

Assessing Negotiation Competitions

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***Editors' Note:** For many students, the first moment when “the rubber hits the road” in their learning is when they themselves hit the road, at a multi-institution competition. Across a remarkable array of institutions and cultures, the authors assess what has been learned about assessing students in competition environments. Noting that by definition, a competition requires winners (or does it? See next chapter) they suggest that students might be judged either by the “outcome” of the negotiation, or, either in combination with outcome or exclusively, by criteria more related to “style and process,” in the way that competitions in gymnastics, figure skating and diving are judged.*

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Introduction

As more universities develop and offer negotiation courses, more professors start to focus on negotiation as their area of expertise, and more students become interested in negotiation, one challenge becomes how to offer students the best possible journey towards negotiation mastery. Negotiation competitions are an excellent tool to engage and motivate students about negotiation. Due to their success, negotiation competitions are starting to be organized all over the world. Unfortunately, they often fail to fully tap into the wealth of experience already available to create top quality learning experiences.

Negotiation competitions can take several different shapes and forms, and yet there seems to be very little consensus on how they can best be organized. Managing a negotiation competition implicates a number of assumptions about what good negotiation performance is as well as the ability to assess it. The goal for this article is to facilitate future negotiation competitions by suggesting standards for assessing participants, and at the same time, contribute to negotiation evaluation in other settings, such as classrooms and real-life negotiations.

The authors have been involved in various negotiation competitions in the past with negotiation students in different fields (law, international relations, business, etc.) and different parts of the world (Africa, Asia, Europe, North America), competing within a class, a school, and between schools. Our experience as judges in the Third Annual China University English Language Negotiation Competition (organized at Peking University in May 2011) led to a number of questions addressed in this chapter:

- What are our objectives when organizing and judging a negotiation competition?
- What evaluation factors should be included on an assessment form?
- What choices need to be made when organizing or judging a negotiation competition?
- Beyond competitions, where can assessment forms and processes be applied?

We address these questions leveraging our diverse experiences with competitions and our access to assessment forms from different organizations around the world: the Hong Kong University,¹ Peking University, Les Négociales, and the American Bar Association (ABA).² See a summary of organizations and assessment forms analyzed in Appendix 1.

In this analysis, consistent with our experience, we will discuss negotiation competitions which use role-playing of negotiation scenarios by individuals or teams as the main vehicle to assess participants' performance.

Given the expanded teaching modes developed as a result of the Rethinking Negotiation Teaching project, we expect that competitions of the future may well include alternative means to assess participant performance, such as individual or team success in adventure learning activities or in the development of simulations, as distinct from participation *in* simulations (Alexander and LeBaron 2009; Ebner and Kovach 2010; Druckman and Ebner 2010; see Ebner and Druckman, *Simulation Design for Learning*, in this volume, for this exercise's advantages for assessment). Since we have not yet seen these types of competitions in action, this chapter will address the current typical competition, i.e., those with role-plays.

Objectives and Assumptions of Negotiation Competitions

A negotiation competition may have multiple objectives. In our experience, participants are generally students of negotiation, or potential students of negotiation. Common objectives are to:

- Build awareness and interest in negotiation and in learning negotiation;
- Create a learning opportunity for participants and judges;
- Evaluate the capacity of the participants to implement negotiation skills and methodology;
- Provide a transitional platform for participants to move from studying negotiation to practicing it in real life settings.

Whether a negotiation competition is a good way to achieve these objectives implies several assumptions, including:

- 1) The competition will motivate participants to do their best, and they will have a more focused experience in which to hone their skills; and
- 2) It is possible to assess participants in a reasonably objective and fair way, to justify the title “winner of the negotiation competition.”³

In this chapter we accept the choice to organize a negotiation competition with the objectives and implied assumptions outlined above.

Assessment Options

A competition, by definition, requires winners. Winners in a negotiation competition would ideally be determined in a way that promotes effective and successful behaviors and is perceived by participants as fair and reasonably objective. Possible measures for assessing participants include:

- 1) *The negotiation* outcome (similar to what happens in sport competitions where there are objective measures – such as time, distance, height, or score – that can be used to compare

individual or team performances); *A judge-attributed score* based on a set of criteria (similar to what happens in sports such as artistic gymnastics, figure skating or diving);

2) *A combination* of both of the above.

Choosing assessment options requires consideration of the reference: the standards, the models or the pattern we recognize and promote as characterizing a “good negotiator.” As practitioners, teachers or trainers from different disciplines or different backgrounds, it is impractical or impossible to propose universal norms to evaluate negotiators’ performance. Given the complexity of most negotiation settings, another challenge is to offer role-plays that allow us to assess both outcomes and process, not only in quantitative terms, but also in qualitative terms of substance, relationship and process efficiency and effectiveness, as well as other factors that may be deemed relevant.

The key benefit of comparing negotiation outcomes – provided the outcomes could be objectively measured – would be to remove subjectivity from the evaluation process. However, an emphasis on outcome, as for example in scorable negotiation exercises, would elevate the end result over the process. It would also create incentives for participants to reach an agreement even when it might not be the most appropriate course of action. In addition, while comparing outcomes could eliminate the need for recruiting volunteer judges (or at least reduce it – observers might still be needed, for instance to watch for possible ethical breaches), this approach would also eliminate the rich interaction and learning between participants and judges.⁴

Conversely, a judge-attributed score can be constructed so that, even if not completely objective, it takes into account different factors to reach a quantitative assessment based on judges’ qualitative observations of the role plays. However, given the dependence on human judges with individual preferences, cultures, and world views, the obvious challenge is how to make the scoring system reasonably objective and fair.

The negotiation competition we judged in Beijing, and most others we have participated in, used a scoring system based on judges’ assessments. We have not had direct experience with competitions using scorable outcomes as a single measure. One of the authors uses diplomatic simulation games with scorable results, in combination with the teacher’s own assessment, to evaluate negotiation students.⁵ Cyberweek, an annual all-online conference on online dispute resolution, has included online negotiation competitions using the Smartsettle online negotiation system, which scores participants without the intervention of a judge.⁶

We focus this chapter on negotiation competitions with judges assessing participants’ performance based on certain evaluation criteria, since from the authors’ experience this is the most common

approach. This choice does not imply that a scorable outcome or a combined assessment option may not be a better choice; indeed, we will recommend considering these approaches in suitable cases.

What to Evaluate

Proposing an ideal assessment form would imply several assumptions:

- 1) We know what the ideal negotiation competition objectives are;
- 2) There is a perfect model negotiator and we know how to identify such a person; and,
- 3) There are “perfect judges” who use the judging form in an absolutely consistent way.

Ideal, perfect and absolute, of course, do not exist; striving to live up to these assumptions as best as possible is the primary challenge any negotiation competition faces.

Evaluation factors vary depending on the objectives of the competition. Therefore, the first step is to clarify the competition objectives and then design a form which best tracks those objectives.

As part of the objectives, competitions often promote a specific negotiation style, which is reflected in the assessment form. For example, all the forms analyzed for this chapter (see the Appendices) reveal a preference for win-win, interests-based negotiations over win-lose, and that is our focus.⁷

Given the preferences implicit in judge-attributed scores, scorable outcomes might be a better choice for competitions where allowing negotiators with different styles to perform well is an important objective.

Different judges have different perceptions and preferences, which may lead to vastly different and even conflicting scores using the same assessment system. These differences can be especially challenging when the system is new to the judges, and when judges have diverse cultural backgrounds.⁸ While not eliminated altogether, differences in assessments may be reduced and managed by:

- Presenting factors as directional statements (e.g., “Improved relationship with the other side”), which help judges align interpretation and application better than more ambiguous neutral issues (e.g., “Relationship with the other side”);
- Complementing factors with a short description (e.g., the *Les Négociales* form in Appendix 4), a question (e.g., the *ABA* form, Appendix 5) or additional sub-factors detailing the factors and providing examples of what judges should take into account. These options are workable compromises between a more bare-bones approach and detailed instructions that could be too dense to read in the midst of a competition;

- Having several judges assess each negotiation, requiring them to reach a consensus, averaging their independent scores and/or eliminating outlier scores;
- Having the same judges watch all negotiations (only feasible in very small competitions);
- Asking judges for a summary ranking of the teams they assess, thus eliminating differences arising from some judges grading more generously (with very positive scores) and others harder (with worse scores).⁹

A negotiation can be broken down into two basic parts for simplicity, i.e., the process and the outcome. In a competition, the judges will probably want to evaluate how good the outcome is and how well the students managed the process. How well a student manages the process can be split into assessing his or her skill and the ethics behind it. Hence, depending on the context and the objectives of the competition, evaluation factors may include:

- 1) Negotiation outcome;
- 2) Demonstration of negotiation skills;
- 3) Demonstration of ethical practices; and,
- 4) Other particular factors organizers might consider.

Below, we elaborate further on these evaluation factors.

Good Negotiation Outcome

While substantive outcomes may be a good short-term measure of a negotiator's performance, they may not hold in the medium or long term. A high-value substantive outcome today may have been achieved, for instance, at the cost of the relationship (which may or may not be important to the parties, in the short or the long term) or the process (e.g., through an unstructured, lengthy, tiring negotiation). This may lead the other party to refuse to negotiate in the future or to demand higher substantive value to compensate for risks in other dimensions.

The workbook *Getting Ready to Negotiate* (Fisher and Ertel 1995) offers a broader definition of a good negotiation outcome, structured along the "seven elements of negotiation," adopted by many negotiation professors and reflected in the ABA negotiation competition assessment form. It includes substance measures (the first five), as well as measures focused on the communication process and the relationship:

- 1) Satisfies all parties' interests;
- 2) Is the best of many options;
- 3) Is legitimate – no one feels "taken";
- 4) Is better than alternatives;
- 5) Involves well-planned commitments;

- 6) Is reached through efficient and effective communication;
- 7) Improves the working relationship.¹⁰

Depending on the scenario used, the information available, the rating scale, and the judge's experience, the above description of a good outcome may still not be sufficient for the judge to easily provide a rating. And it is surely not sufficient for different judges to have a similar understanding of which performances deserve higher or lower scores.

In the Peking University competition, two of the authors (Habib Chamoun-Nicolas and Horacio Falcão), believing the proposed assessment form was broad and could lead to different interpretations, decided to clarify their understanding of each factor, in order to make their assessments more consistent (see Appendix 3b). For example, "How well did the outcome meet the client's interests?" was clarified with a check-list of questions: "*How well did the team understand the interests? Did the team understand both sides' interests? How well did the team communicate their interests? How well did the team build options to satisfy interests? How well did the team legitimize their preferred options? How well did the team craft commitments to reflect their interests?*" And yet, they did not decide on the weights of such questions, thus allowing another layer of different interpretations to impact the consistency of their assessments.

Skills Demonstrated

Negotiation competitions organized in academic settings usually aim at developing participants' negotiation-related skills. Therefore, assessment forms often include specific skills that organizers want to emphasize, such as:

- Negotiation preparation (included in the ABA's form – Appendix 5);
- Active listening (included in the University of Hong Kong's form – Appendix 2);
- Review and self-reflection (included in the forms from Peking University and the ABA– Appendices 3 and 5).

Again, detailing what the competition organizers intend to be considered under each factor, through a description or a set of sub-factors or a checklist, may help judges provide more consistent assessments. For example, the form used at the University of Hong Kong lists the following sub-factors to detail "Active listening":

- Listens attentively without interrupting;
- Body language communicates attention and interest;
- Uses probing effectively to gain information about needs and feelings;
- Paraphrases the speaker's positions, needs and feelings;
- Defuses anger effectively.

Ethical Standards

Assuming that some part of the assessment goes to rewarding participants who have done well for themselves, outcome-wise, should the negotiation outcome be rewarded at any cost? What if participants obtain advantages due to unethical behavior? Detaching the question of ethics from the factor of outcome, we might widen the question by asking: what if participants behave unethically, regardless of obtaining any relevant advantage? In real life, such unethical behavior can at times be rewarded, but the authors agree that negotiation competitions need to promote the best behavior in participants, which also means being ethical. However, even if this objective is shared by competition organizers and judges alike, the lack of a shared understanding of what the term “ethical standards” includes may make it difficult for judges to decide consistently.

Of the four assessment forms analyzed, only the ABA’s (Appendix 5) includes ethics as an evaluation criterion. In the ABA’s competitions, ethics is a factor that can eliminate participants: the judge may recommend disqualifying a team if it “violated the ethical standards of the legal profession” in a “severe” way (ABA 2010: 24). The ABA lists potential ethics violations (misrepresenting material facts, exceeding settlement authority, inventing self-serving material facts), but does not define or provide examples of when an ethical breach becomes “severe.” Thus, here again, the potential for some inconsistency is introduced into the judging process. In order to lessen inconsistencies, any disqualification is subject to approval by the competition appeals board.

If the participants do not have a law background, it may be inappropriate to rely on “ethical standards of the legal profession.” Alternatively, the competition organizers can seek inspiration in the book *What’s Fair: Ethics for Negotiators* (Menkel-Meadow and Wheeler 2004) and include as evaluation factors some of the most common ethical dilemmas in negotiations:

- Do the negotiators tell the truth, bluff, avoid deception or disclose potentially damaging information?
- Are the negotiators using pressure, coercion or manipulative tactics and behaviors to force an agreement?
- Are the negotiators treating each other as enemies where the end justifies the means?
- Are the negotiators acting in their own best interest, to the detriment of the best interest of the clients or organizations they represent?
- Are the negotiators considering how their actions affect absent third parties and society at large?

Other Factors

Depending on the context, other evaluation factors may be relevant. For instance:

- Teamwork may be appropriate for evaluation, if participants work in teams (included in Peking University's and the ABA's forms – Appendices 3 and 5);
- Quality of client representation, or handling of conflicts of interest, may be appropriate when participants represent someone else (typical in law school competitions, where students practice representing their clients' interests, but not limited to this setting).

If additional factors are included, the organizers must be even more careful in defining the specific evaluation criteria to help all judges know what they need to evaluate. Less common criteria may be even more susceptible to a wider spectrum of interpretations and evaluations than the ones previously mentioned.

Debriefing

In our experience, negotiation competitions include some time for a debrief after each role play. The key purposes of the debrief are to instill reflective habits among participants and provide external feedback, ensuring deeper learning from the competition experience. Debriefs typically include time for judges to share their feedback. In the Peking University competition, judges were encouraged to ask participants questions to help them reflect on their performance. The ABA competitions include a specific period for participants' self-analysis (which is scored): after the fifty-minute role play, teams have ten minutes on their own to reflect on their performance, and then ten minutes each with the judges, without the presence of the other team; finally, judges share comments with both teams for another ten minutes.

Self-analysis

Self-analysis helps make the process a learning experience. One of the pillars of experiential learning is an emphasis on reflection, building on the classic theoretical work of Dewey (1933), Schön (1983), and Kolb (1984), which argues that reflection transforms an unexamined experience into new understandings for future actions. Questions posed to the teams (see for instance the ABA's form in Appendix 5, with variations of "worked well/do differently") encourage participants to engage in a conscious review of their negotiation and to articulate lessons that they might apply in later negotiation experiences. By encouraging self-initiated debriefing (the ABA rules advise

participants not to wait for judges' questions), the self-analysis also models an effective element of life-long learning from experience.

From a learning perspective, the self-analysis works best when participants are willing to genuinely engage in self-evaluation rather than using the review period to try to convince the judges how well they performed. Participants may be tempted to do the latter in the hope they can improve their standing in the competition. Participants should have access to all assessment criteria in advance of the competition. In this case, participants should be told that they will be judged based on how much their analysis indicates they have learned. This should encourage the participants to be more self-reflective and thus make it a more effective learning experience.

Judges' Feedback

The self-analysis can be an effective springboard for oral feedback from the judges. It often becomes a discussion in which the judges provide their insights and suggestions to the teams. There is a temptation, however, for the judges to begin this process prematurely, without allowing participants to work through their answers to the questions before the judges interrupt with comments. This can short-circuit participants' reflective process and hence their self-initiated opportunity for learning.

Judges' feedback should be aligned with the objectives of the competition. If motivation for negotiation and learning are key objectives, judges may contribute by encouraging participants and providing actionable, specific and balanced (worked well/do differently) feedback to focus their future development. It also helps to hold back on the temptation to give feedback on ten different things in favor of focusing on one or two behaviors and exploring them in greater depth.

To increase consistency in advice across judges and rounds, the organizers may share with the judges a set of specific learning points they would like the judges to focus on. The feedback given can also be documented, so that it follows the student and the next judge can build on what was already said. This can foster some consistency in advice. Or it can be used to highlight inconsistencies in advice, which are inevitable in learning negotiation. Judges can make comments when they disagree with advice given in previous rounds or want to add a different angle. Even without formal documentation, inconsistent advice is often a topic of discussion that students raise during feedback in multi-round competitions. Embracing the ambiguity of inconsistent advice is an important learning mechanism – what is effective is not set in stone, and there are many different perspectives. In addition, documenting and forwarding feedback can help judges observe if feedback previously given is being implemented and im-

proving negotiation results, as some students have a tendency to over-compensate or apply advice regardless of the circumstances or context.

Other Debrief Options

Other debrief options include peer feedback, where counterparts provide feedback to each other (this is the case of the Hong Kong University form), or feedback by observer teams (e.g., participants who are not role-playing because they have been eliminated or are waiting for their next round), who share what they observed, for instance following the same assessment form judges are using, or a simplified version.

These other formats have their own drawbacks, such as peer feedback deteriorating into a complaint session or not being given in ways that promote true learning or behavioral change. In addition, it is important that the feedback provided post-competition be accurate. Sometimes, peers may not have sufficient experience, knowledge and skills to provide meaningful feedback. Also, the observer teams may gain an undue advantage by observing a second team whom they may meet further down the competition without this second team having a similar chance to learn about the first. Additionally (at least theoretically) they could be tempted to give them bad or misleading advice, in the form of innocent feedback, in order to prime them for tripping themselves up later on in the competition!

Other Choices to Be Made

The formulation of the evaluation factors is just one aspect that determines how participants in a negotiation competition are judged. Competition organizers have to make many other relevant choices, including the ones discussed below, in alignment with the competition objectives.

What Role Play Scenarios Should Be Used?

Among other factors, the choice of role play scenarios should consider:

- *Competition context and objectives:* for example, a law school competition (e.g., the ABA or Peking University) naturally uses scenarios where participants represent clients, while a sales competition (e.g., Les Négociales) may focus on salesperson-buyer scenarios. To avoid giving an advantage to a team from a certain background when participants come from different backgrounds (e.g., in terms of industry, field, culture or other), organizers may use scenario contexts that are either common to all or unfamiliar to all. Alternatively, in particular when not possible to know in advance the participants' areas of expertise, organizers can vary the con-

texts (e.g., in law: business, family, tort, etc.) in the different rounds of the competition, in order to challenge participants beyond their comfort topics and try to level the playing field;

- *Evaluation factors*: for example, if the focus is on selecting the team with the best substantive results, the scenario should not be significantly influenced by other elements (e.g., process and/or relationship), and would ideally be scorable; if ethical standards are particularly relevant, then scenarios might demand difficult ethical decisions. In any case, as much as scenarios depend on evaluation factors, evaluation factors may also be adjusted depending on the scenario (e.g., changing the weights attributed to different factors according to the challenges presented by the scenario);
- *Length and complexity*: if too complex, the details may confuse participants without improving their learning; if too simplified, participants may be tempted to create facts that may provide undue advantage and distort the outcome;
- *Participants' language skills*: in international competitions or when competitors role play in a language different from their mother tongue (as was the case in the Peking University event), the vocabulary, length and complexity of the scenarios should be linguistically appropriate, to make instructions easier to understand;
- *Balance*: the scenario should be written such that both sides of the negotiation are as evenly matched as possible, to avoid extreme power differences that overly benefit one team out of luck, just for getting the "right" side of the scenario. Note that we advocate a balance of power, not having mirrored or the exact same issues on both sides. The latter could make the information exploration exercise overly simplistic and undermine the tension and the sense of reality in the competition. Balance in the contextual power of both sides will help the judges make a more appropriate comparison of the parties' negotiation abilities.¹¹

How Many Evaluation Factors?

If an assessment includes very few evaluation factors, it may leave important elements out. Conversely, too many criteria (or overly lengthy descriptions) may be hard for judges to keep in mind during the role plays. The forms analyzed for this chapter include five (Peking University), seven (the ABA), nine (Les Négociales) and seventeen factors (Hong Kong University). The higher number of factors at Hong Kong University may be associ-

ated with its use to assess in-class negotiation exercises. We believe up to ten factors are manageable, with a preference for less.

How Important Is Each Factor?

Defining the evaluation factors is a great start, but it is also necessary to decide the relative importance of each factor. There are a few ways to do this, mostly for quantitative scoring systems:

- *Different points*: allocating a different number of points to each factor (e.g., Peking University);
- *Different weights*: assigning a different weight to each factor (e.g., Les Négociales), i.e., a number that multiplies the score attributed on that factor when calculating the total score;
- *Similar weights*: deciding that factors are all equally important, i.e., the total score is the simple average of the scores in different factors;
- *Independent rankings*: each factor leading to an independent ranking, where participants are ordered from best to worst in that factor by direct comparison to one another. For example, a team could be the winner on the “outcome” factor and another team could win on the “ethics” factor. (If the competition requires one overall winner, than it will still be necessary to define the relative importance of each factor in order to consolidate the different rankings.)
- *Disqualification factors*: identifying factors that require a minimum score for parties to be eligible to continue in the competition (e.g., ethics in the ABA form).
- A related decision is whether or not the weights are constant or change from competition to competition, from round to round, or from one role play scenario to another (e.g., according to changes in the focus, for instance from substance to relationship, or from listening to persuasion skills, etc.).

Which Scores?

The other scoring decision, besides weights, is which scores a judge can give to a team on each factor.¹² The score range can be defined, for instance, in the following ways:

- *Absolute points*: based on the weight allocated to a factor – if the factor has a weight of fifteen, the judge can assign a team from zero to fifteen points on that factor (e.g., Peking University);
- *Quantitative scale*: e.g., one to four in Les Négociales (where four is better); seven to one in the ABA (where one is better);
- *Qualitative scale*: e.g., very poor performance; poor performance; neutral; good performance; very good perfor-

mance (similar to the ABA's qualitative description), which may still be converted to an aggregated result by counting the number of checks on each level of performance;

- *Winner/loser or rank*: judges select a winner and a loser after each negotiation, or rank order a set of teams from first to last (e.g., in the ABA competitions judges rank four teams according to overall performance; if necessary, the numerical scores on evaluation criteria are used as tie-breakers when two teams end up with the same aggregate rankings based on different judges' assessments).

Which Tournament Format?

The process by which teams advance and how winners are selected has important implications in the resources required, the dynamics and the outcome of the competition. Again, sports may inspire different tournament options, which can often be combined:¹³

- In *single-elimination tournaments*, participants are eliminated after losing once (e.g., as in tennis). This leads to the fewest number of meetings, enabling larger numbers of participants for the same resources (e.g., time, space, judges). Some drawbacks are that most participants are eliminated early in the competition (fifty percent in the first round), that strong teams may be eliminated early if facing other strong teams (unless they are organized according to any previous ranking, which is generally not practicable in negotiation competitions), and that random factors may strongly influence results, since every performance is critical.
- *Double-elimination* lessens some of the drawbacks of single-elimination, by allowing participants two losses before elimination (e.g., as in judo). This increases the total number of rounds but gives teams additional chances to perform, and reduces random effects. In addition, if the goal is to improve the skill level of participants, double elimination provides greater opportunities for the participants to learn from the experience and from the judges.
- In *round-robin tournaments*, all participants meet all other participants in turns (e.g., as in football leagues, which typically employ a double round-robin tournament, where each team faces all others twice). Key benefits are that all participants remain active for the whole competition and that the winner needs to consistently perform better, reducing the element of chance. Potential drawbacks are the time required (e.g., the sixteen teams present in the Peking

University competition would require fifteen rounds, versus just four rounds with single-elimination), and that teams may not give their best in later matches, for instance if they know they no longer have real chances of winning.

- In *Swiss-system tournaments* (e.g., as in chess), no one is eliminated; participants get different points for winning, drawing or losing, and at each round they meet participants of the same or similar accumulated score (often with rules to avoid meeting the same people twice). Key benefits are that all teams remain active and more motivated for the whole competition, and that it usually requires the same small number of rounds of an elimination tournament (e.g., four rounds for sixteen teams). However, besides being more complex to organize, this is a resource-intensive format, since in every round all teams are competing in parallel, requiring space and judges. Another drawback is that final rounds may be less exciting than in single-elimination, if the leader has built an advantage that already guarantees victory regardless of results in the remaining meetings.

Different formats may be considered at different stages in the competition (e.g., local, regional, national, international; or qualification and finals). For instance, similarly to the FIFA World Cup, a negotiation competition could start with a round-robin stage between groups of four teams, from which the top teams (e.g., first and second-placed) would qualify to a single-elimination stage. Teams not meeting qualification requirements could be considered for *repechage* (given a second chance), for instance to ensure the number of teams in the single-elimination stage is a power of two. This format would have the benefit of ensuring every team a chance to participate in a significant part of the competition, without making the event as long and resource-intensive as in a full round-robin system.

Elimination tournaments require a winner and a loser in each meeting, making a win-win competition not possible. Round-robin or the Swiss-system could be better choices for win-win formats (see endnote three), as long as the required resources (space and judges in both cases, time in the round-robin) were available. Of course, the biggest challenge would still be to develop proper evaluation criteria and processes to assess participants.

Negotiation competitions that we have judged all require deciding winners and losers in each round or stage. For example, while in the ABA competitions teams advance based on the overall ranking in groups of four teams (similar to round-robin), in the Peking University competition teams were advanced based on the number of points earned in each round compared to their counterparts (single-elimination).

Strict Enforcement or Laissez-Faire?

Judges do not always accept the assessment systems that are proposed to them. Judges may have personal views about the relative importance of the different factors or may believe other factors should be taken into account, in addition to or instead of the official ones. In these cases should the organizers of a negotiation competition impose their assessment system? If so, how strictly?

An emphasis on strict application of the judging standards is likely to lead to higher consistency among judges. This can have the added benefit that the participants feel the judging was fair in that all teams are treated similarly. The cost of limiting judges' discretion is that it might stifle new ideas and reduce judges' motivation when they have strong opinions and do not fully agree with the system. Laissez-faire may please judges that prefer to change the rules, and may lead to improving the rules over time, if changes are discussed and adopted when they represent a clear improvement – but at the cost of consistency.

There is, of course, a spectrum of possibilities: soft enforcement, where rules are presented as guidelines to be followed, but allowing for small adjustments, may limit inconsistencies while allowing for innovation. For example, in the Peking University event some of us decided to detail the form (Appendix 3b) but still applied the same weight to the proposed factors, while others decided to change the weights to better reflect what they believed was more important.

Public or Confidential Competition Rules?

Organizers may choose to make assessment systems, rules and forms, as well as videos of successful teams from previous competitions, available to the public (e.g., in the competition website), restricted to judges and participants, or confidential – i.e., available to judges only. While there are some possible benefits to confidential rules, the consensus of the authors is to favor advance notice of the judging standards, and publicity to enable learning from success.

Confidential rules permit judges to tweak rules more comfortably and allow participants to perform according to their individual understanding of good negotiation. A potential drawback is that participants do not know what measure of success they should be pursuing. As we have seen so far, there are too many variables to expect that participants know exactly how to negotiate to be “successful” under the expectations of the competition. As in real life, a negotiator may have the right to know the standards to which they are being held.

Benefits of making rules available to the public or at least to participants include a greater sense of objectivity and transparency, increased judges' accountability, and a clearer vision of the desired behaviors. In

particular, participants may feel motivated to explore behaviors they are not comfortable with, and benefit from that experience; even more so if judges help make sense of these behavioral experiments in the debrief. On the other hand, participants may be too tempted to game the system, following a “script” and playing artificially only to score points, ignoring what might work or not work in real life, out of fear that judges may be less flexible to appreciate innovative behaviors.

In the competitions analyzed, the ABA’s and Les Négociales’ assessment forms are available to participants, while the Peking University forms were private.

Public or Confidential Scores?

Ultimately, competition organizers need to announce the winners of a round or of the whole competition. They may choose to make detailed scores available to the public, to all judges and participants, or just to the judges assessing the same negotiation. For some competitions, the scores and comment sheets are provided back to participants, but only after the competition has concluded.

Key rewards of public scores are increased transparency and judges’ accountability. The key risk is that participants may sometimes disagree with their scores and generate time- and energy-consuming discussions and complaints, as well as a bitter aftertaste for losers in case of disagreement. The timing of the release of the assessments can lessen this potential issue.

In the competitions analyzed, the ABA provides each team with the Evaluation Criteria form after the competition is completely over, but teams do not receive the ranking scores. Les Négociales and Peking University keep scores private.

Associated with this decision is whether or not to offer participants written feedback. The ABA’s form includes space for judges’ comments, which are provided to participants after the competition. This represents additional work for the judges, but helps them legitimize the scores attributed to the teams and helps team members take home specific comments to help them continue developing as negotiators.

Who Should Judge?

More than any other component of the assessment system, judges determine the outcomes of the negotiation competition, and they significantly influence how the event meets its objectives.

Judges should have no special interest in the teams they are assessing. A basic criterion to avoid conflicts of interest is that judges should have no connection with the teams they judge. More strictly, it would be advisable to exclude judges associated with *any*

team participating in the competition, to avoid conscious or unconscious bias against other teams. This is often challenging in academic settings, since it is logistically convenient to have representatives from the participating schools volunteer as judges. The ABA addresses this challenge by making team members' schools confidential (i.e., judges don't know where the students come from) until the results of the competition have been determined.

As mentioned before, one of the challenges for designing judging standards is that they may be used by judges with diverse profiles, including teachers, attorneys, mediators, business people, consultants and other practitioners, or even students (e.g., peer assessment). Some judges may negotiate professionally without any previous training in negotiation (or specifically in interest-based negotiation or another style being emphasized) and thus may have a difficult time understanding the standards and providing meaningful feedback to the participants.

Our observation from judging or working with many judges over the years is that assessment forms do a good job of guiding the assessment in a desired direction, such as favoring interest-based negotiation.

Of course, there are occasions where a judge favors a style that is very different from the one emphasized in the competition (such as a highly competitive, distributive approach regardless of the situation, when the competition aims to promote interest-based negotiation). In such cases, judging standards can only have a limited influence on the judge. The solution then lies in good judge selection, for instance based on:

- *Tests*: e.g., measuring judge candidates' negotiation preferences and the tendency for collaborative vs. competitive negotiation approaches;
- *Interviews*: assessing potential judges' preferred negotiation approaches;
- *References*: tapping into networks of individuals known to follow an approach philosophically congruent with the orientation of the competition;
- *Experience*: choosing judges from previous competitions, with the added benefit that they already understand the assessment system and require less effort to brief.

How Many Judges?

Should participants be judged by one, two, three, or more judges? The trade-offs are clear: one judge leads to a simpler competition organization and no disagreements between judges. However, decisions and feedback to students depend on each judge's personal views, perceptions and preferences. Additional judges, especially from different backgrounds, moderate individual influence in deci-

sions and feedback, but add complexity to the decision-making process (e.g., joint or separate scores?) and the organization of the event.

In our experience, the rewards of working with more than one judge more than compensate for the costs. For example, in the ABA competitions three judges assess each role play, issuing independent scores; at Peking University, two or three judges issued a joint score, either the average of each judge's individual scores or a consensual score for each factor, depending on the judging team preference.

A competition organizer who sees value in more than three judges (e.g., as a way to make scoring more consistent across teams), may be inspired by sports such as diving, where subjectivity is reduced by eliminating the highest and lowest scores of a panel of five judges (seven judges in major international events).

How to Brief the Judges?

Besides defining good assessment forms and procedures, it is critical to personally communicate the system to judges before they need to judge. Judges are usually given the assessment forms at a briefing session before the start of the competition. This session can be run by the competition organizers (as was the case in the Peking University competition) or by students (as often happens in the intraschool stage of the ABA competitions, with varying effectiveness).

Briefings may seem less critical when judges have experience with the same competition and have become familiar with the format over time. Nevertheless, even then it may be important to avoid complacency, to communicate changes in the system to experienced judges, and to ensure that new judges are properly briefed.

Teams or Individuals?

Should participants compete individually or in teams? As in other choices, this will depend on the competition objectives:

- Teams of two or more participants are appropriate when teamwork or ability to serve as a representative¹⁴ is an important skill to develop (e.g., the ABA competition specifically focuses on ability to represent a client), or simply to give more people a chance to take part in the competition without increasing its complexity (e.g., in the ABA and Peking University events, participants compete in teams of two);
- Individual participation is appropriate when there is a stronger focus on individual learning and development, or on evaluating individual performance (e.g., one of the objectives of Les Négociales' competitions is to select skilled sales people whom corporate partners of the event may decide to hire).

Who Are the Counterparts?

In most competitions, participants negotiate with other participants. This creates a clearer sense of competition, similar to sporting tournaments where athletes or teams compete one-on-one and eliminate each other or score points towards the next round. It also has the advantage that one judge or set of judges assesses two teams simultaneously, with obvious economies of scale along with the benefit of direct comparison to inform scoring. One drawback is that a team's performance, and therefore their chances to advance in the competition, depends on their counterparts' behavior, which cannot be controlled for fairness across teams. However, this drawback is mitigated by the fact that both teams are trying to get it right and not just act as spoilers. It is also mitigated when the competition is structured so that advancement depends on performance in more than one negotiation, giving teams a chance to demonstrate their talents with different counterparts.

Alternatively, counterparts can be judges or actors. The key benefit is to offer teams more consistent challenges (while maintaining subjectivity in the assessment). The disadvantages in using judges or actors are the cost (if hiring actors) and the increased complexity in organizing the event and briefing all collaborators. In the Les Négociales competitions, participants act as salespeople negotiating with buyers, whose role is played by business professionals who have volunteered to be in the jury. For more on the notion of this type of participatory assessment, see Fuller, *Interviews as an Assessment Tool*, in this volume.

Applications beyond Competition

This chapter focuses on assessing performance in the context of negotiation competitions. We believe the same considerations may be valuable in other contexts as well. For example, assessment forms can be used as checklists for negotiation preparation or to review negotiation performance, in and outside the classroom.

Classroom Exercises

One possible use for evaluation factors and assessment forms outside the competition setting would be to draw on them as basic elements in group debriefs of classroom exercises (see Deason et al. 2012). They can also guide self-reflection exercises (see McAdoo, *Reflective Journal Assignments*, in this volume), as well as peer-to-peer observation and feedback assignments. In addition, they might provide a written structure for teachers to assess students' simulation performance, whether this assessment is conducted in real time or after the fact, through observation of recorded simulations (see Manwaring and Kovach, *Using Video Recordings*, in this volume). Finally, they

might serve as models for constructing specific grading rubrics for other types of assessment tasks, overcoming some of the challenges associated with overly objective or vague criteria (see Ebner, Efron, and Kovach, *Evaluating our Evaluation*, in this volume, as well as Ebner and Efron, *The Black Box: Course Participation*, in this volume).

Judging standards could be incorporated into the debriefing process by asking students explicit questions based on the standards. For example, drawing on the ABA standards, participants could be asked how their negotiation was affected by their preparation; which challenges required them to be flexible and adapt; and then to review the development of the relationship with their negotiating partner, considering whether the outcome served the client's interests. The specific questions from the self-analysis portion of the competition would also be excellent general debriefing questions.

Since one of the challenges of debriefing is often lack of adequate time, some questions based on the evaluation factors might be appropriate for individual written reflections to supplement in-class oral group debriefing. This could have some of the benefits associated with the self-analysis portion of the competition.

Real Life Negotiations

Individual reflection is valuable not only in class, but particularly in real-life situations. Negotiators, individually or in groups, may use negotiation assessment forms as tools to review actual negotiations and ensure continuous learning and development (see Chamoun et al. 2012).

Another application is as a coaching checklist that an observer in a real case may use as a reference, to structure notes and feedback on the negotiator's interactions with counterparts.

Preparation Checklist

Finally, assessment forms may also be a good checklist for preparing role plays and real life negotiations.

Conclusion

Negotiation competitions can be excellent motivational and learning opportunities for participants and judges. It is important, however, to understand that there is no one-size-fits-all. Competition organizers should give serious thought to the choice of evaluation criteria, and related options will determine how well the competition reaches its objectives, i.e., how successful it is. We hope our examination of different assessment systems contributes to improving not only competitions but also other learning experiences and real life negotiations.

Notes

¹ In assessing problem-solving negotiation capabilities in a graduate level course taught in the law faculty of the University of Hong Kong, students are trained to use a peer-evaluation feedback sheet. The sheet is used following in-class negotiation simulation exercises. The use of this instrument is based on a number of underlying assumptions: 1) students can be active agents of their own learning; and 2) a learning-orientation methodology positively correlates with the development of knowledge, insights and capabilities. Through feedback on past performance in order to evaluate current performance, students are encouraged to build on past experience and this leads to greater intrinsic motivation. The in-class assessment tool (see Appendix 2) is divided into three sections that correlate with three stages of the problem-solving process: 1) framing; 2) dialogue; and 3) decision making. The benefits of this approach include the development of capacities for continuous learning, strengthening the habit of self-reflection, improving the ability to give constructive peer feedback, transforming the view of stumbling blocks as stepping stones to progress, reminding students of the goals and principles of the problem-solving negotiation process, and providing an opportunity to make adjustments based on constructive feedback. The drawbacks of the approach are likewise apparent. In the assessment context, peer evaluation creates difficulty in effective quantification and measurement, and therefore difficulty in translating assessment into course grades. Furthermore, subjective viewpoints can lead to a high degree of variation in feedback. As a result, students are generally assessed on their participation on the feedback process and on other more objective measures such as the student's negotiation skills journal, in-class presentation and research paper.

² Regional and national American Bar Association (ABA) Negotiation Competitions are conducted for law students under a set of detailed rules and procedures established by the Law Student Division of the ABA, which include a prescribed assessment form (see Appendix 5). Many schools have intraschool competitions to select the teams that will represent them in the regional competition. These local competitions are typically conducted under similar rules, but often vary the ABA procedures to some degree.

³ It is interesting that a community so concerned with win-win negotiation resorts to a win-lose competition format to teach win-win approaches. It could be worth exploring the idea of a "win-win competition" format – or, perhaps more appropriately, a "win-win collaboration" format – to achieve similar objectives. For a detailed explanation of such an approach, see Falcão, *A Competition Without Winners or Losers*, in this volume.

Given the emphasis in most negotiation classes on interest-based negotiation, one could argue that a "competition" with winners and losers sends an inconsistent message about negotiation. Perhaps new forms will emerge that change this underlying dynamic. For the present, many negotiation competitions are run more like exhibitions, with an emphasis on comments from the judges aimed at improvement. This emphasis is reinforced by use of judge-based assessments that do not compare scorable outcomes.

Competitions do serve multiple purposes, however, and it may be necessary to declare a winner if one of the functions is to select students who will participate at a regional or national level. In addition, framing the event as a competition can have some beneficial effects by providing students with a goal, stimulating excitement, and motivating them to prepare for the event.

⁴ Another problem is that the supply of off-the-shelf scorable scenarios may be relatively limited: for instance, a search in the Program On Negotiation at Harvard Law School's online Clearinghouse (available at <http://www.pon.org/catalog>, last accessed March 9, 2012) found forty-eight scorable role simulations ("those that include a point structure or other scoring system designed to facilitate comparison of participants' substantive outcomes"), out of a total of 216 available simulations. An additional small selection of scorable simulations can be found in Craver (2009).

⁵ At the end of the semester, in some university classes at Paris Dauphine (Paris IX University), the instructors (Eric Blanchot and a colleague) organize a competition with similar objectives to the ones described in this chapter, including evaluating negotiation students. Participants are students from the same class or from different classes and different universities (e.g., Paris 1 Pantheon Sorbonne).

This format uses diplomatic simulation games with rules similar to those of the American strategic board game "Diplomacy." Versions have been especially adapted to the negotiation classes, with the following key characteristics:

- The absence of dice or any other game elements that might produce random effects.
- Simple rules that simulate movement and combat. Players secretly write down their moves after a negotiation period, and then all the moves are revealed and put into effect simultaneously by the referee.
- The winner is the player who after a few turns (defined by the competition settings) controls the majority or the maximum of resources available.
- Winning or surviving depends on participants' ability to convince others of their own trustworthiness, of whether they keep their word or not. Players spend much of their time in negotiations, forming and/or betraying alliances with other players and devising beneficial strategies.
- Communication and trust are key factors, since players are not bound by anything they propose during the negotiation phase, and thus agreements are not enforceable.

There is no need for judges. Teachers are the neutral referees (one or two per group/table). In order to motivate students who have not volunteered to play, incentives are offered, such as additional grade points for the winner (and there is only one winner).

Although no ethical rules apply here, some players, whether in the same class or in championship tournaments, acquire reputations for either disloyal or loyal behavior from previous competitions. Reputation has a major impact on the course of the game.

In addition to the game outcome, student performances are also evaluated and scored, which counts for thirty percent of the final course grade. To do so, the instructors observe their "gameness" (i.e., their ability to adapt to the context of a competitive game, to adapt behavior in a way that allows them to "play the game"), their level of activity, and their decisions. After the competition, teachers discuss the history of the game, examining in what ways and how often each of the players adapted their strategy to changes in the game situation, how they managed their time (e.g., how long it took during the negotiation phase to choose a good counterpart, which is crucial), and how they managed stress. Finally, the instructors ask students to produce a personal report a few days after the competition. This is useful not only in

reducing the debriefing time during class (one hour) but also in assessing the students' ability to analyze their own behavior and performance, their ability to reflect on what they learned, and, finally, to provide insights that help the teachers understand what they may have observed during the competition.⁶ See <http://cyberweek.umasslegal.org/program/> (last accessed March 9, 2012) for more on the Smartsettle eNegotiation Competition in Cyberweek 2009, or <http://www.smartsettle.com> (last accessed March 9, 2012) for more on Smartsettle's systems.

There may be specific contexts where other styles could work better. For instance, Habib Chamoun-Nicolas and colleagues (2012) (see for a description of traditional negotiation styles – competing, collaborating, compromising, avoiding, and accommodating – under new labels and in the context of boxing), argue that “Judge Like Solomon” (alternative label for compromising) is a better style for referees in boxing and similar sports competitions.

It could also be that, in the same scenario or competition, different styles could work better in different moments. This calls for participants' adaptability and to an appropriate evaluation system that rewards it. Future work for assessing negotiation competitions could include guidelines to help use the other styles as reference for grading participants' performance, or to develop a style-neutral competition.

⁸ A competition like the one in Beijing, where participants were Chinese but were evaluated by twenty-seven different judges from ten different nationalities (Brazil, Canada, China, France, India, Israel, Philippines, Portugal, South Korea, and United States) makes it particularly challenging to find a consistent way to be fair to the students across different cultural lenses (Third Annual China University English Language Negotiation, program brochure, 2011).

⁹ In the ABA events, each judge assesses four teams and ranks them from most to least effective (typically relying on the scores on different evaluation criteria). This ranking determines who advances in the competition. It helps avoid the inconsistencies of using the one to seven range when some judges grade hard (high numbers) and others easy (low numbers).

¹⁰ Participants who learned negotiation using the same or a similar definition of a good negotiation outcome (e.g., based on literature or courses following the ideas taught in the Program on Negotiation at Harvard Law School) may have some advantage in a competition that uses these measures of success.

¹¹ Balance in negotiation elements can be attained through manipulating different issues in the fact pattern for each role, avoiding mirror roles. For example, a balance of relative power might be effected by giving one party a sense of time pressure, while providing the other, temporally unpressured, party with a weak best alternative to a negotiated agreement (BATNA), resulting in a diminished sense of negotiating power. For discussion of the importance of interrelationships between negotiation elements and how these affect other elements, see Druckman and Ebner (2008).

¹² Sports may provide additional inspiration for scoring systems. Artistic gymnastics' scoring, for example, includes two scores which are added together for the gymnasts' mark:

- The Difficulty score, which evaluates the content of an exercise on three criteria:
 - Difficulty Value, based on a ranking of different elements that compose exercises based on difficulty (in negotiation this could mean to evaluate a particular move, for example the opening statement, based on the difficulty of using elements such as body language, words, tone of voice, etc.);

- Composition Requirements, based on whether athletes demonstrate skills from required element groups (in negotiation this could mean elements for different stages in the negotiation; for instance: use of interests and options during value creation);
- Connection Value, based on connections between different elements (in negotiation this could mean attributing bonus points when parties manage the process effectively, smoothly moving from one stage to the other in the negotiation).
- The Execution score, which evaluates the performance in the exercise (in negotiation competitions this could mean a number rating in a scale from zero to ten or other).

See for instance http://en.wikipedia.org/wiki/Code_of_Points_%28artistic_gymnastics%29 (last accessed March 9, 2012 2012) for a summary, or <http://www.fig-gymnastics.com/vsite/vnavsite/page/directory/0,10853,5187-188050-205272-nav-list,00.html> (last accessed March 9, 2012) for the International Gymnastics Federation's complete rules.

¹³ The following links may provide clarification on the different tournament options mentioned here:

- Single-elimination: http://en.wikipedia.org/wiki/Single-elimination_tournament (last accessed March 9, 2012).
- Double-elimination: http://en.wikipedia.org/wiki/Double-elimination_tournament (last accessed March 9, 2012).
- Round-robin: http://en.wikipedia.org/wiki/Round-robin_tournament (last accessed March 9, 2012).
- Swiss-system: http://en.wikipedia.org/wiki/Swiss-system_tournament (last accessed March 9, 2012).

¹⁴ In such competitions, evaluation factors should measure specific performance in the different roles (e.g., client and attorney) and in the relationship between them within the same team. For example, in the ABA form (Appendix 5), the client's goals are explicitly mentioned in factor III – Outcome of session: "(...) to what extent did the outcome of the session, regardless of whether agreement was reached, serve the client's goals?"

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Appendix 1: Summary of Organizations and Assessment Forms Analyzed

Organization	Context for application	Participants	Judges
Hong Kong University	<ul style="list-style-type: none"> • Hong Kong University graduate law students • Classic exercises 	<ul style="list-style-type: none"> • Individual or in teams 	<ul style="list-style-type: none"> • Peer evaluation
Peking University	<ul style="list-style-type: none"> • Chinese undergrad and graduate law students • Inter-school English language negotiation competition 	<ul style="list-style-type: none"> • Teams of two • Lawyers representing clients 	<ul style="list-style-type: none"> • Two judges per role play • Negotiation teachers and practitioners
Les Négociales	<ul style="list-style-type: none"> • French business students 	<ul style="list-style-type: none"> • Individual participation • Representing a sales person approaching a prospect • Buyer played by an organization actor 	<ul style="list-style-type: none"> • Business professionals
American Bar Association	<ul style="list-style-type: none"> • North American law students 	<ul style="list-style-type: none"> • Teams of two • Lawyers representing clients 	<ul style="list-style-type: none"> • Three or more judges per role play • Negotiation teachers and practitioners (typically at least two attorneys)

Appendix 1: Summary of Organizations and Assessment Forms Analyzed

Organization	Factors assessed			
	Substance	Process & Communication	Relationship	Other
Hong Kong University	<ul style="list-style-type: none"> • Innovative solutions • Deal follow-through • Reveals own needs appropriately 	<ul style="list-style-type: none"> • Active listening • Effective communication 	<ul style="list-style-type: none"> • Collaborative framing • Highlights common ground 	<ul style="list-style-type: none"> • None
Peking University	<ul style="list-style-type: none"> • Meeting client interests • Creativity 	<ul style="list-style-type: none"> • Teamwork 	<ul style="list-style-type: none"> • Relationship with the other side 	<ul style="list-style-type: none"> • Post-negotiation interview with judges
Les Négociales	<ul style="list-style-type: none"> • Identification of needs • Options appropriate to needs • Creativity • Ability to keep commitments 	<ul style="list-style-type: none"> • Progress in negotiation • Listening skills • Self-control 	<ul style="list-style-type: none"> • Opening and trust building 	<ul style="list-style-type: none"> • None
American Bar Association	<ul style="list-style-type: none"> • Outcome of session 	<ul style="list-style-type: none"> • Planning • Flexibility • Teamwork 	<ul style="list-style-type: none"> • Relationship between negotiating teams 	<ul style="list-style-type: none"> • Self-analysis • Ethics

Appendix 2: The University of Hong Kong

PHASE I –FRAMING	Party A	Party B
<ul style="list-style-type: none"> Creates a supportive physical space for the negotiation 		
<ul style="list-style-type: none"> Makes an opening statement that establishes a collaborative negotiation climate 		
<ul style="list-style-type: none"> Attitude, tone of voice, body language contributed to creating a collaborative climate. 		
PHASE II –DIALOGUE		
Active Listening		
<ul style="list-style-type: none"> Listens attentively without interrupting 		
<ul style="list-style-type: none"> Body language communicates attention and interest 		
<ul style="list-style-type: none"> Uses probing effectively to gain information about needs and feelings 		
<ul style="list-style-type: none"> Paraphrases the speaker’s positions, needs and feelings 		
<ul style="list-style-type: none"> Defuses anger effectively 		
Informing		
<ul style="list-style-type: none"> States own position flexibly and clearly 		
<ul style="list-style-type: none"> Reveals own needs appropriately 		
<ul style="list-style-type: none"> Reveals own feelings without blaming 		
<ul style="list-style-type: none"> Uses “I” vs. “You” messages 		
<ul style="list-style-type: none"> Ensures that “Intent” matches “Impact” 		
Common Ground		
<ul style="list-style-type: none"> Highlights common ground between self and other 		
PHASE III – RESOLUTION		
<ul style="list-style-type: none"> Reframes the conflict as a mutual problem to be solved in partnership 		
<ul style="list-style-type: none"> Engages in creative brainstorming to generate innovative solutions to the problem-solving and transformative levels of the conflict 		
<ul style="list-style-type: none"> Considers how follow-through will be undertaken 		

Appendix 3: Third Annual China University English Language Negotiation Competition 2011

3a. Original form

	Party A	Party B
How well did the outcome meet the client's interests? / 20		
Post negotiation interview with judges / 15		
How creative was the team? / 5		
Relationship with the other side? / 5		
Teamwork? / 5		
TOTAL SCORE / 50		

3b. Form adapted by a team of judges

	Party A	Party B
<p>How well did the outcome meet the client's interests? / 20</p> <ol style="list-style-type: none"> 1. How well did they understand the interests? 2. Did they get both sides' interests? 3. How well did they communicate their interests? 4. How well did they build options to satisfy interests? 5. How well did they legitimize their preferred options? 6. How well did they craft commitment to reflect their interests? 		
<p>Post negotiation interview with judges / 15</p> <ol style="list-style-type: none"> 1. How self-aware were they of their team? 2. How aware were they of the other side? 3. How well did they make the transition from negotiation mode to learning mode? 		
<p>How creative was the team? / 5</p> <ol style="list-style-type: none"> 1. Did they generate options? 2. How did they handle deadlock? 3. How creative were they in coming up with different legitimacy points? 		
<p>Relationship with the other side? / 5</p> <ol style="list-style-type: none"> 1. How good was their set up and opening statement (empathy, arguing, questioning)? 2. How did they develop the sense of interdependence? 3. Trust <ol style="list-style-type: none"> i. How did they develop trust? ii. How did they recover trust? 4. How did they handle emotions? 		

	Party A	Party B
Teamwork? / 5 1. Did they sit side-by-side with the other side? 2. How well did they manage conflict of interest? 3. How did they manage conflict? Team building? Each one on their own? Problem solving? 4. Was the team coordinated to avoid giving confusing signs to the other side?		
TOTAL SCORE / 50		

Appendix 4: Les Négociales

Weight	Criteria	Score (1-4)*	Score X Weight
METHODOLOGY			
2	Making contact – Introduction to dialogue Dress code, first impressions, opening and establishment of a trusting environment		
3	Discovery of prospect's needs Relevant and natural questions, quality of information obtained, discovery of expectations and needs of the buyer, conduct of the interview, reformulation		
4	Argumentation appropriate to the needs – Handling objections Proposal explained and adapted to the needs of the buyer, expertise on products and services (characteristics, advantages, benefits and evidence), ability to persuade, reformulations, understanding and consideration of objections, reviews or comments		
1	Progress in the negotiation Determination to succeed		
10		TOTAL A	/ 40
BEHAVIOR			
2	Listening, verbal and nonverbal expression Assertiveness, body language, choice of words, expression and speech		

2	Dynamism and belief Commitment, enthusiasm		
3	Interview control Ability not to get lost, self-control		
2	Creativity and imagination Originality of ideas, risk-taking, humor		
1	Ability to keep commitments Honest, realistic proposals		
10	TOTAL B		/ 40
OVERALL TOTAL			/ 80

*1 = Insufficient; 2 = Correct; 3 = Good; 4 = Excellent

Appendix 5: American Bar Association

This Team's Overall Ranking: _____	
1 = Most effective team	3 = Third most effective team
2 = Next most effective team	4 = Least effective team
Evaluation Criteria	
I. Negotiation planning	
Judging from its performance and its apparent strategy, how well prepared did this team appear to be?	
7. Very unprepared	3. Somewhat prepared
6. Unprepared	2. Prepared
5. Somewhat unprepared	1. Highly prepared
4. Neutral	
II. Flexibility in deviating from plans or adapting strategy	
How flexible did this team appear to be in adapting its strategy to the developing negotiation, e.g., to new information or to unforeseen moves by the opposing team?	
7. Very inflexible	3. Somewhat flexible
6. Inflexible	2. Flexible
5. Somewhat inflexible	1. Highly flexible
4. Neutral	
III. Outcome of session	
Based on what you observed in the negotiation and the self-analysis, to what extent did the outcome of the session, regardless of whether agreement was reached, serve the client's goals?	
7. Very poorly served	3. Somewhat served
6. Poorly served	2. Served
5. Somewhat poorly served	1. Fully served
4. Neutral	

