

Negotiation & Dispute Resolution

SPRING 2009 // LGST #206, MGMT291, OPIM29 Section 408
University of Pennsylvania, Wharton School
Professor: Dr. Jennifer Beer

This syllabus will be updated throughout the semester and the latest version posted on Web Café. Web Café also has handouts, assignment sheets, web page links, and other course materials. Note: *To access Web Café you must open a Wharton email account.* <<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 resources and generous cooperation from others. This course is designed to improve your effectiveness in negotiating and in mediating. We will look at many types of business negotiations -- external ones such as purchasing 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:
 - ✓ Ways to structure a negotiation or mediation
 - ✓ Factors that facilitate and those that hinder effective negotiation
 - ✓ Emotional and mental aspects of negotiation
 - ✓ 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 priorities, understanding strategic options
 - ✓ Working with an agent, a negotiation team, or a coalition.
- 3. Personal Awareness:** Understand your preferred approaches to negotiation and expand your repertoire. Be more aware of your emotional responses.
- 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. *Negotiation Genius: How to Overcome Obstacles and Achieve Brilliant Results at the Bargaining Table and Beyond*. 2007. Deepak Malhotra and Max Bazerman.
2. *Getting to Yes: Negotiating Agreement Without Giving In*. 1982. Second edition 1991. Roger Fisher, William Ury, and Bruce Patton. This book is the classic work on interest-based negotiation.
3. 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.

We will refer to readings in class but will not concentrate on analyzing them. Some Course Pack readings are required; some are included as extra information and reinforcement. You can use the readings to deepen your analysis of your negotiation roleplaying and life experiences, as well as to enrich your thinking in your written course assignments.

Guest Lectures

Wednesday 4:30pm, February 19 and March 4. All sections of Wharton's Negotiation course are fortunate to have two guest lecturers during the semester. These lectures replace two class sessions and attendance therefore each **counts as a class day**. Video will be available for those who cannot attend. Check for the link on Web Café. Or you may substitute another on-campus guest lecture which is relevant to negotiation or dispute resolution. If you watch the videos or attend an unofficial talk, please email me one paragraph with your reaction to the presentation.

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!**

Attendance:

- **You may miss up to 3 classes without a grade reduction.** This includes "good excuse" absences. On roleplay days, *please let me know ahead of time that you won't be in class*.
- **If you miss a roleplay, you are responsible for arranging a make-up** (this includes finding people to play the other roles), however the class absence will still be counted.
- Persistent lateness will be counted as one or more class absences.

Preparing for class:

Please come to class with one or two cogent questions or comments on the day's readings / cases. Occasionally I'll ask you to write them down to hand in. You may also be asked to help facilitate class roleplays or discussions.

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.

Assignments & Grades

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

1. Your dedication to learning from negotiation and mediation practice.
2. Your intellectual grasp of concepts.
3. Preparing for class and working with other students in a way that increases their learning as well as yours.

Category & Percent of grade	Assignment	Points
A. Roleplay participation and analysis 24%	Learning Summary #1	20
	Learning Summary #2	20
	Roleplay video excerpt	20
B. Real world negotiation 6%	"Buy Something" negotiation and write-up	16
C. Kaizen Teams 20%	Kaizen Meetings (10 points each)	50
D. Quizzes 16%	2 quizzes (20 points each)	40
E. Skill evaluation 12%	Learning Summary #3 (self evaluation)	12
	Peer Evaluation	18
F. Final 22%	Final case analysis or project // Take-home exam	54
	Total Points:	250

At the end of the semester, total points scores will be curved for a median of B+.

A. Roleplays: Participation, debrief, analysis

As the core of the class, this component is the majority of your grade.

Roleplaying gives you a low risk chance to experiment with different approaches. This is one reason roleplay *outcomes* are not graded in this course. Roleplays also give you a rare opportunity to find out how the other side perceived your negotiation style and strategy, and what their real interests and goals were.

Results & debrief sheets

For each roleplay, your group will turn in a results sheet, and each person will fill in a debriefing sheet and share your observations with others in your roleplay. Please be honest *and* kind. Your peers' judgment about the helpfulness of your feedback during the semester will be a (small) part of your final grade. However the content of any feedback you give other students will not affect their grades in any way.

Learning summaries

You will submit 2 "learning summaries" during the semester. A 3rd summary will focus on self-evaluation at the end of the course.

Use these two-page single space write-ups to summarize your most valued learning from the roleplays. Your grade will be based on your honesty, insight, and intellectual capacity to use concepts from readings and class presentations to analyze your negotiations. Please attach your debrief notes to the back of your 2 page summary. They do need to be legible, even if they are not typed or beautiful.

Video clip

4 people will turn in a video clip each week, drawing names to determine due dates. We'll post some on Web Café, and perhaps use them in class – with your permission.

Record one of your roleplays. (Note: test to make sure the video will be both audible and visible before you start the roleplay!) From the raw footage, choose a clip of **3 minutes** showing YOU negotiating or mediating. The clip should raise a significant question or illustrate a negotiation point that would be useful to your classmates' learning as well as your own. Set the stage before the clip (situation, your role, what point during the negotiation...?) and end with your question and / or observations. You can also interview the opposing negotiator, if that's useful. The conclusion should show that you have thought through or experimented with potential approaches or interpretations. You are welcome to use your kaizen group or classmates to help review your raw video.

B. Other Assignments

1. The first week assignment (please do NOW and email it to me) which introduces you to me and to your kaizen team, and sets goals that you'll review again at the end of the semester. See the back page of this syllabus.
2. "Buy Something" negotiation adventure write-up (handout in class next week).
3. Questions/comments about readings and cases will be requested occasionally during the course.

C. Kaizen Team

Your Kaizen Team is a group of four students that meets regularly. The goal is to help you apply class learning to your real life negotiations and conflicts, as well as absorb key issues from class and readings.

- Teams will hold at least five substantive meetings spread out during the semester, including one time with me if we can work out schedules.
- Members will take turns writing up a one page meeting summary.
- Your group's grade will reflect how well you used this opportunity to improve your real-life skills and your understanding of concepts and issues.
- Absence from a kaizen meeting will reduce your personal kaizen grade.

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

D. Negotiation and conflict resolution skill

This grade will be based on two end-of-the-semester evaluations, one by your peers, the other your "Learning Summary #3" self-evaluation.

- The self-evaluation will reflect on feedback you received over the semester, however comments other students make about your negotiation skills in assignments and debriefs will NOT affect your grade.
- The peer evaluation will happen in class at the end of the semester.

F. Case Analysis Project, or Take-Home Final Exam

You can choose either a final case analysis project, or a take-home essay exam. The purpose is to draw together the ideas in the readings and classwork to analyze significant issues or important negotiations.

The Case Analysis option

Analyze a *current* public issue 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 create a roleplay. You will have a chance to read one other student's project and swap comments before the final draft is due.

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

The Take-Home Essay Exam Option

- The exam will combine short answer and longer essays. You'll get the questions on the last day of class, 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 with no time limit.
- Due in my email inbox before 2pm on Wednesday, MAY 6th.

More about assignments

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.

1. Collaborative learning

Please feel free 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, do your *own* thinking and writing, and be sure to note any non-class sources for your ideas – people, websites, books.

2. How to format & hand in assignments

Upload assignments to your folder on Web Café. **Assignments will be considered “received” by the date & time they are posted to Web Café or emailed!** I'd also appreciate a hard copy, but this is not necessary. **Warning: Handing me a hard copy does not count as “received.”**

If for some reason you need to email assignments, send them as attachments to my Wharton email address.

- ✓ I can read .docx files.
- ✓ Make a header or footer on every page with your name, the assignment title, and page number.
- ✓ *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 omitting extra title pages, large cute graphics, etc. BTW I enjoy any *readable* font that isn't Times Roman.

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: Please put syllabus due dates on your calendar and meet them! You may hand in 2 assignments late 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 Web Café will contain the latest updates and is the final word.

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

TUESDAY	THURSDAY
<p>13 JANUARY</p>	<p>15 JANUARY</p> <p>■ Semester roadmap</p> <p>Overview of negotiation subject, of syllabus.</p> <p>Read: Webber’s article about Leigh Steinberg: <http://www.fastcompany.com/magazine/19/showmoney.html></p>
<p>20 JANUARY</p> <p>Inauguration Morning! Class will adjourn shortly after 11am.</p> <p>■ Splitting the pie</p> <p>Class: Introduction to distributive bargaining. Details of the “Buy Something” assignment.</p> <p>Read: <i>Getting to Yes, Intro, Chapters 1&2, and “in Conclusion”</i></p> <p>Due: 1st Assignment -- see handout at end of the syllabus. Post to Web Café or if you don’t have an account yet, 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>Basic structure distributive negotiations.</p> <p>Read: <i>Getting to Yes, Chapters 3,4,5.</i></p> <p>Jay Folberg on pawnshop negotiations: http://www.mediate.com/articles/negotiation_lessons_from_the_pawnshop.cfm</p>
<p>27 JANUARY</p> <p>■ Who has the upper hand? Leverage</p> <p>Negotiation exercise #2 and debrief.</p> <p>How your position influences your perceptions and strategies.</p> <p>Read: <i>Getting to Yes, Chapters 6, and “question 10” in the final chapter.</i></p>	<p>29 JANUARY</p> <p>■ Your approach to bargaining</p> <p>Review your buying results!</p> <p>Identifying your usual approach to negotiation.</p> <p>Read: <i>Negotiation Genius, Intro & Chapter 1.</i></p>

<p>3 FEBRUARY</p> <ul style="list-style-type: none"> ■ Multiple Buyers <p>Roleplay #3</p> <p>Due: "Buy something" write-up.</p>	<p>5 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>Negotiation Genius</i>, Chapter 2.</p> <p>Due: 1st Kaizen Report</p>
<p>10 FEBRUARY</p> <ul style="list-style-type: none"> ■ What do they want? <p>Roleplay exercise #4 and debrief.</p> <p>Read: <i>Negotiation Genius</i>, Chapter 3.</p>	<p>12 FEBRUARY</p> <ul style="list-style-type: none"> ■ Quiz #1 ■ Understanding their world <p>Listening, asking effective questions, acknowledging</p> <p>Read: Mu – the Chinese Paper Mill case Camp – chapter from <i>Starting with No</i>.</p>
<p>17 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: <i>Negotiation Genius</i>, Chapter 7.</p> <p>Mindell on powerful language. It's not just for women!</p> <p>Alert: Start reading <i>Prayer for the City</i> – it takes a while.</p> <p>Due: Email Roleplay results. Bring a printout of your transcript to class for the debrief exercise.</p>	<p>Wednesday 18 FEBRUARY</p> <ul style="list-style-type: none"> ■ Required Guest Lecture 4:30 to 5:50pm: <p>Eric Cramer (Berger & Montague, P.C.) <http://www.bergermontague.com/bios/attorney_bio.cfm?id=10></p> <p>19 FEBRUARY</p> <p>NO CLASS</p> <p>(Speaker substitute day off)</p> <p>Due by 5pm: Learning Summary #1 Due by 5pm: 2nd Kaizen Report</p>
<p>24 FEBRUARY</p> <ul style="list-style-type: none"> ■ Public sector negotiations <p>Roleplay #6</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 <http://www.whyy.org/rameta/RT/2007/RT20071001_20.ram></p> <p>Look up: (Optional) Articles in Philly papers about the city's upcoming union negotiations</p>	<p>25 FEBRUARY</p> <p>Due Wednesday, noon. Post to Web Café 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> <ul style="list-style-type: none"> ■ Public Sector / Labor negotiations <p>Roleplay #6 debrief, <i>Prayer for the City</i> discussion.</p> <p>Read: Ury et al., 3 approaches</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>2 MARCH</p> <p>■ Mindtraps & Ploys</p> <p>Read: <i>Negotiation Genius</i>, Chapters 4, 5, 6 (Optional) Hammond et al, Hidden Traps Handout roleplay #7 to be done outside class.</p>	<p>Wednesday 4 MARCH</p> <p>■ Required Guest Lecture 4:30 to 5:50pm: Anré Williams, President, Global Commercial Card at American Express 4:30 and 5:50pm</p> <p>5 MARCH</p> <p>■ Agents</p> <p>Roleplay #7 results due!</p> <p>Debrief roleplay, discuss agents. Mid-course evaluation. if time: Emotion & Conflicts in Negotiation. Read: Susskind, When you shouldn't go it alone.</p>
<p>10 MARCH</p> <p>MID SEMESTER BREAK</p>	<p>12 MARCH</p> <p>MID SEMESTER BREAK</p>
<p>17 MARCH</p> <p>■ Mediation – a basic process for facilitating difficult negotiations</p> <p>Mediation Roleplay #8</p> <p>Read: Skim: Cleary chapter on mediating labor negotiations <i>The Mediator Handbook</i> excerpts (posted on Web Cafe).</p>	<p>19 MARCH</p> <p>■ Mediation practice</p> <p>Mediation Roleplay #9</p> <p>Due: 3rd Kaizen Report Read: Finish Cleary chapter. Daly on anger.</p>
<p>24 MARCH</p> <p>■ Quiz #2</p> <p>■ Mediation & Business ADR (Alternative Dispute Resolution)</p> <p>Mediations debrief. Uses of dispute resolution in business settings Read: <i>Negotiation Genius</i>, Chapter 12. Skim: Mary Parker Follett "interview".</p>	<p>26 MARCH</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? Read: <i>Negotiation Genius</i> Chapters 9, 10 (Optional) Coren on sleep deprivation.</p>

<p>30 MARCH</p> <p>■ Team negotiation</p> <p>Negotiating as a team, negotiating multiple issues</p> <p>Team Prep for Roleplay #10</p> <p>Read: Reardon -- Persuasive Opening</p> <p>Due: Learning Summary #2</p>	<p>2 APRIL</p> <p>■ Team negotiation</p> <p>Roleplay #10, continued</p> <p>Debrief.</p> <p>The structure of multi-issue negotiations</p> <p>Read: Thompson -- Multiparty, Coalitions, Teams (look especially at “teams” section.)</p>
<p>7 APRIL</p> <p>■ Complex business negotiations</p> <p>Read: <i>Negotiation Genius</i>, Chapter 8, 11</p> <p>Due: 4th Kaizen Report</p>	<p>9 APRIL</p> <p>■ Quiz #2</p> <p>■ Complex negotiations, continued</p> <p>Read: Lax & Sebenius: 3D negotiations, <i>Negotiation Genius</i>, Chapter 13.</p>
<p>14 APRIL</p> <p>■ Negotiating With Multiple Parties</p> <p>Roleplay #11</p> <p>Read: Thompson -- Multiparty, Coalitions, Teams (look especially at “coalition and multiparty” discussion).</p>	<p>16 APRIL</p> <p>■ Negotiating With Multiple Parties</p> <p>Roleplay #11, continued</p> <p>Debrief.</p> <p>Discussion: negotiating with multiple parties.</p> <p>Due: Bring 1 hard copy of your Final Project draft to class.</p>
<p>21 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>Reread: (Optional) Sebenius, 6 Habits – a cogent summary of many points covered in our course.</p> <p>Due: Learning Summary #3 (self evaluation – see posted assignment on Web Café).</p>	<p>23 APRIL</p> <p>NO CLASS</p> <p>(Speaker substitute day off)</p>

<p>28 APRIL</p> <p>■ Last Class: Negotiation & Conflict Resolution – the larger picture</p> <p>Negotiation as core business & life competency</p> <p>Distribute final exam questions.</p> <p>Festivities!</p> <p>Due: Final projects, hardcopy. Please post a virtual copy to Web Café also.</p>	<p>30 APRIL</p> <p>Due: Final Kaizen Team report</p>
<p>5 MAY</p> <p>READING PERIOD</p>	<p>Wednesday 6 MAY</p> <p>Take-home exam due in Web Café folder BEFORE 2pm.</p>

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 the “fact” of that given 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...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.

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 on the 3rd day.

How often? Teams will hold at least 5 substantive meetings 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. (No need to re-summarize these stories in your report—I already have them.) 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.
- Help analyze the **videos of yourselves negotiating**.

Reports:

- Post a 1 page single-space summary of your meeting in your Web Café kaizen folder. A hard copy to me is appreciated but doesn't count as “received”.
- Include:
 - a. Names of all present.
 - b. Date you met.
 - c. Your agenda.
 - d. A *brief* summary of the group's reactions, questions, insights, concerns, anything you want me to know or answer.
 - e. who wrote the report.
- Have a different team member write and distribute the report each time.
- If you meet with me, you will not need to hand in a report for that session.

First Week Assignment

Due by email to me before class on Tuesday, JANUARY 22nd. There's a template on Web Café if you want to type answers into the document directly.

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

Keep a copy of 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 paragraph is sufficient.

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4. Personal information: You do not need to send this section to your kaizen teammates.
 - a. The name you would like to be called, if it differs 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).
-