

Lessons Learned in Online Education: Online Business Negotiation

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Introduction

A strength of the growing shift toward online courses in higher education is the potential for students to apply knowledge learned from conventional classroom coursework in more specialized online upper-level studies. This is particularly applicable to the law school curriculum where there is a strong demand for diverse course offerings, specifically in the later years of study once an underlying substantive knowledge base is established. As universities attempt to accommodate diverse student interests they work within financial/resource constraints and minimum class size restrictions, while providing courses within the expertise of the local faculty. Online courses may help alleviate these restrictions through inter-university pooling of resources, enrollment, and expertise. This should allow each student a greater selection of courses while maximizing enrollment, playing to the expertise of local faculty, and minimizing the unnecessary duplication of courses. As online tools and pedagogy are adopted to fit the diverse curricula of upper-level university studies, so the need for research and critical analysis of different approaches grows, particularly to better understand the impact of online communication and culture on the individual learner.

In this paper, I will discuss the design of an online course in advanced business negotiation and business law, the pedagogical reasoning behind the choices made, and how the course design played out in the initial results from the data collected. My observations are based on preliminary data collected from the first iteration of this course. Further analysis is ongoing, but the preliminary review provides some interesting insights into areas for further research.

¹ Sharon Sutherland of the University of British Columbia Faculty of Law has supervised the research supporting this paper and has contributed to its drafting.

Course Description

The University of British Columbia (UBC), Faculty of Law has developed and implemented a course teaching online business negotiation (OBN). The course instructor², Professor Sharon Sutherland, cites the following factors in choosing to develop a course in this area:

- Student focus group discussion on curricular design indicated the need for an advanced level business law course
- Opportunity to apply emerging teaching technologies to a field in which the use of technologies for conducting business is concurrently emerging
- Synchronicity with goals of the funding consortium of legal educators to explore the options for problem-based learning in a fully online environment
- Interest from a second BC law school – the University of Victoria - in participating, allowing a more challenging arrangement of online group development.

The course was taught as a workshop and featured a series of three business negotiations related to the establishment and evolution of a business enterprise, conducted using either chat, streaming audio or videoconferencing³. Small groups of students took the roles of counsel for different parties to the evolving business and dealt with substantive issues touching on corporate, tax and securities law. Students were also provided with online chat, email and streaming audio tools to incorporate into the negotiations as they saw fit. This combination of structured online interaction and flexible online support tools was intended to give students a sense of both the adaptability of and barriers to online communication. The negotiations were conducted in groups, and involved students from geographically separated law schools working together,

² The course was team-taught by two instructors. Professor Sutherland is a full-time member of the Faculty of Law at UBC and had primary responsibility for course design and instruction in online methodology and negotiation. P. Mark Meredith of KPMG Canada also acted as an instructor in the course and had primary responsibility for teaching in the areas of corporate law and tax law.

³ Two negotiations were conducted with Centra support - one purely text-based and one with audio and text support. The use of Centra was generously provided by the Consortium on Online Learning for Lawyers and Law Students a Law Foundation of BC funded initiative.

providing students from both UBC and the University of Victoria with the opportunity to apply substantive knowledge gained in other courses in a rich online learning environment. By offering the course at two geographically removed universities students benefited both from a sufficiently large class to make the course feasible and from the frequent online situation of working/negotiating with parties they had never met. In its first iteration, 12 students were enrolled in the course, with the requirement that they set aside one three-hour block each week for online tutorials and negotiations. Student evaluation was based upon group pre-negotiation approach summaries, post-negotiation individual reflective commentaries, and the outcome of the negotiations.

Pedagogy: Adapting the Cognitive Apprenticeship Model

In developing the educational approach of the course, a key interest was placing heavy emphasis on allowing students to customize, explore and reflect upon their use of technology and the online communications which ensued. The importance of personal style and approach in negotiation dictated that students be given the latitude to experiment with their own negotiation approaches. Intensive instructor guidance was seen as promoting certain styles of negotiation over others. Also, the nature of online business negotiation involves the interaction of technology, changing online culture, and the legal community's resistance to change, combining to produce significant variability between negotiations. This suggests an approach emphasizing student freedom in navigating through resources and creating solutions, for which the cognitive apprenticeship model seemed an excellent fit. In essence, the cognitive apprenticeship model needed to be streamlined to meet the "learning to learn" needs of the students. This consideration had to be balanced with the needs of students to receive help at critical junctures while paying particular attention to how the nature and expression of these needs would be affected by the online environment.

The cognitive apprenticeship model is rooted in teaching expert-type skills rather than substantive knowledge, and makes use of a six stage learning process consisting of; modeling, coaching, scaffolding, articulation, reflection, and exploration. The cognitive apprenticeship model is based upon challenging students with problems which go slightly

beyond their individual abilities and require investigation and the utilization of a variety of resources with the guidance of their instructor⁴. One innovative aspect of this course from an educational perspective is the approach it takes to scaffolding. Scaffolding, the collection and organizing of available resources, is traditionally done by the teacher and passed on to the student to help them work through the problem they face.⁵ The UBC OBN course makes the development of scaffolding itself a primary learning experience by allowing students to select and build their own networks of resources from a wide variety of potential sources with minimal instructor involvement. The instructor's role was to ensure that resources were available and understood by the students, but to play a lesser role in indicating how to use the resources. The resource pool consisted of technological tools, fellow students of diverse backgrounds/skill sets both within and between groups, professors as clients and instructors, practicing experts, and knowledge/information resources. These networks of resources were then applied along multiple axes; students participated in simultaneous problem solving involving substantive content, effective use of technology, and the management of online negotiations between multiple parties, all while attending to the interests of their client. Not only does the course encourage students to build their own scaffolding in a collaborative team, but also by switching groups between iterations the course allows students to experience the different approaches of their colleagues and the impact of differing group dynamics on the formation of resource-use pathways. It also facilitated the collection of data on the online interaction of students in building resource networks through varying circumstance, the initial findings from which will now be discussed.

Online Culture and Group dynamics: Findings

My research has involved qualitative analyses of chat records and student assessments from the first iteration of the course using QSR's Nudist software. Coding was done in rolling iterations based upon the broad initial categories of "the learning

⁴ See Collins A, (1991). *Cognitive apprenticeship and instructional technology*. In: Idol L, Jones BF (Eds.) *Educational values and cognitive instruction: Implications for reform* (pp121-138). Hillsdale, N.J. Lawrence Erlbaum Associates.

⁵ See Lipscomb L, Swanson J, West A (2004). *Scaffolding*. In M. Orey (Ed.), *Emerging perspectives on learning, teaching, and technology*. Available Website: <http://www.coe.uga.edu/epltt/scaffolding.htm>

environment” and “the learning process”. Subcategories looked at areas such as the use of technology, characteristics of online communication, and problem solving strategies and steps. The additional coding categories were developed by loosely adopting educational models of learning processes, which were modified to reflect trends in the data.

Much of the power of the data collected comes from the characterization of online interactions it provides. Using the chat records, the process of online collaboration and learning can be mapped out in terms of the characteristics of online interactions, best practices for ODR, and common errors/barriers. The data have made the importance of planning the use of technology very clear. Students frequently reported that the choice of medium and how it was used played a major role in determining the ease of online communication. For example, where multiple students were involved in audio chats, they found identification of the parties difficult. Also, many students made frequent use of online chats, but found that where they were involved in more than one chat at a time, they had difficulty contributing effectively. Conversely, technology limited some student’s interactions, whether it was because they used slow dial-up connections or were slower at typing. Equally important, many students quickly learned to adapt to their altered communication environment. Some students began notifying each other when they would be delayed in a chat response even if only briefly, while others began delegating “speakers” to provide a single clear voice for group interactions. These analyses, which will be discussed in-depth in an upcoming paper, identify many of the barriers which must be overcome in order to ensure that online courses adequately meet the needs of users. The data also indicate that individual factors such as personal preference, communication style and technological fluency play a significant role in determining the success of online communication, suggesting that any formula for successful online education must be flexible. These factors will now be discussed in the context of students forming different types of resource networks.

Two interesting areas for exploration arising from the data includes students’ organization and use of resources, particularly as online collectives, and the

corresponding behaviours which influenced these interactions. Analysis of chat records indicated high variability in how groups of students interacted and communicated. Some groups made efficient use of their various members as reflected by their on-topic question asking, playing to the strengths of individual members, and their focused learning dialogues. Other groups showed more misaligned patterns of communication such as initiating several lines of discussion simultaneously, having members sporadically participating, and spending a larger proportion of their discussions on non-learning dialogues. Not surprisingly, the rapport of the group members seemed to play a major role in the ensuing learning interactions. The formation of rapport online is an area of critical interest both for improving the student's online negotiation skills and for online education itself. A key issue is how students overcome the lack of visual/tone feedback so critical in face-to-face communication. The data gives examples of effective language and behaviours of students who were more successful in building rapport. Examples include students notifying their peers when they were leaving chatrooms or giving a delayed response, the use of unambiguous language, inquiries for feedback, and clear friendly social discourse. However, confounding factors such as differing availability/familiarity with technology and the concurrent use of other modes of communication make these data difficult to analyze. Preliminary analyses suggest a model of network formation involving multiple levels of scaffolding between students, which is hoped to provide a backbone from which to better categorize and understand student interactions as discussed above.

Theoretical Development

Interpretation of the data on scaffolding in the course suggests a three-tier model of the levels of scaffolding, occurring at the individual, within-group, and between-group levels. The first stage of scaffolding occurred at the level of individual students forming frameworks of resources. This level is apparent through individual approaches to using technology, ideas they offer on solving problems, and the contributions each student makes to the next tier of scaffolding. The first level was not directly reflected in the data as students did not discuss their individual strategies to organizing resources as opposed to their group's approach. However, individual scaffolding was clearly reflected in the

contributions made to within-group scaffolding. Students frequently discussed the division of work, how they might make use of individual strengths or the technology available, and what strategies they should employ in achieving substantive or negotiation objectives. An example illustrating the development of a negotiation strategy follows⁶:

Student 1	...if you want ADR (alternative dispute resolution) terms, we may want to incl. BATNA, WATNA, etc.
Student 2	absolutely
Student 3	That was one of the things they (the professors) talked about - but I can't remember
Student 2	Best Alternative to a Negotiated Agreement (BATNA)
Student 1	BATNA is to give Party A interest; WATNA is to give him dividend
Student 2	ie what does Party A do if we don't agree
Student 1	oops, if we don't agree, he might pull his money out and then we can't get a bank loan
Student 3	so in the end we have to give him what he wants if he does not agree or else we get no bank loan
Student 1	also a problem if we harm the family relationship
Student 3	But we don't have to tell him that - wait till that point
Student 2	True, I think we need Party B, and we need Party A.

In this short excerpt the students utilize their individual scaffolding in contributing knowledge, identifying potential options and strategies, and offering ideas on how the negotiation might be tackled. The incorporation of these resource networks into the group interaction and dynamic illustrates the formation of within-group scaffolding.

Within-group scaffolding was evident throughout the chat records and feedback assignments. It was clear that where groups discussed their approach, including what individual group members could offer and what weaknesses they had, other group members were better able to make use of and incorporate their contributions as scaffolding. For example, in one group where some students identified their substantive background as being a potential asset to the group, other group members later utilized their knowledge in forming the group's objectives for that component of the negotiations. It was also quite clear that online communication skills played a primary role in

⁶ Taken from a discourse on pre-negotiation planning, in which BATNAs and WATNAs (worst alternative to a negotiated agreement) are discussed.

facilitating group scaffolding. The quality of the discussions and the amount information exchanged improved when group members tended to ask more questions while not flooding the discussion by initiating several concurrent lines of discussion.

Between-group scaffolding occurred once negotiations or pre-negotiations had begun. The interaction between groups with varying degrees of commonality added an interesting element to the degree of cooperation between groups. Where the lines of common interest became hazier, the impetus to share resources and ideas also became less clear, as did the benefits of allowing another group to use one's group as a resource. It is suggested that the importance of online communication is much greater in this type of situation. This is reflected by some groups' inability to work with groups with seemingly similar interests where mild conflict was present, while other groups with weaker mutual interests managed to make effective use of each other as resources and to build off of each other's scaffolding. However, it is far from clear exactly how or why different interactions produced differing levels of cooperation. The experience of between-group scaffolding was seen as valuable as it taught the difficult skill of how to use other parties with potentially conflicting interests effectively. For example, students in one group with a weaker bargaining position collaborated with another weaker group, despite points of disagreement, to gain consensus on key issues to counteract the strong bargaining position of another party. We hope to continue to develop this model of the levels of scaffolding through careful examination of the interactions and communication between students indicated in the data collected, and to use it as a framework to identify those practices or approaches which are particularly effective at certain levels of online communication and resource utilization.

Conclusion

I will be working with Professor Sutherland on more in-depth analysis of the issues raised in this paper over the next few months. We hope to focus our future analyses on refining this model of interaction and the behaviours associated with successful collaborations and group resource use, both to improve the existing UBC OBN course and to contribute to the body of knowledge on online education and communication. The

next steps involve developing the discussed model of scaffolding to better characterize the effect of online communication and interactions on resource utilization, and to study the broader effects of online community formation and communication practices in online interaction and learning. We hope to apply the findings of this research to the next iteration of the course to improve the students' learning experiences directly while propagating the collection of useful data and attending to the broader objective of showing that online coursework can be successfully incorporated into the upper-level university curriculum to improve the educational options of students.