

Engaging distance learning students in the curriculum through online group role-play

Context

Theoretical basis

Method

Issues

Outcomes

Implications

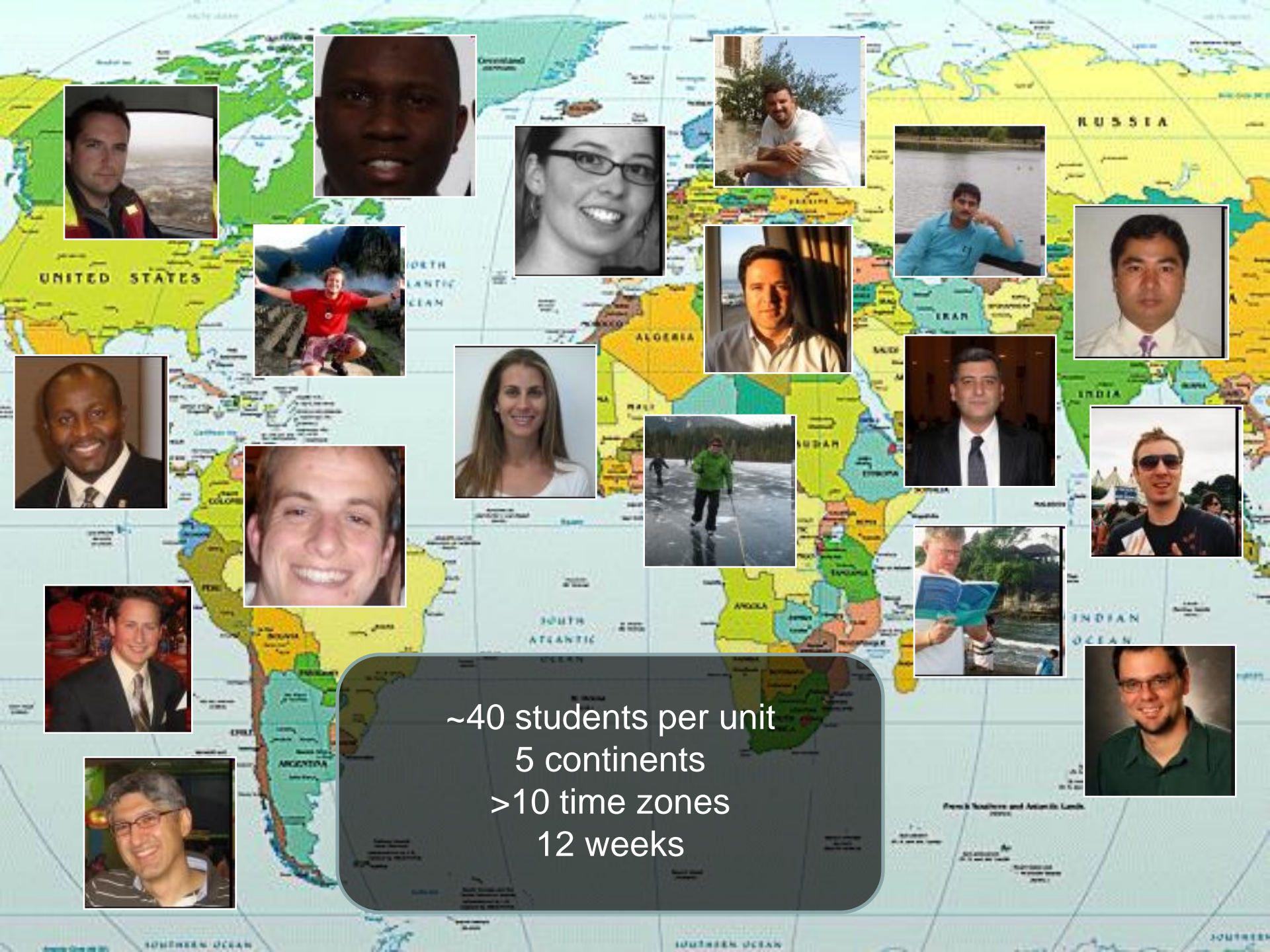
Lindsay Jordan

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Construction Law

MA International
Construction Management

University of Bath



~40 students per unit
5 continents
>10 time zones
12 weeks

Ability to apply *standard forms* of contracts

Ability to apply legal concepts relevant to construction contracts

Measuring Professional & Practical skills

Ability to apply conflict resolution techniques to construction disputes

Increasing student cohesion,
reducing isolation

Other purposes of the assessment:

Core learning activity

Diagnostic – does the unit ‘work’?

Ability to apply *standard forms* of contracts

Ability to apply legal concepts relevant to construction contracts

Measuring Professional & Practical skills

Ability to apply conflict resolution techniques to construction disputes

reciprocity and
co-operation among students

Chickering & Gamson (1987)

Ramsden (1992)

independence, control and active
engagement

WANTS & NEEDS

active and interactive,
independent and collaborative,

Mentkowski & associates (2000)

situated and transferable,
developmental and individual,
transitional and transformative

Bransford *et al.* (1999)

working together to achieve a
goal → community centeredness

The Dispute

The Four Parties Involved:

Architect	Capitol Designs (“C”) represented by Architect/Contract Administrator Mr/Ms Chana
Main Contractor	Mitchell Construction Limited (“M”) represented by Mr/Ms Mitchell - Managing Director
Cladding sub-contractor	Southview Cladders Limited (“S”) represented by Mr/Ms South
Steel sub-contractor	Ferris Steel Limited (“F”) represented by Mr/Ms Ferris

“Reach a deal that is satisfactory to all parties, thereby avoiding litigation.”

1 Assignment One: Negotiation

This assignment requires you to work online in groups of four to resolve a dispute. This part of your module assessment takes place over December and January.

 [About this assignment](#)

 [Details of the dispute](#)

 [Groups for Negotiation Assignment](#)

 [Group Sign-up for Negotiation Assignment \(by Wednesday 17th December 2008\)](#)

 [Phase 1 \(deadline: Monday 5th January\)](#)

 [Negotiation Forum \(Phases 1 & 2\)](#)

 [Phase 2 \(deadline: Monday 19th January\)](#)

 [Meeting agenda & outcome wiki: Phases 2 and 3](#)

 [Phase 3 \(deadline: Friday 30th January\)](#)

 [Synchronous conferencing tool \(Phase 3\)](#)

 [Marking Scheme for Negotiation Assignment](#)

 [Module 3 Negotiation Task Feedback](#)

Group Sign-up for Negotiation Assignment

For this assignment, you will be working in groups of three. Having read through the instructions for the three different stages of the task, you should type your name in the table below to sign up to one of the groups, bearing in mind the following points:

- Please aim to fill existing groups.
- Consider selecting a role that is different to that of the company you are currently working for.
- The collaborative parts of this task can be carried out asynchronously - you will not be disadvantaged by working with students in different time-zones.

You will need to select the 'edit' tab to add your name to the table.

You must sign up to a group by Wednesday 17th December.

The first part of the negotiation task, Phase 1, requires you to work individually, so you are free to start on this whenever you feel ready. You must have posted your position statement by **Monday 5th January**.

instructions

View

Edit

Links

History

wiki

Group Sign-up for Negotiation Assignment (by Friday 12th December 2008)

N.B. This wiki might not work properly in Internet Explorer. If you experience any problems, we recommend downloading the free internet browser [Mozilla Firefox](#).

Role:	Group A	Group B	Group C	Group D	Group E
Architect	Franco Buttigieg	Antonios Maragakis	Gerren Hopkin	Lindsey Bell	Murray Amirault
Main Contractor	Tony Valente	Adnan Chaudhry	Colm Donoghue	Javed Akhtar	Wayne Solomon
Cladding sub-contractor	Ian Chandley	James H Lambert	Nick Campbell	Sean Reynolds	Jayesh Varsani
Steel sub-contractor	Anthony Powers	Joao Albino	Daniel Anderson	Iain Mowatt	Paul West

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Hopes & expectations

Contractual position

Entitlements

Key Issues

POSITION STATEMENT

Group Negotiation Forum (Phases 1 & 2)







Phase 1 (individual): After reading the facts of the dispute and all the supporting documentation, each member of your group must prepare a 'position statement' - a summary of their position prior to their negotiation meeting. This will comprise:

- What you hope to achieve during the meeting
- The contractual position as you see it
- Your entitlements
- Key issues that need deciding in the negotiation

You should post your position statement by selecting 'add a new discussion'. Give your post an appropriate title, for example: '*main contractor position statement*'.

You must have posted your position statement by **Monday 5th January**. As soon as your fellow group members have posted their position statements, you can move on to [Phase 2](#).

Add a new discussion topic

Discussion	Started by	Group	Replies	Unread <input checked="" type="checkbox"/>	Last post
Outcomes	 Joao Melo Albino	Group B	0	0	Joao Melo Albino Fri, 30 Jan 2009, 08:25 PM
Negotiation Meeting Group B 29 Jan 09	 Adnan Chaudhry	Group B	6	0	Adnan Chaudhry Fri, 30 Jan 2009, 04:03 PM
Group B- Final Outcomes of Negotiations	 Adnan Chaudhry	Group B	0	0	Adnan Chaudhry Fri, 30 Jan 2009, 03:41 PM
Negotiations Group B "Record of Meetings"	 Adnan Chaudhry	Group B	2	0	Antonios Maragakis Fri, 30 Jan 2009, 01:37 AM
Phase 3- Negotitions	 Adnan Chaudhry	Group B	17	0	Antonios Maragakis Sun, 25 Jan 2009, 02:48 AM
Negotiation Meeting Group B- Dated 23 Jan 09	 Adnan Chaudhry	Group B	0	0	Adnan Chaudhry Fri, 23 Jan 2009, 09:41 PM
		Group			Adnan Chaudhry

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Meeting agenda

1. Meeting Arrangements

Time: 2:00PM UTC

Date: Saturday January 25, 2009

Method: Skype Online Chat

[Meeting Minutes](#)

2. Table of Positions

As per the meeting agenda set on January 17

[Agenda Meeting Minutes](#)

Issue	C's Position	M's Position	S's Position	F's Position
1. Arbitration	-C would like to avoid arbitration and hopes to solve the problem before the liability increases	- Willing to enter into Arbitration	- S would like to avoid arbitration.	-F' is hopeful that arbitration is not necessary.
2. Payments				
a. Outstanding Payments	-C is not ready to approve more payments before a solution to the problem is reached between the parties and a contract signed accordingly. No claims will be accepted as no early warning has been submitted as per NEC 16.1.	- M will give outstanding \$200,000 to S when defects are completed.	- S is awaiting payments totaling \$300,000 (\$200,00 for abatements, \$100,000 for use of extra labour & materials)	-F' is awaiting payment of \$100,000 from 'M'
b. Anti-Corrosion documentation	-A percentage of the cost of steel works should not be released before Anti-Corrosion documentation is presented.	- Claim against F of \$20,000 for not providing these documents.	-N/A	-F' has now provided the documents. 'F' is very sorry for the administrative delay.
3. Missing Information	-Pending	- N/C	-N/A	-
4. Change of design	No change of design took	- N/C	- S was never involved in any	-Was authorization given to S

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19:38 Adnan: Let us not jump the gun and take one step at a time



19:39 Adnan: Can both C and F post what they were assigned to do on the project? M has posted our purpose



19:39 Joao: or a combination of both



19:40 Antonios: I believe we should agree to percentages. That way if C&M successfully renegotiate with FWL we all win



19:41 Antonios: C was primarily responsible for contract administration and final sign off



19:42 Adnan: C was also responsible for the design (Refer to Jim's Clarification)



19:42 Antonios: also I was responsible for design, but portions of specialized design were carried by subcontractors through the GC



19:43 Adnan: Yes



19:43 Adnan: F we could have your Statement



19:43 Antonios: and, in the case of the steel, I was not responsible for the design since construction documents originated from M



19:44 Joao: we were given the wrong plans



19:44 Joao: and with zero time to review them



19:45 Joao: so it contributed a great deal to the mistakes

If anyone would like to state something before we start please do so, and in view of the fact that I expect a good participation from all here present it would be cordial if we all wait for our turn and allow others to speak (write) before we post our comments otherwise we could end up with speeches being placed in the wrong sequence.

CAPITOL DESIGNS ARCHITECTS:

07:18:27

Take your time and have a quick read

CAPITOL DESIGNS ARCHITECTS:

07:19:08

When you are ready say O.K.

FERRIS STEEL:

07:19:58

Ok

MITCHELL CONSTRUCTION:

07:20:04

Ok

SOUTHVIEW CLADDERS:

07:21:04

OK. While we are defending our positions, it may seem to be finger pointing, but please lets ensure that we maintain the spirit of co-operation per the NEC.

CAPITOL DESIGNS ARCHITECTS:

07:21:18

The Agenda

1. Arbitration
2. Payments
 - a. Outstanding Payments
 - b. Anti-Corrosion Documentation
3. Missing information
4. Change in design



Left to do

by [Anthony Valente](#) - Wednesday, 28 January 2009, 07:53 PM

So I've added the topics to the wiki. I'll edit the meeting minutes as discussed over the emails. What I'm wonder is what is left to do:

1. Agreement
2. Formating for the wiki? Do we have it oganized right?
3. Anything else?

[Edit](#) | [Delete](#) | [Reply](#)



Re: Left to do

by [Franco Buttigieg](#) - Wednesday, 28 January 2009, 09:06 PM

Hi Anthony,

AP should upload Agreement tonight
then if all formating of wiki is done we should be fine.

I believe that is all 😊

Once the agreement is in place and signed I will forward letter to FWL and request your payment, in the meantime pay your supplier and get your act going,
do not forget we only have limited time left. hehe

I should be on holiday doing some PR but you can reach me on my mobile if you need, someone from our office will be on site everyday
Franco

[Show parent](#) | [Edit](#) | [Split](#) | [Delete](#) | [Reply](#)



Re: Left to do

by [Lindsay Jordan](#) - Thursday, 29 January 2009, 09:09 AM

Good to see Franco is really getting into his role



[Show parent](#) | [Edit](#) | [Split](#) | [Delete](#) | [Reply](#)

Meeting agenda

Group C

General arrangements for meeting:

Meeting agenda: To Reach a United Agreement Regarding the Dispute with First World Leisure

Issue	C's position	M's position	S's position	F's position	Outcomes .
1: Ferris Steel's meetings with Mitchell	- This was not stated in the "details of the dispute" brief. Therefore, it cannot be assumed that this occurred	These meetings did not occur.		- as C and M	It was agreed in Part 2 of the meeting that the alleged meeting between F and M did not occur.
2: Galvanisation Certificates	- F has no grounds within the terms of the contract to withhold the certificates. They should be issued immediately	M entitled to withhold money as per Clause 25.2		- Sum of money withheld is not reflective of clause 25.2.	F agreed to issue the Galvanization Certificates immediately. M would then look for the money withheld by FWL.
3: FS's claim of "Early Warning"	- This was not mentioned/implied in the "details of the dispute" brief. Therefore, it cannot be assumed that this occurred.	M dispute that this is in the spirit of Clause 16		- Mentioned within contents of 'the facts' that we duly notified m of the error as soon as we realised the architect's error	F contended that it issued Early Warning which was disputed by C and M. It was agreed however that this would not have any consequence on the outcome of the meeting so all the attending parties moved to the next point.
4: C's issue of incorrect drawings	- This aggravated the project but was in no way a breach of contract. F should have used drawings only issued by it's	Issued by someone not Party to the contract.		- We refer the project team to clause 27.1. In addition the drawings were issued in relation	C agreed that there issuing of incorrect drawings aggravated the problem which arose at a further date. This was reflected in

Version:9 ([Browse](#) [Fetch-back](#) [Diff](#))

Author:  [Daniel Anderson](#)

Created:Monday, 22 December 2008, 04:45 PM

Last modification:Wednesday, 28 January 2009, 08:15 AM

Version:8 ([Browse](#) [Fetch-back](#) [Diff](#))

Author:  [Colm Donoghue](#)

Created:Monday, 22 December 2008, 04:45 PM

Last modification:Saturday, 24 January 2009, 04:01 PM

Version:7 ([Browse](#) [Fetch-back](#) [Diff](#))

Author:  [Gerren Hopkin](#)

Created:Monday, 22 December 2008, 04:45 PM

Last modification:Tuesday, 20 January 2009, 04:01 AM

Version:6 ([Browse](#) [Fetch-back](#) [Diff](#))

Author:  [Nick Campbell](#)

Created:Monday, 22 December 2008, 04:45 PM

Last modification:Monday, 19 January 2009, 08:18 PM

Participation & Credit

Formative v Summative

ISSUES

Group dynamics

Assessment choices

Initial assessment

1. Tutor feedback to group (outcomes achieved)
2. Tutor feedback to individual (skills and contribution)

Criterion	Band (A-E)
1: Position Statement - General	
2: Position Statement - Content	
3: Planning & Collaboration Skills	
4: Negotiation Skills - Early exchanges and getting your point across	
5: Negotiation Skills - Agility, flexibility and willingness to deal	

Current assessment

1. Self-assessment of contribution and skills
2. Tutor feedback on self-assessment

Your manager is interested in developing negotiation skills across the team and wants you to reflect on your actions during this particular incident.

Your manager has identified **five key negotiation skills** and want you to select examples of your performance during the negotiation that provide evidence of these skills.

Future assessment...?

1. Student identification of what makes a good negotiator
2. Self & peer assessment of own contribution and skills
3. Tutor validation of assessments

Using any means of communication you prefer, you first need to come to an agreement within your group on the **five most important aspects** of being a good negotiator.

Set up a 5X5 table on your group wiki and rate yourself and the other members of your group according to these five aspects, as demonstrated during the task.

Write a 500 word statement to evidence your rating of your performance against these five aspects. Swap statements with another member of your group and write 100 words to say whether you agree with their self-assessment, and why.

100% participation (2 cohorts)

All achieved $\geq 55\%$

All achieved $\geq C$ in 2nd assignment



The best part of this course

Very, very useful and practical

[The task] was very engaging,
and its intentions were clear

5. How useful did you find the following sources of feedback while studying on the module?

5.c. Interaction with group members during negotiation assignment

Not at all useful:		0.0%	0
Fairly useful:		12.5%	2
Very useful:		87.5%	14
I didn't get any of this type of feedback:		0.0%	0

“Learning is enhanced when it is more like a **team effort** than a solo race. Good learning, like good work, is **collaborative** and **social**, not competitive and isolated. Working with others often increases **involvement** in learning. **Sharing** one's own ideas and **responding** to others' reactions **sharpens thinking** and **deepens understanding.**”

Chickering & Gamson, 1987

reciprocity and
co-operation among students

Chickering & Gamson (1987)

Ramsden (1992)

independence, control and active
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WANTS & NEEDS

active and interactive,
independent and collaborative,

Mentkowski & associates (2000)

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Bransford *et al.* (1999)

working together to achieve a
goal → community centeredness

Questions to be answered:

In distance education, what needs to be in place for self and peer assessment to be a **valid** basis for summative grading?

Is it feasible and appropriate for distance learners to determine the **criteria** upon which their performance will be graded?

Range of tools

Cross-continental engagement

Authentic assessment

Intended learning outcomes met

Additional benefits gained

References

Bransford, J. D., Brown, A. L. and Cocking, R. R. (eds.) (1999) How people learn: brain, mind, experience, and school. Available from http://www.nap.edu/openbook.php?record_id=6160 [accessed 23 September 2009].

Chickering, A. W. and Gamson, Z. F. (1987) Seven Principles for Good Practice in Undergraduate Education. AAHE Bulletin, 39 (7), 3-7.

Mentkowski, M. & Associates (2000) Learning That Lasts: Integrating learning, performance ,and development in college and beyond: Jossey-Bass

Ramsden, P (1992) Learning to teach in higher education. London: Routledge.