

URPL-GP.4604, CONFLICT MANAGEMENT IN PLANNING, Fall 2011

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Planners, being situated squarely in the middle amongst developers, communities, planning boards, elected local legislators, mayors or city managers, and the media, are often at the center of conflict. Conflict is ubiquitous - within and between organizations and agencies, between levels of government, between private interests and government, between interest groups and government, between interest groups, between citizens and agencies, etc. The increasing complexity and interrelatedness of the issues that the public sector is called upon to address, and the increasing sophistication and engagement of groups representing both public and private interests, compounds the challenge.

To cope with these challenges, it is essential for planning professionals to know how to manage conflict effectively and possess as many of the skill sets as possible. Effective conflict management involves analyzing a conflict, understanding the dynamics between the parties, and determining the appropriate method for approaching and, in most cases, resolving it. The skill sets include being able to negotiate effectively, to assess disputes for their suitability for mediation and consensus building, to plan public involvement processes, and to think strategically about siting issues. In the absence of confidence and skill in conflict management, most public officials resort, often counterproductively, to the use of power, manipulation, and control. Possessing confidence and skill, one can exercise other options.

Through readings, discussions, and simulations you will learn about conflict dynamics; the art and science of negotiation; the variety of roles that planners can play in the face of conflict; conflict resolution techniques; approaches to public participation; and the special challenges of facility siting. The course will emphasize both the theoretical and the practical. You are encouraged to keep a journal, as you will almost certainly learn a lot about yourself, and self-awareness is central to the development of these skills.

Evaluation:

1. **10% - Class participation.** This is for contributions to class and participation in class exercises, not for mere attendance - attendance is mandatory.
2. **10% - Performance in the "Westville" role-play.** The grade will reflect how well you further the interests of the party you represent in the negotiation.
3. **80% - Reflective essay discussing what you learned from preparing for and from participating in the final negotiation exercise.** *Maximum* five (5) pages, double-spaced, indent the first line of paragraphs (so that no extra lines are needed between them), 10- or 11-point Times New Roman, minimum 1" margins, in "doc" format (NOT docx). Due via e-mail by 9:00AM on Monday, November 21, or by mutual agreement. My evaluation of the paper will be primarily based on your ability to demonstrate that you have studied the course readings and reflected on the class discussions and can apply their lessons. You should therefore cite course readings and class discussions – put footnotes in parentheses in the text, e.g. (author and page number, and title if there is more than one by that author in the readings). Though content is paramount, grammar, punctuation, spelling, clarity and professional presentation all matter, and papers that are poorly written or full of mistakes will not be eligible for a grade in the A-/A range. You are accountable for the basic rules of grammar contained in the Grammar Sheet posted on Blackboard. Go to the Writing Center (212-998-8866, writingcenter@nyu.edu) if you need to.
4. **0% - Fun.** You are invited to have fun in this course, but it isn't *required*, so it won't affect your grade.

Book/cases to be purchased:

- Malhotra D. & M. Bazerman, Negotiation Genius; NY, NY: Bantam Dell, 2007, available at the Professional Bookstore;
- Two licensed simulations to be paid for on-line. The fee is \$8.50. Go to the NYU Book Store website: <http://www.bookstores.nyu.edu> and click on the "Search for a Book" link. Select the "Search by ISBN" option and enter ISBN 978200002806B. Proceed to Checkout and complete your order. Tax and shipping charges will be removed before your credit card is charged. I will be automatically informed when you have paid the fee.

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Session 1 - Friday, September 9: (9:00 – 10:40 a.m.) – 145 4th Ave. (13-14th Sts.), rm. 209 **Conflict Management and Conflict Dynamics** **Principles of Negotiation – part one**

Readings:

Deikman, The Observing Self, pp. 92-95; Boston, MA: Beacon Press, 1982

Bolton, Excerpts from “Conflict Prevention and Control,” People Skills: How to Assert Yourself, Listen to Others, and Resolve Conflicts, pp. 206-10; New York, NY: Simon & Schuster, 1979

Susskind & Cruikshank, Breaking the Impasse: Consensual Approaches to Resolving Public Disputes, pp. 41-47; New York, NY: Basic Books, 1987

Carpenter & Kennedy, "Understanding Public Disputes: The Spiral of Unmanaged Conflict," Chapter 1 in Managing Public Disputes: A Practical Guide to Handling Conflict and Reaching Agreements; San Francisco, CA: Jossey-Bass, 1988

Rubin & Levinger, “Levels of Analysis: In Search of Generalizable Knowledge,” in Bunker & Rubin, eds., Conflict, Cooperation and Justice, pp. 13-38; San Francisco, CA: Jossey-Bass, 1995

Session 2 - Friday, September 16: (9:00 – 10:40 a.m.) – 145 4th Ave. (13-14th Sts.), rm. 209 **Principles of Negotiation – part two**

Assignment for session 2:

Fill out Doodle calendar for week 3 negotiation case to be done outside of class.

Readings:

Malhotra and Bazerman, Negotiation Genius, Introduction, Chapter 14 (pp. 296-top half of 300), and Chapters 1-3; New York, NY: Bantam Dell, 2007

Lax & Sebenius, "Interests: The Measure of Negotiation," Negotiation Journal, 2:1, 1986

Perkins, "Negotiations: Are Two Heads Better Than One?" Harvard Bus. Rev., Nov-Dec 93, pp. 13-14

Rackham, “The Behavior of Successful Negotiators,” pp. 169-181 in Lewicki et al, Negotiation: Readings, Exercises, and Cases; New York, NY: The McGraw-Hill Companies, Inc., 2003

Session 3 - Friday, September 23: (9:00 – 10:40 a.m.) – 145 4th Ave. (13-14th Sts.), rm. 209
Principles of Negotiation – part three

Assignments for session 3:

Do **Development Negotiation in the Project Review Process** outside of class
Fill out Doodle calendar for week 4 negotiation exercise

Readings:

Malhotra and Bazerman, *op.cit.*, Chapters 4-11 and 13 (Note: Chapters 11 and 13 are especially pertinent to the discussion we will have about power, which also will reference the following two articles.)

White, "Essay Review: The Pros and Cons of Getting to YES", Journal of Legal Education, 1982

McCarthy, "The Role of Power and Principle in Getting to YES", Negotiation Journal, January 1985

Meltsner & Schrag, "Negotiating Tactics for Legal Services Lawyers," 1973, reprinted in Goldberg et al, eds, Dispute Resolution: Negotiation, Mediation & Other Processes, pp. 18-23; Boston, MA: Little, Brown, 1992

Lax & Sebenius, excerpt from The Manager as Negotiator; New York, NY: Free Press, 1986, reproduced in Goldberg, Sander & Rogers, *op. cit.*, pp. 62-65

Murray, "Understanding Competing Theories of Negotiation," Negotiation Journal, Apr. 1986

Optional readings pertaining to agents and principals in negotiation (planners are usually agents):

Mnookin and Cohen, "Introduction," pp. 1-11 in Mnookin and Susskind, eds., Negotiating on Behalf of Others; Thousand Oaks, CA: Sage Publications, 1999

Cutcher-Gershenfeld and Watkins, "Toward a Theory of Representation in Negotiation,"
Susskind, "Commentary: The Shifting Role of Agents in Interest-Based Negotiations," Fisher and Davis, "Authority of an Agent," and Bazerman, "Commentary: Rational Authority Allocation to an Agent," pp. 23, 44-50, 52-57, 59-80 and 81-85; *Ibid.*

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Session 4 - Friday, October 7: (9:00 – 10:40 a.m.) – 145 4th Ave. (13-14th Sts.), rm. 209 **Principles of Negotiation – part four** **Communication in Conflict Management**

Assignments for session 4:

Do **My Way or the Highway** outside of class

Be prepared to play the role of Audrey Simmons at the meeting in her office when the community representatives demand the cancellation of the awards ceremony in “Audrey Simmons and the FAA” (see below)

Fill out Doodle calendar for week 5 negotiation exercise

Readings:

Reich, ed., “Audrey Simmons and the FAA,” Public Management in a Democratic Society, Englewood Cliffs, NJ: Prentice-Hall, 1990

Malhotra and Bazerman, *op. cit.*, Chapter 12

Rogers & Ryback, "One Alternative to Nuclear Planetary Suicide," The Counseling Psychologist, Vol. 12-2, Sept. 1984

Schindler & Lapid, excerpts, The Great Turning; Santa Fe, NM: Bear & Co., 1989

Session 5 - Friday, October 14: (9:00 – 10:40 a.m.) – 145 4th Ave. (13-14th Sts.), rm. 209 **Roles of Planners** **Public Involvement Strategies – part one**

Assignment:

Do **Westville: Mediation Strategies in Community Planning** outside of class
Fill out Doodle calendar for final negotiation exercise

Readings:

Forester, “Planning in the Face of Conflict: Negotiation and Mediation Strategies in Local Land Use Regulation,” reprinted in Forester, Planning in the Face of Power, Berkeley, CA: University of California Press; 1989

National Coalition for Dialogue & Deliberation, Resource Guide on Public Engagement, 2010

“IAP2 Public Participation Toolbox”, International Association for Public Participation, 2004

"A Redevelopment Plan for the Hastings-on-Hudson Waterfront", fall 2001, especially p. 1, “Outreach” on p. 4, pp. 15-16 (first paragraph), p. 18 (first paragraph)
<http://www.village.hastings.ny.us/docs/waterfrontplan.pdf>

Additional resources:

“Public Involvement Techniques,” Washington, D.C.: U.S. Dept of Transportation – Federal Highway Administration/Federal Transit Administration; 2009; sections 1-3
http://www.planning.dot.gov/PublicInvolvement/pi_documents/toc-foreword.asp

Session 6 - Friday, October 28: (9:00 – 10:40 a.m.) – 145 4th Ave. (13-14th Sts.), rm. 209
Public Involvement Strategies – part two
Alternative Dispute Resolution and Consensus Building in Planning – part one

Readings:

Alternative Dispute Resolution

Pou, pp. 3-13 (to the middle of the right column) (also take note of a useful Glossary at pp. 38-39),
“Current Practices in the Use of Alternative Dispute Resolution,” Legal Research Digest 50;
Washington, D.C.: Transportation Research Board; October 2008

Mediation in land use and transportation

Carpenter & Kennedy, *op. cit.*, chapter 2, “Dealing with Conflict Productively,” pp. 18-51, esp. 18-29

Nolon, "Addressing Local Environmental and Land Use Controversies through Mediation", New York Law Journal, Aug. 18, 1999; pp. 1-3

"Using Mediation to Resolve Land Use Disputes", Series II: Conflicts and Their Resolution, Issue Number 4, March 13, 2002; Land Use Law Center, Pace University School of Law

Additional resources:

Designing and organizing a conflict management program for a public dispute

Carpenter & Kennedy, *op. cit.*, chapter 4, ‘Analyzing the Conflict,’ pp. 91, 88-89

Ibid., chapter 5, ‘Designing a Strategy and Setting Up the Conflict Management Program,’ pp. 92-115

Ibid., chapter 6, ‘Adopting Procedures and Developing Options,’ pp. 123-124

Keiser & Mohr, “Inside New York’s Emerging Brownfields Regime: Challenges and Visions in Crafting a New Framework for Redeveloping Contaminated Land”; unpublished Columbia Law School paper, 2000

Cormick, Dale, Emond, Sigurdson and Stuart, Building Consensus for a Sustainable Future: Putting Principles into Practice; Ottawa, Ontario, Canada: National Roundtable on the Environmental and the Economy, 1996 – comprehensive handbook

Gregory, "Using Stakeholder Values to Make Smarter Environmental Decision Making," Environment, June 2000 – techniques for taking behavioral decision making biases into account

Evaluating dispute resolution – asking the tough questions

Innes, “Evaluating Consensus Building,” in Susskind, McKernan and Thomas-Larmer, eds., Chapter 17, pp. 631-636, 640-641, 647-654; The Consensus Handbook: A Comprehensive Guide to Reaching Agreement; Thousand Oaks, CA: Sage Publications, 1999.

Forester, “Envisioning the Politics of Public-Sector Dispute Resolution,” JAI Press, Studies in Law, Politics, and Society, Volume 12, pages 247-286, 1992

Session 7 - Friday, November 4: (9:00 – 10:40 a.m.) – 145 4th Ave. (13-14th Sts.), rm. 209
Alternative Dispute Resolution and Consensus Building in Planning – part two
An Approach to Siting Controversies

Readings:

Sandman, "Getting to Maybe: Some Communications Aspects of Siting Hazardous Waste Facilities," Seton Hall Legislative J., Vol. 9, No. 2, 1986

McQuaid-Cook and Simpson, "Siting a Fully Integrated Waste Facility in Alberta," Journal of the Air Pollution Control Association, September 1986, Vol. 36, No. 9, 1031-1034

Susskind & Cruikshank, "The Facility Siting 'Credo': Guidelines for public officials," CONSENSUS, January 1991

Susskind, Field & Raiffa, "Risk and Justice; Rethinking the Concept of Compensation", Annals of American Academy of Political and Social Science, 1995