PLAN 725
DEVELOPMENT DISPUTE RESOLUTION: SPRING 2022

Time: Tuesday/Thursday 3:30-4:45
Room: New East 301
If Remote: https://go.unc.edu/PLAN725

Instructor: Danielle Spurlock
Office Hours: T&TH 1:00-3:00 by appointment
Contact: dspurloc@live.unc.edu
https://go.unc.edu/SpurlockOfficeHours

Course Description
Development disputes are public disputes that involve government and private sector actors locked into interdependent situations where each party must trade with the other to reach agreement over development issues. This course is a hands-on, skill-building class for those interested in building their skills in negotiation and bargaining for the resolution of development disputes. In addition to completing readings selected to build theoretical knowledge of negotiation, students engage in role-playing exercises to discover, apply, reflect on, and critique the styles and techniques of conflict resolution that work in different types of disputes. The course also integrates ongoing discussion of real-world development conflicts by examining the implementation of local planning processes and other development disputes.

Spring 2022 Course Delivery
As long as it is possible to do so safely, we will be meeting in person this semester. I understand the ongoing COVID-19 pandemic may require changes to this plan and will be monitoring the situation closely. If I need to change the format of the course temporarily due to outbreaks of illness, I will announce this via email and the course Sakai site.

Course Goals
As an engaged participant in this course, by the end of the semester, you will be able to:

- Articulate your conflict style, your negotiation strengths and weaknesses, and your understanding of ethical negotiation practices
- Compare and contrast distributive bargaining and integrative negotiation
- Describe and apply key negotiation skills including stakeholder and power analyses and the preparation of a BATNA (Best Alternative To a Negotiated Agreement)
- Identify circumstances when you should negotiate alone with the other party or when to cultivate and collaborate with other stakeholders
- Critically analyze real-world development disputes and suggest improvements to the negotiation process within their unique context
Course Readings
Two texts are required. Both are available for purchase at Student Stores or many on-line retailers. All readings, with the exceptions of the two texts, are on posted on SAKAI.


Course Requirements
Each student will be required to:

1. Participate in seven negotiation exercises, including writing a brief (2 page, 1.5 spaced) individual post-exercise evaluation. Grades will be assigned based on both exercise performance and demonstration in the written evaluation of combined learning from the negotiation and the readings. Evaluations are due at the beginning of class on SAKAI. You receive a letter grade reduction per day for late assignments. (70% of total grade).

2. Attend a virtual meeting for a municipal development project (e.g., Amity Station in Chapel Hill, create a modified Pecha Kucha presentation (15 slides x 20 seconds) to summarize and critique the meeting. Refer to regional media like the News and Observer or the Independent to identify local development disputes. Due March 24 (5% of total grade).

3. Prepare a 12-20 page case study describing and analyzing a development dispute, and present your findings in class at the end of the semester. Include a chronology of actions, a stakeholder analysis, and your recommendations for an improved outcome. Team projects are encouraged. Topic and outline due on February 24. Final paper due on last day of class. (15% of total grade)

4. Participate actively in class activities including the student team-led discussion. Complete assigned readings, attend class sessions, and actively discuss and critique the readings in the context of class discussions. This course relies on in-class exercises and regular attendance is critical. Any absences must be cleared with instructor in advance. (10% of total grade).
**Communication**
The best way to reach me is by email or during my office hours. You can also make an appointment using https://go.unc.edu/SpurlockOfficeHours.

- All emails should include PLAN 725 in the subject line. I will make every effort to respond to your emails on the same day I receive them unless I receive them after 7:00 pm. Please do not wait until the last minute to contact me about assignments, especially if you are having problems.

- Students are permitted to miss class for EXCUSABLE absences only. For details about what an excused absence is, see UNC-Chapel Hill’s attendance policy:
  
  [http://catalog.unc.edu/policies-procedures/attendance-grading-examination/#text](http://catalog.unc.edu/policies-procedures/attendance-grading-examination/#text)

Please contact me as soon as possible should an excusable absence arise so that I can work with you to make accommodations. Each student starts with a 100% for participation. Students are allowed one UNexcused absence without any questions from the instructor. If a student has two UNexcused absences, their participation grade will be affected.

**Honor Code**
The University Honor Code is in effect, and all assignments must be completed through your individual effort unless otherwise instructed. In order to uphold the Honor Code in your written assignments, you must properly cite all data, ideas, and information that are not your own. Please visit the UNC Writing Center website for information about citations and how to avoid plagiarizing: [http://writingcenter.unc.edu/handouts/plagiarism/](http://writingcenter.unc.edu/handouts/plagiarism/).

**UNC HONOR CODE**
“It shall be the responsibility of every student at the University of North Carolina at Chapel Hill to obey and to support the enforcement of the honor code, which prohibits lying, cheating, or stealing when these actions involve academic processes or University, student or academic personnel acting in an official capacity.”

Each assignment should include the following Honor Pledge on all graded work:

“On my honor, I have neither given nor received unauthorized aid on this assignment.”
## Semester at a Glance

### MODULE I: THEORY & PRACTICE

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MODULE 1: THEORY & PRACTICE
The context and rationale for resolving conflicts between the public and private sectors have changed dramatically during the past three decades. To compare traditional adversarial or distributive (win/lose) bargaining with the new alternative dispute resolution (win/win) theory and practice, we review cases of successful and unsuccessful development and environmental negotiation. Students take part in, and analyze, 2 two-party exercises.

T 1/11 INTRODUCTION: EVOLUTION OF CONFLICT MANAGEMENT

Activity: Course Introduction

TH 1/13 NEGOTIATED DEVELOPMENT IN PRACTICE

Activity: In-class discussion of McDonald's, Cane Creek, White Flint Mall, and other cases


T 1/18 ETHICS IN NEGOTIATION

Activity: In class discussion on ethics, negotiation, and planning roles


TH 1/20 EXERCISE 1

Activity: BLUEBELL REDEVELOPMENT (2 PARTIES, 1 ISSUE)
T 1/25 DISTRIBUTIVE BARGAINING

Activity: Debrief Bluebell & In-class discussion on distributive bargaining


***Exercise 1 Evaluation Due***

TH 1/27 FRAMING AND REFRAMING

Activity: Conflict style survey & Myers Briggs Assessment & In-class discussion on framing


T 2/1 GETTING TO YES

Activity: In-class discussion on integrative negotiation

Fisher, Ury & Patton (1991) Getting to Yes: Negotiating Agreement without Giving In, Ch.1-5, pp. 1-94. (Skim rest)

TH 2/3 EXERCISE 2: EMAIL COMMUNICATION or MAP EXERCISE

Activity: Email Communication (if remote) or Map (in-person) EXERCISE (2 PARTIES, MULTI-ISSUE)
MODULE 2: STRATEGY & TACTICS
Negotiation process dynamics make the difference between win/lose and win/win outcomes. After analyzing their present ways of dealing with conflict, students are introduced to different types of negotiation strategies and tactics. They learn the principles of integrative (principled) negotiation, techniques of stakeholder analysis, use of efficiency frontiers for assessing outcomes, and methods of information exchange. They test these approaches in 2 exercises of increasing complexity.

T 2/8  INTEGRATIVE NEGOTIATION

Activity: Rural Buffer case


TH 2/10  MULTIPLE PARTY NEGOTIATION/STAKEHOLDER ANALYSIS

Activity: In class discussion of multiple party negotiation


Levitt & Kirlin, eds. (1985) Managing Development Through Public/Private Negotiations, Ch. 6, pp.49-62. (Stakeholder analysis)


T 2/15  EXERCISE 3
Activity: FARMLAND CONVERSION (3 PARTIES, 1 ISSUE)

TH 2/17  NEGOTIATION POWER

Activity: Debrief Farmland Conversion

IN-CLASS WORK SESSION ON CASE STUDY

Activity: Small group session to organize and outline for the case study

**Exercise 3 Evaluation Due**

EXERCISE 4: EPA V. RIVERSIDE

Activity: EPA V RIVERSIDE (2 PARTIES, MULTIPLE, INTERCONNECTED ISSUES)

*Turn in term paper topic and outline.

PURSUING THE EFFICIENT FRONTIER

Activity: Debrief EPA/Riverside and In-Class discussion of the efficient frontier


**Exercise 4 Evaluation Due**

NEGOTIATION POWER, STRATEGY AND PLANNING

Activity: In class discussion of negotiation strategy and the Coker Dispute facilitation


**MODULE 3: PUBLIC AND ASSISTED NEGOCIATION**

Negotiation in the public setting and the role of the neutral third party are introduced in this part of the course. Single text creation, computer-assisted negotiation, and dispute resolution system design are explored. Students take part in 3 negotiation exercises involving difficult issues of community value conflicts.

**T 3/8  DESIGNING PUBLIC CONSENSUS**

*Activity:* In-Class discussion about the design of consensus-building processes


Susskind (2010) “Overcoming the Not-In-My-Backyard (NIMBY) Syndrome”

**TH 3/10  FACILITATION IN PRACTICE**

*Activity:* In-Class discussion of facilitation techniques


**SPRING BREAK**

**T 3/22  CONSENSUS BUILDING**


T 3/24 PUBLIC DEVELOPMENT DISPUTE

Activity: Pecha Kucha of Public Meetings of Local Development Processes

TH 3/29 MEDIATION

Activity: Debrief Consensus Building and In-class discussion of mediation and Camp David case using single text


TH 3/31 EXERCISE 5: CHESTNUT DRIVE

Activity: CHESTNUT DRIVE (MULTIPLE PARTIES, INTERCONNECTED ISSUES)

T 4/5 COMMUNITY BENEFIT AGREEMENTS

Activity: In-class discussion of community benefit agreements


**Exercise 5 Evaluation Due**

TH 4/7 EXERCISE 6: CLIMATE CHANGE (ROCKVILLE OR EVANTOWN)

Activity: CLIMATE CHANGE ADAPTATION: FLOODING
**T 4/12**  
**DEVELOPMENT AGREEMENTS**

*Activity:* Debrief Climate Change Adaptation exercise and In-class discussion of development agreements


**Exercise 6 Evaluation Due**

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**4/14 Wellness Day**

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**T 4/19**  
**EXERCISE 7: MENEHUNE BAY OR SENIOR CENTER**

*Activity:* Menehune Bay or Senior Center (MULTI-PARTIES & ISSUES, MEDIATED)


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**TH 4/21**  
**FUTURE OF PUBLIC DISPUTE RESOLUTION**

*Activity:* Activity: Debrief Menehune Bay or Senior Center


**Exercise 7 Evaluation Due**
T 4/26

CASE STUDY PRESENTATIONS

Activity: Presentations

Students present their analyses of development disputes, including descriptions of the issues, stakeholders, and outcomes, as well as recommendations for more effective dispute resolution. These analyses are based on primary data drawn from interviews, observations, and other sources.

SUPPLEMENTAL RESOURCES


Newsletters and journals dealing with dispute resolution: Consensus; Dispute Resolution Forum; International Journal of Conflict Management; Journal of Conflict Resolution; Journal of Dispute Resolution; Mediation Quarterly; Negotiation Journal; Resolve; The Justice System Journal.