically takes the lead in making initial proposals; the company reacts. And remember, under the NLRA, you have an obligation to bargain in good faith which means:

1. You must make counterproposals when you reject the opposing party's proposal.
2. You must not constantly change your position with regard to your contract terms.
3. You must not engage in evasive behavior.
4. You must make a serious attempt to adjust differences to reach an acceptable common ground.

Bargaining means more than mere negotiations – it means negotiations with a bona fide intent to reach an agreement if an agreement is possible. You will have about 45 minutes for this part of the negotiation.

After the initial negotiation session you will meet with your own team again. Take about 30 minutes to discuss the proposals made by the other team and to decide where you might be willing to compromise to achieve an agreement and where you are determined to remain firm.

Finally, you will bargain with the union team one more time in an attempt to settle the outstanding issues and come to an agreement. Again, you'll have about 45 minutes for this final phase of the bargaining session.

At the conclusion of this session we will discuss the terms and conditions negotiated by each team, the settlement each attained, and where you felt the greatest problems arose and why. How did you resolve them?

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### **BARGAINING AT BEHRCO INDUSTRIES (Union Position)**

You are a member of the *union* negotiating team at Behrco Industries, a major producer of auto parts for various retail outlets (e.g. Auto Zone, Pep Boys) across the country. Your bargaining unit consists of the production and maintenance employees in the plant. The company has been successful in its chosen market, turning a good profit each year and compensating employees within the top 15% of the relevant labor market. You are currently negotiating your contract with management and you have settled the majority of the outstanding wage and benefit issues. You feel it is an equitable agreement so far with each side

compromising where necessary to reach an agreement. You were even able to settle a long-standing contracting out issue to the satisfaction of both sides. Now, however, you have four remaining issues that must be settled. All of these issues are important and have generated strong feelings on both sides. You want to get this agreement signed and ratified before your present contract expires next week. However, your members feel quite strongly about some of these issues and may be willing to strike if they feel that the company is unwilling to compromise – particularly on the parking problem.

### **Facts about the organization/issues**

- There are 1000 employees in the organization – 700 in the bargaining unit.
- Financially the company is doing very well. Profits have been up for the past four years and there is no reason to expect that the trend will not continue.
- Thirty-three percent of the employees in the bargaining unit currently smoke. Fifteen percent of the non-bargaining unit employees are smokers.
- Health insurance premiums have been increasing due to the current smoking policy. (Premiums could be reduced by 5% if the company had a no smoking policy. Current rates are \$300/month for a single employee or couple, \$400/month for a family with children. Costs are shared 60%-40% between the company and the employee.).
- Managers and employees have been complaining about employees who smoke taking an excessive number of breaks during the work day.
- The industry average for statutory holidays is six per year, which is what the company currently provides. Your members also earn an average of 15 vacation days per year.
- The cost to build the parking structure will be approximately \$4,000,000.
- The average employee in the bargaining unit earns \$45,000 per year – the range is \$35,000 – \$55,000.

### **Union Issues:**

1. **Parking:** There has been a 25% increase in the number of employees in the plant over the past year. As a result, there is no longer adequate space in the employee parking lot (employees get spaces on a first come first served basis). Many employees now have to park on the street (if they can find spaces) or they must pay \$6.00/day to park in the commercial lot across the street. The employees want the company to build a new parking garage where the current parking lot is to accommodate the increase in cars.
2. **Day off:** The employees are pushing for an extra day off in this year's contract – specifically Thanksgiving Friday. They are currently off on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. They may be willing to settle for taking off on their birthdays, but they would really prefer a plant-wide holiday on Thanksgiving Friday.

### **Management Issues:**

1. **No Smoking Policy:** Currently smoking is allowed in one of the two break rooms and on the grounds of the plant. Management would like to eliminate smoking completely while on company premises. Union members who smoke are very committed to maintaining

smoking areas on-site and have agreed to allow the union leadership to “police” the smokers to ensure that they adhere to allowed break times. However, given the recent news that health premiums could be reduced under a no-smoking policy, some non-smoking members are pressuring the bargaining team to compromise on this issue.

2. **Dress Code:** The current dress code is not being followed – employees often show up for work wearing ripped and dirty jeans and t-shirts, dirty sneakers and baseball caps. After struggling with enforcement of the dress code for years, management has decided that the best solution is for all employees to be required to wear coveralls at work. However, management believes that these should be purchased by the employees at their own expense - \$45/pair. The union members are not in favor of a dress code as they do not interact with the public and feel this is an unnecessary expense.

Take about 30 minutes to discuss your options and your strategy with the members of your bargaining team. Delineate your demands clearly and then discuss what compromises you may be willing to accept. Are there trade-offs you might be prepared to make in return for the satisfaction of your most important issues?

You will then begin negotiating with the management team. In collective bargaining, the union typically takes the lead in making initial proposals; the company reacts. And remember, under the NLRA, you have an obligation to bargain in good faith which means:

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## POST-NEGOTIATION DEBRIEFING

At the conclusion of the exercise each labor-management team should present its collective bargaining agreement. This will generate discussion among the other teams which can be facilitated by the instructor. Some issues to consider in the discussion include:

1. Were both parties satisfied with the agreement? If not, why? This is an opportunity to discuss the importance of a win-win outcome and the differences between integrative and distributive bargaining as defined by Walton and McKersie (1965).
2. Do you feel that the other team negotiated fairly and in good faith? Did they attempt to come to an agreement?
3. Which issue was the hardest to negotiate (students often indicate the smoking issue was difficult because the teams are often non-smokers having to represent the interests of smokers). Did you get stuck on an issue? Did you move on and come back later? Did that help?
4. Do you perceive that one team, or one member of a team, was an obstacle to an effective agreement? Why?
5. Did you have a negotiating plan? Did you follow it? This is an opportunity to discuss the importance of planning for negotiations. Most textbooks with a chapter on the negotiating process will provide steps to follow in preparing for negotiations. The steps generally include making sure that you (1) know what you want (2) have a pretty good idea of what the other side wants (3) ensure that you can separate positions from interests (4) brainstorm to build options (Grensing-Pophal, 2001; Masters, Albright & Irr, 2003).
6. Did your team members get along? Why or why not?
7. Did you believe that you were able to maintain a constructive relationship with the other team?
8. Do you believe that one team gave in too quickly? Why?
9. Who made the first offer? Why?
10. Who took the leadership role in the negotiations? Was this person appointed or did his or her leadership role evolve?

## EVALUATION

In order to ensure that students commit to the exercise, it is important that they are evaluated on their participation. Assessment should take place on three levels. First, the teams should perform peer evaluations to indicate the quality and quantity of the participation of each team member. Second, instructors should evaluate teams on the creativity, practicality and reasonableness of the agreement that was reached. Finally, instructors must be sure to practice “Management by Walking Around” (MBWA) during the exercise so that they can see how the teams are functioning and interacting both internally and with their opposing team, and to assess individual contributions. It is also useful to collect upward feedback from the students on their reaction to the exercise. This helps the instructor to fine-tune both the information provided in the case and the process used in the simulation. Please see Appendices 2, 3, and 4 for a sample of forms that can be used for peer evaluation, instructor evaluation, and upward feedback from students.

## CONCLUSION

The use of negotiating skills is pervasive in every position and every level of the modern organization. Due to the fact that the cost of a negotiating mistake can be very high, it is not a skill which lends itself to on-the-job training. This paper introduces a case that can be used in the classroom to simulate a real negotiating experience. It can be adapted, amended, and adjusted to fit the different needs of instructors while providing a meaningful opportunity for students to apply negotiating theories and concepts in the classroom.

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## APPENDIX 1

### Instructions and Tips for Facilitators

Steps in the simulation:

1. Formulation of position - If students are meeting with their teams for the first time in class, distribute the relevant information to the teams and allow 30-45 minutes for initial discussion (or up to an hour if time permits). If students have met before class, this step can be eliminated.
2. Initial negotiations – Take about 45 minutes for the first round of bargaining between the teams.
3. Consideration of new information – Take about 30 minutes for the teams to consider information gleaned from the first round of negotiations and to re-formulate their positions.
4. Bargain to agreement – Take about 45 minutes for the teams to try to come to an agreement that both sides can support.
5. Additional rounds of negotiations can be included at the instructor's discretion and where time permits. The exercise may have to be conducted over several class periods.
6. Presentation of agreement and discussion – Each group will present its collective bargaining agreement and the instructor will facilitate a discussion. Depending on the size of the class this could take an hour or more.

Helpful tips:

1. Ideal group size for this exercise is six members – three assigned to the management team and three assigned to the union team. This seems to work most effectively if students are randomly assigned to groups and teams. When students are allowed to choose sides, they often choose the one with which they are most comfortable or familiar.

Random assignment will compel some to “see the other side” and ensure that decisions are not hampered by personal allegiances to friends in the class.

2. Determine whether teams will meet for their initial conference outside of class or during the class period. This simulation can be conducted over a period of time or in one class period depending upon the amount of time available and the depth in which the instructor desires to pursue the exercise.
3. Depending on the number of teams involved, the instructor may want to secure additional classroom space in which the teams can meet for both planning and negotiation purposes.
4. Make sure that students have access (by lecture, articles, notes, books) to theory and models on negotiation processes.
5. Allocate a portion of students’ grades to their contributions in this exercise to ensure enthusiastic participation. Make sure students are clear on the grading criteria that you choose to utilize. If you choose to use peer evaluations, make sure that students are aware that these will contribute to their grades.
6. The information provided to each party is very similar; but there is some information known by one side and not the other as is typical in real-world negotiations. More specific financial numbers can certainly be added and other issues that may be pertinent to a specific time and place may amend those listed. For example, in order to reflect the current economy an instructor may want this organization to be experiencing financial uncertainty while the union pushes for more job security.
7. This simulation focuses on non-wage issues. Wage concerns can often be resolved with a “split the difference” compromise, while non-wage items such as these may require more complex negotiations and concessions

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## **APPENDIX 2**

### **Peer Evaluation of Team Members**

Because the success of your negotiations depends on the contributions of all team members, it is important that the contributions of each member be evaluated. The best persons to do this are the group members themselves. Accordingly, on a scale of 1 to 5, I would like each of you to use this form to evaluate each of your team members on (a) Academic Quality and (b) Contribution to Group Processes. This evaluation will be turned in to me and will impact the grade earned by each group member.<sup>1</sup>

### ACADEMIC QUALITY:

- 5 = Very High--Work is exceptional. Demonstrates a clear understanding of the theory, processes and models of negotiation. Work is accurate, clearly presented, and useful. Demonstrates strong analytical and reasoning skills and is able to apply theory to problems. Work far exceeds standards of scholarship expected in graduate study.
- 4 = High--Some minor flaws in the above categories. Work exceeds standards of scholarship expected in graduate study.
- 3 = Satisfactory--Some significant flaws in the above categories, but work meets standards of scholarship expected in graduate study.
- 2 = Marginal--Significant flaws in one or more categories. Below standards of scholarship expected in graduate study.
- 1 = Unsatisfactory--Major flaws in one or more categories. Work does not meet standards of scholarship expected in graduate study.

### CONTRIBUTION TO GROUP PROCESSES:

- 5 = Very High--Contribution of leadership, management, and interpersonal skills were exceptional and vital to group effectiveness. Demonstrates qualities of cooperation and compromise. Quantity and quality of contribution far exceeded standards expected in graduate study.
- 4 = High--Minor problems but contribution exceeded standards expected in graduate study.
- 3 = Satisfactory--Several problems noted, but generally a positive contribution to group effectiveness. Quantity and quality of contribution meets standards expected in graduate study.
- 2 = Marginal--Some contribution, but sometimes absent or disruptive to group effectiveness. Below standards expected in graduate study.
- 1 = Unsatisfactory--Little or no contribution to group effectiveness.

Please rate each participant below where indicated using the 1 to 5 scale described above. Please comment on scores of 1 and 5. The Peer Evaluation is private. I do not expect you to share it with your other group members.

<u>Participant's Name</u>	<u>Academic Contribution</u>	<u>Contribution to Group</u>	<u>Comments</u>
1.			
2.			
3.			
4.			

<sup>1</sup>This peer evaluation is adapted from a form provided by Todd Grubb, Ph.D., Professor Emeritus of Troy University.

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### **APPENDIX 3**

#### **Instructor Evaluation of Team Performance**

Conclusion of the negotiation process should generate a collective bargaining agreement that both parties support. Each team will be evaluated on both the quality of its proposals and the quality of its interaction with the other side.

1. Team demonstrated creativity in developing solutions to problems. Went beyond a “split the difference approach” to develop ideas that satisfied the needs of both sides.

Not At All	Somewhat	Completely
1 2	3 4 5	6 7

2. Proposals put forth by the team were reasonable and practical. Proposals were both financially feasible and could be implemented without undue hardship on either side.

Not At All	Somewhat	Completely
1 2	3 4 5	6 7

3. Team demonstrated both compromise and cooperation. Team members cooperated internally and demonstrated a spirit of cooperation and compromise with the other side.

Not At All	Somewhat	Completely
1 2	3 4 5	6 7

4. The final agreement addresses the needs of both sides and implements proposals that are likely to be supported by the majority of the union members and management team.

Not At All    Somewhat    Completely  
 1   2   3   4   5   6   7

## APPENDIX 4

### Student Evaluation of Collective Bargaining Simulation

For each item below, please circle the number that best represents your assessment of the simulation experience.

1. To what extent did this exercise contribute to the learning process?

Not At All    Somewhat    Completely  
 1   2   3   4   5   6   7

2. Were the directions for this exercise clear?

Not At All    Somewhat    Completely  
 1   2   3   4   5   6   7

3. Was adequate time provided to complete the exercise?

Not At All    Somewhat    Completely  
 1   2   3   4   5   6   7

4. Did the instructor provide adequate theory, models, and instruction on negotiation to complete this exercise?

Not At All    Somewhat    Completely  
 1   2   3   4   5   6   7

5. Did the teams have an adequate number of members?

Not At All    Somewhat    Completely  
 1   2   3   4   5   6   7

6. Team meetings before class were helpful.

Not At All    Somewhat    Completely    Not Applicable  
 1   2   3   4   5   6   7

7. Team meetings before class would have been helpful.    Not Applicable

Not At All    Somewhat    Completely  
 1   2   3   4   5   6   7

8. The instructor moderated the process effectively.

Not At All    Somewhat    Completely  
 1   2   3   4   5   6   7

9. Expectations for the student's role in the exercise were clear.

Not At All		Somewhat			Completely	
1	2	3	4	5	6	7

10. The exercise was enjoyable.

Not At All		Somewhat			Completely	
1	2	3	4	5	6	7

### Comments

Below, please provide any comments about the content or process of the exercise – good or bad. I can only improve the exercise with your feedback.

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