

## National Student Negotiation Competition 2023

### Format and Rules

#### Introduction

The National Student Negotiation Competition is the annual competition to select an entry to represent England and Wales at the International Competition Finals.

This year, organisation of the competition is being managed by the Centre for Effective Dispute Resolution (CEDR), who are also the national competition's sponsors in conjunction with The University of Law. As in 2022, the 2023 competition will be partially run online via Zoom and will therefore follow an altered set of rules to accommodate this. Whilst many of the rules are largely the same as previous years, please note that the rules below are the final rules for this year's competition and these rules will prevail over all others. The final decision on all appeals over Rules will rest with the Competition's organisers, CEDR. The Head Judge is Graham Massie and his decision is final.

The competition takes place over two rounds: The Regional Competition and the Final.

The schedule is as follows:

<b>Monday 23<sup>rd</sup> January 2023:</b>	<b>Entry Deadline</b>
<b>Thursday 2 February 2023:</b>	<b>Negotiation Webinar</b> , virtually via Zoom
<b>Saturday 18 February 2023:</b>	<b>London Regional Heat</b> , at The University of Law, Moorgate
<b>Saturday 18 February 2023:</b>	<b>Leeds Regional Heat</b> , at The University of Law, Leeds
<b>Saturday 25 February 2023:</b>	<b>Online Regional Heat</b> , virtually via Zoom
<b>Saturday 11 March 2023:</b> Churchyard, London	<b>Training Day for finalists</b> , at CEDR's offices, 100 St. Paul's
<b>Saturday 25 March 2023:</b>	<b>National Final and dinner</b> , The University of Exeter, Exeter

#### Rules

##### 1.1 Eligibility and Entry

- The competition is open to all Universities and Law Schools in England and Wales.
- Teams must be made up of two students of the University currently engaged in study of an undergraduate or postgraduate course.
- Each institution may submit a maximum of two teams to the competition.
- Entries must be submitted with the support of the institution and entries from lone students or student pairs will not be accepted.
- Each entry must be submitted with an **entry fee of £90 (£75 + VAT) per team** entered.
- The deadline for entries is the 23<sup>rd</sup> January 2023 but early application is encouraged as we do have a maximum number of teams and reserve the right to fill the competition and then operate a reserve list once we have reached 60 teams.

- Teams on the reserve list are not charged until their place in the competition has been confirmed.
- At the point of entry, the institution does not need to say who the team-members of the teams are.
- Students may compete in the National Student Negotiation Competition twice.
- However, a student who has previously reached the National Final of the competition may not compete in the competition again.
- It is up to each institution to determine how team-members are selected. This is frequently by the way of an internal competition.

## Regional Competitions

This year, the regional competitions will take place in-person and online. The in-person regional competitions will take place on the 18<sup>th</sup> of February 2023 at the University of Law Leeds and the University of Law Moorgate. The online regional competition will take place on the 25<sup>th</sup> of February 2023. We will try to allocate teams to one of the regional competitions depending on their preference however **we cannot guarantee your choice of regional heat**. Early applicants are likely to receive their first choice of location.

### 2.1 Instructions and Confidential information

- General information about the scenarios and confidential information for each party will be sent out to the teams two weeks prior to their regional competition. Competitors must not disclose or discuss their confidential information to any other team (including from the same institution). **Deliberate breaches of confidential information will result in the team who disclosed the confidential information's disqualification from the competition. CEDR also reserve the right to take whatever other sanctions are deemed appropriate, including disqualifying the team who received the information.**
- The negotiation scenarios are designed to cover a range of practical negotiation situations. Whilst the scenarios are based in different areas of law, no especial knowledge of any legal area is required and we do not expect competitors to do extensive legal research in order to take part. We are looking for realistic strategies and good negotiation skills, not extensive legal knowledge.
- The scenarios are written to test a broad range of skills. In the regional rounds, one scenario will be based around a dispute (which may or may not contain a legal claim) and one scenario will be based around a negotiation where there is no current legal claim.
- In the **final** of the 2023 competition, one of the rounds will involve a negotiation between two parties from different international backgrounds. Cultural sensitivity and awareness in negotiation will be a marked component in the final for this round as an additional specific category. This is to test finalists' ability to work sensitively culturally prior to the International Competition.

### 2.2 Coaches

- Teams are permitted to bring a coach or observer into their negotiation. If online, all observers and coaches watching teams must be on mute and have cameras off during the negotiation

and may not signal to the teams in any way. All judges reserve the right to ask observers to leave if they are being distracting.

- Observers and coaches must leave the room during judges' deliberations and whilst the teams are self-reflecting.
- **Under no circumstances are team members allowed to speak with anyone about their performance in the period of self-reflection. Any team who violates this rule leaves themselves liable to disqualification.**

## Format

### 3.1 General Format

- Each team will compete in 2 rounds at the regional heat. Each round will be a two-way between two teams from different institutions. The teams will compete against a different team in the second of the two regional rounds.
- In the regional rounds, 30 teams compete in each of the 2 days. Because of this number, the competition is structured that there are 3 sessions of negotiations but that each team will sit one of the sessions out. For example, a team may compete in Scenario 1 in Negotiation Round 1, and Scenario 2 in Negotiation Round 3. They would not compete in Negotiation round 2. Please consult the team structure to see which session you are sitting out.
- Each round consists of a 50-minute negotiation. The judges will observe and call time. Each team may call up to one 5-minute Time Out during the negotiation. The time will continue whilst this happens. At the end of the 50 minutes, the teams will have 10 minutes to prepare self-reflections on how the negotiation went. The Self-Reflection must be carried out entirely on the team's own and the team are not allowed to discuss how the negotiation went with anyone else, including coaches.

The team will base their reflection on these questions:

*(a) "In reflecting on the entire negotiation, if you faced a similar situation tomorrow, what would you do the same and what would you do differently?"*

*(b) "How well did your strategy work in relation to the outcome?"*

- The teams will then present their self-analyses to the judges individually for 5 minutes. The judges will then score the teams.
- Each round will be judged by a panel of at least 2 judges. The judges will be allowed to confer about the negotiation in general and how it went before the self-analysis, but will not discuss their intended scoring (or individual scores). The judges will all score individually.
- The judges will comment to both teams on how the negotiation went after they have scored the teams. The judges will not reveal their scoring to the competitors.

## Specific Format for the 2023 Online Regional Heat

All of the above rules apply to the 2023 competition. Additionally, because of the nature of running one of the Regional Heats online, we will be running the following format rules:

### 4.1 Set Up Requirements

For those competing in the competition online, all competitors and judges will need to have the following:

- A computer with internet capability, microphone and webcam.
- If possible, a headset microphone is encouraged for audio quality.

We recommend finding a quiet spot for participating in the competition where you will not be disturbed. Please do try and ensure that the location looks neutral and not distracting. We would encourage you to ensure that there is enough light in the room so that you can be seen.

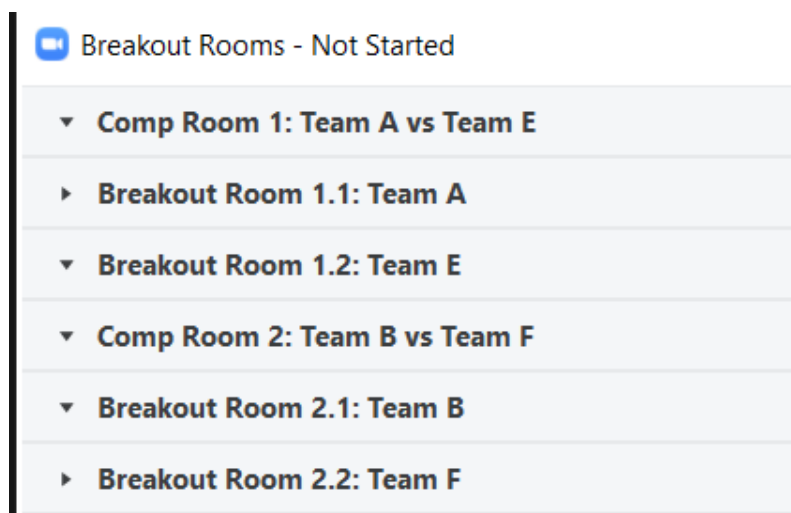
We expect most participants to dial in from their own computer, rather than coming from the same laptop. This is so that all participants can be seen by the judges and participate fully.

**We also would advise you to use a computer to connect rather than a mobile or tablet.** This is to minimise problems and ensure that people can be seen.

Unfortunately, we cannot be held responsible for technical issues and if a participant has issues with internet or similar, it is their responsibility to fix this.

### 4.2 Competition Rooms

We will be using Zoom Breakout rooms to facilitate the competition. For each round of the competition, you will be placed in a breakout room for that specific round. E.g. Team A plays Team E, teams A and Team E will be placed in a specific breakout room for this. There are also individual team breakout rooms connected to each breakout room to allow for Time Outs and preparation of reflective session.



So, a competition room would look like:

#### **Competition Room 1: Team A vs Team E**

- Main competition room where teams compete and judges stay for entire time.

#### **Breakout Room 1.1: (Team A)**

- Private room for Team A to use for time outs and also for preparing their self-reflection

#### **Breakout Room 1.2 (Team E)**

- Private room for Team E to use for time out and also for preparing their self-reflection.

Once all team members have been placed, we will then add judges to the particular rooms. The judges for the room will be in charge of starting timing and ensuring that the competition runs to time.

### **4.3 Participating in the Competition.**

#### **Practicalities**

This year, the regional competitions of the competition have been adjusted to allow for teams to compete with teams from across the country. There are still multiple regional competitions but you will face any team.

As in previous years, teams will participate in two negotiations in the regional competition.

#### **Logging In**

In the online regional competition, all student participants must log in to the zoom link. You will join a mainroom with all other competitors. Judges will be in a separate break out room.

#### **Setting your name**

For the purposes of the competition, please set your Zoom name, to your team name and then your name. e.g. Team A – Joe Bloggs.

Do not put anything in your profile or in your background that indicates which University/College you are at. This is to avoid bias.

### **4.3 Negotiating**

Teams will negotiate as normal. We advise teams to view themselves in Gallery view so that they can see everyone.

So that teams are not distracted by the judges, after welcoming themselves, during the competition, we advise the judges to mute themselves and turn their cameras off.

Teams should negotiate as normal.

### **4.4 Functions Available during the Competition**

The Chat Function is available during the competition, with the following two uses.

### **Chat to everyone**

Team Members can send messages in Chat to everyone in the Competition Room. You may choose to do this for example, to share an agenda etc.

Text in chats must be that only – text. You may not put in links or any other functions.

### **Private Chat to teammate**

You can also use the private chat to send a message to your teammate, in the same way that you may pass a note in real life.

Tip: Do not overuse this. Overuse is likely to prove distracting and lower relationship with the other team, in the same way that constantly passing notes would go badly in real life.

### **Chat Uses not permitted.**

You are not allowed to use Chat for any function other than that outlined above.

Under no circumstances may you send a private chat to someone other than your teammate. If you wish to send something to the other team this must be in chat to everyone, so that the judges can see it.

Any threatening or abusive language in the chat function will result in the team's disqualification from the competition.

### **Share Screen**

Share Screen can be used during the competition in the negotiation rooms only. However, it is advised to only use it minimally and for a particular task. This is because it is important that we see your faces and to prevent a team from keeping share screen on for the entire competition. Teams can be marked down for incorrect use of share screen.

If you wish to send text, you should use the chat functions outlined above.

## **4.5 Time Out**

Teams can take a 5 minute time out to talk their partners during the competition. If you wish to do this, you must follow the following procedure.

The team must announce that they want to take a time out to the judges.

There is an associated private breakout room for each team next to the competition room. After announcing they want to take a time out, the Team members can move themselves to that room to speak in private. Teams can move themselves back to the main competition room. If teams run over 5 minutes, the judges will move the team back to the break out room.

## **4.6 Speaking to the Judges at the End of the Session**

At the end of the 50 minutes, the negotiation session will finish.

The judges in the rooms will ask the two teams to leave the session at this point where they will go back to their individual break out rooms. Teams can confer amongst themselves at this point, but they must not talk with anyone else.

The teams will need to come back to their room at the appropriate time. This will be indicated by the judges in advance. The judge from your room will bring you back when they want to speak to you.

There will be a final chance for the judges to give feedback and then the session will end.

#### **4.7 Breaks Between Sessions**

There will be breaks between the sessions for participants and judges. During these breaks, we would ask you to log out and to log back in before each main negotiation round you are participating in, when we will do a register.

### **Marking Criteria – Ranking and Judges' scores**

Teams are scored in two ways for the competition: a ranking system and a judging score.

The ranking system is the primary way that teams progress through the competition. Teams are ranked on their performance by the judges compared with the other teams that the judges have observed on the same scenario. The teams with the lowest ranking scores will progress to the Final. In the Final, ranking is used to determine the teams' final positions.

Judges' scores are used to break tie-breaks and also to provide feedback to competitors. Judges may also use their scoring to aid their decision in team ranking; however this is not compulsory. See below.

#### **5.1 Ranking**

During the day, the judges will observe the same scenario performed three times. After having seen all the teams perform, the judges will rank the six teams that they have observed from the most effective negotiating team to the least effective negotiating team. This will be a ranking of 1-6 with 1 being the most effective team, through to 6 being the least effective team in that judge's perspective.

Judges rank the teams independently from each other. The reason for using ranking is that it removes the issue of a particularly harsh or sympathetic panel of judges skewing the results. As all judges are required to rank one team as best and one as least good, all teams have equal chance of obtaining these ranking marks.

Judges are encouraged to consider their ranking in relation to the scoring criteria, however, this is not absolute and they may deviate from following the scoring order if they consider that there are reasons for doing otherwise.

The teams with the lowest ranking score from the judges will progress through to the Final. If two teams have a joint ranking score, the judging criteria scores will be used to break a tie break. In the unlikely event that two teams are still tied following ranking and tie-break scores, the team with the fewest negotiation ethics errors will proceed. If the teams are still tied, the head judge will review the scores and determine which team should proceed.

#### **5.2 Judging criteria**

Overall, as mentioned above, we are particularly keen to see realistic negotiations based on what the client would actually want and which achieve a practicable solution. Overly theoretical solutions will do less well. It is critical that teams understand how their strategies would play in real life.

There are 8 criteria for scoring. A sample scoring sheet can be found in the documents section. Each

criteria is marked on a scale from 1-7. Lower scores are therefore better. An example is below:

1	2	3	4	5	6	7
Highly Effective	Effective	Somewhat Effective	Neutral	Somewhat Ineffective	Ineffective	Very Ineffective

The 8 criteria are:

1. Negotiation Planning

*Judging from their overall performance and apparent strategy, how would you describe how well-prepared for the negotiation this team was?*

2. Teamwork

*How would you describe how effective these negotiators were in working together as a team; sharing responsibility and providing mutual backup?*

3. Relationship between the negotiating teams

*How would you describe the way in which this team managed its relationship with the other team, either contributing or detracting from achieving the client's best interests?*

4. Information Gathering

*How would you describe the way in which this team gathered information to develop their understanding and strategy during the negotiation?*

5. Bargaining

*How would you describe how effective this team was in bargaining with the other team, developing options, managing the time and the nature of any concessions made; holding a position or being flexible as appropriate?*

6. Outcome of session

*In light of both the negotiation and the self-analysis, **and regardless of whether agreement was reached**, how would you describe the outcome of the session in respect of it having served the client's goals and interests?*

7. Negotiation Ethics

*To what extent did this negotiating team observe or violate the ethical requirements of a professional relationship?*

This section is marked separately. If Negotiation ethics have been observed, then the team will score 1. If ethics have been violated somewhat the team will score 5, if ethics have been violated the team will score 6, if ethics have been violated strongly the team will be scored 7. In cases where ethics have been violated or violated strongly, the head of the competition will consider whether the team should be penalised further, including being disqualified from the competition.



Behaviour which would be considered unethical includes, but is not limited to,

- Lying
- Going against the brief of the client or the client's best interests
- Breaching confidentiality
- Intimidation, coercion or bribery
- Inappropriate collusion between the two sides
- Aggression (as opposed to assertiveness) or threatening behaviour
- Any behaviour which would bring the profession into disrepute

## 8. Self Analysis

*Teams should begin this 10-minute period by addressing the following questions:*

- (a) "In reflecting on the entire negotiation, if you faced a similar situation tomorrow, what would you do the same and what would you do differently?"*
- (b) "How well did your strategy work in relation to the outcome?"*

*Based on this team's self-analysis, how would you describe how well the team has learned from this negotiation and how adequate was their process of self-analysis?*

## 5.3 Competition Final

In the Final of the 2022 competition, there will be one negotiation which has a specific international dynamic between the parties. This is to test teams' abilities to handle sensitively and with cultural awareness. As such an extra category, "Working in an International Context", will be added for that specific round in the Final for the scoring.

*How would you describe how effective this team was in working in an international context, recognising the cultural dynamics of the other party and their own, and adapting their style to match this context?*

## CEDR Training Day for Finalists and Final

### 6.1 CEDR Training Day

This will take place on Saturday the 11<sup>th</sup> of March 2022 for the finalists. It is intended as a day of negotiation skills taught by two of CEDR's Negotiation faculty. It is not part of the competition and there is no scoring, rather it is intended to give all finalists professional skills that they can use in professional practice.

### 6.2 Final

- The final consists of three rounds. 1 3-way negotiation and then 2 two-way negotiations. The rounds will be judged in the same way as the regional competition.
- The one exception is that the three-way teams will be ranked 1-3. The judges will then rank the 4 teams they see doing the same scenario in the two-way from 1-4.
- The scores from the regionals do not carry over to the Finals.
- The winners, second and third place will be announced on the evening of the Final. The winners will receive a trophy, proceed to the International Competition, and host the following year's competition final.

**Tips**

- Negotiation is not a race. Finding an agreement as quickly as possible is not the point and teams who do so normally do badly.
- Teams are being marked as teams. If one member of the team's contribution is not clear or negligible, the team will score less well.
- The negotiation is taking place in 2023 not the 1980s. Overly aggressive "show me the money" style tactics are rarely effective in the real world (particularly when you have to work with those you're getting agreement with in the future) and bulldozing the other side is unlikely to be a well-received tactic by the judges.
- The scenarios are written in a broad way – there is no perfect solution and what is the correct strategy for the negotiation will depend on many factors including how the particular team you are negotiating with comes to the negotiation
- It is always useful to imagine that you have to debrief to your client afterwards. Use this to influence how you negotiate.