

Negotiation & Dispute Resolution

SPRING 2014 // 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 contains all readings, handouts, course notes, assignment instructions, and web links.

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 handling conflicts. We will look at several types of business negotiations – 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—understand preparation, communication, strategy, teamwork:

- ✓ How to gather useful and accurate information before and during negotiation. How to determine what to reveal when, and how to frame it.
- ✓ Strategic choices: goals & priorities, structuring the process, trading for a workable deal.
- ✓ Creating a positive environment for communication, honesty, and staying on good terms.
- ✓ Finding interests, effective problem-solving
- ✓ Handling multi-person and multi-party situations – agents, coalitions, teams.

3. Personal Awareness: Expand your repertoire of approaches. Awareness of your thinking patterns, emotional responses, and interactions. Being alert to what other people are thinking and feeling.

4. Experience: Accumulate hands-on experience in negotiation, conflict resolution, and mediation through roleplays, exercises, assignments, peer feedback, and opportunities in your “real” life situations.

Think of this class is a “lab class.” We will work through a series of planned experiential learning activities, 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 do not hesitate to ask questions or request an appointment.

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 2011 edition, which is noticeably improved.
3. Articles, lectures, and videos—the links or files are all posted 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**. If you cannot attend, you can later watch the video on the Wharton network, OR you may substitute another 45+ 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 or streamed.**

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 assignment D, below). In this way, your overall outcomes and interactions will affect your grade.

Attendance / Participation

- On roleplay days, **you must let me know 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 may miss up to 3 classes without a grade reduction. **This includes "good excuse" absences,** so leave yourself some slack. There is no need to submit written excuses or to get permission.
- Lateness will be counted as a half- class absence, unless you have alerted me beforehand.
- **You are responsible for arranging a make-up for missed roleplays.** This means finding people to play the other roles, filling out results and debrief sheets. The class absence will still be counted.
- Contributing to class: EVERYONE participates in this class! It is not a direct part of your grade. Though your contribution to everyone else's learning will be factored in should your grade land 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.

Assignments & Grades

- Final course grades will be curved, with the median the line between B and B+.
- Late assignments lose one grade level per 24 hours (i.e. B → B-). * I'm more likely to accommodate if you negotiate a different due date at least 2 days before the assignment is due.
- 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	27%	Learning Summary #1, #2, #3 (9% each)
B. Active assignments	20%	"Buy Something" & write-up (8%)
		Video clips & write up (12%)
C. Kaizen Teams	15%	5 Kaizen Meetings (3% each)
D. Skill evaluation	8%	Peer Evaluation
E. Tests	30%	2 quizzes (7.5% each)
		Take home exam – short essay format (15%)

A. Learning summaries: Roleplays + class and readings

- Learning Summaries #1 and #2: Describe the questions and conclusions you've discovered from

doing the roleplays, class, and 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 richness of your questions/observations/arguments.

- #3 will be your self-evaluation. Instructions posted later. **Keep your roleplay debriefs and feedback notes.** You reference these and your goals (from the 1st assignment),
- Maximum word count: 950

B. Active assignments

1. Intro & "Goal setting"

The first week assignment (please do it NOW) is a self-introduction, and sets the 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: + Analysis a negotiation adventure write-up. Explained in class next week.

3. Video Clips + Analysis

Record yourself negotiating or mediating. I suggest you start doing this from the first roleplays we do. From your footage, excerpt 4 minutes of clips. Show this to at least one other person in your roleplay and one kaizen member for their comments. Then upload your clips, along with a 600-800 word commentary. You will be able to decide your due date. Details in class later, and on Canvas.

C. Kaizen Team

Kaizen Teams consist of 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 at the back of this syllabus.

D. Negotiation and conflict resolution skill

Each of you will fill out a peer evaluation at the end of the semester. It will cover a range of skills.

This means 1) Learn everyone's name as soon as possible, so that you can give a fair evaluation. 2) your reputation in the class, and other students' perception of your skills will affect your final grade.

E. Tests

1. Two Quizzes

Each will take about a half hour. They are mostly questions with one or two sentence answers, and test your understanding of the main concepts from class notes and required readings.

2. Take-home Exam

The purpose for the final exam is to review and draw together the various pieces of the course, and to show that you can make informed comments about real-world negotiations and conflicts, and analyze strategic issues.

Exam questions are handed out on the last day of class. You will pick 3, and write a one page answer for each. You may prepare with books and notes and conversations as much as you want. Then you'll close all materials, files, and notes, and type up your answers. You may submit your essays any time up to the exam deadline.

Your exam must be posted in Canvas by 2pm on Friday, May 9.

More about assignments

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

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

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. (Canvas assignments download as a zip file of all student assignments, so WHO has posted WHICH file is not recorded.)
- 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>16 JANUARY</p> <p>Semester roadmap</p> <p>Overview of negotiation subject, of syllabus. Read: Webber’s article about Leigh Steinberg http://www.fastcompany.com/35462/how-get-them-show-you-money</p> <p>Start <i>Getting to Yes</i>.</p>
<p>21 JANUARY</p> <p>What do you value?</p> <p>Negotiate Roleplay #1. Details about the “Buy Something” assignment.</p> <p>Read: <i>Getting to Yes</i>, continued Due: 1st Assignment – see back page of the syllabus. Post it to Canvas.</p>	<p>23 JANUARY</p> <p>Bargaining, claiming value</p> <p>Debrief Roleplay #1 Basic terms & concepts about bargaining (=distributive negotiation) Form Kaizen teams.</p> <p>Read: Jay Folberg on pawnshop negotiations: http://www.mediate.com/articles/negotiation_lessons_from_the_pawnshop.cfm <i>Getting to Yes</i>, continued</p>
<p>28 JANUARY</p> <p>Bargaining, claiming value, continued</p> <p>One or two short roleplays #2 Distributive negotiation, continued.</p> <p>Read: <i>Getting to Yes</i>, continued. Recommended: 10 minute interview on Planet Money about "Anchoring" http://www.marketplace.org/topics/your-money/psychology-price-anchoring</p>	<p>30 JANUARY</p> <p>Bargaining, claiming value: approaches</p> <p>Fitting the approach to the situation. Reviewing your Buy Something strategies.</p> <p>Due: Bring in your “Buy Something” results for the class Show & Tell. Optional: complete the personal negotiation style questionnaire (in Canvas files).</p>

<p>4 FEBRUARY Interest-based negotiation, expanding the pie</p> <p>Roleplay #3 Handout Email Roleplay #4 (to be done outside of class)</p> <p>Read: Finish <i>Getting to Yes</i>. Start <i>Negotiation Genius</i>.</p> <p>Due by start of class: “Buy Something” write-up.</p>	<p>6 FEBRUARY NO CLASS</p> <p>(guest speaker substitute day)</p> <p>Due: 1st Kaizen Report due Friday, 5pm.</p>
<p>11 FEBRUARY Re Interest-based negotiation, expanding the pie</p> <p>Debrief Roleplay #3 Interest-based negotiation concepts Getting into their head and heart: Listening, acknowledging</p> <p>Read: <i>Negotiation Genius</i> through chapter 3 (for quiz next week)</p>	<p>13 FEBRUARY Watch your language</p> <p>CANCELLED FOR SNOW</p> <p>Debrief Email Roleplay #4. Negotiation channels Asking effective questions Questions about the quiz</p> <p>Due: Post your results before coming to class and bring a printout of your transcript for the in-class debrief exercise. (No need to post or give me a copy.)</p>
<p>18 FEBRUARY Understanding their world</p> <p>↻ Quiz #1 Questions, quiz ABC exercise</p>	<p>20 FEBRUARY Leverage, Coalitions</p> <p>ABC exercise & debrief Quiz review</p>
<p>25 FEBRUARY Job negotiations</p> <p>Data + value! Strategies for job negotiations—brief skits</p> <p>Roleplay #5 handout – prep to be done outside of class, ready to go Thursday morning.</p> <p>Due: 2nd Kaizen Report</p> <p>Read: <i>Negotiation Genius</i>, continued. Chapters 11, 12 are particularly relevant.</p>	<p>27 FEBRUARY Labor negotiation</p> <p>Finish roleplay #5 + debrief</p> <p>Due: Learning Summary #1</p> <p>Recommended: Summary of a well-known labor mediator’s critique of <i>Getting To Yes</i>: http://www.colorado.edu/conflict/peace/problem/mcca7535.htm</p>

<p>4 MARCH Public negotiations (Labor, politics)</p> <p>Mid-course evaluation Roleplay #5 debrief continued Prepare for Mind Traps & Ploys skits</p> <p>Read: <i>Negotiation Genius</i>—Chapters 9, 10 are most relevant.</p> <p>Read 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>6 MARCH Perceptions, Mind traps & Ploys</p> <p>Skits and fishbowl roleplays</p> <p>Read: <i>Negotiation Genius</i>, Chapters 4, 5, 6. Recommended: Hammond et al, <i>Hidden Traps</i></p> <p><i>Negotiation Genius</i>: System 2 thinking, and review of other key points</p> <p>Read: Finish <i>Negotiation Genius</i>.</p>
<p>11 MARCH</p> <p>ENJOY YOUR MID SEMESTER BREAK</p>	<p>13 MARCH</p>
<p>18 MARCH Mediation</p> <p>Demonstration of the basic process, connection to negotiation skills Video of various mediation situations Mediation Roleplay #6 (in class)</p> <p>Read: <i>The Mediator Handbook</i> 4th edition excerpts. (posted files starting with “MH”) You can read the conflict overview pages for Thursday.</p>	<p>20 MARCH Mediation practice</p> <p>Mediation Roleplay #7 (in class)</p> <p>Handout Agent Roleplay #8 (to be completed outside of class.)</p> <p>Read: <i>The Mediator Handbook</i> 4th edition excerpts that give an overview about conflict</p> <p>Due Friday: 3rd Kaizen Report</p>
<p>25 MARCH Mediation, conflict, emotion</p> <p>Mediations debrief Handling conflicts and emotions Quiz-related questions, <i>Negotiation Genius</i> review</p> <p>Read: <i>When you shouldn’t go it alone</i>, by L. Susskind.</p>	<p>27 MARCH Conflict, shadow negotiation, ADR</p> <p>↻ Quiz #2</p> <p>Understanding conflict, shadow negotiation issues Alternative dispute resolution (ADR) in business.</p>
<p>1 APRIL Agents</p> <p>Debrief roleplay #8 Using agents, being an agent.</p> <p>Due at the start of class: Roleplay #8 results.</p>	<p>3 APRIL Ethics</p> <p>What is “fair”? What is ethical? your choices—mini scenarios Reducing the likelihood of deception and other ethical temptations.</p>

<p>8 APRIL Team negotiation</p> <p>Negotiating as a team, negotiating multiple issues Team Prep for Roleplay #9</p> <p>Read: Grande Lum’s short articles – Negotiating Inside Out & Negotiating Teams</p> <p>Due: Learning Summary #2</p>	<p>10 APRIL Team negotiation</p> <p>Roleplay #9, continued.</p> <p>Due Friday: 4th Kaizen report</p> <p>Read: “Making the Most of Multiparty Negotiations” by Lawrence Susskind http://hbswk.hbs.edu/archive/3898.html</p>
<p>15 APRIL Multi-party negotiations</p> <p>Roleplay #9 debrief Multi-party negotiation</p> <p>Read: Lax & Sebenius on 3D negotiations</p>	<p>17 APRIL Multi-party negotiations</p> <p>Checking in on topics and readings you want to discuss. Roleplay #10 – prep</p>
<p>22 APRIL Multiparty negotiations</p> <p>Finish Roleplay #10 & debrief Skim-read: Ertel on Corporate Capability.</p>	<p>24 APRIL NO CLASS</p> <p>(guest speaker substitute day)</p> <p>Due by Sunday, April 27th 9pm: Complete the online peer evaluation survey. *Please* don’t be late...</p>
<p>29 APRIL Last Class: – the larger picture</p> <p>Negotiation as core business & life competency Distribute final exam questions. Festivities!</p> <p>Due: Learning Summary #3 (Self Eval)</p>	
<p>6 MAY Last kaizen due</p> <p>Due by 5pm: Final Kaizen Team report (you can meet any time after April 20.)</p>	<p>MAY 9 (FRIDAY) Exam due</p> <p>Take-home exam due in Canvas folder BEFORE 2pm.</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. 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.
3. 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!
4. **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.

USEFUL FEEDBACK = CONCENTRATE ON DATA

Give INFORMATIONAL feedback

- “When you said X, I assumed Y” “You didn’t ask me about 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.”

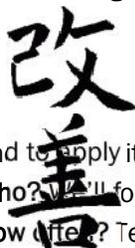
Plain data helps people know how to change next time. The trick is to let *them* figure out how to evaluate that data, rather than giving evaluative feedback yourself (saying “that move was a mistake”; “You were friendly / gullible / aggressive”, etc.).

ASK for SPECIFIC feedback. If you don’t ask about a particular moment/aspect, people will mostly pat you on the back and vaguely tell you that you did okay, even if they hated negotiating with you. Aim for getting data that you might not get in real life negotiations:

- “When I said X, how did you interpret that?”
- “What could I have done to elicit more truthful answers from you?”
- “What did I do that made you more willing to concede?”

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? You'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, or an activity you want to do. This feels “unnatural,” yet is an invaluable habit for running efficient negotiations and facilitating meetings.

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

The temptation is to mostly discuss the recent roleplays. This is fine, but make sure you also explore OTHER topics or activities too. Possibilities:

- Discuss your current personal negotiation or conflict experiences.
- Help a kaizen member prepare for a job interview or difficult conversation by roleplaying it out.
- 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 negotiation 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.

Include:

- a. Names of all present, noting who was only there part of the meeting, and who wrote the report.
- b. The place, day, and time duration of the meeting,
- b. Your starting agenda.
- c. A *brief* summary of your meeting, plus anything you want me to know or answer.

Your kaizen grade will take into account the range of topics and activities you explore, how much energy you put into making this useful for all group members, and attendance.

First Week Assignment

Post in your Canvas folder, preferably before class on Tuesday, JANUARY 21, 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. Pronunciation of your name, if I'm likely to say it wrong.
- 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.