

SYLLABUS - Negotiations – FALL 2014
Wharton Negotiations – Whar110, Whar111, Whar112
PLEASE READ THIS SYLLABUS CAREFULLY
ALL STUDENTS ARE RESPONSIBLE FOR KNOWING ITS CONTENTS FULLY

Contact Information:

Instructor: Stuart Diamond
Emeritus Professor & Lecturer
Legal Studies and Business Ethics Department
The Wharton School of Business
Adjunct Professor, University of Pennsylvania Law School
President & CEO, Getting More, Inc.
Class Meeting Places/Times:
Thursday, 3-6PM: JMHH365 – Whar110
Friday, 9AM-12PM JMHH365 – Whar111
Friday, 12:30PM-3:30PM JMHH365 – Whar112

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Office Hours: Professor Diamond will have office hours by appointment; usually in his Center City office, 2005 Market St., 215-972-5500. Please contact the teaching assistant for an appointment. Please be prompt. Figure on about 15 minutes per appointment. If you have an emergency, Professor Diamond can arrange other times as needed. Prof. Diamond will also be available by both phone and email most days, including weekends.

Course Manager: **Dana Nattress**
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CONTEXT:

This course teaches the Getting More model of negotiation, a new process of human interaction developed over the past 25 years by Professor Stuart Diamond of The Wharton School and Penn Law School. The process is the subject of his New York Times bestselling book, *Getting More: How To Negotiate For Success in Work and Life*, which has sold more than 1 million copies worldwide and has been translated into more than a dozen languages.

Drawing on research, teaching and advice among 30,000 people in 50 countries, the model concludes that finding and valuing the other party's emotions and perceptions creates four times as much value as the traditional negotiation tools of power, logic, leverage, win-win, threats, walking out, BATNA and other common practices.

The Getting More model is now the principal negotiation process used by Google to train its employees worldwide and by U.S. Special Operations, the military elite, to promote stability worldwide. The Microsoft Games Division calls the model its best investment of the year; the Wall Street Journal's FINS career site named Getting More its #1 recommended career book for 2011. The model was used to solve the 2008 Hollywood writer's strike.

The Getting More model is intended to solve disputes and problems in any subject: getting small children to willingly brush their teeth, getting a job, promoting peace, completing billion dollar deals. The process is both a collection of individual tools and a structured model. The average MBA or law student gains \$5,000-\$10,000 per semester in negotiations associated with the course; the average executive MBA student makes \$1 million, according to surveys over the years. The ROI for companies is much more than that.

If you do not wish to learn this specific model of human interaction, this is not the course for you. If you want a more general survey course of negotiation, this is not that course. If you want to learn a more traditional model of negotiation, many other sections of negotiation are offered at the University of Pennsylvania, including at Wharton.

This course is hard. It is hard to unlearn behaviors used since childhood. It is harder yet to practice them and make them your own. As such, course requirements are strict. Class attendance and the submission of work are required. Students will do poorly if they do not show the required focus and dedication. Class treks, weddings, vacations, job interviews and other events should be scheduled outside of class time. You must be on time for class and not leave early.

Every semester a few students find it impossible to make the necessary efforts. As a result they hurt their own learning and those of others. And they waste a class slot that could be used by someone else who really wants to make the effort: either from Wharton, Penn Law, or another school in the university. You should carefully consider if this is the right course for you.

ORGANIZATION:

Class will meet most, but not all, weeks during the semester. Some weeks will have out-of-class, intense assignments. One week there will be a combined class with the law school and business school. Some weeks will have prominent guests from various organizations who will talk to the class and answer questions, and who may run a class.

Each class meeting will include a case simulation designed to teach you better negotiation skills. You will be expected to prepare this case and negotiate it to the best of your ability. There will be readings for each class. For about a third of the classes, negotiation journals will be required – a focused analysis of a negotiation you do during the week, plus your proposed use of tools from class and readings. There will be some final assignment to evaluate your semester's learning.

You will be expected to know the assigned material. Students will be called on at the professor's discretion to discuss their perceptions of the material, the cases and other negotiation principles. Based on student learning and events outside the class, the assignments may change.

Please do not second-guess the course, the professor or the material. This course will be different from your expectations. All of the teaching is designed to make you better negotiators for the rest of your life, not just teach you a bunch of tricks or tactics. Each semester, the course is improved, a process that has been going on for more than 20 years.

Audits and pass-fail are not permitted.

ASSIGNMENTS:

All assignments are due by 11:59 PM on the due date. You can submit an assignment from midnight of the Start Date up to 11:59PM on the Due Date. Once submitted, you can make any changes to your assignment up until 11:59PM on the Due Date and it will be considered on time. Simply click on the "change assignment" button.

Even one second past the deadline means late. Leave a margin for error. Manage your time properly. If the computer or website is not working, please EMAIL your assignment to the Teaching Assistant at ta@gettingmore.com by 11:59 pm on the due date. If you can't email it, fax it. If you can't fax it, call and leave a message, all before the deadline. If you can't do any of those, an eventual third party verification of your reasonable inaccessibility may be needed. After your assignment has been graded, you can view the professor's comments and your assignment but you cannot change it.

It is not the quantity, but the quality, of the insight that is important. Every semester, there are always surprises -- people who started from a low level and grew at an uncommonly fast rate. Mistakes carry no penalty, unless the same mistakes are made repeatedly or comprise concepts you should have learned much earlier in the course. The cases and exercises we do are hard: making mistakes is part of your learning. The key is whether you can articulate your mistakes and learn from them.

If I do not comment on a journal, then the journal is fine, although I will usually make a brief comment. If I find out that any part of a journal entry is made up, the student will immediately flunk the course. No journal makeups are allowed unless it is an excused absence.

GRADING

Wharton has a forced curve, meaning that the average for all negotiation students I teach must be no more than a B+, or 3.33. That means if everyone in the class is equally brilliant, everyone gets a B+. I didn't make up this system, so please don't blame me for it. If you have questions, ideas or complaints, please talk to the MBA dean.

The scale for this course is as follows, with some variations to meet the forced curve. The absolute numbers refer to Penn Law, and the percentages refer to Wharton. I will provide the highest grades possible given the curve; in other words, the average grade for all Wharton classes will be 3.33. For Penn Law, there is no forced curve. The numbers are guides, not promises.

A+	98+	Top 5%
A	95-98.	Next 10-15%
A-	90.01-94.99.	Next 10-15%
B+	90-94.99.	Next 15-20%
B	85-89.99	Next 25%
B-	80-84.99.	Next 10-15%
C+	75-79.99.	} Bottom 5%
C	70-74.99	
C-	65-69.99	
D	60-64.99	
F	Under 60	

There will be 100 points in the course, as follows:

- Four Journals, 5 points each (20 total).
- 12 Classes, for which there will be cases for 13: 2 points for each case negotiated, including being there for the pairings, negotiation and debrief. Most of these will be required to be negotiated in class. The first class is worth 6 points, so attendance is worth 30 points total.
- Team Paper/Problem-Solving. (10 points).
- Assignment or Exam (30 points).
- Diagnostic Surveys – one at start, one at end of course. 1 point each. (2 points total).
- Return on Investment Survey (1 point).
- 7 Pop Quizzes, 1 point each. (7 points total).

If you are brilliant in class or assignments, you will get extra credit. If I don't see your name card, I cannot count any comments so any brilliant comments will not count. We also can't count you in attendance so we will assume you did not attend class. If you miss class, you will receive 0 points. If you arrive late or leave early, you will lose 0.5 points for each. If you arrive after the negotiation or leave before the end of the negotiation, you will lose an additional 0.5 points for each. If you don't

show up, you can't be taught the required skills. If you arrive late or leave early, you will also affect the learning of others.

Class Attendance:

- Excused absences, according to the school, are as follows: religious holiday, illness, death of a close family member (spouse child, parent, sibling, grandparent), birth of one's child, actions reasonably beyond your control (cancelled flights, snowstorms, official closing of school, etc.) Evidence may be required. As per the Office of the Provost, students "must inform their instructors within the first two weeks of each semester of their intent to observe the holiday even when the exact date of the holiday will not be known until later." "Inform" means inform the professor in writing. If you have an excused absence, that doesn't mean you get a free ride: it just means you can make up the course requirements at another time or you lose the 2 points for the class (or 4 points in the case of week 1).
- Make-up assignments are due within two weeks of your return to school or the missed class, whichever is later.
- You cannot make up a class you missed for an unexcused absence.
- Job interviews are not excused absences. Upenn is an institution of learning, not an employment agency. The school prohibits students from even asking instructors for excused absences for job interviews. Negotiate with the firm and persuade them to interview you outside of class time.

Individual Negotiation Journals

This is an analysis of your efforts to apply and practice the negotiation tools in the real world. For each journal, you must include one negotiation – that is, your own, real world negotiation. There will be 4 journals, submitted & graded online.

For the weeks that you are asked to submit a journal, you will be given a specific topic in which to negotiate. For example, your first short journal will be to negotiate a discount off a purchase of a product or service.

You must actually conduct the negotiation from the time of the last journal due date or the beginning of the course, to the date that the journal is due. Preparation alone is not sufficient. Results must be provided!! "Awaiting Answer" is not a result. There will be a 50% deduction for no result journals. Every semester, students don't follow these directions. The directions are intended to maximize your learning.

It must be your own negotiation – not your significant other's or someone else's. If it is not, the most credit you can receive is 50%.

No negotiations with oneself and no negotiation dreams are permitted. No negotiation with animals. Only negotiations with humans are acceptable. Use good sense.

You must name the relevant negotiation principles. The purpose of the course is for you to learn how to effectively apply negotiation tools in the real world. It's an inductive process: you apply course theory and tools to your real life, analyze what you did or should have done what they did, synopsize it into lessons and apply it to the next negotiation. The journal must contain specific details. "Company XYZ" is not acceptable. Name the company. Name the people.

The journal may contain confidential material (please mark it as such). Be specific in identifying others and feel free to say what you think important, no matter how sensitive, on a confidential basis. Do not label as confidential an entry that is a simple public negotiation, ex, dry cleaner, etc. "Confidential" is reserved for highly sensitive entries. A negotiation with your parents about coming home for the holidays is not confidential. A negotiation with your brother about his cheating on an exam would usually be confidential. Abusing the system will deprive other students from learning from your examples, which the professor sometimes talks about in class. You may be asked from time to time to review for the class a particularly excellent non-confidential negotiation you did.

The journals are more for your own practice than getting copious feedback. You will get a lot of feedback in class.

Every semester some students complain after the fact about these requirements. Please take them to heart. They are the same for everyone, and their purpose is to maximize your learning and enable less logistical complexity and more time for teaching.

NEGOTIATION TOPICS

Negotiation Journal 1:	Getting a Discount due *9/12/2014
Negotiation Journal 2:	Using Needs and Intangibles to Persuade due *9/26/2014
Negotiation Journal 3:	Using Standards to Persuade due *11/7/2014
Negotiation Journal 4:	Student Choice due *11/22/2013

Course Schedule

8/28- 8/29: Week 1 – The Ratings War Case

Course Content

Introduction and Case

Required Reading

Chapters 1-3 of Getting More

9/4- 9/5: Week 2 – The Pink Cadillac Case

Course learning attitude.

Basic Tools-Negotiate and analyze using course tools.

Required Reading

Chapter 4 of Getting More

Prof. D article in Psychology Today: <http://www.psychologytoday.com/blog/getting-more/201108/the-cost-conflict>

Prof. D article in Phila. Inquirer: <http://www.gettingmore.com/2010/11/a-violent-war-against-terrorism-is-doomed-to-fail/>

Alex Coffin final paper - see main announcements page of the website for link

9/11 – 9/12: Week 3 - The Diva Case

Needs & Intangibles

Required Reading

Chapter 5 of Getting More

Prof. Diamond article in Psychology Today: The Caylee Verdict: Why It's Not A Shocker

<http://bit.ly/n0cla9>

Prof. Diamond article on Fast Company - The Tech Sector's Achilles Heel - <http://bit.ly/pAKAaw>

**JOURNAL 1 DUE by 11:59PM on 9/12/2014*

9/18- 9/19: Week 4 – The Pheasant Egg Case

Pheasant Egg - Hard Bargainers

How do you know when it's collaborative or not? Can it be both? How to deal with hard bargainers, ethical issues, etc.

Required Reading:

Chapter 10 of Getting More

Stuart Diamond article on Washington Post Online - <http://wapo.st/ocmspi>

9/25- 9/26: Week 5 – the Warranty Case

How To Conduct A Negotiation

An introduction to the [4 Quadrant problem solving model](#)

Required Reading:

Chapters 6&7 of Getting More

**JOURNAL 2 DUE at 11:59PM on 9/26/2014*

10/2 -10/3: Week 6 – Problem Solving Team Exercise (Class does not formally meet; although you may use class time to do the assignment).

Required Reading: Chapters 7 and 13 of Getting More

10/9- 10/10: Week 7- FALL BREAK NO CLASS

10/16- 10/17: Week 8 – The Breath & Taxes Case

Breath & Taxes Case – Politics and Style

Building on the tools from previous classes, how do you maximize your gains in a situation where style and political skills are as important as substance?

Required Reading: Chapters 9 & 15 of Getting More

10/23- 10/24: Week 9 - El Camino Case (ALL CLASSES MEET DURING PENN LAW SECTION, 7-10PM THURSDAY, MARCH 20th. PLEASE MAKE SCHEDULING ARRANGEMENTS NOW TO ATTEND).

- This is a combined law school/business school class—all sections of this course. This will be the only class this week, and will be held on Thursday, October 23, from 7:00- 10:00 PM, location TBA. A separate memo will be distributed prior to this class.
- This class will address multi-party, multi-issue negotiations. Dealing effectively in such situations is an essential negotiation skill.
- Group conflict and style.

Required Reading: Chapter 14 of Getting More

10/30 -10/31: Week 10 – The Sell Phones Case (Guest Lecturers)

Sell Phones Case – Coalition Building

- Most of the time you need others to succeed - even opponents. Processes to gain - or lose - through building a power base. Note: Some sections may be taught by a special guest instructor.

Required Reading: Chapter 11 of Getting More and Society of Contract vs Status.

11/6 -11/7: Week 11 – The Family Business Case

Family Business Case - Real World M&A

- 90% of all businesses globally, and 1/3 of Fortune 500 firms, are owned by families.
- Dealing effectively with such issues is key for business people and attorneys.
- In this class you will negotiate a case drawn closely from real life and which requires use of a significant portion of the learning from this semester.

Required Reading: Chapter 12 of Getting More

**JOURNAL 3 DUE at 11:59PM on 11/7/2014*

11/13- 11/14: Week 12 – The Steel Deal Case (OUTSIDE OF CLASS; CLASS DOES NOT FORMALLY MEET THIS WEEK).

Steel Deal Case – Negotiation Style Looking in the Mirror

- Class does not formally meet this week. You will be expected to conduct an outside group negotiation with members of all other sections of this course. You will be assigned to a team and will be required to tape a negotiation, location TBA. A separate memo will be distributed.
- This exercise will give you insight on how you look and how persuasive you are through your negotiating style. The case will involve an international trading company.

Video Recording (Refer to memo)

- Record the entire negotiation.
- Talk among yourselves afterwards. What worked? What didn't? How important were style and emotion issues? What learning for future negotiations? What agency issues presented themselves?
- View the video and talk some more.

Excerpt Selection

- Pick 60 seconds that exhibited significant emotion or interpersonal problems. Criteria include: screaming, finger pointing, hostile tone, interrupting, throwing chairs, storming out, other aggressive behavior, ignoring other side, extreme offers, insults, crying, etc.

Submitting assignment

- Please see the instructions memo for submission details.

11/20- 11/21: Week 13 – Mediation Case

Mediation Case - Fixing the Problems of Others

- In your families and companies, you will often better meet your goals by helping others solve problems that affect you. Disputes cost money and can wreck deals and even your business. The energy spent in litigation is often debilitating. And internal disputes among those in your firm hurt productivity and profit. The extent to which you can fix these problems cheaply and quickly will gain you more power and more business success.
- A round robin. Pay attention to the process.

Required Reading: Chapter 16 of Getting More; Mediation Articles (Will be posted in Announcements Section of Website)

Mediation Readings:

- How Mediation Works

- The whys and ways of mediation: A guide for the sophisticated user
- The Camp David Negotiations

**JOURNAL 4 DUE at 11:59PM on 11/22/2014*

**TAKEAWAY & ROI ASSIGNMENT DUE at 11:59PM on 11/28/2014*

11/27- 11/28: Week 14- THANKSGIVING BREAK

12/4- 12/5: Week 15 – Alpha Beta

Alpha Beta Case – Cross Cultural Issues

- Cross-cultural negotiation is accelerating in importance, as cultures, countries, races and other distinct groups are being thrown together in an increasingly international economy. Most problems in the world exemplify our individual and collective failure to negotiate successfully with those who are different. This session is a transition to the complex topic of dealing with diversity.
- You may be asked to prepare by side for a minimum of 30 minutes before coming to the class
- Comments on Cross Cultural problems
- **Required Reading:** Chapter 8 of Getting More

Last Class/Course Wrap Up

- Debrief Steel Deal Case
- Best Journals

Wrap-up

- What have we learned? What are we going to do with it? When? How?
- Goals met, new goals found.
- How to self-teach and self-learn.
- A checklist for the future.
- Best example of persuasion from the movies.