

A Competition Without Winners or Losers? The Ontogeny of a New Negotiation Event Format

Horacio Falcão*

Editors' Note: Falcão examines the conduct of students in negotiation competitions, and finds much going on that contravenes key lessons we have been trying to teach. Typical incentives in typical competitions, it turns out, are antithetical to much of what we believe is most important for students to learn. Can anything be done about this? Falcão concludes that if the concept of "competition" is central, perhaps not, but if that concept is replaced by "challenge," possibilities emerge for creative responses that might be equally exciting for students, but have stronger educational value all round. He outlines a series of distinct approaches with different likely advantages, and offers a preliminary assessment as to which might work best for what purpose.

Introduction

During the Third Annual China All-University English Language Negotiation Competition in Beijing (2011), a few colleagues observed that most students in this and in similar events they had observed around the world negotiated under a distributive approach. Considering that most of these colleagues are negotiation professors and supporters of integrative approaches, that the students participating in the competitions were among the best, and that professors from other countries have reported the opposite experience, the observation above is puzzling, to say the least.

There are many potential reasons behind distributive-based behaviors. One is that distributive might just be perceived in some cultures as a better approach than integrative, and when under pressure students default to what they believe is best. Another is that the students, even after a few negotiation courses, still instinctively default

* **Horacio Falcão** is affiliate professor of decision sciences at INSEAD and a founding member of Pluris. His email address is horacio.falcao@insead.edu.

back to the ease and safety of years of distributive experience when it really matters. Yet another is that courses that teach integrative negotiation strategies are not really changing attitudes and behaviors.

While these reasons may or not be true at different levels, my main hypotheses are that the competition *format* favors distributive approaches, and that consciously or not, the students realize that. After all, no choice is value-free, and the choice of a competition format reflects values that influence the way people are assessed and thus how they behave. Without discarding other reasons, I believe the competition format is the main influence in this disconnect between the teaching of integrative approaches and the predominance of distributive strategies during negotiation competitions – in those settings where that has been observed.

I acknowledge that experienced colleagues (including two editors of this volume) have expressed difficulty at getting students to act competitive *enough*. However, I would suggest that even when the aforementioned disconnect between education and action is not overtly manifest, it might still be affecting participant behavior, unobserved. And yet, what I and the other colleagues have observed may be an artifact of culture; or perhaps something else entirely accounts for the difference. (A number of writings in this volume and in the companion volume 4 in this series note competitive behavior of various kinds observed among Beijing students, and I will not recapitulate their ruminations here.)

To reach any conclusion now as to the “why” of a phenomenon just recently observed would mean relying on sparse data, if not pure anecdote. In any event, I believe the format of typical competitions is still a factor favoring competitiveness, for reasons I will describe, even where the effect may be masked by more powerful countervailing factors. I think it deserves a closer look even in circumstances where it is not the dominant element.

The simple disconnect between the competition format and the integrative, cooperative thrust that underlies so much of contemporary negotiation teaching is tangible. With course content and competition format at odds with each other, something has got to give – either in terms of students’ approach to participation in the competition or in terms of how they relate to the content they have learned. Might a different activity, more congruent with course content, serve the same purpose without causing this dissonance? In this chapter, I will suggest that it can. First, however, some underlying notions regarding both competitions and negotiation courses need to be clarified.

Are Distributive Approaches or Negotiation Competitions Bad?

Am I saying that negotiation competitions are bad? Not at all! Negotiation competitions have helped professors and students learn more about negotiation practice and teaching. They are fun events that gather negotiation professionals and students with different backgrounds in a big celebration of negotiation as a field of knowledge and practice. Negotiation competitions have served many positive purposes for years.

While a positive experience in many accounts, negotiation competitions are not perfect: one example is the challenge to best assess performance (see Delicado et al., *Assessing Negotiation Competitions*, in this volume). When writing that chapter, my colleagues and I struggled with the limitations and consequences of a competition format, one of which was our hypothesis that this format may favor distributive approaches. Is there a problem with distributive approaches? Once again, the answer is no: there is no problem with distributive as an available negotiation strategic choice. What I do worry about is whether the competition format overemphasizes, or has a bias to reward, distributive approaches to the detriment of integrative ones. While I acknowledge the validity of distributive approaches, many negotiation professors also want their students to learn and become proficient at integrative strategic choices. Indeed, it has been suggested that many professors tend to stress the latter at the expense of the former (see Ebner and Efron 2009). I would suggest that following up on that by putting students' abilities to the test in a format which, at least to a degree, draws students towards distributive behavior puts the educational process at odds with itself.

A negotiation competition can be a climactic and memorable experience for many of the best and most enthusiastic students that go through negotiation courses. If the competition format overly rewards distributive choices, it can leave students believing that integrative approaches do not work as well. I fear that this can have an unintentional and yet significant impact on their attitudes towards negotiation in the future.

Thus, this chapter is not a criticism of negotiation competitions or distributive strategies, but rather a quest to align our educational practices and teachings with our desired positive impact on our students' negotiation attitudes, skills and outcomes. This chapter analyzes the competition format and imagines alternative formats where collaboration or integrative negotiation approaches can realistically succeed.

The Competition Format

The word "*competition*" is defined as an encounter between individuals or groups carried on in an earnest effort for superiority or vic-

tory over another, usually in pursuit of a prize. “*Competition*” can also be defined as a process of struggle with another competitor for resources in short supply (such as being the sole winner of an event), when these are inadequate to supply the needs of all parties (Merriam-Webster 2012). In sum, the concept of competition assumes a dispute between parties for limited resources, which in turn presumes zero-sum and even winner-takes-all mentalities.

Zero-sum and winner-takes-all assumptions are aligned with, and create an environment conducive for distributive negotiation choices. Distributive negotiation strategies are based on the choice to use whatever power advantage a negotiator has over another to secure the perceived limited resource or prize. This mindset is certainly consistent with a competition format. As a natural aftermath of either of those processes, there will be those who succeeded in that endeavor (winners) and those who did not (losers). Actually, in a competition like a sports tournament, for there to be winners, by design there have to be losers (for a related discussion on the inherently win/lose and adversarial natures of certain types of competitions and games, see Blanchot et al. 2012).

Can there exist a *competition* format in which there are no winners or losers, serving to align negotiation competitions with integrative approaches? I do not think so. With the win/lose element of competition so embedded in the very definition of the term and in the nature of the activity, I believe that to think something different means to think something new. In order to do so, let us first understand the challenges of the negotiation competition format so as to lay the groundwork for new thinking to emerge.

Negotiation Competitions

The Beginning: Evolution, Not Revolution

Given the origins of negotiation courses in U.S. law schools, it is possible that negotiation competitions were initially inspired and influenced by the Moot Court Competition format. Indeed, litigation seems particularly suited to competition formats, since in real life it requires competitive skills and generates winners and losers. Negotiation, on the other hand, relies on collaborative skills as well as on competitive elements, and does not *need* to produce winners and losers. This results in the competition format being less of a perfect forum for the fuss.

Unfortunately, it seems that when creating negotiation competitions, incorporating measurement of integrative moves was only done at the fringes -- at least on an “engineering” level. The mix of cultural and psychological factors, as noted above, may under given circum-

stances include powerful enough other influences that the overall results may often mask the effect I am describing. Again, that does not mean it is absent, or trivial. Some negotiation competitions try to incorporate and reward integrative moves, by attempting (somewhat subjectively and inconsistently) to measure process leadership or value creation, for example. The challenges and shortcomings of these attempts are explored in *Assessing Negotiation Competitions*, in this volume.

Also unfortunately, most of these attempts to assess integrative moves tend to fall short of giving students incentive to adopt them as a major part of their strategy. To illustrate this, consider two teams of student negotiators who know that even should they excel at negotiating in an integrative manner, this is a competition, and one of them will eventually be chosen the winner at the expense of the other (the loser). This understanding of the fundamental nature of the activity's framework incentivizes distributive activity aimed at eliminating the competitor as soon as possible. In other words, the distributive nature of the competition framework will always set participants' default strategic choice to competition, and do so in a way so powerful that more often than not, it will override minor incentives to act integratively.

Negotiation Competition Goals

Negotiation competitions are usually held with many potential goals in mind, such as:

- 1) **Theory reinforcement** – An exercise to reinforce the approaches and topics covered in negotiation classes.
- 2) **Benchmarking** – An opportunity for students and professors to benchmark themselves or their pedagogical approaches.
- 3) **Experimentation** – A safe environment for experimentation and exploration of new ideas to be tested or discussed.
- 4) **Learning exchange** – An opportunity to have dedicated students and their professors or judges learn from one another.
- 5) **Motivation** – An opportunity to motivate and reward the students who demonstrated a stronger commitment to the course.
- 6) **Community networking** – A chance for networking to grow the negotiation community.
- 7) **Awareness building** – An event to raise awareness of negotiation as a knowledge field.
- 8) **Transitional platform** – A platform for students to move from study to practice outside the classroom.
- 9) **Finding #1** – An evaluation exercise to find out which is the best student negotiation team in a country or region.

Notice how none of the goals above, with the exception of #9, require a competition format. On the contrary, the competition format itself

(again, ignoring for now any countervailing factors) militates against most goals being fully or satisfactorily achieved, as explained below:

- 1) **Theory reinforcement** of integrative strategies suffers as distributive ones are favored.
- 2) **Benchmarking** in a competition with too many subjective or inconsistent evaluation factors can generate “noise,” too much focus on the winning team, and little learning.
- 3) **Experimentation** gives way to sticking with a distributive approach as a safer, tested, competition-winning strategy.
- 4) **Learning exchange** diminishes as competition incentivizes non-disclosure in and out of the competition itself, to maintain competitive advantages.
- 5) **Motivation** and confidence acquired in class are threatened for the losing students, the vast majority of the participants. This will reduce their tendency to adopt and try out their class-learned integrative strategies in real life.
- 6) **Community networking** is reduced, as participants gravitate to an “us vs. them” dynamic.
- 7) **Awareness building** regarding negotiation will be highest around the winning team, but much reduced for all others. The losing teams, also composed of high-achieving students in their own schools, will be less excited to talk as much about their losing experience.
- 8) **Transitional platform** is biased towards distributive strategies, thus providing a blurred view of what students can actually achieve in real life.
- 9) **Finding #1** happens, but without much certainty. With so many subjective assessment parameters, is the #1 team really the best of the best?

In sum, most, if not all of the common negotiation competition goals are not fully satisfied due to the competition format and its resultant distributive bias.¹

Bridging the Disconnect

If there seems to be such disconnect between the objectives and the format of a negotiation competition, why adopt a *competition* format at all? Before we seek alternatives to the competition format, let us ask if we could do the opposite: shift the goals to fit the format better.

Change the Goals, not the Format

Negotiation competitions might explicitly set a concrete goal: motivate students to develop negotiation skills. In this framing, the goal is not in achieving an outcome or a decision, but is rather achieved through participation.

This is similar to the way personal trainers successfully motivate people to exercise by encouraging them to join a ten kilometer race or marathon. Most amateur or beginning runners know that they will not win the race – some professional marathoner will. And yet, they enroll in it all the same.

How can enrolling in a race you know you cannot win motivate you? By accepting the race format, but discarding “winning” as the goal and preferring the goal of “working hard, going through the experience, finishing the race and getting better.” The completion of the race crowns the accomplishment of months of hard work and preparation. At its end, the beginning runner is motivated by the experience, and looks forward to more practice and improvement.

While a marathon is a competitive event for some, it is quite a different experience for most. Since the chance of winning is so remote, most marathoners choose to “compete” against themselves or the clock. In essence, they reframe the event from a competition against others into a final test of their own improvement, or into its celebration.

I am not arguing that negotiators should go to negotiation competitions to not win. Or perhaps I am! After all, as members of educational institutions, we are not in the business of deciding who is best, but rather in the business of educating people to do well in the real world and to start changing it for the better. Negotiation competitions should first and foremost cater to educational goals. If changing the format in the short run may be too complicated, negotiation coaches can help teams prepare their best to compete with the goal of self-improvement in mind.

I am also not saying that we should be happy losing. I am suggesting, however, that winning and losing can mean something else. At the end of the day, how much better will one be winning a negotiation competition, if no learning came out of it? Probably a nice line on one’s resume will mean little a few years down the road. However, preparing, participating, testing one’s limit and learning to be better through such an event can add valuable knowledge and skills for years to come.

In my book *Value Negotiation: How to Finally Get the Win-Win Right* (Falcão 2010), the first few paragraphs relate directly to this point. Even in the context of martial arts competition, one can make self-improvement the key goal:

In the movie *Fearless* (2006), Jet Li plays Huo Yuanjia, founder of the Chin Woo Athletic Association, a kung fu school. Based on a true story, the movie fictionalizes some of Huo Yuanjia’s famous successes in the early 20th century. He is claimed to have defeated U.S., European and Japanese fighters in publicized events at a time when China’s power was seen as eroding.

He became a national hero who is still remembered to this day.

In the movie, Huo Yuanjia accepts an invitation to join his Japanese challenger, Anno Tanaka, for tea. While there, they have a debate over the value of martial arts. *Tanaka believes the goal of a martial artist is to defeat an opponent. Huo replies that the goal of studying martial arts is self-improvement. He argues that challenge matches were less about winning or losing but more about providing a practitioner with feedback on where to focus future learning.*

Tanaka asks Huo which martial art is the best, to which he explains that he does not believe in such a thing. There is no best martial art, just different ways to become a master. The two fighters leave their meeting with a newfound respect for each other before an exciting fight scene.

All told, changing the goals from winning (being #1) to self-improvement (learning, motivation, experimentation, networking, etc.) can quickly bridge the disconnect between the classroom and the negotiation event experiences.

However, it may be too much to ask eighteen- to twenty-eight year-old students to focus on self-improvement, when most are eager to prove themselves and are thirsty for external validation. Besides, negotiation competitions among peers from different schools are supposedly matched and equal walking in. This perception gives each team a realistic hope of winning in the absence of “professional marathoners.” In contrast to an individual running a marathon, representing different schools can develop a sense of rivalry among teams, and invite distributive strategies.

Based on the above, changing only the goals to fit the competition format better may be putting the entire burden of change onto the students. Besides, changing only the goals could amount to at most a cosmetic change, and not really impact the fundamentals of the event. In sum, while a valid change, I believe we can do more to solve the disconnect.

Therefore, it would be a good investment to at least try to imagine new event formats that help students engage with a similar attitude and benefits as to the race/marathon example above. Perhaps we could change the negotiation competition format to allow for a format where distributive and integrative strategies alike can generate a greater sense of achievement, learning and motivation.

Change the Format, not the Goals

Can we create a *competition* without winners or losers? After the analysis above, I believe not. I believe that small adjustments can miss fundamental flaws inherent in the competition format, and result in more of the same. For example, competitions

may adopt multiple assessment methods in attempts to adjust the competition format to fulfill all of our negotiation pedagogical objectives. Well-intentioned as they are, these attempts are insufficient, due to the embedded limitations of the competition format.

The good news is that there is nothing forcing us to stick with the competition format if we can develop something better. This grants us the freedom to learn from our experiences, and craft a new event format by better focusing it on our educational goals and priorities.

We do not want to throw the baby out with the bathwater. As mentioned at the outset, the new format we seek should enjoy all of the benefits that we expect from negotiation competitions, but without the drawbacks. Thus, to better differentiate between formats and to indicate that I am trying to come up with something new, instead of naming it a negotiation competition 2.0, I prefer to rename it as a Negotiation Challenge. A table that demonstrates the differences in objectives between a typical negotiation competition and the Negotiation Challenge I envision may be helpful:

| GOAL | COMPETITION FORMAT | CHALLENGE FORMAT |
|----------------------|--|---|
| Theory reinforcement | Potential reinforcement of distributive theories, mostly. | Potential reinforcement of distributive & integrative theories. |
| Benchmarking | Measuring up with other students to become the best . | Measuring up with other students, particularly others ahead of them in knowledge and skill, to learn and become better . |
| Experimentation | Low margin of error since losing one round can mean not advancing to the next. Thus, incentive to stick to personally tried and tested distributive moves . | High margin of error since doing poorly in one round can be compensated in the next. Creates a low-risk and innovation-rewarding testing ground for new moves and ideas recently learned towards self-discovery and improvement. |
| Learning exchange | Learning between teammates and their coach, learning from interacting “against” other teams , and from potential feedback from the judges. | Learning inside and outside teams, including learning and working together with other teams , potentially negotiating with other professors, and from feedback from all. |

| | | |
|-----------------------|---|---|
| Motivation | The motivation to prepare hard and do your best to improve chances of winning . Some losers will give up, while others (more resilient) would work harder still. | The motivation to prepare hard and do your best to increase self-improvement and chances of succeeding . Most people will see opportunities for continuous improvement, though a few may believe that they are already good enough. |
| Community networking | An event framed as a dispute, where teams are enemies competing for a prize, can create the incentive for students to stick with their teammates for team identity and loyalty . | An event framed as a learning challenge can still create strong internal bonding among teammates, along with an outgoing networking opportunity to meet and interact positively with other students and professors . |
| Awareness building | The winning team generates a lot of awareness at home for winning a competition, which, like many other competitions in that school, may not captivate the interest of third parties . | All the teams that successfully complete the challenge will generate awareness back home, of an event that, in contrast to other competitive events, indicates to third parties the students' advances in negotiation theory and practice . |
| Transitional platform | The competition helps students experience and realize the pressures of some real-life negotiations . The return back home as either a winner (but not by following most of the class teachings) or a loser (now skeptical of most of the class teachings), may not provide much of a transition from classroom to practice or future advantage. | The challenge helps students experience and realize the pressures and opportunities of many different real-life negotiations . The return home is enriched with a rigorous learning experience, a memorable adventure, a new level of confidence in different approaches, and being a member of a supportive network. This can provide a lasting positive effect for the years to come. |

| | | |
|------------|--|--|
| Finding #1 | Ultimately, a winner will emerge. | Can be designed so that one of the teams emerges ahead of the others, without making them losers, OR so that all teams that <i>complete</i> the challenge are winners (not necessarily everyone). |
|------------|--|--|

The negotiation challenge can take many forms, which should all be guided by the spirit of the objectives above. Ultimately we want negotiation event formats aligned with prevailing pedagogical goals, and thus becoming a more successful and gratifying experience to all involved.

The Negotiation Challenge:

The Beginning of a Recommendation

While I do not have a final and ready format to offer, below are some prescriptive ideas, to improve the odds that others will further develop and implement the concept of a negotiation challenge format. I give some initial suggestions on the practical structure of the challenge format as well as giving a picture of its content and management.

Foundations of a Negotiation Challenge

The four main elements that I believe every negotiation challenge format should pursue, in order to align itself with the challenge objectives presented in the table above, are to:

- 1) **Focus on self-improvement**, not winning – All negotiation rounds shall have specific pedagogical goals for learning, and aim to create a sense of stretch, accomplishment and success for all of those who work hard and succeed in overcoming their key weaknesses during the challenge.
- 2) **Allow for the realistic** success of diverse strategies – To better mimic and explore the richness, breadth and complexity of real life negotiation, the challenge needs to create diverse opportunities for a variety of strategies, styles and approaches to succeed, even if at different times.
- 3) **Evaluate the result, not the process** – The negotiation process is extremely important for success, and the core of what most of us teach in class. Nonetheless, I recommend focusing the evaluation on the result, to avoid biases against different approaches and to allow “what works” to come forward in different ways.
- 4) **Require active participation and mentoring from professors** – To increase the interaction, networking, bench-

marking and learning of the students, professors should shift from their more passive and observational role as judges into a more active and participatory role as counterparties.

Self-improvement, not Winning

The idea of having the event focus on self-improvement should be the one core value of a negotiation challenge. While everyone wants to win, winning should be aligned to how it is taught in a negotiation class: winning is achieving your goals, not necessarily at someone else's expense. The negotiation challenge should then be put together to create enough challenges for the participants that they will come out of it transformed, improved, and as winners.

The event organizers should specify pedagogical goals for each round, to ensure consistent learning, testing and assessment of different strategies and abilities. The pedagogical goals give a sense of purpose and design to each round, as opposed to just pitting students against one another to find out who comes out on top. Goals should be chosen for each round with a focus on breadth and variety of learning, to acclimatize the students to varied future real-life situations. The negotiation challenge organizers need to share the overarching learning goal of the event with the professors. Besides, each negotiation round could have two to three different and specific pedagogical goals, and the students could be measured on all of these. In each round, a different set of goals gives students with different skills the opportunity to do well.

At the end of the event, all students will have experienced numerous obstacles and opportunities and developed a better sense of their strengths and weaknesses. The goal diversity also provides more chances to learn, as well as ample and balanced opportunities to score well in the challenge. Finally, without the pressure to win and the fear of competitive opportunistic behavior, the students are more likely to listen to the feedback from the judges and from each other.

Of course, choosing the pedagogical focus can create extra work for the organizers, and some professors may have different views about the chosen goals. However, the pedagogical goal is supposed to be high-level, to allow for different people to approach it from different angles. Thus challenge round one might have as pedagogical goals:

- 1) See how students prepare to negotiate the relationship;
- 2) See how they actually build and maintain a proactive relationship pattern throughout the negotiation (this could be coordinated, for collaboration, or dominant, for competition);
- 3) See how they react if the other side (a professor) plays distributive and creates an adversarial environment OR if the

professor invites integrative moves and creates a collaborative environment;

- 4) See how self-aware they were of their relationship building or dominating moves in the debrief.

Before each round, the students could receive the goals for that particular round, framed in more general terms, e.g.,: "The goal in the first round of the Challenge is to evaluate how the relationship is handled. The objective here is to establish focus for self-improvement. We believe that a good negotiator is a self-aware individual that can translate intentionality into ability independently of how the other side behaves."

Thus, we should not reward unintentional or reactive moves, as they are an element of luck. Intentional strategies and proactive moves are part of a negotiator's repertoire and thus more likely to be repeated.

Focusing on self-improvement supports all negotiation challenge goals with the exception of finding #1.

"A Thousand Roads Lead Men Forever to Rome"

The more common English saying goes: "All roads lead to Rome." While not all choices lead to success, many different negotiation moves or strategies can be successful. Equally, a negotiation challenge needs to allow for different styles, choices, and moves to emerge and succeed.

When thinking of moving away from the negotiation competition format, I was concerned about the pendulum swinging too far in the collaborative direction (and again, I acknowledge those colleagues who are concerned that this has already happened in some locales *despite* the influence I ascribe to the competition format). That would probably give us the same kind of limited, one-sided view of negotiations as in the competition format. To keep the broader perspective, the negotiation challenge has to create balanced opportunities for collaborative or competitive strategies. The choice of strategy needs to remain open for the students, since their ability to choose well is one part of the challenge.

Thus, as in the section above, the example of choosing the relationship as a pedagogical goal for one of the rounds, we should be very careful to avoid rewarding only collaborative relationship building moves. If one team successfully and intentionally creates a relationship pattern of domination as part of a distributive strategy, they should be evaluated highly, especially so if it yields a good outcome. Conversely, a team that proactively establishes interdependence and trust throughout a successful integrative negotiation should also be assessed highly. After all, both teams were able to use the relationship tool consciously to support their respective strategic efforts.

The organizers can select and adjust role-plays or other activities requiring skills ranging from collaborative to competitive, from easy to hard, as required by the learning purposes of each round. The activities should provide room for either integrative or distributive strategies to succeed, even if not in the same round. The challenge should also have rounds which require different strengths. For example, one exercise would require strategic negotiation planning ability, while another requires the emotional ability to implement said plan under difficult conditions. The diversity of exercises generates a level playing field for different approaches to negotiation. Some different exercises could be:

- Role-plays with professors
- Observation, diagnosing and coaching of other teams
- Adventure learning
- Simulation design
- Video analysis
- Strategic preparation and design

The negotiation challenge can help assess better how students are doing in different contexts and how well professors are teaching them. Having pre-designed purposes will give each student a somewhat common experience, to stimulate more exchange and benchmarking in a group debrief exercise at the end of the day. Besides, the benchmarking would not overly focus on the winning team, but on whatever team(s) did best in that learning goal. Students would be able to see different teams and professors having different points of view, and better grasp the diversity and complexity of negotiation theories.

Allowing for strategic diversity supports all negotiation challenge goals with the exception of finding #1.

Separate Result from Process

The negotiation outcome should be measured against a balanced scorecard prepared ahead of time for the role-play or exercise. The balanced scorecard in the Diego Primadonna role-play (a soccer version of the famous Sally Soprano role-play)² could contain the following categories and percentages attributed to each of them:

Diego's Balanced Scorecard:

- a) How good was Diego's fixed salary? (twenty percent)
- b) How good was Diego's variable salary? (twenty percent)
- c) Will Diego have a starting position? (fifteen percent)
- d) Will Diego share advertising revenues with Rio Nacional Club? (ten percent)
- e) Will Diego have recognition? (ten percent)
- f) Any other options to expand the pie further? (ten percent)

- g) How good was the duration of the contract for Diego? (fifteen percent)

Rio Nacional Club Balanced Scorecard:

- a) How good was Diego's fixed salary (Club's point of view)? (fifteen percent)
- b) How good was Diego's variable salary (Club's point of view)? (twenty percent)
- c) Will Diego have a starting position? (ten percent)
- d) Will Diego share advertising revenues (i.e. proceeds from his own endorsement contracts) with Rio Nacional Club? (ten percent)
- e) Will Diego help Rio Nacional Club increase its attendance? (fifteen percent)
- f) Are there any penalties for Diego's misbehavior? (five percent)
- g) Any other options to expand the pie further? (ten percent)
- h) How good was the duration of the contract from Club's point of view? (fifteen percent)

A balanced scorecard focused on results can reduce biased evaluation, such as the availability bias, of negotiation process moves. Availability bias overvalues a fact or move that is already "on your mind" even if in reality it is less significant than other facts or moves. The availability bias could operate, for example, if a student makes a move that the professor/judge particularly likes or dislikes, and therefore remembers, independently of it actually resulting in a good or bad outcome.

The scorecard would evaluate the outcome of each negotiation independently of the strategy used. In other words, with the exception of ethics, it will not matter how people get results; students will be measured on what gets *them* results. In the ideal world, each point in the balanced scorecard needs to be expanded into an extensive list of scoreable Pareto-efficient options³ provided to the professors/judges to consistently evaluate the role-play outcomes, or centrally processed by the event organizers.

The result should be an absolute score based on the value each team captured in each round. This assessment format allows a team to do poorly in one round and still recover on the next one by doing really well. Once again, in real life, we do not perform our best all the time, but with good negotiation training, I am supposed to improve my average results. Similarly our negotiation challenge should allow for such dynamics.

This leads to another important point: in a negotiation challenge, ideally there should be no elimination of teams that do poorly in a certain round. All teams should participate in all rounds, or alternatively, every other round (while observing those they do not participate with),

and only be evaluated at the end. In doing so, we hope that all teams will have similar experiences, will be engaged until the very end, and will enjoy the full spectrum and learning of the event. This too, I concede – like several of the other ideas here – requires a great deal of professorial time, and therefore many volunteers. Perhaps it can exist *only* as an ideal, but perhaps setting forth an aspiration will get a reader thinking about variations that might achieve a similar result with less labor. (Indeed, if writing a piece such as this is viewed as a sort of opening negotiation proposal to a creative reader, research on aspirations suggests that both parties end up with better solutions if the original aspirations are high, but flexible. See, e.g., Schneider 2006.)

In evaluating, we should focus on the outcome of the substantive negotiation, as I believe it to be inappropriate to evaluate the negotiation *process* for the reasons noted. On the other hand, the process is the center of our learning exercise, and should be *coached* focusing on the pedagogical goals of each round. The professors/judges should help the students establish links between the different strategic choices and the final outcome: What (e.g., relationship) moves led to the final outcome? Were they good (proactive, conscious, effective, etc)? Could they have been better? At what potential risk? (see Appendix for sample debrief and process questions). Measuring results, not process supports all negotiation challenge goals.

From Judges to Participants

In negotiation challenges, professors would be invited not only as judges, but also as counterparties in the role-play for the student teams. This form of professor participation would generate many learning advantages. If the event becomes of such size that implementing this 100 percent becomes unrealistic, the organizers can aim to give every team at least one negotiation with a professor as counterparty.

The students would better interact and learn by observation and by doing. They would be able to better judge the relationship impact after a negotiation as they would be feeling “on their own skin” how they were treated during a negotiation. The role-play interaction would also bring the professors closer to the students, improving the networking opportunity.

Students can take the same side in the role-play (i.e., buyer or seller) and thus be more evenly compared. Similarly, no team would negotiate with a weaker or easier team, as professors can on average better ensure some level of consistency in their role-play. Professors would not be there to “win” the role-play, but rather to follow a behavioral pattern linked with the exercise’s pedagogical goal, as pre-determined by the organizers to help students learn. It should be easier for most professors to detach themselves emo-

tionally from a sense of collaboration or competition to focus on the learning agenda. This would (hopefully) generate some consistency in the student experience, even if the different professors have different levels of negotiation or role-playing proficiency.

It goes without saying that no professor should negotiate with their own team. Coaching and feedback could be done with each group individually and group discussion sessions could be held with the whole group at the end of each day.

The students would now be able to benchmark themselves not only against peers from different schools, but also against professors who supposedly have higher knowledge and skill levels. This learning from interacting with different professors can lead to students benchmarking themselves on a much richer scale, and developing better stretch goals for their future growth.

Without any intention of winning or need to prove anything, professors can tailor the experience to surface more opportunities towards the pedagogical goals. They can play a relatively passive role to allow *students* to drive the negotiation towards success or failure. They can take the lead in a negotiation, to see if the student recognizes good moves from the other side and reciprocates. Professors can play difficult parties. They can make integrative moves with students who chose to play distributive and vice versa, to enhance the challenge level and the learning opportunities. In sum, involving the professor in the active participation of the challenge creates a limitless number of learning possibilities (see Fuller, *Interviews as an Assessment Tool*, in this volume).

I take seriously the concern that this would require too much work, and duly note that organizers today already have to invite dozens of judges, mostly negotiation professors. These judges already are briefed, given time to prepare, and invited to give feedback to the students, though usually without a consistent event pedagogical focus. But I still think the challenge to the professoriate of describing what I see as an ideal, and inviting my colleagues' creativity at making something along these lines workable, is valid. One incentive might be that inviting the professors to take a more active role can actually be more interesting and a better learning experience for the professor. If we cannot find enough professors to volunteer, one idea would be to call upon a drama school nearby and recruit their students to collaborate in the initiative.

Having professors as participants supports all negotiation challenge goals.

Negotiation Challenge Formats

As seen above, negotiation challenges should be built on a common foundation: a) self-improvement, not winning; b) allowing for strate-

gic diversity; c) separating result from process; and d) moving faculty from judges to participants. Moreover, similar foundations still allow for different negotiation challenge formats. Below I suggest a few:

The marathon format

This format is inspired by having to run over forty-two kilometers/twenty-six miles, which is a challenge for almost everyone. Most people who run marathons do not talk about their finish position, but rather about how much time they took to complete the event. Many people unfortunately do *not* complete the event, and it is this real possibility that makes completing it so special and rewarding. In most modern marathons, everyone who finishes receives, if not a medal, some other form of recognition for their accomplishment.

The negotiation challenge can be built around similar ideas: the teams are competing against their own limitations and potential much more than against each other; the teams can exchange ideas or even practice together before or between exercises; everyone who completes the event can realistically be considered a winner in their own right; those who complete a marathon can call themselves “marathon runners” as if they were initiated into a new community they prepared hard for and aspired to; marathon runners usually get a sense of accomplishment and confidence that they can carry into improving themselves in the sport, or even in other areas of their lives.

Such an event would be built with teams aspiring to collect enough points through the different exercises as to cross a very high point threshold. All students who succeed in doing so, independently of their choices of strategy (distributive or integrative) will be considered winners. Some may complete the assignments faster than others, but the ultimate goal *is* to complete them. They will be given points after each round and, more than seeing if they are ahead of others, most teams will seek to verify how far they are from the threshold, and how much progress they are making from each round. They will need to understand their strategy, how they can play to their strengths, and how they can compensate or overcome their weaknesses. Even if a team “wins” a round, but does not collect enough points, they will have to learn to do better next time. If they “lose” or score very few points, they still have time to catch up, and the motivation to work hard to do it.

One risk is if only one or two teams do not complete the marathon, there may be social pressure to help these teams out, even if unconsciously. If that happens, the real challenge becomes worthless. The message becomes that everyone is guaranteed to complete the tasks, and there is little if any real need to work hard or strive to overcome one’s limitations. Success will become empty and meaningless for those who achieved it without the help. Thus

the organizers need to be ready to control for that risk, and to have a few teams disappointed that they did not achieve finality.

The orchestra format

Different from a marathon, an orchestra is the combination of different individual efforts in an exercise coordinated to produce something bigger than the sum of its parts. Each part requires one instrument. There is a conductor. We all win or lose together. Some instruments will set the pace, while others will swing, some will be loud and others low. Everyone follows a plan, aware of what their peers are doing, and does their best towards the final goal (see Blanchot et al. 2012, particularly, the discussion of a collaborative theater group at work).

The orchestra format could be used in a negotiation challenge as a large collaboration exercise with many different “fronts.” The different teams will have to split and coordinate among themselves to negotiate several different connected role-plays, to mutually achieve a complex objective. In short, the recommended format would be to create a multi-layered negotiation challenge where the professors/judges would be the obstacles to an ultimate objective (see Druckman 2006 for a thorough explication of the benefits of using “complex” negotiation exercises). The student teams may divide up their work by having some role-play while others observe and plan.

The teams can collectively have strategy, preparation and debrief sessions, as well as other activities as designed by the organizers. This would require a fair amount of initiative and self-organization from the students. One temptation for the professors would be to step in to intervene and “help,” but in doing so they would be diminishing the learning experience. (This does not mean that there should not be scheduled group debrief sessions with the professors.)

At some point, if a team does poorly in one round, the negotiations may stall, and the students will have to plan how to recover from the rough patch as in real life. The students who did poorly should be given a new chance to recover,⁴ even if through different means and strategies. However, being an orchestra-like format, there is a risk that integrative strategies will be better rewarded than distributive ones, as collaborative moves will probably be more congruent with such a multilayered challenge than competitive ones.

In the end, everyone wins or loses together. This could create a risk for the organizers to want to help everyone win to improve motivation and morale, even if the collective did not deserve it. One way to reduce that risk would be to include the marathon format’s absolute point threshold, to reward those teams that in the collective effort made significant contributions.

It is possible that the orchestra format would be very difficult to prepare by the organizers, as there can be many variables to be managed during the event, instead of only in preparation for it. I believe that like a good orchestra, this could create an excellent experience to all involved. One benefit is that if one or two versions of this challenge are created, they can probably be replicated many times. After all, in each new event, we usually have new students. Besides, the professors can modulate the level of complexity from one event to another based on different pedagogical goals to make it a vastly different experience to all involved.

The relay race format

The relay race is based on each individual or team doing their best, and then passing the baton to the next team. This is for me a variation of the orchestra format, with one big difference: instead of having all teams negotiating at the same time, some will be sitting out or just coaching and observing during some rounds. This could allow for learning to observe and to coach others to negotiate, a valuable negotiation skill in real life. It would also allow for professors to evaluate how those internal negotiations are being held.

The similarity with the orchestra format is that each team has to do their part towards successful completion. The teams will need to make strategic decisions based on their strengths and weaknesses, since some runners are good at the start and others are strong finishers; similarly, some teams may be good at value creation and others at value claiming. Students from different schools may pair up if they have the right skill set for specific tasks. In addition, the relay race format generates the challenge of passing on instructions, sharing learnings from the previous negotiation, etc.

Differently from the orchestra format, the relay race allows for a less complex negotiation, less coordination required among the students, and thus the ability to tone down the challenge level as desired. The relay race could have four teams together, going sequentially through four different role-plays and accumulating points as in the marathon format, but as one larger team. The need for collaboration among teams enhances the networking and learning exchange. Moreover, as the role-plays may be independent from one another, the relay race format also allows for exercises that invite different strategies. Thus, compared to the orchestra format, the relay race reduces the overall complexity of the event for organizers and students.

One risk in this format is that teams that sit out of the action of the role-play may disengage in the other avenues of the challenge, such as the preparation, coaching and debrief. However, this can be managed if points are also attributed to these activities.

The challenge/competition format

A challenge/competition format has elements of both. While students go through very similar actions as in today's negotiation competitions, they do so with professors as counterparties, and are assessed on results only and given absolute points. The students get their scores, but also feedback based on the pedagogical goals. They can compare scores if they want, but will not be ranked from them. Even though this result still resembles a competition, the foundational changes (focusing on learning, not winning; allowing for strategic diversity; measure result, not process; and moving from judges to participants) already allow for integrative strategies to surface on a more equal footing to distributive ones, as well as allowing a greater focus on self-improvement.

Alternatively, if the organizers still want to find #1, they can disclose the winner (the team with the maximum number of points). One of the drawbacks is the subjectivity of those points; but still, this may be compensated by the fun and thrill of finding #1. The major risk is if self-improvement takes a back seat to winning, thus working against the core goal of a negotiation challenge.

While these different formats hopefully make the ideas offered above more concrete, they are just a start. In any event, there will be details and variations. Those can be adjusted based on the main foundations of a negotiation challenge and the specific goals of the event organizers. I hope innovation and experimentation can push these initial ideas further into new and better formats.

Negotiation Challenge and Classroom Assignments

While I have discussed extensively how to revamp negotiation competitions into negotiation challenges, I would like to look also at how these ideas could be used at the classroom level, as a tool for assessment.

For a teacher implementing a smaller-scale Negotiation Project for class assessment, I suggest a focus on our four main pillars of negotiation challenges:

Self-improvement, not Winning

Have the students create their own assessment of strengths and weaknesses either at the beginning of the course or after a few classes. A self-assessment is fine, or a compilation of the feedback from peers after role-plays could serve the purpose.

The student would then generate an individual goal list, so that they create their own targets for the course and have shared responsibility for achieving them. The goal list could be the topic of a class or part of it, as the students discuss why they think they are good or weak at something and why they want to improve on a particu-

lar skill versus another. This may elicit many assumptions over what the students believe works or not. A reputation index (see Welsh, *Making Reputation Salient*, in this volume) might be a part of this list.

At the end of the course, the students are assessed mainly against the goals in the goal list. Certainly other strategic choices and moves are also assessed, but a greater weight should be given to the ones chosen by the student (for more on engaging students in creating their own learning environments, see Nelken, McAdoo, and Manwaring 2009).

Allowing for Strategic Diversity

The student should preferably be immersed in a real negotiation experience, through simulation, adventure learning or some other method, in which he/she can opt for *any* kind of strategy. This means that written exams should not be preferred, if we are trying to observe our students' skills, rather than just knowledge.

If we are checking their *knowledge* as such, e.g., their strategy or preparation for a negotiation, then a written assignment could be conducted. To allow for strategic diversity, room should be given for the students to choose a distributive over an integrative strategy and vice versa. It would be good to alert the student that a case should be made not only for the chosen strategy, but also *against* the discarded one, to demonstrate knowledge of the spectrum of choices and awareness of the different risks and rewards anticipated in each choice (Falcão 2010).

For assessment purposes, one of the exercises that can be assigned is to have students negotiate with one another, or engage in any other live negotiation exercise while the professor observes and assesses them. To enhance strategic diversity, the professor can actually request (probably in private) that each student use one specific choice of negotiation strategy, or can even ask them to change the moves half way through the exercise, to see how they adjust.

Separate Result from Process

The negotiation exercise used for assessment should have a range of options prepared by the professor, so that outcomes can be contrasted and calculated. The professor can ask the student to stick to a certain strategy, or require that certain moves are made or avoided (such as unethical ones) to ensure that some of the class teachings were learned and the student knows how to use them.

Alternatively, and to separate result from process better, the professor might allocate a part of the grade to the negotiated outcome (see Coben, *Empowerment and Recognition* and Welsh, *Making Reputation Salient*, in this volume). A smaller part of the grade could go to the stu-

dent's written debrief of what strategies and moves were used and why, to demonstrate self-awareness and control over the implementation.

From Judges to Participants

Whenever feasible, the professor should invite the student to negotiate with him/her (or better still an invited colleague) and then assess their performance (for more on this assessment method, see Fuller, *Interviews as an Assessment Tool*, in this volume). Alternatively, actors (or even acting students) can be invited in, and the professor then becomes an observer/judge. If the negotiations are with actors or with the professors, there is a better assumption that the resulting outcome was the responsibility of the student, as opposed to a lucky combination of students.

The choice in favor of using actors can guarantee a certain level of stability from negotiation to negotiation,⁵ and some level of control for the professor. One risk with having professors negotiate with students is the subjective bias to unconsciously help a favored student, or to be tougher on a student the professor actively dislikes. But a given professor may have too many students, no resources with which to recruit actors, and not enough bandwidth to negotiate with all of the students personally. In this instance, perhaps former students could be recruited and coached by the professor. In other words, anyone without a need to "win" can play these parts.

Conclusion

Independent of the formats or assessments adopted by negotiation competitions or challenges, participating in such an event is a "big deal" for our students. For us professors, participating and having our students ready to participate in such events is also a big deal. We would do well to acknowledge such events for what they are: a rite of passage.

At the end of such an event, we should welcome our students as peers into the negotiation community. After all, they have submitted to a challenge, and faced it to the best of their ability and courage. They come out potentially transformed, and at least a little bit readier to face the world. This should be acknowledged, rewarded and celebrated.

I hope that this chapter has given you some new and interesting ideas, as well as a challenge of its own. I recognize that any innovation effort requires extra time and effort, with a risk of reinventing the wheel as well as hidden operational costs and logistical risks. Still, I hope that the ideas above excite you enough that you believe the new format is worth a try.

And if you do, please feel free to contact me, as I will be glad to help think through the details and implementation. Readers' ideas as to variations that would cut the professorial time need-

ed would be immediately helpful, but this discussion is in a fledgling state, and no doubt readers will find and improve on other problematic aspects here. I truly believe that while the innovation effort is significant, the negotiation community is nothing if not resourceful in making things happen. The result can bring us one step closer to positive, long-lasting learning experiences.

Notes

¹ This also shows the importance of stating a few specific goals for a negotiation event. Having many different goals can, in its own self, generate conflict. For example, teams with different objectives (experimenting vs. winning) may be equally successful, but only the one focused on winning will be rewarded. This in turn reduces the perceived importance of all other goals, since only what is measured is valued. Soon, most teams will focus solely on winning at the expense of other goals.

² The Diego Primadonna scenario is a version of Sally Soprano developed by Conflict Management Incorporated, where instead of an opera house and an aging opera singer, we have a soccer club and an aging soccer player.

³ A Pareto-efficient option is an option in which at least one party is better off than before without making the other worse off (or one that even makes the other party better off as well).

⁴ In another tense environment (selection of mediators in a performance-based exam) in which an early error might create unrecoverable results, while a comparable error committed later on might be less damaging, the same concern for fairness was handled similarly to the suggestion here, and it appears to have proved practicable. See commentary in Honeyman et al. 1995: 56.

⁵ As with the preceding note, there is also an experience base for this from mediator selection exams. See Honoroff, Matz, and O'Connor 1990. After the initial run, the Boston program discussed in that article went on to further rounds, and ran over 200 mediator candidates through such exams. This would have been extremely hard to pull off in such numbers if practicing mediators had to be recruited to play all the roles. Those involved also thought the actors (including acting students, who were cheap) were more consistent from performance to performance (Honeyman et al. 1989-94).

References

- Blanchot, E., C. Honeyman, N. Ebner, S. Kaufman, and R. Parish. 2012. The education of non-students. In *Educating negotiators for a connected world: Volume 4 in the rethinking negotiation teaching series*, edited by C. Honeyman, J. Coben, and A. W. Lee. St. Paul, MN: DRI Press.
- Druckman, D. 2006. Uses of a marathon exercise. In *The negotiator's fieldbook: The desk reference for the experienced negotiator*, edited by A. K. Schneider and C. Honeyman. Washington, DC: American Bar Association.
- Ebner, N. and Efron, Y. 2009. Moving up. Positional bargaining revisited. In *Rethinking negotiation teaching: Innovations for context and culture*, edited by C. Honeyman, J. Coben, and G. De Palo. St. Paul, MN: DRI Press.

- Falcao, H. 2010. *Value negotiation: How to finally get the win-win right*. Singapore: Prentice Hall.
- Honeyman, C. and 30 colleagues, as Test Design Project. 1995. *Performance-based assessment: a methodology for use in selecting, training and evaluating mediators*. Washington, DC: U.S. National Institute for Dispute Resolution. Available at www.convenor.com/madison/method.pdf (last accessed March 19, 2012).
- Honeyman, C., D. Matz, B. Honoroff, and D. O'Connor. 1989-1994. Correspondence between authors.
- Honoroff, B., D. Matz and D. O'Connor. 1990. Putting mediation skills to the test. *Negotiation Journal* 6(1): 37-46.
- Merriam-Webster online dictionary listing 2012. Available at <http://www.merriam-webster.com/thesaurus/competition> (last accessed March 19, 2012).
- Nelken, M., B. McAdoo, and M. Manwaring. 2009. Negotiating learning environments. In *Rethinking negotiation teaching: Innovations for context and culture*, edited by C. Honeyman, J. Coben, and G. De Palo. St. Paul, MN: DRI Press.
- Schneider, A. K. 2006. Aspirations. In *The negotiator's fieldbook: The desk reference for the experienced negotiator*, edited by A. K. Schneider and C. Honeyman. Washington, DC: American Bar Association.

Appendix

The students could be evaluated on:

- *Did they manage to reach a deal? Did they learn enough about the other side?*
- *Did the negotiation create value to the team? How much?*
 - Here it would be good to demonstrate the Pareto Frontier score-card calculated ahead of time to contrast with the outcomes of the different group
- *Did the negotiation team claim their fair share of value? Could they have done better? Did they risk not having the deal implemented by the final client/organization?*
- *Should the team have walked away? Did they sacrifice value to please the other party?*
 - These two questions should assess if the parties are making bad decisions – i.e., regarding their BATNA – or buying themselves out of a relationship problem
- *Did the team preserve potential future value? Is the other team willing or needing to negotiate with them again in the future?*
 - This focus deals with the relationship – potential for future business. Notice that we ask if they are willing or needing, since sometimes in distributive strategies the counterparty may not be willing, but needs to negotiate again and this can be acceptable to distributive negotiators.
- *Did the team position themselves to win more value tomorrow?* This looks at the longer term consequences of any deal, if there are any to consider

- *Did the team remain ethical?*
 - It is harder to achieve a similarly good economic result with ethical moves than without, and as professors we should be teaching our students to be good enough that they can do the former.
- *Did the team keep themselves (and the others) in control?*
 - This dimension measures not only emotional control, but ultimately process control. It evaluates if a team seemed to know where they were going and helped the other team get there even if there were surprises, conflicts, misunderstandings, etc.
- *Did the group enjoy peace of mind before, during and after the negotiation?*
 - This relates to how well prepared and confident they were about the whole process, the relationship, their chances of getting the right outcome, and the outcome itself.