

## 1. Rules

- (1) The 1<sup>st</sup> Intercollegiate Negotiation Competition will be use the official rules of the competition.
- (2) The official rules are open to alteration by the organisation committee. In the case of a change to the rules the participating universities will be contacted as soon as possible.

## 2. Dates – Place

- (1) The competition will be take place:
  - 1) 16<sup>th</sup> (Saturday) and 17<sup>th</sup> (Sunday) November 2002
  - 2) Sophia University(Tokyo-to,Chiyoda-Ku, Kioi-Cho 7-1 )
- (2) Important dates:
  - 1) Final day for registration – 23<sup>rd</sup> October, 12:00pm
  - 2) Problem available – 15<sup>th</sup> October, the secret matter will be distributed after the team order is finalised
  - 3) Finalisation of team order – 28<sup>th</sup> October
  - 4) Final day for enquiries – 7<sup>th</sup> November

## 3. Organisation Committee

- (1) The committee will consist of one member of staff from each participating university.
- (2) Any enquiries to the committee should be made by email:  
([negocom@osipp.osaka-u.ac.jp](mailto:negocom@osipp.osaka-u.ac.jp))
- (3) As a rule any communication from the committee must be made to a registered representative of the university team or member of staff's email address.

## 4. Registration

- (1) All registrations must be made in writing and in the required time.
- (2) The competition will be divided into English and Japanese sections. At the time of registration each university must nominate which language section they will enter.
- (3) The number of participants for each team is to be decided by the university
- (4) Each university should nominate a representative (No more than two persons)

## 5. The problem

- (1) The problem will be distributed to each participating universities team director, each team will receive:
  - 1) general information regarding the competition
  - 2) the secret information for their problem
- (2) All enquires regarding the problem should be made to the organisation committee by email. Other methods of communication will not be accepted. In the case of a general question, the question and response

- will be sent to all participating universities. In the case of a question regarding the secret information of a team's problem the response will be sent to the team's director. There may be occasions where no response will be made. In this situation it will be explained why no response is possible.
- (3) The judges and directors will be sent all available information including the secret information
  - (4) The organisation committee will make any additions or changes in written form.
6. Competition structure (see attachment one for timetable)
- (1) The competition will be divided into English and Japanese sections. The problem will concern the resolution of a dispute between a Japanese maker and American Printing Company about the sale of a digital printer. Each University will be in charge of either company. Round A will consist of a negotiation in order to resolve the problem whilst Round B will be an arbitration session to attempt to resolve the problem. The Arbitration will be judged by an arbitrator. Achieving a complete result will be certainly difficult and achieving a partial resolution will certainly be a good result. Acting as a professional arbitrator in an actual international arbitration will require a balanced and even presentation.
  - (2) Each team will have the following structure: President or a CEO (1 person), Vice President (1-2 persons), Legal director and assistants (1-2 persons), Management director and assistants (1-2 persons) and outside lawyers (1-3 persons).
  - (3) Each team must allocate and register in writing persons for each role by the 8<sup>th</sup> November. Each team member should consider what is relevant for their role and negotiate those elements accordingly. It will be possible also to obtain an explanation of what is required from the judges.
  - (4) The competition will have two rounds:
    - 1) Round A – a negotiation between two universities. The method and structure of that negotiation will be decided by the two universities. After the completion of the time for Round A the agreed matter will be written down. (Hand writing is permitted). The recorded matter will be passed onto the arbitrator. Each team will give a self evaluation before the judges after Round A.
    - 2) Round B – a balanced arbitration process. The matters agreed to the previous day during the negotiation process will be examined and any matters not yet resolved will be arbitrated. Each team must nominate 5 people that will have the right to make submissions during the arbitration. One of those 5 people will be required to take

on the position of a lawyer. No other persons outside the nominated members will be permitted to make a submission

- (5) The same universities will contest Round A and Round B.

## 7. Round A

- (1) Round A will be 3 hours in length
- (2) The structure of the negotiation will be decided by the two negotiating universities. However the following conditions must be satisfied:
  - 1) the location of the negotiation must be one of those venues already decided by the organisation committee
  - 2) Each team should divide equally the negotiation process amongst team members ( teams that are not dividing the negotiation up evenly amongst the team may lose points in judging or receive a warning)
- (3) Where there is an agreement as to location, team structure and method the teams must notify the judges and receive an acknowledgement. The judges in the case of an obstacle to the judging process, excluding the case when the competition structure is disturbed, shall acknowledge.
- (4) All matters agreed to by the end of the negotiation process will be recorded and submitted to the judges. Those matters will be excluded from the arbitration process.
- (5) Time will be allocated after the negotiation process for students to prepare for a 15 minute self evaluation.
- (6) After that time the order of self evaluation will be decided by 'scissor, paper, and rock'. In relation to the self evaluation:
  - 1) Which areas were well done and which areas were not well done will be examined.
  - 2) Strategy will be examined
  - 3) The adequacy of the agreed matters will be examined.

These matters and reasons for your team's conclusions should be presented in a 5 minute period after which the judges will make a response. The other team will not be present during the self-evaluation.

## 8. Round B

- (1) Round B will be 3 hours in length.
- (2) Round B will be an arbitration process (attention will be paid to ensure that it is conducted not as a mediation). There will be 2-3 arbitrators present. One of arbitrators will act as the central arbitrator. The judging will be by majority (though each arbitrator will adjudicate individually). Where there is no majority decision the central arbitrators decision will be taken as the main decision.
- (3) Each team must nominate 5 people that will have the right to make submissions during the arbitration. At the beginning of Round B a list

of those people will be submitted to the arbitrator. Those not listed are permitted to pass notes but are not allowed to make a submission. During Round B each team may be permitted to change the list if the judges so decide.

- (4) The arbitration problem will be those matters raised in submissions, any materials submitted and those matters agreed on in the negotiation round.
- (5) The arbitration process will focus on goodness and balance. This refers to social values such as sincerity, fairness and justice. In this way the laws of countries become irrelevant and a uniform judging process can be obtained.
- (6) The arbitration procedure will be based on the ICC Arbitration rules. Sections 15,16,17,20 and 21 will be used (other sections will not be referred to). The official rules will however take precedence. Where there are matters not regulated by either the official rules or the ICC rules the arbitrator shall decide.
- (7) The opening submission shall be no longer than 20 minutes. After the initial submission the remaining submissions and the order and structure they take will be decided by the arbitrator.
- (8) As a general rule, the arbitrator must feel satisfied that materials used by the speakers have been adequately explained.
- (9) Each team is permitted to a 5 minute break every hour. Each arbitrator is permitted to delay a break by up to 20 minutes should they feel the break is at an inappropriate time.

#### 9. Submission of materials

- (1) Each team is permitted to use any relevant materials during their submissions.
- (2) These do not include materials such as notes, memos or copies used by the individual speakers.
- (3) Materials can only be used if they are provided in complete form to all other members of the other team and to all judges present.
- (4) In the Japanese section all materials must be accompanied by a translation. Where there is an error in the translation teams will lose a maximum of 3 points in each round.
- (5) In the English section, materials in other languages other than English are not permitted.

#### 10. Judging

- (1) In Round A there will be either two or three judges. Round A will be judged by the criteria attached.
- (2) In Round B there will be either two or three arbitrators. Round B will be judged by the criteria attached.

- (3) As a rule there must be different judges for Round A and Round B. Where the judge are the same for Round A and B the contents of the decision in Round A will have no bearing on the judging in Round B.
- (4) The judges will be decided by the organisation committee.
- (5) The judges will review Round A and Round B but will not announce the scores of different judges.
- (6) After the completion of Round B the scores for Round A and Round B and the total score will be announced. Where a university has multiple teams the average of the teams will be the overall score for that university.
- (7) The directors of university teams cannot adjudicate their own team's rounds (non-directors also cannot be in charge of their own university's team's judging).
- (8) Each judge must record their own judgements.
- (9) Each judge must submit their scores to the organisation committee within 20 twenty minutes of the completion of each round
- (10) Each judge must make an independent judgement. The scores for Round A and Round B will be the total of the three judge's scores. Any discussion between judges regarding the scores will have no influence on the other judges own judgement.
- (11) The arrangements for judging will be made arranged prior the round by the organisation committee. All efforts will be made to ensure there is a standardised judging process.

#### 11. Assistance from teaching staff

- (1) Each university will be encouraged by a director from that university.
- (2) During the rounds directors are not allowed to give advice, encouragement or take questions.

#### 12. Dress

During the rounds business attire must be worn

#### 13. Awards

- (1) The university with the highest score for Rounds A and B will be the winning university.
- (2) Where scores are the same, scoring will revert to individual items in each round and the team with highest number of full scores will be victorious. Where they are also identical the individual items in Round B will be examined and again the team with the highest number full scores for individual items will be victorious. Where they are the same each teams representatives will decide by 'scissor, paper, rock'

#### 14. Prohibitions

The following are not permitted:

- (1) Contact prior to the competition with other participating universities. (Interviews, emails, phone calls and any other communications are not permitted).
- (2) Acts contrary to these rules.
- (3) Not following the directors of the organisation committee.
- (4) Not following the directors of the judges.
- (5) Any acts contrary to copyright laws.

#### 15. Breach of rules

Any university that breaches the rules of this competition (includes warnings from the organisation committee) cannot win this competition.

#### 16. Complaints

Where a complaint is made in relation to not following a rule that complaint must be made within 5 minutes of the completion of the related round and must be made by the team representative to the organisation committee. The committee will make its decision upon the completion of the complaint by the team representative. The decision will be made to the team representative and to the person at the centre of the complaint if that is the case. The decision by the organisation committee is final and cannot be appealed against.

#### 17. Video recording

Videeing can be used for educational or promotional purposes only.

#### 18. Fees

- (1) All costs for participation in this competition must be met by the individual universities.
- (2) This competition is sponsored by the Sumitomo group. All funds received will be allocated by the organisation committee.

#### Round A Judging Criteria (40 points)

There are five marking criteria. One, four and five have double weighting.

1. Persuasiveness, flexibility (10 points)
  - Were the submissions logical, rational and persuasive?
  - Were the facts of the problem and materials understood and used effectively?
  - Were the teams flexible to changed conditions?

2. Teamwork (5 points)
  - Were the roles effectively divided up and did the team function well?
  - Was there a mutual understanding through the process of the negotiation?
3. Manner (5 points)
  - Voice, posture and eye contact
  - As a business negotiation was the correct manner used?
4. Negotiation progress, overall results (10 points)
  - Was the progress made adequate?
  - Was the overall result adequate?
  - Was the future (dealings) made easier?
  - Where decisions were recorded, was it recorded in an ordered fashion?
5. Self – evaluation (10 points)
  - Was self-analysis objective?
  - Was the progress of the negotiation and overall result achieved well explained and reasoned?

#### Round B Judging Criteria (40 points)

There are three marking criteria. One and two have double weighting while three has 4 times the weighting.

1. Persuasiveness of the submissions (10 points)
  - Were the submissions logical, rational and persuasive?
  - Were the facts of the problem and materials understood and used effectively?
  - Were the teams flexible to changed conditions?
2. Manner – Teamwork (10 points)
  - Speech, posture and behaviour
  - Were the roles effectively divided up and did the team function well?
3. General Judgment (20 points)
  - As an arbitrator, in the case of an assumed decision were other circumstances considered?

