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Boulder Pops Orchestra and the Art of Negotiation



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Boulder Pops Orchestra and the Art of Negotiation

Greg Harrington was a young conductor finishing his undergraduate degree at Pinecliffe University in northern Colorado. His love of orchestral pops repertoire and his growing list of musician contacts led to the launch of the Boulder Pops Orchestra. This case study surveys the early years of the Boulder Pops Orchestra, including its partnerships with Pinecliffe University and another local school. Dissatisfied with some of the strictures of the agreement with Pinecliffe University in particular, Greg and his musicians sought an improved arrangement with another institution, the Boulder Community Music School. A negotiation between Greg and the dean of the community music school is at the center of the case.



This case study was prepared by Tierney McLean at the Eastman School of Music. *The Eastman Case Studies* are developed solely as the basis for class discussion. Cases are not intended to serve as endorsements or sources of primary data nor are they to serve as illustrations of effective or ineffective leadership or decision making. Boulder Pops Orchestra is a fictional organization. The story and concluding scenario are loosely based on the experience of a real pops orchestra.

Like any pops orchestra one might encounter, the Boulder Pops Orchestra plays its fair share of John Williams's music. But it also differs markedly from such organizations. Boulder Pops maintains a strictly volunteer roster of players; its staff is unpaid; and it frequently features musical theater selections with vocalists. Taken under the wing of a small local college that supported this idea, the orchestra was allowed to grow and explore its role in the community without struggling for space or funding to secure a venue. Since its founding in 2012, the Boulder Pops Orchestra

Thanks to a small local college, the pops orchestra was allowed to grow and explore its role in the community without struggling for space or funding to secure a venue.

has cultivated a special place for itself within a tightly-knit community, tucked in the foothills of the Rocky Mountains of northern Colorado. Its standing-room-only concerts are testimony to its initial success. The pick-up orchestra further benefited from a charismatic conductor, who was able to guide this kernel of an enterprise. The near-term fate of the orchestra rested in his hands.

Birth of a Pops Orchestra

Greg Harrington was beginning his senior year at Pinecliffe University in northern Colorado. His major was orchestral conducting, and he was known for having close command of his ensembles when he was on the podium. Greg also had a reputation for being a gifted composer and arranger of music. His interest in musical theater led to several appointments as music director for regional theater productions. These positions connected him with young, talented singers as well as with gifted actors and actresses. His contacts were also expanded with a variety of local freelancers and teachers who had filled his pits for various productions. Even at this stage of his young career, Greg often witnessed an unfortunate divide

between the musical theater performances and traditional classical music concerts.

In the summer before his senior year at Pinecliffe, Greg asked university administrators if he could use some rehearsal rooms and the concert hall, when these spaces would likely be idle. He had an idea for a new orchestra. When the administration freely offered the space, Greg emailed every musician he knew—a long list of both instrumentalists and vocalists. Some were quick to sign on, while others were skeptical of his idea for a new orchestra in northern Colorado.

On Friday, August 10, 2012, the chair of Pinecliffe's Special Events Committee was leaving work and was surprised to see the arts center parking lot full of cars and people flocking toward the concert hall. Her curiosity piqued, she entered the concert hall, where she discovered the production had run out of programs. She sat down in the back to catch some of Greg's pick-up orchestra. What she observed was an unstaged mash-up of Broadway tunes and movie music performed for a wildly enthusiastic audience that had filled the hall to capacity with standing room along the back.

The Boulder Pops Orchestra had been born.

Pinecliffe's Property

The Boulder Pops Orchestra attracted community attention from its first performance in 2012 and proceeded to forge a provisional partnership with Pinecliffe University. With this alliance came both benefits and restrictions. Pinecliffe could provide many things to the orchestra: access to a music library, rehearsal spaces, concert venues, sound equipment, chairs, and music stands. The university's free offering of these resources from the very first rehearsal allowed Boulder Pops to develop differently than organizations typically do. More commonly in musical enterprises, an idea and mission are formed, funding is secured, and then productions begin. The Boulder

Pops Orchestra was instead able to “act first and think later,” so to speak. The group responded in real time to community desires while tapping into Pinecliffe’s on-site resources. While the orchestra was not particularly profitable, it did collect a freewill offering for each of its four annual concerts to help fund its guest artists and pay graphic designers to create flyers and posters for events. Realizing that the organization was gaining some name recognition in the community, Greg approached the administrators at Pinecliffe after his graduation about potentially seeking 501(c)(3) status for the orchestra to become a legal nonprofit entity. Without explanation, he was advised against it.

Pinecliffe would continue to host the orchestra. In return for its patronage, the university was able to offer its orchestra and voice students an additional performance outlet with Boulder Pops Orchestra programs. It further began to rely on the orchestra to support its young and growing theater department. Each December, Boulder Pops held a performance of a holiday-themed musical, which involved the entire theater department. Many of the instrumental students also performed in the pit with Boulder Pops. The holiday concert became something of a community favorite, with small groups of Pinecliffe students often singing carols in the arts center lobby before the performance.

Living under the umbrella of Pinecliffe also had its limitations for Boulder Pops. After the first three seasons, Greg Harrington and his orchestra were appearing more and more like university property in the minds of Pinecliffe’s staff and faculty. There was a feeling that the pops orchestra was almost entirely absorbed by, and at the disposal of, Pinecliffe.

The ties between Boulder Pops and the theater department had become so close they were almost

inseparable. Boulder Pops had become nearly synonymous with Pinecliffe’s holiday show, so much so that often audiences did not realize the show was a collaboration. The university also tended to put its interests first when scheduling the orchestra’s other performances. Some concert dates that Boulder Pops proposed for instrumental performances were rejected or made to fit university schedules instead of the orchestra’s desires. The only dates to receive immediate approval were those involving the theater department. The loss of autonomy by the orchestra was also felt in the area of programming, where choices became limited. For example, when Boulder Pops suggested staging Leonard Bernstein’s *West Side Story* in 2015 to commemorate 25 years since the composer’s death, Pinecliffe refused, citing a lack of appropriate personnel in the theater department. In hindsight, it was obvious that the shows had not been cooperatively selected, but rather chosen to feature the singers of the department, instead of the instrumentalists in the orchestra. Whenever Boulder Pops had suggested a large work to showcase itself, its ideas were rejected in favor of works that highlighted the theater department.

A final point of contention involved finances. While Pinecliffe had always retained any ticket sales, it now began to collect post-concert donations for itself, leaving no chance for the orchestra to cover its expenses, let alone build discretionary funding. The orchestra had become more like a division of Pinecliffe than a contractor. The result was stagnation by the orchestra, which had become overly dependent upon the university. Realizing that the orchestra had become one small piece of the university mainly serving the theater department, Greg aimed for a more independent organization, free to pursue its own mission and interests. He had begun the Boulder Pops Orchestra with intention of making it a community-centric organization that focused on providing quality music. While the orchestra lacked a formal mission statement, its gradual absorption into the university was a growing concern for the conductor and founder.

Living under the umbrella of Pinecliffe had its limitations for the Boulder Pops Orchestra.

A High School and Beyond

Undeterred by the orchestra's uneasy relationship with Pinecliffe, Greg called upon the Boulder Pops musicians to help develop a long-term plan. He could no longer manage the orchestra by himself, nor did

Boulder Pops had become a community favorite and had earned a reputation of artistic excellence through the efforts of its musicians.

it seem right to handle both administrative and artistic responsibilities of this emerging arts organization. Boulder Pops had become a community favorite and had earned a reputation of artistic excellence through the efforts of its musicians. In 2016, some of the longstanding players met around a pool table in the basement of Greg's father's house, effectively constituting the orchestra's first board meeting.

Several ideas were batted around about the future of Boulder Pops. On one hand, the orchestra was comfortable performing at Pinecliffe. Some thought that maintaining the orchestra's relationship with the university was the safest thing to do in the absence of other clear opportunities. However, others posited that the orchestra was capable of far more than simply performing holiday shows and collaborating with Pinecliffe's theater department. The orchestra could perform outreach concerts for disenfranchised youth, provide soundtrack music for Saturday drive-in movies in the summer, raise awareness of music through familiar favorites, and much more.

One player, who directed the orchestral program at Meadows Central High School, suggested a partnership between the school and Boulder Pops. The arrangement could be similar to Pinecliffe in principle. The school could provide rehearsal and performance space, in exchange for giving the students the opportunity to perform with a diverse orchestra. The experience could be valuable for the

young performers: playing beside local educators, professionals, and gifted community musicians would be not only a boon for their playing, but could also help build lasting relationships within the musical community and nurture the idea that music is truly a lifelong pursuit. If loose ties to Pinecliffe were kept, the orchestra saw the potential benefit of reaching a wider (and younger) audience through such an alliance, while also regaining control over the fledgling organization. The proposed partnership with Meadows Central High School managed to balance the safety of having a partner organization with the orchestra's growth potential in the community.

For the near term, the board members agreed to preserve Boulder Pops' relationship with Pinecliffe University while opening up a new affiliation with Meadows Central High School. The orchestra opted to perform one of its four annual concerts at the high school, while keeping the remaining three at Pinecliffe. The first performance at Meadows Central was greeted with a full house and thunderous applause. In that concert, Greg planned for the orchestra to encore with a theme and variations arrangement of the children's song, "Pop Goes the Weasel." Both the orchestra and the high school students who had practiced select pieces in the preceding months pulled it off without a hitch. After the performance, some parents of these students wondered aloud why they had never heard of this orchestra before or why there were not more ensembles like this. One particularly brash concertgoer declared his desire to hear the orchestra play a movie soundtrack by Hans Zimmer in the atrium following the performance.

The audience suggestions from the Meadows Central appearance signaled a possible future for the Boulder Pops Orchestra. While the collaboration with the high school seemed to be a success, the next board meeting maintained a more sobering air as the musicians generally agreed that they needed even more opportunities to keep growing. Holding most of its activities under the auspices of Pinecliffe University

appeared increasingly unappealing as the orchestra's reputation expanded.

In the summer of 2017, Pinecliffe's relationship to the Boulder Pops Orchestra became even more strained. For a proposed Elvis-themed concert that did not involve the theater department, the university denied the orchestra's requests for space altogether despite the orchestra's promise to partner with the theater department in other concerts, including the annual holiday show. Pinecliffe's instrumental students could not help but wonder why the university provided such strong support for theater collaborations, but not for instrumental opportunities. A particularly gifted senior bassoonist at Pinecliffe had been selected to perform Michael Daugherty's "Dead Elvis" on that concert and voiced her concerns to Greg. While that student was able to put together a chamber group and perform the piece on her degree recital months later, the orchestra was now painfully aware of Pinecliffe's

wavering support for both Boulder Pops and its own students who benefitted from it. It seemed as if the orchestra might have to fly the university's nest. As with many organizations, the Boulder Pops Orchestra faced a defining moment requiring a proverbial "leap of faith."

With wavering support from Pinecliffe University, the Boulder Pops Orchestra faced a defining moment.

Finding a New Home

In July 2017, the Boulder Pops board gathered to discuss its future in a small kitchen of one of its members over homemade cookies. In a small minority were those who maintained that the most prudent course of action was to continue the partnership with Pinecliffe University. But an increasingly vocal majority believed the orchestra should do more to further its community mission by seeking out new opportunities, venues, and partnerships as a means to reach wider audiences. There was broad support

for retaining the annual holiday show at Pinecliffe if possible. This program had become a fixture in the community calendar; abandoning it would be taking the orchestra backwards.

In attendance at the board meeting was Brian Grant, a relatively new local player in the orchestra who had ties to the Boulder Community Music School (BCMS). The community music school was locally known for its inclusivity, welcoming students of all ages and abilities in the spirit of furthering lifelong music education. Brian had been on the staff of BCMS for a few years and wondered if the school could be of assistance to the pops orchestra. The music school had the same kinds of resources as both Meadows Central and Pinecliffe. More options for space were tempting, but how could Boulder Pops ensure that a partnership with BCMS would not repeat the experience with Pinecliffe University?

The board members were split on the idea of a partnership with BCMS. They encouraged Greg to meet with the community school with a plan in mind. Greg believed that partnering with a fellow community organization, rather than a university, would prevent an alliance from becoming lopsided, as it had with Pinecliffe. BCMS appeared to share the belief in spreading music to as wide an audience as possible. Not only would reaching a broad spectrum of the community help the school to recruit new students and achieve name recognition for the school, but such a partnership was also aligned with the BCMS mission to render music-making a community effort. While Pinecliffe's music school and theater program had been one small slice of a large organization driven to sell tickets for high-profile events, no such complexities or conflicting priorities were apparent at BCMS. It seemed possible that the orchestra could negotiate favorable terms with the school. Perhaps BCMS might even be able to help secure mutually agreeable guest artists who could teach masterclasses to the school's students before performances with the orchestra. Greg felt optimistic that a partnership could

be beneficial to both sides; he left the meeting with the email address of the BCMS dean written on the back of his hand.

Greg set up an introductory meeting with BCMS Dean Cynthia Yeletth at a local coffee shop. In their discussion, the young conductor learned that the community music school had an abundance of talented students and ample spaces for performance and rehearsal. The school was further seeking new performance opportunities for its advanced students outside of studio lessons. Greg could see the potential benefit to both organizations and disclosed to Cynthia that the orchestra had a set of seemingly complementary resources and challenges: a wealth of great players and ideas for concerts, but no home base for its activities. The two agreed that they would profit from a partnership in principle, but there were many factors to consider before entering into a formal agreement—more than Greg had considered with Pinecliffe. Cynthia suggested several areas that could

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be within the scope of such an agreement, including scheduling of events, income and expense sharing, and guest artists. Greg noted that the orchestra would be delighted to perform with BCMS students, but also that it desired independent opportunities to present concerts at the school. Together, they decided to have a follow-up meeting to discuss possible terms of an agreement.

Orchestrating a Win-Win

Knowing his organization would need to propose conditions of a partnership with BCMS, Greg called upon Stacy Pippen, a member of the orchestra who had years of negotiation experience in labor contract disputes. She was able to relay some basic parameters

to Greg about the alliance he was attempting to forge. Stacy encouraged Greg to consider:

- the point at which the orchestra should walk away from a deal with BCMS
- the priorities of the Boulder Pops Orchestra
- the perceived priorities of Boulder Community Music School
- points of common ground (shared priorities)
- issues that were on the table for negotiation

For each issue, Stacy encouraged Greg to develop a reservation point—or “walk away” moment—for each issue, along with a target or aspiration level in the negotiation. She urged him to think about the discussions ahead as “integrative” negotiations (involving several interests) instead of a single-issue negotiation. Framing the talks with the latter could put more pressure on both parties and potentially sour the relationship.

Greg got to work on these items, writing them down in his characteristic green leather notebook which he carried everywhere. Stacy’s advice proved valuable almost immediately; Greg had already begun to assume the community music school’s priorities when he met initially with Dean Yeletth, and some of his assumptions bore out. Through further browsing on the school’s website and conversations with board members in contact with the school, Greg divined BCMS’s priorities to be (in order): (1) student achievement (2) financial solvency (3) public outreach, and (4) student recruitment.

At the orchestra’s next board meeting, Greg reported on his meeting with Dean Yeletth. He confided in the board that they would be wise to first have a plan in case the negotiations with BCMS went poorly, did not offer acceptable terms, or otherwise did not materialize. The board agreed and unenthusiastically decided that the plan would be to maintain three annual concerts at Pinecliffe and one collaborative concert with Meadows Central. But more optimistically, Greg asked board

members for their help in formulating the priorities of the Boulder Pops Orchestra, as they envisioned their future beyond Pinecliffe. One task ahead was to establish nonprofit status, so that the orchestra could begin to collect revenue legally as an organizational entity. With proper tax status, the orchestra could focus on articulating a mission that spanned three areas (in order of priority): (1) making high-level pops music both in collaboration with community musicians ("joint") and independent of community partners ("independent"); (2) sharing music with a broad community; and (3) financial solvency.

Greg was surprised by the number of issues that could be considered in the negotiation with BCMS.

Next, Greg began to brainstorm the issues up for negotiation with board members and was surprised by the number of issues that could be considered in such a negotiation. Cynthia had mentioned a few, but more areas arose in discussion with board members—seven

in total, from fees and revenue sharing to programming decisions. Following Stacy's advice, each issue had both a target or aspiration level for the negotiation and a reservation point. Two subcategories were then nested within each level: joint concerts with the school and concerts independent of it, using BCMS space but not students. The list formed by the board can be seen in columns A and B of **Appendix 1**.

The Negotiation

Dean Cynthia Yelet and Greg Harrington met again on a rainy day at the same coffee shop to discuss the promising partnership each seemed to desire. Greg methodically noted Cynthia's offer in his green notebook alongside his own notes of items to cover. In the end, she made proposals in five of the seven areas that board members had discussed, with provisions for the joint and independent concert presentations. All points of the negotiation are captured in column C of **Appendix 1**.

Greg noticed that Cynthia had not presented any ideas about how marketing would work between the organizations. She also made no mention of how programming would be determined. Greg surmised that the items Cynthia omitted might either be an oversight or a reflection of a low priority from the school's perspective. In the area of programming, Cynthia and the BCMS faculty might have viewed the opportunity to play any repertoire as a learning experience, even if it may push students beyond their capabilities. In her mind, that could have rendered the issue resolved. To Greg, that would be a positive outcome, as it would lend the Boulder Pops Orchestra greater artistic freedom in programming and would become a settled issue among the potential areas of disagreement. Likewise, Greg discovered that marketing materials were not raised because BCMS maintained a graphic designer on staff who could create posters and email blasts to students and families as part of her job description. BCMS also budgeted for the cost of materials. Greg was not sure whether to introduce this negotiation point to clarify how marketing would be handled between BCMS and Boulder Pops.

Two proposals fell entirely below Boulder Pops' pre-determined reservation points. Under Cynthia's proposal, BPO would not receive any donations for joint concerts, and would receive less than expected for independent concerts. Additionally, the split of expenses for guest artists was beyond the board's reservation point on that issue. BPO would end up paying considerably more for guest artist fees on independent concerts than the board was willing to allow. The fees and revenue sharing category was mixed. The performance fee for joint concerts was considerably higher than the aspiration point. The split in ticket proceeds was in an acceptable range for independent concerts (70/30 favoring BPO), while the split for joint concerts fell below expectations. Seeing that Cynthia had missed some of the issues the Boulder Pops had prepared, Greg wondered if there might be other points they both had neglected which

could be of mutual benefit. Though there were clearly positive aspects to Cynthia's proposed agreement, Greg knew it would be in Boulder Pops Orchestra's best interest to take Cynthia's offer back to the board members for discussion and to develop terms that would be favorable to both organizations.

Dean Yeleth and Greg decided to meet again in three weeks to discuss the reaction of the Boulder Pops Orchestra to the proposal they had been given.

APPENDIX 1

Areas of Negotiation: BPO Reservation and Aspiration Points; BCMS Offer

C

B

A

	Boulder Pops Reservation Point:		Boulder Pops Target / Aspiration:		BCMS offer:	
	Joint	Independent	Joint	Independent	Joint	Independent
Performances	1 date on-site at BCMS concert hall, mutually chosen	1 date on-site at BCMS concert hall, mutually chosen	1 date on-site at BCMS concert hall, mutually chosen	1 date on-site at BCMS concert hall, mutually chosen	1 date on-site at BCMS concert hall, mutually chosen	1 date on-site at BCMS concert hall, mutually chosen
Rehearsals	3 rehearsal dates (2.5 hours each) and spaces of the school's choosing	3 rehearsal dates (2.5 hours each) and spaces of the school's choosing	4 rehearsal dates (3 hours each) and spaces of the school's choosing	4 rehearsal dates (3 hours each) and spaces of the school's choosing	4 rehearsal dates (3 hours each) and spaces of the school's choosing	4 rehearsal dates (3 hours each) and spaces of the school's choosing
Fees and revenue sharing	\$2,000 flat performance fee, 65/35 split in ticket proceeds, favoring BCMS, BCMS hosts sales	no performance fee, 65/35 split in ticket proceeds, favoring BPO, BCMS hosts sales	\$3,000 flat performance fee, 50/50 split in ticket proceeds, BCMS hosts sales	no performance fee, 80/20 split in ticket proceeds, favoring BPO, BCMS hosts sales	\$4,000 flat performance fee, 85/15 split of ticket proceeds, favoring BCMS, BCMS hosts sales	no flat performance fee, 85/15 split of ticket proceeds, favoring BPO, BCMS hosts sales
Marketing expenditures	50/50 split in marketing costs	BPO pays 100% for all marketing costs, provides own designs	BCMS pays 100% of marketing costs	50/50 split in marketing costs	not mentioned	not mentioned
Donations (if taken or received)	65/35 split in donations, favoring BCMS	80/20 split in donations, favoring BPO	50/50 split in donations	100% of donations to BPO	BCMS takes 100% of donations	70/30 split of donations, favoring BPO
Guest artists	50/50 split of cost for guest artist fees, mutual scheduling decisions, guest does performance only	BPO pays 100% of fees for guest artists, freedom to bring in guest artists without objection from BCMS, guest does performance only	60/40 split of guest artist fees (BCMS bears more), mutual scheduling decisions, guest does 1 masterclass, 1 rehearsal, 1 performance	80/20 split of guest artist fees (BPO bears more), mutual scheduling decisions, guest does 1 masterclass, 1 rehearsal, 1 performance	70/30 split of guest artist fees (BPO bears more), mutual scheduling decisions	BPO pays 100% of fees for guest artists, freedom to bring in guest artists without interference from school
Programming decisions	mutual decisions made on programming, to include at least 20% of concert time focused on BPO alone	complete freedom to program	mutual decisions made on programming, to include at least 50% of concert time focused on BPO alone	complete freedom to program with access to the BCMS ensemble library	not mentioned	not mentioned



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