

Negotiation & Dispute Resolution

SPRING 2008 // LGST #206, MGMT291, OPIM29 Sections 408 & 409

University of Pennsylvania, Wharton School

Professor: Dr. Jennifer Beer

This syllabus will be updated throughout the semester and the latest version posted on WebCafé. WebCafé also has handouts, assignment sheets, web page links, and other course materials. Note: *You must open a Wharton email account to access WebCafé.* <<http://accounts.wharton.upenn.edu>>



Office: Legal Studies, 6th floor, Huntsman 619

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What can you learn from this course?

Welcome to Wharton's Negotiation & Dispute Resolution course. I hope this class will be stimulating, informative, and build your confidence for the many kinds of negotiations you will encounter in your careers.

To make your ideas and goals a reality, you need to know how to elicit generous cooperation and resources from others. This course is designed to improve your effectiveness in negotiating and in mediating conflicts. We will look at many types of business external negotiations, such as purchases and sales, joint ventures, agents, partnerships, labor agreements, as well as the internal negotiations involved in working with others. We will also bring in examples from personal life and from political negotiations.

By the end of the semester, you should have basic competence in 4 areas:

- 1. Concepts:** Recognize and be able to explain to a less skilled negotiator:
 - ✓ Dynamics of conflict and negotiation.
 - ✓ Factors that facilitate and those that hinder effective negotiation.
 - ✓ Ways to structure a negotiation or mediation.
 - ✓ Ethical and cross-cultural issues.
 - ✓ When a 3rd party might be useful.
- 2. Preparation, Strategy, Teamwork:** Understand the basics of:
 - ✓ Preparing for negotiation or mediation.
 - ✓ Setting negotiation goals, understanding and evaluating strategic options.
 - ✓ Working with an agent, a negotiation team, or a coalition.
- 3. Personal Awareness:** Know your preferred approaches to negotiation and conflict, your strengths and weakness. Expand your awareness and repertoire.
- 4. Experience:** Accumulate hands-on experience in negotiation through classroom exercises, assignments, peer feedback, and paying attention to negotiation in your "real" life.

Readings

1. *Bargaining for Advantage: Negotiation Strategies for Reasonable People*. G. Richard Shell, Penguin Books. Revised edition, 2006.
2. Course Pack, available from Wharton Reprographics the 2nd or 3rd week of class. In addition, minor costs of photocopying roleplays and other handouts may be billed to students at the end of the term.
3. (Optional) *The Mediator's Handbook*. Jennifer Beer with Eileen Stief. New Society Publishers, 1997.

Bargaining for Advantage and *The Mediator's Handbook* are reference books you can use long after this class is over to help prepare yourself for a negotiation or dispute intervention.

We will refer to readings in class but will not concentrate on reviewing them. Some Course Pack readings are required; the rest are intended as extra information and reinforcement. You may choose to skim or even skip a reading which does not interest you. Use your judgment. However, you are expected to use the readings in assignments and tests.

Guest Lectures

All sections of Wharton's Negotiation course are fortunate to have two guest lectures during the semester. These lectures replace two class sessions and attendance therefore **counts as a class day**. Video will be available for those who cannot make the guest sessions. Check for the link on WebCafé. Or you may substitute another on-campus guest speaker talk which is relevant to negotiation or dispute resolution.

Attendance & participation

This course is highly interactive and depends on each person preparing, attending, and participating fully. Your roleplay group can't proceed without you!

Class participation is not graded. Everyone participates in this class! If you or I have a concern about the nature of your class participation, we'll discuss that privately.

Attending regularly and participating in class is *expected*, not rewarded. Attendance only affects your grade if your attendance / promptness is a problem.

- You may miss up to 3 classes without a grade reduction. This includes "good excuse" absences. On roleplay days, *it's helpful for me to know the day before that you won't be attending*.
- You must arrange a make-up for missed roleplays (this includes finding people to play the other roles), however the absence will still be counted. Roleplays that are not made up will lower grade.

Assignments, Evaluation, Grades

Reflecting the course objectives, grading will be based on two main factors:

1. Practicing and learning from negotiation and mediation
2. Your *intellectual grasp* of fundamental concepts.

Graded assignments

- A. Roleplays: Participation, reflection & feedback – 20%
- B. Short Assignments – 15%
- C. 2 Quizzes – 15%
- D. Kaizen Teams – 20%
- E. Negotiation and conflict resolution skill – 10%
- F. Final Exam or Final Project – 20%

A. Roleplays: Participation, reflection & feedback – 20%

Roleplaying gives you a rare opportunity to find out what the other side actually thinks about your negotiation style and strategy, and what their real interests and goals were. For each roleplay, you will fill out a reflection & peer feedback form for each person in your roleplay. It is your responsibility to make sure the other negotiating parties receive your feedback on time. This means learning your classmates' names soon!

Your grade will be based on the promptness, insight, and helpfulness of your comments. Your feedback will NOT affect the other student's grade in any way. Please be honest AND kind.

B. Short Assignments – 15%

Written assignments: In addition to reflection & peer feedback for class roleplays, you will have about 6 class assignments, including 1) the first week assignment, 2) Write-up of your "Buy Something" adventure, and 3) analysis of your Email Roleplay transcript.

Assignment details will be posted on WebCafé.

If you find copious notes on your assignments, don't panic! Often the best work gets the most commentary. Class assignments will not be downgraded for poor writing or grammar, so please take my editing as bonus feedback. Furthermore, your grade will not be based on whether I agree or disagree with your political or social views, so feel free to state your considered ideas and opinions.

C. 2 Short Quizzes – 15%

These will take about a half hour during class, and will be based on main concepts and the readings.

D. Kaizen Teams – 20%

You will join a Kaizen Team of four students that meets regularly to review what you are learning, and to help you apply class learning to your real life negotiations and conflicts. Teams will hold at least five substantive meetings spread out during the semester, including one time with me if we can work out schedules.

- Team members will take turns writing up a summary of your meeting. If you meet with me, you will not need to hand in a report for that session.
- Absence from a kaizen meeting counts as a class absence.
- Your group's grade will reflect how seriously and creatively you used this opportunity to improve your real-life skills and your understanding of concepts and issues.

See the Kaizen page at the back of this syllabus for details.

E. Negotiation and conflict resolution skill – 10%

This grade will be based equally on two end-of-the-semester evaluations, one by your peers the other your written self-evaluation.

- Your self-evaluation will be an opportunity to review your weaknesses, strengths, and preferences. As part of this process, you will read through the peer feedback you received over the semester. However the *content* of peer feedback sheets will NOT affect your grade.
- The peer evaluation will happen in class on April 22nd.

F. Final Exam or Final Project – 20%

You have a choice between a Final Project, or a Take-Home Exam. The purpose is to draw together the ideas in the readings and classwork to analyze significant issues or important negotiations.

The Project option:

- Analyze a current (public) conflict or negotiation and analyze what a negotiator or conflict intervener could learn from studying that situation. This is not a full blown research paper—maximum length will be only 2700 words. You can write an essay, a power point lesson, or an editorial Op Ed. Drafts will be exchanged for other students to comment on them. The promptness and quality of comments will be part of the commenter's project grade.

Rough draft for in-class swap: Tuesday, APRIL 15, in class

Swap comments due: Thursday, APRIL 17, in class.

Project due: Thursday, APRIL 24, at the start of the final class.

Details about the final project assignment will be posted on WebCafé later in the semester.

The Take-Home Exam Option

- The exam will have a combination of short answer and longer essays. You'll get the questions on April 24th, and be able to prepare with books and notes as much as you want. Then you'll type your answers closed book and closed notes – just you and the blank screen (no time limit for this).
- Due in my email inbox at the latest
 - before 11am on MAY 8 for #408
 - before noon MAY 12 for #409.

More about assignments...

1. Collaborative learning

I encourage you to talk with each other about your assignments. There are two exceptions:

- First, **do not disclose or discuss roleplay details to any Penn student**—not just your classmates, but students in other negotiation classes, or any student who might take a Wharton negotiation class in the future.
- Second, even if you discuss assignments, do your own thinking and writing. Be careful to credit all persons (including other students) and sources for ideas, information, and examples that you use.

I will uphold Penn's academic integrity guidelines, and trust you to do the same. If you aren't sure about how to apply these guidelines, please ask.

2. How to format & hand in assignments

- ✓ Put the assignment title in the email subject line.
- ✓ Make a header or footer that with your name, section, assignment title, and page number on every page.
- ✓ *Single space*, 10 or 11 point font, 1.25 margins (room for comments). Please save paper by printing on both sides of the page, and make it easier for me to haul around stacks of homework by keeping your page count as low as possible (i.e. no extra title pages, large cute graphics, etc.). BTW I enjoy any **readable** font that isn't Times Roman.

Upload assignments to your folder on WebCafé. Only you and I have access to its contents. Please ALSO bring a printout to hand in at the start of class. If for some reason you need to email them directly, send them as attachments to my Wharton email address.

Assignments will be considered “received” by the date & time they are posted to Web Café or emailed! Handing me a hard copy does not count as “received”.

Do NOT leave anything under my office door. I share the space with others and am not in on non-teaching days. Instead, use my box in the Legal Studies Department, 6th floor Huntsman.

Late assignments: I have 72 students to keep track of this semester, which makes handling “exceptions” and “extensions” difficult. Please put syllabus due dates on your calendar and meet them! You may hand in late 2 short assignments or roleplay reflection & feedback sheets without affecting your grade.

- ✓ If you aren't sure how to do an assignment
- ✓ If you are worried about your grade
- ✓ If you want more challenge or want to explore a topic or skill further
- ✓ If you have low confidence in your negotiation or mediation abilities
- ✓ If you have any concerns about what's happening in class
- ✓ If you are falling behind...

DON'T WAIT! Tell me. Please come to office hours or send me email.

Schedule

The version of this schedule posted on WebCafé *will contain the latest updates and is the final word.*

** Readings and Assignments are *due* on the day noted. **

Reflection & Feedback sheets will be due at the start of class *after* we debrief the roleplay. You're welcome to do it right away when you're memory is fresh :-) I have not marked these dates on the schedule.

TUESDAY	THURSDAY
<p>15 JANUARY</p>	<p>17 JANUARY</p> <p>■ Semester roadmap</p> <p>Overview of negotiation subject, of semester and syllabus.</p> <p>Read: Webber's article about Leigh Steinberg: <http://www.fastcompany.com/magazine/19/showmoney.html></p>
<p>21 JANUARY</p> <p>Due Monday, 10am. 1st Assignment -- see handout at end of syllabus. Post to Web Café or email to beerj@wharton.upenn.edu</p> <p>22 JANUARY</p> <p>■ What do you value?</p> <p>Negotiate and debrief Roleplay #1.</p> <p>Form Kaizen teams.</p> <p>Details of the "Buy something" assignment.</p> <p>Read: <i>Bargaining for Advantage</i>: Introduction. Then <i>skim</i> the whole book.</p>	<p>24 JANUARY</p> <p>■ Splitting the pie</p> <p>Basic concepts of bargaining-type "distributive" negotiations.</p> <p>Read: <i>Bargaining for Advantage</i> Chapters 1, 2.</p> <p>Due: Roleplay #1 feedback.</p>
<p>29 JANUARY</p> <p>■ What did you buy? Distributive negotiations, continued</p> <p>Review your buying results!</p> <p>Cooperate or compete? Identifying your usual approach to negotiation.</p> <p>Read: <i>Bargaining for Advantage</i> Chapters 3, 4.</p> <p>(Optional) Thompson on Tacit Negotiations – game theory views of cooperation and competition, prisoners' dilemma.</p>	<p>31 JANUARY</p> <p>■ Who has the upper hand? Leverage and Shadow negotiations.</p> <p>Negotiation exercise #2 and discussion.</p> <p>Read: <i>Bargaining for Advantage</i>, Chapters 3, 6.</p> <p>Mu – the Chinese Paper Mill case study</p> <p>Due: 1st Kaizen Team report</p> <p>Due: "Buy something" write-up.</p>

<p>5 FEBRUARY</p> <ul style="list-style-type: none"> ■ Multiple Buyers <p>Roleplay #3</p> <p>Due: 1st Kaizen Report</p>	<p>7 FEBRUARY</p> <ul style="list-style-type: none"> ■ Expanding the pie: interest-based negotiation <p>Debrief Roleplay #3</p> <p>Discuss interest-based negotiation.</p> <p>Handout Email Roleplay #5</p> <p>Read: <i>Bargaining for Advantage</i> Chapters 4, 5, 6</p> <p>(Optional) Mary Parker Follett “interview”</p> <p>(Optional) any or all of <i>Getting to Yes</i>. Not in your course pack, but ubiquitously available.</p>
<p>12 FEBRUARY</p> <ul style="list-style-type: none"> ■ Strategies for job negotiation <p>Roleplay exercise #4 and discussion.</p> <p>Read: Hammond on “Even Swaps”</p>	<p>14 FEBRUARY</p> <ul style="list-style-type: none"> ■ Quiz #1 ■ Understanding their world / <p>Listening, asking effective questions, acknowledging</p> <p>Read: Camp – chapter from <i>Starting with No</i>.</p>
<p>19 FEBRUARY</p> <ul style="list-style-type: none"> ■ How to say it...? Or not. <p>Debrief Email Roleplay #5.</p> <p>Modes of negotiating, non-verbal communication, language.</p> <p>Read: (Optional) Mindell on powerful language. It’s not just for women!</p> <p>Due: Email Roleplay results. *Bring a printout of your transcript to class!*</p>	<p>21 FEBRUARY</p> <ul style="list-style-type: none"> ■ Labor negotiations <p>Roleplay #6</p> <p>Handout roleplay #7 to be done outside class.</p> <p>Due: Email roleplay analysis (pairs)</p> <p>Due: Turn in your 2nd Kaizen Report soon!</p> <p>Start reading <i>Prayer for the City – it takes a while</i>.</p>

<p>25 FEBRUARY</p> <p>Due Monday, noon. Email me 2 issues or questions you'd like to discuss about <i>Prayer for the City</i> (one paragraph per topic max).</p> <p>26 FEBRUARY</p> <p>■ Labor negotiations</p> <p>Roleplay #6 debrief</p> <p><i>Prayer for the City</i> discussion.</p> <p>Read: Finish <i>Prayer for the City</i> excerpts</p> <p>Listen: (Optional) Tom Cronin's WHYY interview about his 27 years as white collar union leader in Philadelphia</p> <p><http://www.whyy.org/rameta/RT/2007/RT20071001_20.ram></p>	<p>28 FEBRUARY</p> <p>■ Ethics</p> <p>What are some of the many ethical judgment calls a negotiator faces? How do ethical issues influence the structure of negotiation?</p> <p>Mid-course evaluation.</p> <p>Read: <i>Bargaining for Advantage</i>: Chapter 11. Coren on sleep deprivation</p> <p>(Optional) Daly on anger.</p>
<p>3 MARCH</p> <p>Due Monday, noon. If you plan to write a final project (instead of an exam), please email me a short statement about the conflict or negotiation you plan to analyze.</p> <p>4 MARCH</p> <p>■ Mindtraps & Ploys</p> <p>Read: Hammond et al, Hidden Traps</p> <p>(Optional) Sebenius, 6 Habits</p>	<p>6 MARCH</p> <p>■ Agents</p> <p>Roleplay #7 results due!</p> <p>Debrief roleplay, discuss agents.</p> <p>if time: Emotion & Conflicts in Negotiation.</p> <p>Read: Susskind, When you shouldn't go it alone.</p>
<p>11 MARCH</p> <p>MID SEMESTER BREAK</p>	<p>13 MARCH</p> <p>MID SEMESTER BREAK</p>
<p>18 MARCH</p> <p>■ Mediation – a basic process</p> <p>The mediator role in negotiation</p> <p>Mediation Roleplay #8</p> <p>Read: Cleary on mediating labor negotiations</p> <p>(Optional) <i>The Mediator Handbook</i>, chapter on mediation session.</p>	<p>20 MARCH</p> <p>■ Mediation practice</p> <p>Mediation Roleplay #9</p> <p>Due: It's about time for your 3rd Kaizen Report</p> <p>Read: (Optional) Look through <i>The Mediator Handbook</i> skill sections – people, process, problem-solving</p>

<p>25 MARCH</p> <ul style="list-style-type: none"> ■ Quiz 2 ■ Mediation Skills & Approaches, ADR (Alternative Dispute Resolution) in business <p>Quiz #2 Mediations debrief. Uses of dispute resolution in business settings. Read: Ury et al., 3 approaches Due: Along with reflection & feedback to your roleplay mediators, please include a copy of your written agreement or mediation summary from the roleplay in which you were the mediator.</p>	<p>27 MARCH</p> <ul style="list-style-type: none"> ■ NO CLASS <p>(Speaker substitute day off)</p>
<p>1 APRIL</p> <ul style="list-style-type: none"> ■ Team negotiation <p>Negotiating as a team, negotiating multiple issues Team Prep for Roleplay #10</p> <p>Read: Reardon -- Persuasive Opening</p>	<p>3 APRIL</p> <ul style="list-style-type: none"> ■ Negotiating as a team, negotiating multiple issues <p>Roleplay #10 continued</p> <p>The structure of multi-issue negotiations Read: Thompson -- Multiparty, Coalitions, Teams.</p>
<p>8 APRIL</p> <ul style="list-style-type: none"> ■ Complex business negotiations <p>3D negotiations, M&A negotiations Due: It's about time for your 4th Kaizen Report</p>	<p>10 APRIL</p> <ul style="list-style-type: none"> ■ Complex negotiations, continued
<p>15 APRIL</p> <ul style="list-style-type: none"> ■ Negotiating With Multiple Parties <p>Roleplay #11</p> <p>Due: Bring 1 copy of your Final Project draft to class. Note: This is the last day available for kaizen groups to have a session with me.</p>	<p>17 APRIL</p> <ul style="list-style-type: none"> ■ Negotiating With Multiple Parties <p>Roleplay #11 continued</p> <p>Debrief. No peer feedback for this roleplay! Negotiating with multiple parties. Due: Final Project comments to swap partner – copy for them, copy for me.</p>

<p>22 APRIL</p> <p>■ What have we learned?</p> <p>Checking in on topics and readings you want to discuss.</p> <p>Peer evaluations, course evaluations, group photo</p> <p>Due: self evaluation</p> <p>Reread: (Optional) <i>Bargaining for Advantage</i>, Chapter 12, and Sebenius, 6 Habits – a cogent summary of many points covered in our course.</p>	<p>24 APRIL</p> <p>■ Last Class: Negotiation & Conflict Resolution – the larger picture</p> <p>Negotiation as core business & life competency</p> <p>Due: Final projects, hardcopy. Please post a virtual copy to Web Café also.</p>
<p>29 APRIL</p> <p>NO CLASS</p> <p>(Speaker substitute day off)</p>	<p>1 MAY</p> <p>Due: Final Kaizen Team report</p>
<p>6 MAY</p> <p>READING PERIOD</p>	<p>8 MAY</p> <p>#408 exam due at 11 am.</p>
<p>12 MAY (MONDAY)</p> <p>#409 exam due at noon.</p>	

Kaizen Teams



Learning to negotiate or to resolve disputes wisely is a life-long project. The challenge in a course like this is to apply what you experience and read in class to improve your actual real life ability to negotiate for yourself and others.

This learning is a bit-by-bit process, hence the name, “Kaizen” which is Japanese for incremental revision, disciplined improvement to achieve something of greater value. Your Kaizen Team will give you a chance to consolidate your class learning, and to think about how to apply it to the “real world” of your work, school, political, and personal life.

Who? We'll form teams in class. Please keep an eye on diversity as well as familiarity: Significantly different backgrounds? Different majors and career goals? Women and men? Look around the class to see who has been excluded, and invite them in. Scheduling can be a hassle, so try to find students who have the same open times in their week that you do.

How often? Teams will hold at least 5 substantive meetings *spread out* during the semester, including one time with me if we can work out schedules.

1st meeting agenda: Share the negotiation stories and course goals each person wrote for your first assignment. (Please don't re-summarize the contents of these stories in your report). Identify the emotions and strategies in each of your stories, and think about what skill or tactic you'd each like to improve next time you negotiate.

The other 4 meetings:

Write an agenda for the meeting--a list of topics to cover or a set of questions to consider. What would you like to learn during your time together?

Decide who will be timekeeper, who will write up the session (different people each time). Possible topics include:

- Review **key points in the presentations and readings**—what caught your attention? What questions do you have? What did you learn that you can actually apply?
- Discuss **your own negotiation or conflict experiences** and how they connect to what you are learning.
- Be **strategy coaches** for each other: Try to help members think through difficult negotiation and conflict situations they're facing. Try roleplaying out a practice run.
- Review your **roleplay experiences**: What strategies did you consciously or unconsciously follow, and did they work? What were your emotional responses? What was surprising? What do you want to work on for next time?
- Make and review a **video of yourselves negotiating**. If you supply the camera, I can arrange one of the class negotiation exercises so that kaizen team members negotiate with each other.

Reports:

- Submit a short summary (single-space, 10 or 11 point font size, 1-2 pages — 700 words or less) of your meeting. (We'll probably have team folders on Web Café for this – post it there, AND give me a printout.
- The 1st and 5th summaries have a specific due date. Reports 2, 3, and 4 should be handed in at reasonable intervals (not all clumped together!). Reminders are printed in your syllabus.
- Have a different team member write and distribute the report each time.
- Your report should include: a. Names of all present. b. Date you met. c. Your agenda. d. A summary of the group's reactions, questions, insights, concerns. e. who wrote the report.

- If you meet with me, you will not need to hand in a report for that session.

Roleplays & Exercises

Admittedly, exercises and roleplays are not “real life” (and often you’ll be grateful they were just for practice!); nevertheless when approached as opportunities to learn, roleplays are surprisingly informative. Unlike real life, they give you a chance to:

- ✓ observe yourself in action
- ✓ experiment with unfamiliar approaches without risking dire consequences
- ✓ get immediate feedback
- ✓ find out what the other side’s situation and reactions really were
- ✓ see how your skills compare with your peers.

Roleplay Rules:

1. **Shhhhhh.** Do not share your role information beforehand, even with people in other roleplay groups or other negotiation classes, unless I say it is okay.
2. Shhhh again! **AFTER** the roleplay, **do not exchange role sheets** or talk about how the negotiation went until after we’ve discussed the exercise in the class. This takes some discipline, but we will all learn more if you respect this.
3. Stick to the facts on your roleplay sheet. You are welcome to “embroider” information given to make your character or the roleplay storyline more realistic, but do not make up facts or events that change the substance of the negotiation. (In other words, your roleplay persona can choose to lie about the information given, but not to change that information). And please, no accusations of sexual harassment, drunkenness, or other alleged defects of character unless they are written into your roleplay information.
4. Do as well as you can for yourself within the given constraints of your role. That doesn’t necessarily mean defeating everyone else!—skilled negotiators can often find acceptable outcomes for everyone. You may try out any strategy except physical intimidation, fraud (See Shell’s explanation), or any threat or offer directed at the real person as opposed to the person-playing-a-role. Just remember that choosing to alienate your classmates will probably have consequences beyond the immediate roleplay.
5. Afterward, strive to be both honest and kind in your evaluations of others and yourself, a difficult combination which learned well will stand you in good stead as negotiator and in your working life.

First Week Assignment

Due by email to me by Monday, JANUARY 21st, 10am. There's a copy on WebCafe if you want to type in the document directly.

Email parts 1, 2, 3 to your Kaizen Team before your first meeting.

Keep your goals statement, because you'll return to it when evaluating the course and your own progress at the end of the semester!!

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1. What kind of work do you plan to do after graduation? Are there particular types of negotiation you want to prepare for (e.g. mergers, international relations, contracts with suppliers, union / management, customer service, corporate law, sales, mediation)?
2. Your goals and objectives for the course:
 - Why are you interested in improving your negotiation and conflict resolution ability?
 - List the *specific* things you hope to be able to do better or to learn by the end of the semester. The more specific and measurable your objectives, the more likely you are to focus your learning effectively.
3. Briefly describe a difficult negotiation or conflict you've been involved with in this past year. Write about a work-related situation, if possible. One single-space page max!

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4. Personal information: Also, please email me the following information. You do not need to send this section to your kaizen teammates:
 - a. The name you would like to be called, if it is different from your roster name.
 - b. Your phone number and preferred email address.
 - c. Any difficulties or special situations that I should know about. (for example: hearing loss, scheduling problems which might make you late for class, English not your first language).

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