

# Negotiation & Dispute Resolution

SPRING 2013 // 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.

Office Hours: Tuesdays, 1:30 – 2:30 or by appointment

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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 and 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:
  - ✓ How to analyze situations and what kind of negotiation or mediation approach might work best.
  - ✓ Factors that facilitate and those that hinder effective negotiation
  - ✓ Importance of information, interests, priorities, perspectives, leverage
  - ✓ Emotional and mental aspects of negotiation
  - ✓ Ethical and cross-cultural issues
- 2. Action–preparation, communication, atrategy, teamwork:** Understand the basics of:
  - ✓ How to gather useful and accurate information before and during negotiation, deciding what to reveal.
  - ✓ Strategic choices: setting goals, structuring the process, framing / storyline, deciding when and what to trade for a workable agreement / deal.
  - ✓ Creating a positive environment for communication, honesty, and staying on good terms.
  - ✓ Handling multi-person and multi-party situations – agents, coalitions, teams.
- 3. Personal Awareness:** Expand your repertoire of negotiation approaches. Be aware of your thinking patterns and emotional responses. Be more aware of your interactions, and of how other people are thinking and feeling.
- 4. Experience:** Accumulate hands-on experience in negotiation through classroom exercises, assignments, peer feedback, and paying attention to negotiation in your “real” life.

**Think of this class as a “lab class.”** The emphasis is on planned experiential learning, with guidance from me before and conclusions after, and opportunities for you to observe, reflect, and incorporate what you learn.

I welcome your feedback regarding the class throughout the term. Please feel free to ask questions at any time. It is easiest to reach me by email or during office hours, and I will be happy to set up an appointment with you.

## 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*, 2011. Roger Fisher, William Ury, and Bruce Patton. This book is the classic work on interest-based negotiation.  
Note: Please buy this NEW edition (2011), which is noticeably improved from earlier ones.
3. Short readings and videos-- links or posts are all on Canvas (No study pack).

Some readings are required; some are included as extra information and reinforcement. I may add a few readings and videos in the second part of the semester. Use them to help you prepare for and analyze your negotiations, as well as to enrich your thinking in your written course assignments.

## Guest Lectures

All sections of Wharton's Negotiation attend two special guest lectures. These lectures replace two class sessions and attendance therefore each **counts as a class day**. The first one is January 31st, 4:30pm. The other is still TBA. If you cannot attend, you can later watch the video on the Wharton network, OR you may substitute another 60+ minute guest lecture which is relevant to negotiation or dispute resolution. **If you cannot attend the guest lecture, upload one paragraph to Canvas summarizing your reaction to the lecture video, or 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!

## 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.

Immediately after each roleplay, turn in your results, then pick up a debrief sheet to guide your self-reflection and give you a set of notes when writing your learning summaries. Usually you will have time to share observations with others in your roleplay. The content of any feedback you give other students will not affect their grades in any way.

At the end of the course, the class will give feedback on your negotiation and mediation skills (see section D below). In this way your overall outcomes and interactions will affect your grade.

See the “Roleplay” page at the end of this syllabus or on Canvas for more details.

## Attendance / Participation

- You may miss up to 3 classes without a grade reduction. This includes “good excuse” absences, so leave yourself some slack.
- Lateness will be counted as a half- class absence, unless you have checked in with me beforehand.
- On roleplay days, *please let me know at least the night before 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.
- **You are responsible for arranging a make-up for missed roleplays.** (finding people to play the other roles, submitting debrief and results sheets). The class absence will still be counted.
- Contributing to class: Your contribution to everyone else's learning will be factored into the final grade if your grade is on a dividing line. Note that this contribution is measured solely by peer feedback at the end of the course, not by my opinion of the quality, quantity, or enthusiasm of your participation. EVERYONE participates in this class!

## Assignments & Grades

- Assignments will be graded on a 1-10 scale, with 10=A+, 9=A, 8=A-, 7=B+, 6=B, 5=B-, 4=C+, 3=C, 2=C-, 1=unacceptable, need to redo the assignment. The course grade median will be a high B.
- Late assignments lose one point per 24 hours.
- Reflecting the course objectives, grading will be based on these factors:
  1. Your ability to connect your experiential learning with concepts from class, readings, videos.
  2. The quality of your thinking ( nuance, making connections, original ideas, self-awareness)
  3. The effort you have put into the assignment.

Category & Percent of grade		Assignment
A. Learning summaries	25%	Learning Summary #1, #2 (12.5% each)
B. Active assignments	25%	“Buy Something” write-up
		Video clips & write up
C. Kaizen Teams	15%	5 Kaizen Meetings (3% each)
D. Skill evaluation	5%	Peer Evaluation plus self-evaluation
E. Tests	30%	2 quizzes (7.5% each)
		Take home exam – short essay format(15%)

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

- You will submit two learning summary essays during the semester.
- Summarize your most valued learning from the roleplays, class, and the readings. Your grade will be based on how well you connect your negotiation experiences to concepts from readings and class presentations; the depth and honesty of your self-evaluation; and the intellectual sophistication of your questions/observations/arguments.
- Maximum word count: 1,100

**B. Active 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, which will be explained in class next week.

**3. Video Clips + Analysis**

Record yourself negotiating / mediating (in class or out) from which you will excerpt 4 minutes of clips. Show it to at least one other person in your roleplay and one kaizen member for their comments. Upload your clips, along with a 500 word commentary. You will be able to decide your due date. Details in class later, and on Canvas.

**C. Kaizen Team**

Your Kaizen Team will consist of 3 or 4 students who meet 5 times during the semester. 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. See the Kaizen page in this syllabus and on Canvas for details.

**D. Negotiation and conflict resolution skill**

This grade incorporates two end-of-the-semester evaluations, one by your peers, the other your self-evaluation.

The peer evaluation will be via online survey at the end of the semester and will cover a range of skills. There will be a self-evaluation instruction sheet. You will need to reference your goals (from the 1st assignment), and your roleplay debriefs and feedback, so keep hold of those.

**E. Tests****1. Two Quizzes**

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

**2. Take-home Exam**

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

The exam will be several short essays. 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 2pm on Tuesday, APRIL 30th.**

## More about assignments

### 1. Upload ALL assignments to Canvas.



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

Or to put it another way, I appreciate getting a hard copy of assignments, however **if you email me or hand in a hard copy, it does not count as “received” until you post it to Canvas.**

If you want to give me something, please use my box in the entryway to the Legal Studies Department, 6th floor Huntsman.

### 2. How to format assignments

- 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.
- I prefer single space, with wide margins (to leave room for comments). Please save paper by omitting extra title pages, large cute graphics, etc. BTW, I enjoy any \*readable\* font that isn’t Times Roman.
- Put the word count at the end of your assignment. (MS Word calculates this.)

### 3. Collaborative studying

You are actively encouraged to talk with each other about your assignments. There are two exceptions:

- Please **do not disclose or discuss roleplay details with 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!

- ✓ 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 have suggestions or other feedback about the course
- ✓ If you are falling behind...

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

# Schedule

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

 Readings and assignments are due at the start of class, unless noted otherwise.

TUESDAY	THURSDAY
	<p><b>10 JANUARY</b></p> <p><b>Semester roadmap</b></p> <p>Overview of negotiation subject, of syllabus.</p> <p><b>Read:</b> Webber’s article about Leigh Steinberg: <a href="http://www.fastcompany.com/magazine/19/showmoney.html">http://www.fastcompany.com/magazine/19/showmoney.html</a></p> <p>Start Getting to Yes.</p>
<p><b>15 JANUARY</b></p> <p><b>What do you value?</b></p> <p>Negotiate Roleplay #1.</p> <p>Details about the “Buy Something” assignment.</p> <p>Form Kaizen teams.</p> <p><b>Read:</b> <i>Getting to Yes</i>, continued</p> <p><b>Due:</b> 1st Assignment – see page at end of the syllabus. Post to Canvas.</p>	<p><b>17 JANUARY</b></p> <p><b>Bargaining, claiming value</b></p> <p>Debrief Roleplay #1</p> <p>Basic terms &amp; concepts about bargaining (=distributive negotiation)</p> <p><b>Read:</b></p> <p>Jay Folberg on pawnshop negotiations: <a href="http://www.mediate.com/articles/negotiation_less_ons_from_the_pawnshop.cfm">http://www.mediate.com/articles/negotiation_less_ons_from_the_pawnshop.cfm</a></p> <p><i>Getting to Yes</i>, continued</p>
<p><b>22 JANUARY</b></p> <p><b>Bargaining, claiming value, continued</b></p> <p>One or two short roleplays #2</p> <p>Distributive negotiation, continued.</p> <p><b>Read:</b> <i>Getting to Yes</i>, continued.</p> <p>Optional but recommended: <a href="http://www.marketplace.org/topics/your-money/psychology-price-anchoring">10 minute interview on Planet Money about "Anchoring"</a></p> <p>&lt;<a href="http://www.marketplace.org/topics/your-money/psychology-price-anchoring">http://www.marketplace.org/topics/your-money/psychology-price-anchoring</a>&gt;January 2012</p>	<p><b>24 JANUARY</b></p> <p><b>Bargaining, claiming value: approaches</b></p> <p>Fitting the approach to the situation.</p> <p>Reviewing your Buy-Something strategies.</p> <p><b>Due:</b> Bring in your “Buy Something” results for Show &amp; Tell!</p> <p>Optional: complete the negotiation approach questionnaire on Canvas.</p>

<p><b>29 JANUARY</b>  <b>Interest-based negotiation, expanding the pie</b></p> <p>Roleplay #3                  Handout Email Roleplay #4 (to be done outside of class)</p> <p><b>Read:</b> Finish Getting to Yes.                  Start Negotiation Genius.</p> <p><b>Due:</b> "Buy something" write-up. By start of class.</p>	<p><b>31 JANUARY</b>  <b>Interest-based negotiation, expanding the pie</b></p> <p>Debrief Roleplay #3                  Interest-based negotiation.</p> <p><b>Due:</b> 1st Kaizen Report due at start of class.</p> <p>✦ <b>GUEST LECTURE 4:30</b>, JMHH G06. Ron and Mark Shapiro (baseball agent, president). Watch video if you can't attend.</p>
<p><b>5 FEBRUARY</b>  <b>NO CLASS</b></p> <p>(guest speaker substitute day)</p> <p><b>Read:</b> <i>Negotiation Genius</i> through chapter 3 (for quiz next week)</p>	<p><b>7 FEBRUARY</b>  <b>Watch your language</b></p> <p>Debrief Email Roleplay #4.                  Negotiation channels                  Asking effective questions                  Questions about the quiz</p> <p><b>Due:</b> Bring to class                  1) Email Roleplay results for your pair, and                  2) A <b>printout of your transcript</b> for the in-class debrief exercise. (No need to post/give me a copy.)</p>
<p><b>12 FEBRUARY</b>  <b>Understanding their world</b></p> <p>↻ <b>Quiz #1</b>                  Getting into their head and heart: Listening, acknowledging                  Mind trap &amp; ploy skip prep</p>	<p><b>14 FEBRUARY</b>  <b>Mind traps &amp; Ploys</b></p> <p>Skits and fishbowl roleplays</p> <p><b>Read:</b> <i>Negotiation Genius</i>, Chapters 4, 5, 6.                  (Optional) Hammond et al, Hidden Traps</p>
<p><b>19 FEBRUARY</b>  <b>Labor negotiation</b></p> <p>Finish Mind traps &amp; ploys                  First part of roleplay #5</p> <p><b>Due:</b> 2nd Kaizen Report</p> <p><b>Read:</b> <i>Negotiation Genius</i>, continued. Chapters 11, 12 are particularly relevant.</p>	<p><b>21 FEBRUARY</b>  <b>Labor negotiation</b></p> <p>Finish roleplay #5 + debrief</p> <p><b>Due:</b> Learning Summary #1</p> <p><b>Read:</b> Optional: Critique of <i>Getting To Yes</i> from a labor mediator's viewpoint:  <a href="http://www.colorado.edu/conflict/peace/problem/mcca7535.htm">http://www.colorado.edu/conflict/peace/problem/mcca7535.htm</a></p>

<p><b>26 FEBRUARY</b>  <b>Public negotiations (Labor, politics), Ethics</b></p> <p>Roleplay #5 debrief continued,          Power, leverage, trading, ethics: union &amp; public sector negotiations.          Mid-course evaluation.</p> <p><b>Read:</b> <i>Negotiation Genius</i>—Chapters 9, 10 are most relevant.</p> <p><b>Read</b> one news article about union negotiations, be ready to talk in class about how it differs from negotiations we’ve looked at so far.</p>	<p><b>28 FEBRUARY</b>  <b>Ethics, continued</b></p> <p>Don’t leave for spring break early – this class is fun!          Negotiation Genius: review of high points          What is “fair”?          What is ethical? your choices—mini scenarios          Reducing the likelihood of deception and other ethical problems.</p> <p><b>Read:</b> Finish <i>Negotiation Genius</i></p>
<p><b>5 MARCH</b></p> <p>ENJOY YOUR MID SEMESTER BREAK</p>	<p><b>7 MARCH</b></p>
<p><b>12 MARCH</b>  <b>Mediation</b></p> <p>Demonstration of the basic process          Video          Handout <b>Mediation roleplay #7</b> (do outside of class)</p> <p><b>Read:</b> <i>The Mediator Handbook</i> 4th edition excerpts.</p>	<p><b>14 MARCH</b>  <b>Mediation practice</b></p> <p>Mediation Roleplay #6 (in class)          Handout <b>Agent Roleplay #9</b> (to be completed outside of class.)</p> <p><b>Due Friday:</b> 3rd Kaizen Report</p>
<p><b>19 MARCH</b>  <b>Mediation, conflict, emotion</b></p> <p>Mediations debrief          Handling conflicts and emotions          Quiz-related questions</p> <p><b>Due:</b> Mediation roleplay #7 results/agreements</p>	<p><b>21 MARCH</b>  <b>Conflict, shadow negotiation, ADR</b></p> <p>↻ <b>Quiz #2</b>          Understanding conflict, shadow negotiation issues          Alternative dispute resolution (ADR) in business.</p>
<p><b>26 MARCH</b>  <b>Agents</b></p> <p>Debrief roleplay #8          Using agents, being an agent.</p> <p><b>Due:</b> Roleplay #9 results—at the start of class</p>	<p><b>28 MARCH</b>  <b>Job negotiations, preparing for negotiation</b></p> <p>Interviewing, negotiating, hiring          Data + value!          Preparation</p>

<p><b>2 APRIL</b>  <b>Team negotiation</b>                  Negotiating as a team, negotiating multiple issues                  Team Prep for Roleplay #9  <b>Due:</b> Learning Summary #2</p>	<p><b>4 APRIL</b>  <b>Team negotiation</b>                  Roleplay #9, continued.  <b>Due Friday:</b> 4th Kaizen report</p>
<p><b>9 APRIL</b>  <b>Multi-party negotiations</b>                  Roleplay #9 debrief                  Multi-party negotiation  <b>Read:</b> Lax &amp; Sebenius: 3D negotiations</p>	<p><b>11 APRIL</b>  <b>Multi-party negotiations</b>                  Checking in on topics and readings you want to discuss.                  Roleplay #10 – prep</p>
<p><b>16 APRIL</b>  <b>Multiparty negotiations</b>                  Finish Roleplay #10 &amp; debrief  <b>Skim:</b> Ertel on corporate capability.</p>	<p><b>18 APRIL</b>                  NO CLASS                  (guest speaker substitute day)  <b>Due by Sunday, April 21st 9pm:</b> Complete the online peer evaluation survey. *please* don't be late...</p>
<p><b>23 APRIL</b>  <b>Last Class: – the larger picture</b>                  Negotiation as core business &amp; life competency                  Distribute final exam questions.                  Festivities!  <b>Due:</b> Learning Summary #3 (Self Eval)</p>	
<p><b>30 APRIL</b>  <b>Exam due</b>                  Take-home exam due in Canvas folder BEFORE 2pm.</p>	<p><b>2 MAY</b>  <b>Last kaizen due</b>  <b>Due by 5pm:</b> Final Kaizen Team report (you can meet, and/or turn this in any time after April 18.</p>

## 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 and more honest feedback
- ✓ find out what the other side’s situation and reactions really were
- ✓ compare your skills 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 improve your negotiation position.** (Your roleplay persona can choose to lie about the information given, but not to change the roleplay sheet facts). 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. Try out any strategy you want... just remember that you will face those same students in other roleplays later. Reputation effect!
5. **Debriefs:** This is the most valuable moment of your class time together!!

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.

One way to do this is to give INFORMATIONAL feedback:

- “When you said X, I reacted Y” “You didn’t ask me P, so I didn’t tell you that my real situation was Q.” “I noticed that you sat turned away from me until Z happened.”

The trick is to let them figure out how to evaluate that data, rather than giving evaluative feedback yourself (saying “that move was great, stupid”; “you were friendly, nice, aggressive”, etc.) which doesn’t help people figure out how to improve their skills.

ASK for specific feedback. If you don’t ask directly, people will mostly pat you on the back and vaguely tell you that you did okay, even if they hated negotiating with you.

Useful questions to ask afterward:

- “When I said X, how did you interpret that?”
- “If I could do one thing differently in the next negotiation to improve [my outcome, the way I come across, my ability to get truthful answers..] what would you suggest?”
- “What did I do that made you trust me or not?”

## Kaizen Teams

The challenge in a course like this is to apply what you experience and read in class to improve your 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 help you to consolidate your class learning, and 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 in your kaizen report.) Identify the emotions and strategies in each of your stories, and think about one or two things you’d each like to improve on.

### The other 4 meetings

Always start by sketching out an agenda for the meeting—the topics and questions you want to touch on. This is “unnatural” yet is good habit for efficient negotiation and meeting facilitation.

Decide who will be timekeeper, who will write up the session.

The temptation is to mostly discuss the recent roleplays. Please make sure you also cover OTHER topics sufficiently. Possibilities:

- Discuss your current personal negotiation or conflict experiences.
- Be **strategy coaches** for each other. Roleplay a practice conversation if someone is about to interview for a job or confront a difficult situation.
- Analyze **videos of yourselves** negotiating.
- Review class **readings**. Please let me know if you have thoughts/questions that I might address with the whole class.
- **Play a game:** Bohnanza, Settlers of Catan, Diplomacy, Risk, etc.

### Reports

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.

Post a 600 word 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, how long you met for, 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.

Kaizen teams are graded lightly – As long as you cover a range of topics, put good energy into making this useful for all group members, and are present for all meetings, you’ll get full points.

## First Week Assignment

Post in your Canvas folder, preferably before class on Tuesday, JANUARY 15th, otherwise ASAP. This is required, but not graded.

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

What do you value most about the work you want to do in the world, the person you want to be? (One paragraph.)

### 2. Your objectives for the course:

What skills and ideas about negotiation would you like to improve by the end of this semester to help you do what you describe in question #1? The more *specific and measurable* the skills and ideas, 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. 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. (One or two paragraphs, max.)

### 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).

I will keep your phone number & "c" confidential.