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# Using Harvard PON in a Business Negotiation Course

Cara Phillips

## Abstract

This study is an investigation into using the *Harvard Law School: Program on Negotiation (PON)* in a business negotiation course at Toyo University for intermediate to advanced English learners of various nationalities. The students were surveyed at the end of the course about different aspects of the PON's simulations, such as the level of difficulty of the simulations and enjoyability of the activities and topics. Their views yielded mainly positive results, but details in the students' answers and comments provide valuable insight into content-based instruction (CBI). While researchers and instructors have seen many benefits to CBI, it is important to factor in the students' own impressions of the course content and methods. The goal is for students to feel that their knowledge and skills in both the English language and the academic subject matter have improved from said instruction.

## 1. Introduction

### 1.1 Content-Based Instruction (CBI)

Content-based instruction (CBI) focuses on a subject matter and is taught in the target language; the latter is generally not the focus. Students are, nonetheless, able to “develop their linguistic ability in the target language,” as one does during first language acquisition (Peachey, 2020). Given the “meaningful context” in CBI, “authentic materials are often used and the focus is on the whole discourse rather than on isolated sentences” (Tseng & Chen 2015, p.37). As early as 1985, Krashen asserted in his Input Hypothesis that for advanced learners, ESL/EFL courses are far less effective in second language acquisition than subject matter courses. He also went on to explain that the success of immersion and bilingual programs was due to the comprehensible input factor – an advantage they had over regular language classes.

Content-based instruction (CBI) and content-based language teaching (CBLT) are types of English for Specific Purposes

(ESP). There are various categories of CBI, as well, such as: theme-based instruction, sheltered instruction, and adjunct instruction. Theme-based is a model of language-based instruction centered on themes as the content. Sheltered instruction refers to a model in which students of non-native level proficiency are separated from native-level students and put in a class with special language assistance to help them better understand the mainstream course content. Adjunct instruction refers to a more balanced approach to content and language instruction (Brinton, 2007).

Some advantages of content-based instruction are that the main subject matter could further learners' knowledge and skills related to their majors or academic subjects. Furthermore, the content relevant to their majors would be more interesting and motivating compared to isolated language learning. However, some disadvantages, (primarily for students of lower English proficiency), may include a feeling that their language skills are not improving through the content instruction. Both input and output in said subject matter using the target language could also be too challenging for students of lower proficiency. A possible solution to both of these potential problems is to "include[e] some form of language focused follow-up exercises to help draw attention to linguistic features within the materials and consolidate any difficult vocabulary or grammar points" and to provide some extra language assistance or explanation or materials in the students' native language to supplement the materials in the target language (Peachey, 2020).

The effectiveness of content-based instruction at the university level is well-documented. Amiri and Fatemi (2014) found in their study at an Iranian university that "students taught through the CBI method outperformed their counterpart group which was taught via the GTM [*grammar translation method*]" (p. 2163). In addition, through student evaluations, "the obtained results revealed that the students' LLO [*language learning orientation*] and motivation have changed to some extent in the CBI group, [and] it can be inferred that the CBI has been more effective in comparison to the GTM" (Amiri & Fatemi, 2014, p. 2163). At a Taiwanese university, in a CBI

course called “International and Business Etiquette”, Tseng and Chen (2015, p. 48) found that:

Students perceived positively and were benefited greatly in learning both content and language in this CBI adjunct course...attributed to the following factors: (1) the integrated tasks which interweave all language skills, (2) teachers’ and peers’ comprehensible input via structured activities, (3) meaningful context for comprehensible output, (4) clear guidance for self and peer evaluation, and (5) purposeful tasks which enhance cooperative learning...

Specifically regarding CBI and business negotiation, Xi wrote of his research on Chinese university business education: “teachers should...let the student visually realize the business negotiation skills and negotiation and marketing expertise that they need to master in their simulation training and role-playing” (2018, p.12).

### 1.2 *Harvard Law School: Program on Negotiation (PON)*

The Program on Negotiation (PON) has been offered at Harvard's Cambridge campus for the past 30 years. Non-native participants should have a suggested “TOEFL written exam score of 570 as a minimum proficiency standard”, which is a high B2 CEFR equivalent (ETS, 2020). Through PON, Continuing Legal Education (CLE) credits are attainable for lawyers who have passed the Bar. However participants “do not need any previous training in American law...Participants from a wide variety of professions have found these programs invaluable” (Harvard, 2020a).

There is also *PON Global*, which is an intensive 3-day workshop offered in various cities around the world. The workshop has both an onsite instructor and video instruction by PON faculty. “In addition, participants are linked to professors at Harvard and can ask questions about their own negotiation challenges.” The interactive sessions using “real-life Harvard case studies” provide opportunities for negotiation exercises and discussion. At the end, participants receive a PON Global Certificate from Harvard Law School (Harvard, 2020b).

Countless negotiation simulations and other materials used in both the Harvard Cambridge campus and Global PON programs are available to educators for free download at

pon.harvard.edu. There is also a PON email newsletter called “The Negotiation Insider” with featured negotiation topics that could help guide and inspire teachers in creating lesson plans (Harvard, 2020c).

## 2. Procedure

### 2.1 The Course

*Business Negotiation* is an undergraduate elective course offered both spring and fall terms at Toyo University. While most students only take one semester, it is possible to take a full year of the course. Therefore, the spring and fall semester courses focus on different areas of negotiation. The former course deals with the phases of negotiation: preparation, process/bargaining, and closing; distributive negotiation strategy: BATNA, aspiration base, and the power of fairness; and integration negotiation strategy: a relationship of trust and mutual gain, providing information, and questioning. The latter course deals with the negotiation styles of competing, collaborating, avoiding, accommodating, and compromising styles and proceeds with the negotiation tactics of nibbling, the use of higher authority, walk-away power, the power of legitimacy, and effective body language.

Simulations are chosen from the PON website – in the teaching material section – for students to practice each negotiation tactic, style, and tactic mentioned above. They are selected based on the lesson topic or aspect of negotiation to be learned and practiced, and on difficulty level and length. Some are shortened to be a more manageable length for student’s reading time and in order to eliminate unnecessary or repetitive information. However, the language in the simulation was intentionally not altered to maintain its authenticity.

The course is meant to be a class taught in English, but not an *English course*. Given that the majority of students who sign up for the course are non-native speakers of English, it can be viewed as a content-based course for students of intermediate to high English proficiency, and therefore, explicit language teaching is not the goal. The instructor chose the most easily comprehensible simulation one could find that fit each lesson objective. This provided plenty of opportunity for students to ask questions and get individual assistance should they struggle to

understand the lectures, discussions, negotiation practice or readings /simulations.

## 2.2 Participants

The 13 participants were students in the fall 2018 course, so most of them had only learned the fall course styles and tactics, not the spring course topics. All students were assured their responses to the survey would not affect their grades and were encouraged to answer clearly and honestly.

The participants were from diverse backgrounds. Their major departments are varied, including Business Administration, Law, Economics, Literature, and International Tourism. There were also several different nationalities represented – mostly from Asian countries: five from Japan, one from Japan and Iran, three from Malaysia, one from Taiwan, one from Korea, one from China and one from Mexico. The benefit is real-life cultural immersion and fewer chances of native language use with classmates.

In order for students to succeed in the course, it is recommended – but not required – that they have Common European Framework of Reference for Languages (CEFR) B1 or higher, meaning “independent user” or “proficient user” of English. Since most undergraduate students have not achieved this level of English proficiency, the student numbers for this course tend to be small. Nonetheless, despite the recommended minimum CEFR level of B1, some students who joined the course were in the A2 and even A1 range, which can be described in CEFR as “basic users” (ETS, 2019).

Test and Section	Score Scale Range	Minimum Score					
		A1	A2	B1	B2	C1	C2
		Basic User		Independent User		Proficient User	
<i>TOEIC</i> Listening	5–495	60	110	275	400	490	NA
<i>TOEIC</i> Reading	5–495	60	115	275	385	455	NA

### 2.3 The Survey Given to Participants

The survey questions were meant to gauge the participants' views on the Harvard Law School Program on Negotiation (PON) simulations with regard to enjoyability, difficulty, usefulness, how interesting they were and whether or not participants feel their understanding and skills related to negotiation improved (see appendix for original survey). Possible answers for questions 1-3 followed a 5-point Likert scale and questions 4-5 were open-ended:

1. *Did you enjoy enacting the various PON simulations (readings/scenarios)?*
2. *How did you feel about the level of difficulty of the various PON simulations (readings/scenarios)?*
3. *How did you feel about the topics of the various PON simulations (readings/scenarios), in terms of usefulness and level of interest?*
4. *Did you think enacting the various PON simulations helped you understand negotiation better and/or hone your negotiation skills better?*
5. *What other impressions or advice did you have about the simulations or for using PON in future negotiation courses?*

### 3. Survey Results

*Figure I.* below shows the participants' mean ratings for enjoyability, difficulty level, and usefulness/interest in the PON simulations as 1.77, 2.15 and 1.54 respectively.

With regard to participants' CEFR level, participants' mean rating for enjoyability is lowest at 2.5 for the lowest level, A2, otherwise there does not seem to be a clear correlation between CEFR level and enjoyability rating. The same is true for the participants' rating of usefulness and level of interest, with the A2 participants scoring it the lowest at 1.75, otherwise there does not seem to be a clear correlation between CEFR level and usefulness/ interest rating. However, the difficulty level rating of the simulations is in direct correlation with CEFR level of the participants with A2 rating it as 2.75, B1 as 2.3, B2 as 1.8, and C1 as 1.

*Figure I.* Results and means of questions 1. *enjoyability*, 2. *difficulty level*, and 3. *usefulness/interest*, based on CEFR.

Subject (n=13)	CEFR level	Enjoyability	Difficulty	Usefulness/Interest
4	A2	2	2	2
6	A2	2	3	1
9	A2	3	3	1
11	A2	3	3	3
Mean for A2 level:		2.5	2.75	1.75
2	B1	1	2	1
7	B1	1	2	1
8	B1	1	3	1
Mean for B1 level:		1	2.3	1
1	B2	2	1	2
3	B2	3	2	3
5	B2	1	3	1
10	B2	2	2	1
12	B2	1	1	1
Mean for B2 level:		1.8	1.8	1.6
13	C1	1	1	2
Mean for C1 level:		1	1	2
Mean for all levels:		1.77	2.15	1.54

*Figure II.* below shows that out of thirteen participants, eleven believed that “yes”, PON simulations helped improve their negotiation understanding and/or skills. Furthermore, two out of the eleven “yes” respondents explained the language level was challenging (two B1 level, one A2), and two of them said that the negotiation content was challenging. Two other “yes” respondents even added that their language skills improved as a result of the program. One out of thirteen participants said “maybe” the program helped improved their understanding/skills, and explained the language level and negotiation content was challenging. One more respondent replied that the program did not help improve their

understanding/skills because the language level and negotiation content were challenging and not enough “specifics” were provided to help with understanding.

*Figure II.* Results of Question 4: PON and negotiation understanding/ skill improvement

Subject (n=13)	CEFR level	Question 4: Summaries of Responses
4	A2	Yes, improved negotiation skills and improved language skills
9	A2	Yes, improved negotiation skills
2	B1	
1,5,12	B2	
13	C1	
8	B1	Yes, improved negotiation skills, but language level challenging
6	A2	
10	B2	Yes, improved negotiation skills, though negotiation itself can be challenging
7	B1	Yes, improved negotiation skills and improved language skills, but language level and negotiation itself challenging
11	A2	Maybe improved negotiation skills, but language level and negotiation itself challenging
3	B2	No, because language level and negotiation itself challenging and not enough “specifics” to help with understanding

According to *Figure III*. Below, results can be summarized as follows. Some comments were positive impressions and did not offer advice or request any future change in the course. However, there were several comments about the difficulty of the language in the simulations. One (A2) was a general comment about difficulty level, two (B1) were requests for the language to be “made simpler”, and two (B2) were comments about how the students with lower English levels (meaning other students, not themselves) would struggle understanding and performing in

negotiations. Possibly related to classmates' struggle with the language is another (B1) student's complaint that although he/she spent considerable effort preparing, one of the negotiations was a waste of time because the other student (negotiation counterpart) did not put in the effort.

*Figure III.* Results of Question 5: Other Impressions by or Advice from Participants

Subject (n=13)	CEFR level	Question 5 : Other Impressions or Advice – summaries and quotes
4	A2	"more win-win situation!!!"
6	A2	"I think the simulations are something that life doesn't get to see."
9	A2	<i>Praise for teacher in clear explanations and answering all students' questions</i>
11	A2	<i>Comment on language difficulty</i>
2	B1	<i>Wants the language to be made easier</i>
7	B1	<i>Complaint about one's effort spent in negotiation preparation was a waste because the other student (counterpart) didn't put in the effort</i>
8	B1	<i>Wants the language to be made simpler</i>
1	B2	"Some of the situations were quite overlapped. If there were more conditions to consider rather than just negotiating the price, [it] would have [been] more fun."
3	B2	<i>Simulations challenging in that they require critical thinking (no one clear answer usually)...Also saying low level English speakers would find it difficult (implying not oneself)</i>
5	B2	<i>Video of simulations would make class more interesting</i>
10	B2	<i>Saying low level English-speaking students would find it difficult (implying not oneself) and that classmates' lack of understanding made negotiation difficult</i>
12	B2	<i>One negotiation simulation per class was appropriate as more than that would have been too confusing.</i>
13	C1	<i>More explanation/examples needed on how to negotiate what we want without negatively affecting our image (leading to cooperation and positivity)</i>

Non-English-level-related advice was to have more win-win situations, to better prepare students to negotiate in a way that is positive and cooperative and does not negatively affect one's own image, to provide simulations with more conditions than just price to negotiate, and to show more video examples of negotiations in class.

#### 4. Analysis of Results

Concerning survey question #1, 2 and 3, the mean results all round to 2.0 meaning the participants found most PON simulations – but not all – enjoyable, of an appropriate level of difficulty, interesting and useful. None of the participants chose answers 4 or 5 from the choices for any question 1, 2 or 3. This means that no one found the simulations strictly or even mostly unenjoyable, difficult, uninteresting or useless.

The participants' CEFR levels appear to have little bearing on their ability to enjoy the simulations or how useful or interesting they found the simulations. However, the participants' perceptions of the difficulty levels of the simulations were, as should be expected, within direct correlation to their CEFR level.

Regarding survey question #4 responses, the majority of students clearly felt that the PON simulations helped improve their negotiation understanding and/or skills, yet some acknowledged the difficulty in understanding both the language and the negotiation content. Additional input by a couple of participants reinforced the idea that through a content-based program, not only was there an increase in knowledge of the subject matter, but their language skills also improved.

In considering survey question #5 responses, the level of difficulty with the language in the simulations was an issue for a number of students – both in terms of their own proficiency and with regard to their classmates' proficiency. While the requests for the language in the simulations to be made simpler are understandable, the researcher still believes in providing authentic materials for negotiation. Similarly, the researcher feels strongly that having only clear-cut "win-win situations" does not give the students opportunities to experience less desirable outcomes of negotiation. In addition, where a win-win is not obvious – but possible – students are challenged to be

more creative in finding that desired outcome. Other recommendations could certainly be incorporated into future business negotiation classes, such as: focusing on positive and cooperative negotiation strategies, illustrating more non-monetary negotiable points in example simulations, and showing students multiple videos of negotiation styles and tactics.

## 5. Discussion

While the varied English proficiency levels amongst the participants in the class can pose difficulties, their diverse backgrounds (nationalities, majors) mirror actual global business situations that students might encounter in the future and for which the PON Global program was designed. Moreover, the results were very positive overall concerning the use of the PON simulations in the course. Therefore, PON is still considered a good match for this negotiation course.

That being said, the results in this study originate from only 13 subjects' survey responses. Having a lack of participants is a limitation in this research. While Business Negotiation is usually a small class, data collected over a few semesters could be a possible remedy to the limitation by increasing the number of subjects three or fourfold.

Lastly, the results of this study support the need for a stricter language requirement – not just a recommendation – of a minimum of TOEIC 550 or CEFR B1 to sign up for the class. It is possible for the instructor to provide more language assistance to lower level learners, but given the importance of group and pair work in a negotiation course, students will still be at a disadvantage when partnered with classmates of a much lower English proficiency than themselves.

## 6. Conclusion

The benefits of using content-based instructional methods at the university level are numerous. The effectiveness is supported by decades of research on CBI and has further been demonstrated by the results of this study. The *Harvard Law School: Program on Negotiation (PON)* is an enjoyable and valuable educational resource providing authentic subject matter for intermediate to advanced English learners. Using

PON simulations in class can help students learn and practice business negotiation while simultaneously elevating their English proficiency.

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## Appendix

**Your Views on the *Harvard Law School: Program on Negotiation***

1. Overall, did you enjoy enacting the various simulations (readings/scenarios)?
    1. Yes, all of them! They were all enjoyable.
    2. Most I enjoyed, but 1-2 I did NOT enjoy.
    3. Some I enjoyed, some I didn't enjoy.
    4. Most I did NOT enjoy, but 1-2 I did enjoy.
    5. No, none of them! I did not enjoy them at all.
  
  2. How do you feel about the level of difficulty of the various simulations (readings/scenarios)?
    1. They were all an appropriate level of difficulty for me.
    2. Most were appropriate, but 1-2 were too difficult for me.
    3. Some were appropriate, but some were too difficult for me.
    4. Most were too difficult for me, but 1-2 were appropriate.
    5. They were all too difficult for me.
  
  3. How do you feel about the topics of the various simulations (readings/scenarios)?
    1. They were all interesting/useful.
    2. Most were interesting/useful, but 1-2 were not.
    3. Some were interesting and useful, but some were not.
    4. Most were NOT interesting or useful, but 1-2 were.
    5. None of them were interesting or useful to me.
  
  4. Do you think enacting the various simulations from *Harvard Law School: Program on Negotiation* helped you understand negotiation better and/or hone your negotiation skills better? Please explain.
  
  5. Please kindly share with Cara any other impressions you have about the simulations or any advice you have for using *Harvard Law School: Program on Negotiation* in future negotiation courses:
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