

UNIVERSITY OF DENVER
Conflict Resolution Institute
CRES 4333 – Resolving Contentious Public Issues
Spring Quarter 2014

Michael Hughes
Phone: 303-941-8010

Email: mike@hughes-collaboration.com
mhughes2923@gmail.com

Class Time: Thursday, 6:00-9:00 p.m.

Class Location: TBD

Office Hours: by appointment

COURSE DESCRIPTION

This course will explore public policy conflict, including policy disputes over healthcare, energy, the environment, land use, federalism, public infrastructure projects, religious and political freedoms, public expression, and the role of government. We will focus on the range of processes used to address these complex, multiparty disputes, and consider what each process may have to offer. This course will consider the multiple sources of these conflicts and the menu of options for their resolution. The newest innovations in collaborative governance will be explored, as well as the challenges of constructing pluralistic communities in both the US and abroad.

This is not a skills-training course, but rather one on theory, research, and case studies that presume students already have some background. This course does not presume a background in natural resources or natural resources law, though this knowledge will be helpful. However, this course does presume a basic knowledge of negotiation and mediation. Students lacking this are strongly advised to do supplemental reading of Fisher & Ury's *Getting to Yes* and Moore's *Mediation Process* and/or take a local training course. Condensed trainings in negotiation and mediation are available through DU's University College or from local private providers.

COURSE REQUIREMENTS

Class participation and readings assignments (20%)

Discussion and critique of readings; preparation of reading summaries; preparation and participation in simulations

Case analysis (80%)

In order to gain fuller understanding of the sources of conflict, the issues, and the challenges of resolution, students will choose a particular case for a case study. Students may elect to work in pairs. Choice of a case should be finalized with the instructor by **April 10**.

Case analysis part 1 (30%)

A written case history and conflict analysis/assessment is due by **April 24**.

Case analysis part 2 (50%)

Case evaluation (both process and outcome) chosen as the primary case focus; full written report, including case history, conflict analysis, and case evaluation due **May 22**

NOTE: Submit a paper that you would submit for publication. Grammar, style, punctuation, etc., are considered in grading. More than one draft of each paper is expected, even though only the final version is submitted to the instructor. Informality, disorganization, and improper citation and referencing, etc., will affect a paper's grade.

REQUIRED TEXTS – Only two (Straus and Susskind) are assigned start-to-finish; for others, specific chapters are assigned as described in the syllabus; these will be made available electronically to the greatest extent possible

Bacow, L.S., and Wheeler, M. (1984). *Environmental Dispute Resolution*. New York: Plenum.

Straus, D. (2002). *How to make collaboration work: Powerful ways to build consensus, solve problems, and make decisions*. San Francisco: Berrett-Koehler.

Susskind, L., & Cruikshank, J. (1987). *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes*. New York: Basic Books.

Vig, N.J., and Kraft, M.E. (2012) *Environmental Policy: New Directions for the Twenty-first Century*. (7th ed.)CQ Press.

d'Estrée, T.P., & Colby, B.G. (2004). *Braving the currents: Evaluating conflict resolution in the river basins of the American West*. Norwell, MA: Kluwer/Springer - Available from the instructor at author's discount

Forester, J. (2013). *Planning in the Face of Conflict*. Washington, DC: American Planning Association

Wallis, Jim. (2006). *The Soul of Politics*. The New Press

Axelrod, Robert. (2006). *The Evolution of Cooperation*, New York: Basic Books

COURSE OUTLINE

- I. Introduction to Public Policy Conflict Resolution
- II. Characteristics of Environment and Public Policy Conflicts
- III. Overview of Intervention Strategies
- IV. Conflict Analysis
 - A. Frameworks for Analysis
 - B. Issues, Parties, and Interests
 - C. Frames, Values, and Worldviews
- V. Conflict Intervention
 - A. Traditional Approaches: Litigation, Legislation, Rulemaking
 - B. Negotiation Approaches: Negotiation, Mediation, Negotiated Rulemaking
 - C. Consensus Building and Public Participation
 - D. Dispute System Design; Cooperative Regimes; Community-based Collaboratives
 - E. Collaborative Governance
- VI. Ethics revisited; Evaluating achievements and challenges; Future directions

COURSE SYLLABUS			
Week 1 March 27	Topic <ul style="list-style-type: none"> • Course Overview • Introduction to Public Policy Disputes • Characteristics of Environmental & Public Policy Conflict • Introduction to Environment & Public Policy Conflict Resolution • Simulation – Prisoners’ Dilemma 	Read <ul style="list-style-type: none"> • Begin reading Vig and Kraft – Chapter 2 (States) Chapter 4 (President) Chapter 5 (Congress) Chapter 6 (Courts) • Begin reading Susskind and Cruikshank – Chapters 1-3 • On-line or in the news – Two domestic public policy conflicts from two different areas of public policy – environment, culture/values, civil rights/justice, land use, health, energy, technology, economics/finance, Constitutional questions, or transportation... • Review: Fisher & Ury. <i>Getting to Yes: Negotiating Agreement Without Giving In</i>. New York: Penguin 	Prepare
Week 2 April 3	Topic <ul style="list-style-type: none"> • Characteristics of Environment & Public Policy Conflict • Overview of Environment & Public Policy Conflict Resolution 	Read <ul style="list-style-type: none"> • Read Axelrod – Part I and Part II • Bacow and Wheeler, Ch. 1 (EPP conflict characteristics) 	Prepare Look for cases in preparation for April 10 when you will present a two-page (400-500 word) summary of the characteristics of EPP conflict; illustrate these characteristics with examples from the cases you have read about; a 1½ page summary of the forms of EPP DR/ECR described in the readings
Week 3 April 10	Topic <ul style="list-style-type: none"> • Conflict Analysis/Situation Assessment • Issues, parties, technical components • Frameworks for Conflict Analysis and Comparison • Case choices finalized • Simulation – Cherry Creek 	Read <ul style="list-style-type: none"> • Bacow & Wheeler, Ch. 2 – dispute resolution theory and Chapter 5 – data negotiation • d’Estrée & Colby, <i>Braving the Currents</i>, Ch. 2 	Prepare Due today: Two-page (400-500word) summary of the characteristics of EPP conflict; illustrate these characteristics with examples from the cases you have read about; a 1½ page summary of the forms of EPP DR/ECR described in the readings
Week 4 April 17	Topics <ul style="list-style-type: none"> • Conflict Analysis: Worldviews, Values, Frames 	Read <ul style="list-style-type: none"> • Read Wallis, Chapters 1, 2, and 8 	Prepare Due Today: beginning of class: an approx. 2 page (400-500 word) summary of at least three frames or world views from one public policy topic gleaned from this week’s readings

Week 5 April 24	Topics Interventions – Traditional Approaches and Frameworks <ul style="list-style-type: none"> • Legislative • Legal • Exec/Administrative 	Read <ul style="list-style-type: none"> • Vig, and Kraft, Ch. 7, “Science, Politics, and Policy at the EPA” (W. Rosenbaum), Ch. 8, “Conflict and Cooperation in Natural Resource Policy” (M. Lubell and B. Segee) 	Prepare Due Today: Case Conflict Analysis/Assessment due
Week 6 May 1	Topics Interventions – Negotiation Approaches <ul style="list-style-type: none"> • Negotiated Rulemaking • Mediated/Assisted Negotiation • Simulation – Forest Planning Rule 	Read <ul style="list-style-type: none"> • Bacow & Wheeler, Chs. 2-4 on negotiation, Ch. 6 on two-party vs. multiparty negotiation, Ch. 8, “Mediation Techniques, Ch. 11 on negotiated rulemaking • Begin reading Straus, Making Collaboration Work • Review: Moore. C. (1996). <i>The Mediation Process</i>. Jossey-Bass, chs. 1&2 or other mediation text you may have used 	
Week 7 May 8	Topics Interventions – Assisted Negotiation <ul style="list-style-type: none"> • Mediated Negotiation • Policy Dialogue • Federal Advisory Committees 	Read <ul style="list-style-type: none"> • Bacow & Wheeler, Ch 9, “Mediating Large Disputes” • Complete Susskind and Cruikshank 	
Week 8 May 15	Topics Interventions – Consensus Building Approaches and Public Participation	Read Straus, Making Collaboration Work	

Week 9 May 22	Topics Interventions – Systems Approaches <ul style="list-style-type: none"> · Dispute System Design · Cooperative Regimes · Community-Based Collaboratives 	Read Forester, Planning in the Face of Conflict, Everyone reads Introduction and Chapter 11, and selects one other chapter 1 through 10	Prepare Due Today: Case Evaluation <ul style="list-style-type: none"> · Problems/Issues · Parties/Stakeholders · Data · Interests · Options · Agreement · Evaluation
Week 10 May 29	Topics Collaborative Governance Future Directions	Read Bacow & Wheeler Ch. 10, Mediation Ethics Forester, Chapter 12	