

International Negotiation Competition



For Law Students

COMPETITION RULES

1. NATURE AND PURPOSES OF THE COMPETITION.

- a. **General Nature of the Competition.** The International Negotiation Competition for Law Students is a competition in which a team of two law students representing a party/client negotiates either an international transaction or the resolution of an international dispute with an opposing team of two law students.
- b. **Overall Purposes of the Competition.** The purposes of the International Negotiation Competition for Law Students are to:
 - (1) promote greater interest among law students in legal negotiation;
 - (2) provide a means for law students to practice and improve their negotiating skills in cross-border transactions and disputes;
 - (3) enable law students to meet law students and lawyers from other countries;
 - (4) provide law students with a critique of their performance from experienced legal negotiators; and
 - (5) help law students become aware of and experience the special aspects of international legal negotiations, including the enhanced difficulties of cross-cultural communication as well as the potential differences in negotiating styles, ethical limitations, social norms, and business practices.

2. ADMINISTRATION, ENTRY INTO THE COMPETITION, AND EXPENSES.

- a. **Organization and Administration of the Competition.** The International Negotiation Competition for Law Students is organized, sponsored, and administered by the International Negotiation Competition Executive Committee. The Executive Committee consists of a President, Chair, Secretary, Treasurer, and Regional Representatives. In addition, the Executive Committee appoints National Representatives from participating countries. Each year at the competition venue

there is an Executive Committee Meeting and an Annual General Meeting of National Representatives. National Representatives advise the Executive Committee, assist in the development of local competitions, coordinate their country's participation in the International Negotiation Competition, and attend the Annual General Meeting. The Executive Committee may also appoint persons to serve as Advisors to the Competition. Such advisors may be drawn from persons with extensive Competition experience or connected with Competition sponsors. Advisors may attend the Annual General Meeting, participate in Competition functions, and provide input to the Executive Committee. The Executive Committee will annually designate a host for the Competition, which may be a university, faculty, department, school, centre, association, or law firm. The Executive Committee may also designate a Competition Convener if it is different from the host, who will be in charge of arranging logistics, recruiting judges, and hosting events.

- b. **Entry into the Competition, Qualification as Law Students, and Deadline.** The competition is primarily for the winners of national negotiation competitions for law students. In specific circumstances as provided for in these Rules, a team may be invited to participate that has not won a national competition. The competition is designed for students of the law rather than practitioners. Participants must be current law students (including LL.M. students), immediate graduates, or persons engaged in post-graduate practical legal training. Students enrolled in post-graduate study such as a masters degree or practical legal training are eligible so long as they have not practiced law (other than in temporary jobs or apprenticeships) between their initial and post-graduate studies. A person whose last law graduation was more than twelve months prior to the competition is not eligible. Students who have received a ranking above fourth in the International Negotiation Competition for Law Students are not eligible to re-enter the Competition in a future year.
- c. **Selection of Teams to Represent a Country.** A team representing a country at the International Negotiation Competition for Law Students should be selected in a transparent, fair, institutionally and nationally inclusive, competitive process. Upon good cause shown, the Executive Committee may grant exceptions to this policy. For example, the International Negotiation Competition welcomes new countries to the Competition. Potential participants representing new countries should communicate with a member of the Executive Committee or the Convener of the International Competition for that year and will be entered upon confirmation of their status. Ordinarily, the Executive Committee will seek assurances that the representative(s) of a new country will work to develop a future national competition.
- d. **Substitutions of Team Members.** When one member of a qualifying team is unable to participate in the international competition, a substitute from the same law school may be used. When both members of a qualifying team are unable to

participate in the international competition, the next-placed team in the national competition may be used, as determined by the National Representative of the jurisdiction in consultation with the Regional Representative or a member of the Executive Committee.

- e. **Number of Teams from a Country.** The Executive Committee will normally allow one team from a country to enter the International Negotiation Competition for Law Students. However, the Committee may, at its discretion, allow more than one team from any one country to enter, based on factors such as regional balance, promotion of the competition in a particular country, and ability to participate upon short notice. Before exercising its discretion, the Executive Committee will consult with the appropriate National and Regional Representative. In adding teams, the Committee will give priority to allowing a team from a host school or country to enter.
- f. **Participant Expenses.** Travel, accommodation, and incidental costs incurred by participants in the competition will not be reimbursed by the International Negotiation Competition and will be the responsibility of the participants. Judges, faculty advisors, national representatives, and others participate voluntarily and are not reimbursed by the International Negotiation Competition. The International Negotiation Competition is not liable for any costs or risks associated with attending the competition.
- g. **Entry Fee.** There is no entry fee for the International Negotiation Competition for Law Students. A fee may be charged to cover the additional costs for guests and cultural/tourist activities.

3. THE NEGOTIATION SIMULATIONS.

- a. **The Simulations.** A different simulation will be used for each round of the competition. Each simulation will consist of the following:
 - (1) General Information provided to all participants; and
 - (2) Information known only to the participants representing a particular side, which is labeled Confidential Information.
- b. **Distribution of and Access to the Simulations.** Approximately two to three weeks before the competition, each participating school will receive its General and Confidential Information for each of the negotiation simulations. Judges will have access to simulation materials provided to all participants as well as a Confidential Summary for Judges. No one having access to confidential information for both sides may act as a coach or participant, or directly or indirectly allow coaches or participants access to such information prior to the end of the round.

c. **Interpreting the Simulations and Inventing Self-Serving Facts.** As in any negotiation session, the facts are subject to reasonable interpretation by the parties. Teams are allowed to invent or infer facts that are not materially self-serving. A material self-serving fact is one that significantly changes the relative leverage between the parties. Whether a team's interpretation of the facts is reasonable, or whether a team has invented or inferred material self-serving facts, is a matter to be determined by the judges during the round. Questions of reasonableness of an interpretation, or the permissibility of inferred or invented facts, are entirely within the discretion of the judges, and decisions in this regard are not subject to dispute nor are they reviewable. However, judges may seek clarification from the organizers prior to scoring the round to assist them in making any such determinations.

d. **Clarifications of the Simulations.** See Rule 6.

4. THE COMPETITION FORMAT; SUPPLEMENTARY MATERIALS; TIME-KEEPING; AND RECORDING OF ROUNDS.

a. **Rounds.** The competition will consist of at least three rounds. Unless otherwise announced, each team in each round will participate in a:

- (1) 10-minute pre-negotiation session with the judges (5 minutes per team, outside of the presence of the other team);
- (2) 50-minute negotiation session;
- (3) 10-minute period for teams to prepare for their reflection;
- (4) 20-minute reflection period (10 minutes per team, outside of the presence of the other team) in the presence of the judges; and
- (5) 15-minute comment period during which the judges give the teams feedback (with both teams present).

b. **Language.** All oral or written communications in the presence of the judges must be in English. Interpreters are not permitted.

c. **Pre-Negotiation Session with the Judges.** In two successive periods of up to five minutes each prior to the negotiation, team members (without the other team present) should introduce themselves to the judges and then the team members should address the following questions in front of the judges:

- (1) What do you see as the client's most important goals and interests in the upcoming negotiation?
- (2) What negotiating style, strategy, and/or tactics do you plan to use to accomplish those goals in the upcoming negotiation?
- (3) Do you see any potential ethical issues arising in the upcoming negotiation and/or any other limitations on your role, including your authority?

The team with the letter designation closest to the beginning of the alphabet goes first in odd-numbered rounds; the team with the letter designation closest to the end of the alphabet goes first in even-numbered rounds.

- d. **Breaks during the 50-Minute Negotiation Session.** Each team may take one break of no more than 5 minutes during the 50-minute negotiation session. If a team decides to take a shorter break, they should announce the shorter time to the judges and the other team at the beginning of the break, and then both teams must return to the negotiation at the end of the specified time. Even if a team decides to take a break shorter than 5 minutes, each team may call no more than one break. The 50-minute period will continue to run during any such break. Both teams must leave the room during the break. During a break, teams may not confer or pretend to confer with any other person, including their “clients.” To minimize the potential for disruption of the competition, faculty advisers and others electing to observe the negotiations should not leave the room during the break—unless they are specifically asked by the judges to leave. If they do leave, they should avoid any contact with their teams.
- e. **Reflection.** Following a 10-minute preparation period, during which teams may not confer with any other person, each team will have 10 minutes in which to analyze for the judges the team's performance in the negotiation in the presence of the judges. This reflection will take place without the opposing team being present. The team with the letter designation closest to the beginning of the alphabet goes first in odd-numbered rounds; the team with the letter designation closest to the end of the alphabet goes first in even-numbered rounds. Students will begin this 10-minute period by answering the following questions:
 - (1) In reflecting on the entire negotiation, if you were to be faced with a similar situation tomorrow, what would you do similarly and what would you do differently?
 - (2) How well did your strategy work in relation to the outcome?
 - (3) What potential or actual ethical issues, if any, arose during the negotiation and how did they affect any strategic choices that you made or avoided?Judges may ask questions, but teams should ordinarily be allowed to address the specified questions first. In addition, the team may use this period as an opportunity to explain why it chose a particular approach or even a specific tactic. The judges may take into consideration for scoring purposes anything said during this session. In other words, scores on any of the scoring scales may be influenced by what the team says in reflection.
- f. **Supplemental Materials.** The competition is designed to focus on negotiating skills as demonstrated on the day of the competition. Outside or supplemental materials may unnecessarily distract from that focus. Competitors may bring and/or use blank

flip charts or black/white boards. Such flip charts or boards may be used only while both parties are present during the negotiation session; they may not be written on during the pre-negotiation session or reflection. During the pre-negotiation session, the negotiation session, or the reflection, no prepared or outside materials, except business cards, may be presented to the other team(s) or to the judges. This restriction includes food, drinks, gifts, and any other materials brought in from outside. Occasionally, the presentation of materials may be specifically authorized by the general or confidential information. If such a presentation is authorized and that authorization is contained in a team's confidential information, the team making the presentation must expressly note the permission at the time of presentation so the judges and other team(s) will understand that there has been no rule violation. The teams may themselves use previously prepared notes in any format or medium, including a laptop computer, during the pre-negotiation session, the negotiation session, or the reflection. Teams may also use calculators or timekeeping devices. Email, instant messaging, and other means of communication are prohibited at all times during a round.

- g. **Time-Keeping.** Responsibility rests with the student participants for timekeeping and for adherence to allotted time periods and breaks. Responsibility for timekeeping during the reflection periods rests jointly with the participants and the judges, each having the responsibility to terminate the period at the end of 10 minutes. However, if resources and volunteers are available, timekeepers or time-keeping devices may be provided, but no individual identified with a participant may act as timekeeper in a negotiation involving such participant. Decisions by the judges as to elapsed time are final. Judges have discretion to grant a short amount of additional time (no more than three minutes) to allow a team to answer the reflection questions if they were unable to do so because of questioning by the judges.
 - h. **Recording of the Rounds.** The Competition Convener may arrange for video or audio recording of the rounds. By entering, students agree to be recorded and for the Executive Committee to use the video for educational purposes. In addition, non-disruptive recording by individual teams or spectators (for educational purposes only) is permitted with prior permission from those involved and members of the Executive Committee administering the competition, provided a copy of that recording is provided to the Competition Convener or the Executive Committee in due course.
 - i. **Variations in Format and Timing.** Upon prior notice to the participating teams, the International Negotiation Competition Executive Committee may vary the format and timing of the Competition.
5. **COMPETITION SCHEDULE.** Unless otherwise announced, the schedule for each round of the Competition is as follows:

00:00 - 00:10 - Pre-Negotiation Sessions with Judges. (The team with the letter designation closest to the beginning of the alphabet goes first in odd-numbered rounds; the team with the letter designation closest to the end of the alphabet goes first in even-numbered rounds.)

00:10 - 01:00 - Negotiation. Each side may ask for one 5-minute break during this 50-minute period, and any such break will not extend the time.

01:00 - 01:10 - Preparation for reflection. (Judges can have a short break.)

01:10 - 01:30 - Two successive 10-minute reflections. (The team with the letter designation closest to the beginning of the alphabet goes first in odd-numbered rounds; the team with the letter designation closest to the end of the alphabet goes first in even-numbered rounds.)

01:30 - 01:40 - Judges complete their score sheets and write a brief summary comment about each team.

01:40 - 01:55 - Judges give the teams feedback on the negotiation (with both teams present).

01:55 - 02:00 - Break. New teams come in. A team competing in the second negotiation does not need to be on site until shortly before the round. However, the team should allow sufficient time to arrive in case of unexpected delays and so that the team has time to get organized before the negotiation actually begins.

Note that a longer break may be designated, depending on the schedule adopted.

02:00 - 02:10 - Pre-Negotiation Sessions with Judges. (The team with the letter designation closest to the beginning of the alphabet goes first in odd-numbered rounds; the team with the letter designation closest to the end of the alphabet goes first in even-numbered rounds.)

02:10 - 03:00 - Negotiation. Each side may ask for one 5-minute break during this 50-minute period, and any such break will not extend the time.

03:00 - 03:10 - Preparation for reflection. (Judges can have a short break.)

03:10 - 03:30 - Two successive 10-minute reflections. (The team with the letter designation closest to the beginning of the alphabet goes first in odd-numbered rounds; the team with the letter designation closest to the end of the alphabet goes first in even-numbered rounds.)

03:30 - 03:45 - Judges complete their score sheets, including the one comparatively rating each side of the negotiation, and write a brief summary comment about each team.

03:45 - 04:00 - Judges give the teams feedback on the negotiation (with both teams present).

6. TEAM BRIEFINGS AND QUESTIONS ABOUT THE SCENARIOS OR THE RULES.

- a. **Team Briefings.** The Competition Convener shall organize briefing sessions for the teams at a designated time prior to a round. All student participants representing a particular side will meet together at the same time and will be given the opportunity

to ask questions. This session will be held while the judges are being briefed or at such time as designated by the Competition Convener. Faculty advisors may attend this session as observers.

- b. **Communicating Clarifications.** Because teams representing each side will meet separately, if one group raises a question that relates to the general background information (*i.e.*, the information known by both sides), the clarification will be communicated to the other group and to the judges.
- c. **Submission of Inquiries about the Simulations in Advance of the Team Briefings.** Submission of inquiries relating to the simulated fact patterns may be made in advance of the briefing, must be in writing, and may be submitted by e-mail to the Competition Convener or the Competition Chair. Inquiries will be answered only if necessary to clarify a bona fide and fundamental ambiguity in the simulation.
- d. **Interpreting the Scenarios and Inventing Self-Serving Facts.** See Rule 3c.

7. JUDGES.

- a. **Judging Panels.** Each round (consisting of two negotiation sessions) will typically be observed and evaluated by a panel of three judges, at least two of whom should be lawyers. These judges will evaluate the performance of the participants according to the standards and criteria provided. To the extent possible, the Competition Convener is responsible for selecting judges who are experienced and knowledgeable in negotiation skills. Any non-lawyers serving as judges must have negotiation experience. If necessary, a judge who has observed a team in an earlier round may serve on a subsequent panel observing that same team, although such repeat judging should be minimized to the extent possible.
- b. **Faculty Advisors Serving as Judges.** If a faculty adviser serves as a judge, s/he may not judge a round involving a team from that adviser's country.
- c. **Adjustments for Insufficient Number of Judges or Different Numbers of Judges in Each Room or Each Round.** If there is an insufficient number of judges on the day of the competition, or if there are different numbers of judges in each room (or in each round), judge assignments and scoring adjustments should be made with the objective of achieving an equal number of rankings for all teams (a) in each room and (b) in each round. If necessary, scoring adjustments should be made as follows:
 - (1) If there are fewer than three judges in any room, rankings should be averaged to create an equal number of rankings in each room and in each round. For example, if there is one room with two judges and four rooms with three judges, the scores of the two judges should be averaged to create a third score for that room.

(2) If more than the required number of judges appear on the day of the competition and there is an unequal number of judges in each room, rankings should be averaged to create an equal number of rankings in each room and each round. For example, if there are five judges in two rooms and four judges in three rooms, the scores of the four judges should be averaged to create a fifth score for that room.

The number of rankings should be adjusted if there are inequalities between rounds. For example, if there are three judges per room in one round and four judges per room in the other round (either actual or as adjusted under (1) or (2) above, a fourth score should be created by means of averaging for each room in the three-judge round.

- d. **Judging Materials.** Prior to judging, the Competition Convener will provide each judge with a complete copy of the negotiation simulation, a confidential summary for the judges, and a Judgepack containing, *inter alia*, the standards and criteria for judging.
- e. **Recommendation of Judges by National Representatives/Teams.** In order to help the host develop diverse judging panels, national representatives and/or teams are invited to provide the name of at least one qualified person located where the Competition is being held who has a substantial connection with the home country of the national representative/team to serve as a judge in the Competition no later than one month before the Competition begins.

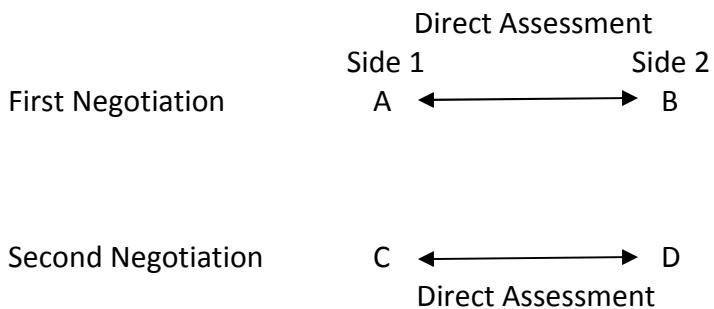
8. JUDGES' BRIEFING.

- a. **Briefing.** In addition to providing a complete copy of the negotiation simulation, a confidential summary of the simulation for the judges, and a Judgepack prior to judging, the Competition Convener shall organize a briefing for the judges.
- b. **Content of the Briefing.** Judges will be briefed before each round in conformity with the information contained in the Judgepack. The judges shall be informed of any relevant clarifications in the negotiation simulation.

9. SCORING.

- a. **Scoring the Round.** Each team involved in a round will receive three scores from each judge—(1) a “direct” (head-to-head) score based only on an evaluation with the other team with whom it negotiated; (2) a “side” score based only on a comparison between the teams that represented the same side in each round; and (3) a “cross” score that compares the two teams on opposite sides that did not negotiate with each other. These scores will be used to determine a “round” score for each team.

- b. **“Direct” Assessment.** In a typical round, there will be four teams (*e.g.*, A, B, C, and D). Two of the teams (*e.g.*, A and C) will represent one side of the problem (*e.g.*, Side 1), and the other two (*e.g.*, B and D) will represent the other side of the problem (*e.g.*, Side 2). In the first half of a round, two teams will negotiate the problem in front of the judging panel (*e.g.*, A representing Side 1 and B representing Side 2). In the second half of a round, the other teams will negotiate the same problem in front of the judging panel (*e.g.*, C representing Side 1 and D representing Side 2).



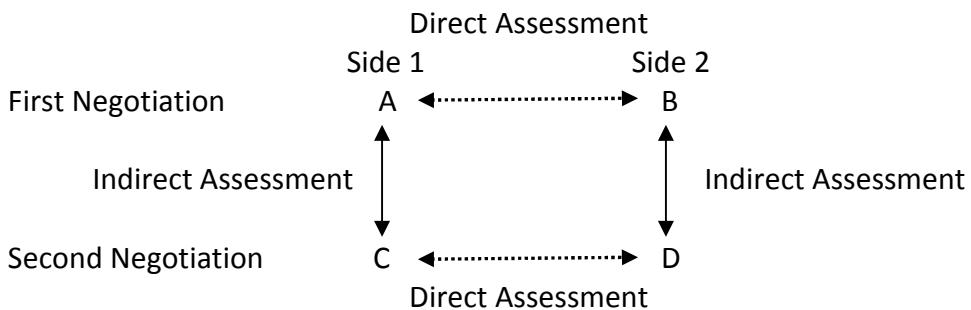
After the judges have watched the first negotiation, the judges will independently assess the two teams (*e.g.*, Team A and Team B) by circling the appropriate assessment rating (-3, -2, -1, 0, +1, +2, or +3) for each of the assessment criteria.

After the judges have watched the second negotiation of the same problem, the judges will independently assess the two teams involved (*e.g.*, Team C and Team D) by circling the appropriate assessment rating (-3, -2, -1, 0, +1, +2, or +3) for each of the assessment criteria.

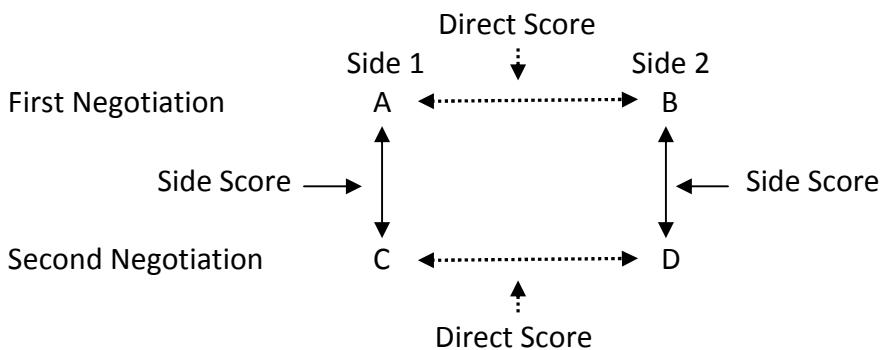
- c. **Calculation of Direct Scores.** The administrators of the competition will subsequently total each judge’s assessment ratings to determine which team of the two teams that negotiated against each other (*e.g.*, A or B; and C or D) did the best in light of the numerical assessment criteria for each judge. They will then convert each judge’s point totals to a “direct” (head-to-head) score for each of the teams—with each team having the highest number of points in its respective negotiation receiving a ranking of “1” as its direct score for the round. The team having the lower number of points in its respective negotiation will receive a ranking of “2” if its point total is within 10 or fewer points of the team with the higher score or a ranking of “3” if its point total is more than 10 points below the team with the higher score (*e.g.*, assume Judge 1 has given a total of 60 points to Team A and a total of 55 points to Team B; in that situation, A would receive a “1” and B would receive a “2” as their “direct” scores for the round from Judge 1; if Judge 1 had given B a total of 42 points, then B would receive a “3” from Judge 1 because the difference between their scores is more than 10 points; assume further that Judge 1 has given a total of 44 points to Team C and a total of 50 points to Team D, then D would receive a “1”

and C would receive a “2” from Judge 1). If the teams involved in the same negotiation have the same number of points, then each team would receive a ranking of “1” for the round (e.g., if Judge 1 had given both A and B a total of 38 points, A would receive a “1” and B would receive a “1” as their respective direct scores from Judge 1). This calculation will be made for each judge. Each team’s direct score will constitute 33.3% of the team’s “round” score.

- d. **“Indirect” Assessment.** After the judges have seen both negotiations and completed their direct assessments, the judges will assess the teams that represented the same side in the two negotiations in relation to each other (e.g., Team A will be evaluated with Team C because they both represented Side 1 and Team B will be evaluated with Team D because they both represented Side 2) by circling the appropriate assessment rating (0, +1, +2, +3, +4, +5, +6, +7, +8, +9, or +10) for each of the assessment criteria provided for this purpose.



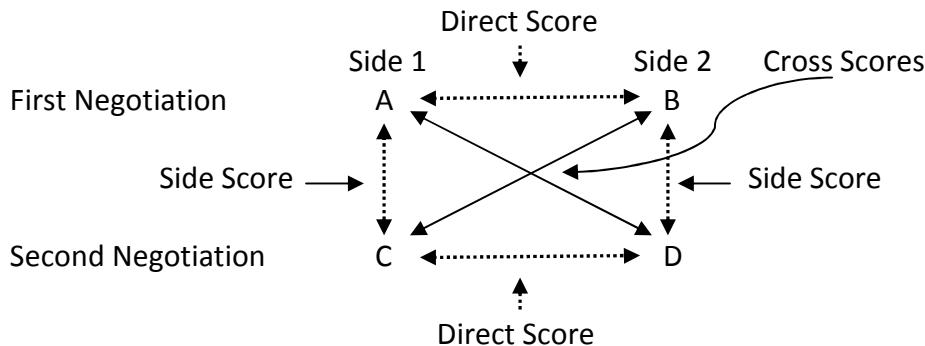
- e. **Calculations Using the Indirect Assessments.** The administrators of the competition will subsequently total each judge’s indirect assessment ratings and will then convert those assessments into (i) a “side” score (33.3%) and (ii) a “cross” score (33.3%) for each judge for each team, as explained below.
- f. **Calculation of Side Scores.** Side scores compare Teams A and C with each other and Teams B and D with each other.



Based on each judge’s indirect assessment ratings, the team with the highest number of points on each side from a judge will receive a ranking of “1” as its side

score for the round for that judge. The other team on the same side will receive a ranking of “2” if that judge’s point total is within 10 or fewer points of the team with the higher score. The team will receive a ranking of “3” if its point total from that judge is more than 10 points below the team with the higher score on that side (e.g., assume Judge 1 has given a total of 50 points to Team A and a total of 42 points to Team C; in that situation, A would receive a “1” from Judge 1 and C would receive a “2” from Judge 1 as their respective side scores for the round; if Judge 1 had given a total of 30 points to Team C, then C would receive a “3” as its side score from Judge 1; assume further that Judge 1 has given a total of 44 points to Team B and a total of 49 points to Team D, then D would receive a “1” and B would receive a “2” from Judge 1, etc.). If the judge has given the teams on the same side the same number of total points, then each team would receive a ranking of “1” for its side score from that judge (e.g., if Judge 1 had given both A and C a total of 48 points, then A would receive a “1” and C would receive a “1” as their respective side scores from Judge 1). This calculation will be made for each judge.

- g. **Calculation of Cross Scores.** Cross scores compare Teams A and D with each other and Teams B and C with each other.



Based on each judge’s indirect assessment ratings, the team with the highest number of points from a judge in the cross comparison will receive a ranking of “1” as its cross score for the round for that judge. The other team in the cross-comparison will receive a ranking of “2” if that judge’s point total is within 10 or fewer points of the team with the higher score. The team will receive a ranking of “3” if its point total from that judge is more than 10 points below the team with the higher score in the cross comparison (e.g., assume Judge 1 has given a total of 50 points to Team A and a total of 42 points to Team D; in that situation, A would receive a “1” from Judge 1 and D would receive a “2” from Judge 1 as their respective cross scores for the round; if Judge 1 had given a total of 30 points to Team D, then D would receive a “3” as its cross score from Judge 1; assume further that Judge 1 has given a total of 44 points to Team B and a total of 49 points to Team C, then C would receive a “1” and B would receive a “2” from Judge 1, etc.). If the judge has given the teams in the cross-comparison the same number of total points, then each team would receive a ranking of “1” for the round from that judge (e.g., if

Judge 1 had given both A and D a total of 48 points, then A would receive a “1” and D would receive a “1” as their respective side scores from Judge 1). This calculation will be made for each judge.

- h. **Calculating Each Team’s Round Score.** A “round” score (taking into account uneven number of judges on any panel) will be calculated for each team by using the three scores from each judge—(1) a “direct” (head-to-head) score based only on an evaluation with the other team with whom it negotiated; (2) a “side” score based only on a comparison between the teams that represented the same side in each round; and (3) a “cross” score that compares the two teams on opposite sides that did not negotiate with each other. (See Rule 7 concerning an uneven number of judges on the panel in any round.) In this round score calculation, the direct score will be weighted 33.3%, the side score 33.3%, and the cross score 33.3%. Each judge’s score will be treated equally by means of averaging, which will produce a single number between 1.000 and 3.000, with 1.000 being the best score possible.
- i. **Determining the Winner of the Competition.** To determine final placement in the competition, the round scores will be totaled. The team with the lowest cumulative total is the winner of the competition.
- j. **Ties.** Ties will generally not be broken if the overall scoring for the rounds results in a tie between teams. However, if the tied teams have directly negotiated with each other, the team with the higher direct ranking in that round will prevail.

10. PERMISSIBLE ASSISTANCE AND PROHIBITED COMMUNICATIONS.

- a. **Assistance Prior to a Round.** The faculty adviser and/or any other person who has not received the full negotiation simulations may advise the team in its planning and preparation for the competition.
- b. **Communication with the Team during a Round.** No one, including faculty advisers, may give advice or instructions to, or attempt to communicate in any way with, any of the participants during the period from the beginning of the participants' pre-negotiation session to the completion of the reflection period for that negotiation session.
- c. **Communication with the Judges during a Round.** Faculty advisers and other persons identified with a team may not speak to a judge (other than to indicate that they are not allowed to converse with the judge, to indicate that they are permitted to observe their team if the judge erroneously tries to exclude them, or to respond to a logistical question, such as the location of a room) during the period from commencement of the pre-negotiation session through the completion of the judges’ scoring.

- d. **Multiple Teams from the Same Country.** Participants, faculty advisers, or any other person connected with a team may not communicate with another of its country's teams (if a country has more than one team entered in the competition) until all of the country's teams have completed the round.

11. ATTENDANCE AT NEGOTIATING SESSIONS.

- a. **Observers.** The Competition Convener or the Executive Committee may authorize observers to attend negotiation sessions if space is available for that purpose.
- b. **Coaches and Persons Identified with a Participant.** Coaches and persons identified with a participant may watch their team's negotiation, including both pre-negotiation and reflection sessions. However, no participant or other person identified with a participant may attend a negotiation session of any other team, except a faculty adviser serving as a judge, while the team is still in the competition.

12. BREACHES OF THE RULES.

- a. **Duty to Make a Timely Complaint.** Competition participants and faculty advisers waive the right to complain about any matter or possible breach that becomes apparent prior to a negotiation, during the pre-negotiation sessions, during the negotiations between the parties, during the preparation for reflection, or during the reflection sessions if they fail to make a complaint before the end of the second judges' feedback period in the round in which the matter occurred. For matters or possible breaches that only become apparent during the judges' feedback period, competition participants and faculty advisers must raise the matter within ten minutes after the end of the second judges' feedback period in the round in which the matter occurred. Otherwise, the right to make a complaint concerning any such matter or possible breach is waived.
- b. **Procedures.** A team or its coach who wants to complain about any matter or possible breach should seek out the Competition Convener or any member of the Executive Committee in a timely manner. Members of the Executive Committee who are present will conduct a preliminary inquiry, which may include discussing the matter with the judges. The members of the Executive Committee who are present will make a preliminary determination that (1) there has been a *prima facie* violation of the rules; (2) the matter involves only an appearance of impropriety, not an actual breach of the rules; or (3) the matter appears to involve only harmless error in light of what the judges have indicated. The complaining team and its coach shall be informed of its preliminary investigation.

Factual disputes, questions of harmless error, and the remedy for breaches of the rules will be determined by an Appeal Panel. The Appeal Panel will include members of the International Negotiation Competition Executive Committee and at least one,

but not more than three, faculty advisers and/or judges. No member of the Appeal Panel may be a person identified with a complaining school, the alleged offending school, or a school currently placed behind the alleged offending school.

The Appeal Panel will not meet before the conclusion of the last round of negotiations. The Appeal Panel will not hear a complaint that will have no bearing on the results of the competition. A complaint will be considered to have no bearing on the results of the competition if the alleged offending team would have had no chance of placing in the competition whether or not the complaint is upheld.

The decision of the Appeal Panel is final.

- c. **Sanctions for Breaches.** Breach of any rule may result in disqualification. The mere act of prohibited communication, receipt of information, or attendance as proscribed by Rules 10 and 11 will constitute a presumptive breach of the rules, regardless of the substance and regardless of whether initiated by a participant or by any other person. Innocent mistake will not be a complete defense to a complaint based on breach of this rule.

With respect to breaches, the Appeal Panel has full discretion to change the ranking of the offending team in the round, disqualify the team from winning the competition, issue a reprimand, or impose no penalty. When a penalty is imposed, the rankings of the other teams in that round shall be adjusted upward, if appropriate.

13. TEAM IDENTIFICATION AND PAIRING ROUNDS.

- a. **Random Assignment of Letters or Numbers.** The Competition Convener will assign each team a random letter or number. Teams will also be grouped by a color for ease of identifying which side they represent in the negotiation simulations.
- b. **Identification of Teams.** Teams in the competition may identify the country they represent, but not their school. If a judge asks a team member which school the team member represents, the member should respond that the rules do not allow that information to be given until the competition is completed. Host schools should endeavor to avoid any appearance of unfairness resulting from hosting the competition. It is recommended that a host school faculty adviser, who would be readily identifiable by any of the judges, avoid letting the judges know to which team that faculty adviser is connected.
- c. **Pairings.** Opposing sides will be randomly matched by the Competition Convener. However, teams from the same country or jurisdiction will not be paired against each other. Nor will teams that have previously competed in a qualifying

competition be paired against each other. Furthermore, no team will negotiate against the same team more than once during the competition.

14. ADDITIONAL TEAM: UNEVEN NUMBER OF REGISTERED TEAMS.

- a. **Adding Teams to Make a Multiple of Four.** The Competition Convener, in consultation with the Executive Committee, may permit one or more additional eligible teams to participate in the competition if the number of teams registered does not equal a multiple of four. At the option of the Competition Convener, such additional teams may represent any school participating in the competition, including the host school. Any additional team must otherwise qualify for participation in every respect. However, students competing for the same school or country should represent only one side of the simulated controversy.
- b. **Splitting Teams.** If necessary, the Competition Convener may selectively split a team or teams to compete as single person teams for a particular round if a team cancels or fails to appear and there is insufficient time to find a replacement team. In such instances, the Competition Convener shall endeavor to see that a team has to split only once during the competition. If a team splits, the team member who earns the better ranking will count in the scoring for that team for the round in which the team splits. Only those teams representing the side of the team that failed to appear will be eligible for participation as individuals.

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