# **Negotiation & Dispute Resolution**

#### SPRING 2012 // LGST #206, MGMT #291, OPIM #291 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 Canvas. Canvas also has handouts, assignment sheets, web page links, and other course materials.



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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.
- Getting to Yes: Negotiating Agreement Without Giving In, 2011. Roger Fisher, William Ury, and Bruce Patton. This book is the classic work on interest-based negotiation.
   Note: this is a NEW edition (2011), and a noticeable improvement over previous versions. Please buy this one!
- 3. Short readings and videos. All readings and videos will be links or posts on Canvas.
  Some readings are required; some are included as extra information and reinforcement. They can help you prepare for and analyze your negotiation roleplays and life experiences, as well as enrich your thinking in your written course assignments.

#### **Guest Lectures**

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*. They are usually held Monday or Wednesdays at 4:30pm. Video will be available for those who cannot attend. You may substitute another on-campus guest lecture which is relevant to negotiation or dispute resolution. If you cannot attend a guest lecture, post in your assignment folder one paragraph with your reaction to the video of that lecture, or of the alternate presentation you attended.

## **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. I don't need to know
  why, I just need to be able to arrange the roleplay groups.
- 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.

#### Note: Class participation is not graded directly

Everyone participates in this class! If you or I have a concern about the nature of your class participation, we'll discuss that privately.

Your contribution to everyone else's learning (based on peer feedback at the end of the course), and your engagement in roleplays and discussions will be factored into the final grade if your semester average is on a dividing line.

## **Assignments & Grades**

#### \*Ungraded\* work: Roleplays and debriefs

Roleplays, games, and exercises are the core of this class. I want you to have a chance to take risks, to experiment with different approaches. This is one reason roleplay \*outcomes\* are not graded in this course. See page on roleplaying later in this syllabus.

Immediately after each roleplay, your group will turn in a results sheet (ungraded) and each of you will then pick up a debriefing sheet to guide your self-reflection, and give you a set of notes to look back on when writing your learning summaries. Usually you will also have time to share 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 part of your final grade. However the content of any feedback you give other students will not affect their grades in any way.

#### **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	Max Points
A. Learning summaries 25%	Learning Summary #1	25
	Learning Summary #2	25
B. Other assignments 8%	"Buy Something" write-up	25
	Video Clip & write up	30
C. Kaizen Teams 20%	5 Kaizen Meetings (8 points each)	40
D. Skill evaluation 15%	Learning Summary #3 (self evaluation)	25
	Peer Evaluation	15
E. Tests 32%	2 quizzes (25 points each)	55
	Final / project	45
	Highest possible point total:	285

At the end of the semester, course grades will be curved for a median of B/B+ border.

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#### A. Learning summaries: Roleplays + class and readings

You will submit two learning summary essays during the semester.

Use these two-page single space write-ups to *summarize your most valued learning* from the roleplays, class, and the readings. 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.

#### **B.** Other assignments

#### 1. Intro & "Goal setting

The first week assignment (please do NOW) introduces you to me and to your kaizen team, and sets goals that you'll review again at the end of the semester. Further instructions are online and on the back page of this syllabus. It is required but not graded.

2. Buy Something: a negotiation adventure write-up (explained in class next week).

#### 3. Video Clip + Analysis

Record yourself while negotiating or mediating a roleplay. (Note: test to make sure the video will be both audible and visible before you start!) From the raw footage, excerpt one or two clips totaling no more than **4 minutes**.

Upload it, along with a one or two single-spaced page commentary on what you learned from watching yourself that you hadn't noticed before. You are encouraged to use your kaizen group or classmates to help you analyze your video clip. In your commentary, note at least one instance where you did something effective, and one where you might try something different the next time. You will be graded on the quality of your insight, and use of readings / class ideas to analyze your negotiation behavior & strategy.

Don't let technical issues bog you down! Wharton staff is available for advice and troubleshooting.

#### 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 on Canvas and in 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.

Keep hold of your introductory first assignment and your debrief notes! The self-evaluation will review the feedback you received over the semester from your roleplay debriefs, and your progress on the goals you set at the beginning of the course. The peer evaluation will be via online survey at the end of the semester.

#### E. Tests

#### 1. Two Quizzes

Each will take about a half hour of class time, one or two sentence answers, and focus on the main concepts from class and readings.

#### 2. Project, Case Study, or Take-home Final- your choice

The purpose for the final assignment is to draw together the ideas in the readings and classwork to analyze significant issues or important negotiations.

#### **Project option**

Every semester I have a few students are interested in a particular negotiation in the news, or want to do something creative—write a roleplay, create a board game, design a presentation... Talk to me about what interests you \*before the mid-term break\* and we'll make a deal.

#### The take-home exam option

The exam will have 2 short answer and one longer essay question. Questions are handed out on the last day of class. You may prepare with books and notes and conversations 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.

Your exam must be posted in Canvas by 3pm on Monday, MAY ?? TBA.

# **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

You are actively encouraged 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, be sure to note the sources for the ideas you present in your written assignments –people, websites, books. If your classmate gave you a good idea, credit them!

#### 2. How to format & hand in assignments

Upload ALL assignments to your folder on Canvas.

- ✓ Make a header or footer on every page with your name, the assignment title, and page number. You'd be amazed how often people forget to do this.
- ✓ Single space, 10 or 11 point font, wide 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.



Assignments will be considered "received" by the date & time they are posted to Canvas!

Warning: Even if you email me or hand in a hard copy, it does not count as "received" - you must still also post it to Canvas.

Do NOT leave anything under my office door. Instead, use my box in entryway to the Legal Studies Department, 6th floor Huntsman.

Late assignments: Please put due dates on your calendar and meet them! Late assignments that aren't cleared with me at least 24 hours before the due date will affect your course 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
- ✓ 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 Canvas will contain the latest updates and is the final word.

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

TUESDAY	THURSDAY
	12 JANUARY Semester roadmap Overview of negotiation subject, of syllabus.  Read: Webber's article about Leigh Steinberg: <http: 19="" e="" magazin="" showmoney.html="" www.fastcompany.com=""></http:>
17 JANUARY	19 JANUARY
What do you value?	Bargaining, claiming value
<ul> <li>Negotiate and debrief Roleplay #1.</li> </ul>	Basic terms & ideas about bargaining.
Details about the "Buy Something"	■ Form Kaizen teams.
assignment.	Read:
<b>Read:</b> Getting to Yes, Intro, Chapters 1 & 2, plus Questions #4, 5, 6 at the back of the book.	Jay Folberg on pawnshop negotiations: <a href="http://www.mediate.com/articles/negotiation_less-">http://www.mediate.com/articles/negotiation_less-</a> <a href="http://www.mediate.com/articles/negotiation_less-">ons_from_the_pawnshop.cfm</a>
<b>Due:</b> 1st Assignment see page at end of the syllabus. Post to Canvas.	Getting to Yes, Chapters 3 & 4. Questions #1, 2, 3.
	(optional) Negotiation Genius: Intro & Chapter 1
24 JANUARY	26 JANUARY
Bargaining negotiations, continued	Your negotiation approach
Roleplay #2 – a quick one	Reviewing your Buy-Something strategies.
<ul> <li>Negotiation terms</li> </ul>	Case study discussion.
<ul> <li>Identifying your preferred approach to negotiation.</li> </ul>	Read: Case Study What's a Bailed Out Banker worth? (concentrate on the negotiation-related
<b>Read:</b> Getting to Yes, Chapters 5, 6, and Question 10 at the back.	parts) <a href="http://dealbook.blogs.nytimes.com/2010/01/04/wh">http://dealbook.blogs.nytimes.com/2010/01/04/wh</a> <a href="http://dealbook.blogs.nytimes.com/2010/01/04/wh">ats-a-bailed-out-banker-really-worth/?scp=7&amp;sq=treasury&amp;st=cse</a>
	Due: "Buy Something" results: Show & tell!

Due: Learning Summary #1

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#### **31 JANUARY** 2 FEBRUARY Leverage: Who has the upper hand? Expanding the pie: creating value Negotiation exercise #3 and debrief. Cooperation & Competition How position & situation can influence your Interest-based negotiation. perceptions, emotions, and strategies. Due: 1st Kaizen Report by 5pm Read: Negotiation Genius, Intro & Chapter 1. **Due:** "Buy something" write-up. **7** FEBRUARY **9** FEBRUARY **Multiple Buyers** NO CLASS -- guest speaker substitute day. Roleplay #4 Read: Negotiation Genius, Chapter 7. Handout Email Roleplay #5 Read: Negotiation Genius, Chapters 2 & 3. **14** FEBRUARY **16** FEBRUARY Understanding their world Language Quiz #1 Debrief Email Roleplay #5. Listening, acknowledging Modes of negotiating, non-verbal communication, language. Asking effective questions, Due: Email Roleplay results. Bring a printout of your transcript to class for the debrief exercise. You will not have to hand it in but you must have a HARD copy with you. **21** FEBRUARY 23 FEBRUARY Public sector / Labor negotiations **Public Sector / Labor negotiations** Roleplay #6 + debrief Roleplay #6 Union / Public sector negotiations discussion. Due: 2nd Kaizen Report Read: Negotiation Genius, Chapters 11, 12 Read one news article about unions, list how they Optional: Critique of Getting To Yes from a labor are different from negotiations we've looked at so mediator's viewpoint. (A quick summary): far.

http://www.colorado.edu/conflict/peace/problem/

mcca7535.htm.

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28 February	1 MARCH
Ethics	Mind traps & Ploys
Mid-course evaluation.	Skits and fishbowl roleplays
How to think about ethics	Don't leave for break early! This day is fun.
Read: Negotiation Genius Chapters 9, 10.  Due: If you plan to a final project (instead of an exam), please email me or talk to me in class about what you're thinking of doing.	Read: Negotiation Genius, Chapters 4, 5, 6. (Optional) Hammond et al, Hidden Traps
6 MARCH	8 MARCH
MID SEMESTER BREAK	MID SEMESTER BREAK
13 MARCH	15 MARCH
Mediation	Mediation practice
Review of the basic process	<ul> <li>Mediation Roleplay #7</li> </ul>
■ Video	<ul> <li>Handout Agent Roleplay #9 (to be completed outside of class.)</li> </ul>
Read: The Mediator Handbook excerpts.	Read: Negotiation Genius, Chapters 8, 13, 14.
20 MARCH	22 MARCH
Mediation practice	Emotion, Conflicts, ADR
<ul> <li>Mediation Roleplay #8</li> </ul>	Quiz #2
Mediations debrief.	Handling conflict and emotions in a negotiation
Read: Negotiation Genius, Chapter 12.	<ul> <li>Uses of "Alternative Dispute Resolution" in business settings."</li> </ul>
	<b>Due</b> : Roleplay #9 results—at the START of class!
27 MARCH	29 MARCH
Agents	Job negotiations, preparing for negotiations
Debrief roleplay #9	Mini-roleplays
Discuss role of agents.	Read: Finish Negotiation Genius (include in Learning Summary)
Due: 3rd Kaizen Report	Due: Learning Summary #2

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3 APRIL	5 APRIL
Team negotiation	Team negotiation
<ul> <li>Negotiating as a team, negotiating multiple issues</li> <li>Team Prep for Roleplay #10</li> </ul>	<ul> <li>Roleplay #10, continued &amp; debrief.</li> <li>The structure of multi-issue negotiations</li> </ul>
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10 APRIL	12 APRIL
Multi-party negotiations	Multi-party negotiations
<ul> <li>Discussion of negotiation cases – how are they set up, how is the problem framed, politics, strategy.</li> </ul>	Roleplay #11  Read: Lax & Sebenius: 3D negotiations
Due: 4th Kaizen report	
17 APRIL	19 APRIL
Multiparty negotiations	NO CLASS
Finish Roleplay #11 & debrief	(guest speaker substitute day)
Skim Ertel on corporate capability.	<b>Due by Sunday midnight:</b> Complete the online peer evaluation survey.
<b>Due:</b> Learning Summary #3 (Self Eval)	
24 APRIL	30 APRIL (Monday)
Last Class: Negotiation & Conflict Resolution – the larger picture	Due by 1pm: Final Kaizen Team report
<ul> <li>Checking in on topics and readings you want to discuss.</li> </ul>	
<ul> <li>Negotiation as core business &amp; life competency</li> </ul>	
Distribute final exam questions.	
Festivities!	
<b>Due at start of class</b> : Final project, hardcopy. Please post a virtual copy to Canvas also.	
	TBA MAY
	Take-home exam due in Canvas folder BEFORE 2pm.

## **Roleplays & Games**

Admittedly, games 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. **Shhh**hhh. 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. **Debriefs**: This is the most valuable moment of your time together!! Don't ask for or give EVALUATIVE remarks (that was good, bad, stupid, you were nice, friendly, aggressive etc.) Give INFORMATIONAL feedback: "when you did X, I reacted Y" and let them figure out how to evaluate themselves.
  - Specifically ASK for feedback. If you don't ask directly, people will just pat you on the back and vaguely tell you that you did okay, even if they hated negotiating with you. You are responsible for getting useful feedback you need to understand yourself better and improve your skills. Examples:
- "When I said X, how did you interpret that?"
- "If I could do one thing differently in the next negotiation to improve X, what would you suggest?"
- "What made you trust me or not?"

Strive to be both **forthright and kind** in your review 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 kaizen 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). The temptation is to mostly discuss the recent roleplays. Please make sure you cover OTHER topics sufficiently. Possible topics include:

- Discuss your own negotiation or conflict experiences outside of class, 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 videos of yourselves negotiating.
- Review readings—what caught your attention? What questions do you have? What did you learn that you can actually apply?
- Play a negotiation game: Bohnanza, Settlers of Catan, Diplomacy, Risk, etc.

#### Reports:

- Post a 1 page MAX single-space summary of your meeting in your Canvas kaizen folder. A hard copy to me is appreciated but doesn't count as "received".
- Include:
- a. Names of all present, date you met, who wrote the report
- b. Your agenda.
- c. A \*brief\* summary of the group's reactions, questions, insights, concerns, anything you want me to know or answer.
- 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.

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# **First Week Assignment**

Post in your Canvas folder, preferably before class on Tuesday, JANUARY 18th.

- 1. What kind of work do you plan to do after graduation?

  Are there particular types of negotiation you want to learn about?
- 2. Your goals and objectives for the course:
  - 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.
  - Note that you'll return to these goals when evaluating the course and your own progress at the end of the semester.
- 3. In one or two paragraphs, describe a negotiation or conflict you've been involved with in this past year. Write about a work-related situation, if possible. Note at least one thing you did well in the situation.
- 4 Personal information
  - 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).