

Negotiation & Dispute Resolution

SPRING 2015 // 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 negotiations involved in working within an organization. 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**—Understand and be able to explain to a less skilled negotiator:
 - ✓ How to analyze situations to determine what negotiation approach might work best.
 - ✓ Factors that facilitate and those that hinder effective negotiation and conflict resolution.
 - ✓ Importance of information, interests, priorities, perspectives, leverage.
 - ✓ Emotional and mental aspects of negotiation.
 - ✓ Ethical and cross-cultural issues.
- 2. Action**—skills in 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:** Noticing and adjusting your thinking patterns, emotional responses, and interactions. Being alert to what other people are thinking and feeling. Expanding your repertoire of approaches.
- 4. Experience:** Hands-on experience in negotiation, conflict resolution, and mediation through roleplays, exercises, assignments, peer feedback, and “real” life situations.

Think of this class is a “lab class.” We will work through a series of planned experiential learning activities designed to build your skills and expand your thinking. The more you read and prepare in advance, the more you participate in the debriefs and reflect on what happened, the more you’ll learn from the roleplays and exercises. This emphasis on learning-from-doing means that lecture presentations and discussions of readings will be brief, and hit the high points.

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 of these are required; some are included as extra information and reinforcement. I may add a few as we go along. Use them to help you prepare for and analyze your negotiations, as well as to enrich your thinking in your written course assignments.

Optional:

4. *Bargaining for Advantage: Negotiation Strategies for Reasonable People*. 2006. G. Richard Shell.
5. *The Mediator’s Handbook*. 2012. J. Beer, C. Packard, E. Stief.
6. Annotated list of video and text links on Canvas’ “Links Page”, covering a whole range of subjects. You are encouraged to email me if you find other sources worth posting.

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. Roleplay *outcomes* are not directly graded in this course. This gives you all a chance to take risks, to experiment with different approaches.

Immediately after each roleplay, turn in your results, then pick up a debrief sheet to guide your group debrief and self-reflection. Keep these notes for 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.

Through the online peer evaluation(s), your roleplay outcomes and interactions over the course of the semester WILL affect your grade. As will the degree to which you are prepared and participate seriously.

Attendance

On roleplay days, **you must let me know the day before if 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.

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.

Participation

Contributing to class discussion: EVERYONE participates in this class! It is not a direct part of your grade. However, your contribution to everyone else’s learning will be factored in should your grade land on a dividing line. This is measured solely by peer feedback at the end of the course.

Guest Lectures

Each semester Wharton offers two all-section guest lectures. These lectures replace two class sessions and attendance therefore each **counts as a class day**. If you cannot attend, watch the video on the Wharton network, OR substitute another 45+ minute relevant guest lecture. If you do not attend the guest lecture, please upload one paragraph to Canvas summarizing your reaction to the lecture video, or the alternate presentation you attended.

Assignments & Grades

Reflecting the course objectives, your grades will be based on:

1. Your ability to learn from experience, and to connect those experiences with course concepts.
2. The sophistication of your thinking (nuance, making connections, original ideas, self-awareness)
3. Your peers’ estimation of your negotiation and conflict resolution capabilities.

Assignments and tests are graded with the median usually at “B”.

Plan ahead – If you want to change a due date you must ask at least 2 full days before the assignment is due (and I may not be able to say yes.)

Category & Percent of grade		Assignment
A. Learning summaries	37%	Learning Summary #1, #2, #3 (10% each plus 7% for video clip)
B. Real World assignments	23%	“Negotiate Something” (8%)
		“Real World” analysis short paper (15%)
C. Kaizen Teams	15%	4 Kaizen Meetings and other small assignments (5% each)
D. Skill evaluation	10%	Peer Evaluation, Roleplay participation
E. Concept Tests	15%	2 short-answer tests (7.5% each)

A. Learning summaries: Roleplays + class and readings

Learning Summaries #1 and #2: Reflections on what you have learned from the roleplays and real-life situations, and how that experience connects to what you have learned in class and from course readings. Your grade will be based on how well you apply course concepts to learning from your experience, how well you prepare for roleplays/negotiations and reflect honestly on your performance, and the intellectual richness of your comments. Maximum word count: 950. Details on Canvas.

Video: Include a video clip of you negotiating for at least one of your Learning Summaries. I suggest you start recording class roleplays now, and share it with all participants. From this raw footage excerpt 2 minutes of clips. Get at least one other classmate to watch it and give you their observations. Details in class and on Canvas.

#3 will be your self-evaluation. A skills evaluation form and instructions will be posted on Canvas. **Keep your roleplay debriefs and feedback notes.** You will reference these and your goals (from the 1st assignment),

B. "Real World" assignments

1. Intro & "Goal setting"

The first week assignment (please do it NOW) is a self-introduction and a chance to set your learning goals (which you'll revisit at the end of the semester). This is required but not graded. Further instructions are online and on the back page of this syllabus.

2. Negotiate Something: + Analysis Explained in class next week. Maximum word count: 800.

3. "Real World" Analysis Paper

This paper will give you the opportunity to review and draw together what you've learned in this course to analyze real-world negotiations and conflicts. You will select one out of four possible themes (posted shortly before Spring Break) to investigate and analyze. You will be able to study a negotiation or conflict that is of particular interest to you. As part of your own grade, you will also read and comment on another student's rough draft. Maximum word count: 1500

C. Kaizen Team

Kaizen Teams consist of 4 students who meet at least 4 times during the semester. The goal is to help you apply class learning to your real life negotiations and conflicts, to get useful, ongoing feedback, and to give you a chance to get more practice through games, roleplaying, or other activities of your choice. See the Kaizen page at the back of this syllabus.

D. Negotiation and conflict resolution skill

You will fill out a peer evaluation survey at the end of the semester that measures a range of skills. I may also ask you to fill out shorter post-roleplay surveys in a few cases.

This means 1) Learn everyone's name ! so that you can give them a fair evaluation, and make notes on your debrief sheets to remind yourself, especially when someone does something well.. 2) your reputation in the class, and other students' perception of your skills will affect your final grade.

E. Concept Tests

Each will take about 35 minutes. They are mostly questions with one or two sentence answers, and test your understanding of the main concepts from class notes and required readings.

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 downloads assignments as a zip file, so WHO has posted WHICH file is not recorded.)
- I prefer to read single space, with space between paragraphs.
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 for you.)

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>15 JANUARY</p> <p>Semester roadmap</p> <p>Overview of negotiation subject, of syllabus.</p> <p>Read: Webber’s article about Leigh Steinberg http://www.fastcompany.com/35462/how-get-them-show-you-money</p>
<p>20 JANUARY</p> <p>What do you value?</p> <p>Negotiate Roleplay #1. Details about the “Negotiate Something” assignment.</p> <p>Read: Start <i>Getting to Yes</i></p> <p>Due: 1st Assignment – see back page of the syllabus. Post it to Canvas by Wednesday evening.</p>	<p>22 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_less_ons_from_the_pawnshop.cfm <i>Getting to Yes</i>, continued</p>
<p>27 JANUARY</p> <p>Bargaining, claiming value, continued</p> <p>Distributive negotiation, continued. Short roleplay #2</p> <p>Read: <i>Getting to Yes</i> – thru Chapter 5.</p> <p>Read: <i>Negotiation Genius</i> Intro & Chapter 1 about Claiming Value.</p>	<p>29 JANUARY</p> <p>Bargaining, claiming value: approaches</p> <p>Fitting the approach to the situation. Reviewing your Buy Something strategies.</p> <p>Due: “Negotiate Something” results. Optional: complete the personal negotiation style questionnaire (in Canvas files). Optional: Read or skim Part I of <i>Bargaining for Advantage</i>.</p>

<p>3 FEBRUARY Multiple buyer roleplay</p> <p>Roleplay #3 Handout Email Roleplay #4 (to be done outside of class)</p> <p>Read: Finish <i>Getting to Yes</i>.</p> <p>Due by start of class: “Negotiate Something” write-up.</p>	<p>5 FEBRUARY Interest-based negotiation, expanding the pie</p> <p>Debrief Roleplay #3 Interest-based negotiation concepts.</p> <p>Read: <i>Negotiation Genius</i>, Chapter 2</p> <p>Due: 1st Kaizen Report post by 9 PM (yes, PM).</p>
<p>10 FEBRUARY Understanding their world</p> <p>Identifying interests Getting into their head and heart: Listening, acknowledging</p> <p>Read: <i>Negotiation Genius</i>, chapter 3</p>	<p>12 FEBRUARY Watch your language</p> <p>Debrief Email Roleplay #4. Negotiation channels Asking effective questions Questions about the quiz.</p> <p>Due: Post your roleplay results before coming to class and bring a printout of your transcript for the in-class debrief exercise. (No need to post or print me a copy.)</p>
<p>17 FEBRUARY Understanding their world</p> <p>➡ Quiz #1</p> <p>Leverage</p>	<p>19 FEBRUARY Leverage, Coalitions</p> <p>Quiz review Exercise and debrief Key points from <i>Negotiation Genius</i></p> <p>Read: <i>Negotiation Genius</i>, Chapters 4, 5, 6 Optional: <i>Bargaining for Advantage</i>, Chapter 6</p>
<p>24 FEBRUARY Job negotiations</p> <p>Data + value! Strategies for job negotiations—brief skits</p> <p>Handout Roleplay #5– prepare with your partner outside of class, ready to go Thursday morning.</p> <p>Read: <i>Negotiation Genius</i>, Chapter 7, 11</p>	<p>26 FEBRUARY Labor negotiation</p> <p>Finish roleplay #5 + debrief</p> <p>Due: Learning Summary #1</p> <p>Recommended: Labor mediator’s critique of <i>Getting To Yes</i>: http://www.colorado.edu/conflict/peace/problem/mcca7535.htm</p>

<p>3 MARCH Public negotiations</p> <p>Mid-course evaluations Roleplay #5 debrief continued Prepare for Mind Traps & Ploys skits</p> <p>Read: <i>Negotiation Genius</i>, Chapters 8, 9, 10</p> <p>Due: 2nd Kaizen Report</p> <p>Due: 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>5 MARCH Perceptions, Mind traps & Ploys</p> <p>Skits and fishbowl roleplays Key learnings from <i>Negotiation Genius</i></p> <p>Read: Finish <i>Negotiation Genius</i>. Review chapters 4, 5, 8. Be ready to discuss key learnings, key questions. Optional: Hammond et al. article, Hidden Traps</p>
<p>10 MARCH</p> <p>ENJOY YOUR MID SEMESTER BREAK</p>	<p>12 MARCH</p>
<p>17 MARCH Mediation</p> <p>Handling conflicts and emotions, shadow negotiation issues Alternative dispute resolution (ADR) in business. Mediation basics, connection to negotiation skills Handout Agent Roleplay #8 (to be completed outside of 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>19 MARCH Mediation practice</p> <p>Mediation Roleplay #6 (in class) & debrief Handout Agent Roleplay #9 (to be completed outside class.)</p> <p>Read: <i>The Mediator Handbook</i> 4th edition – overview about conflict.</p> <p>Due: make sure you've had your initial agent-client meeting for Roleplay #8 by today!</p>
<p>24 MARCH Mediation, conflict, emotion</p> <p>Mediation Roleplay #7 (in class) Mediations debrief Quiz-related questions</p> <p>Read: <i>When you shouldn't go it alone</i>, by L. Susskind.</p>	<p>26 MARCH Quiz, Agent roleplays</p> <p>↻ Quiz #2 Time for roleplay #8 and #9 meetings.</p> <p>Due Friday, March 27, 5pm: Fill out results form for roleplay #8. Late postings will be considered a "no deal".</p>

<p>31 MARCH Agents</p> <p>Debrief roleplays #8 & #9 Using agents, being an agent.</p> <p>Due before the start of class: Post Roleplay #9 results.</p>	<p>2 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>Read: Watch/read: http://knowledge.wharton.upenn.edu/article/when-lying-is-ethical/</p> <p>Due: 3rd Kaizen Report</p> <p>Optional: <i>Bargaining for Advantage</i>, Chapter 11</p>
<p>7 APRIL Team negotiation</p> <p>Negotiating as a team, negotiating multiple issues Team Prep for Roleplay #10</p> <p>Read: 2 handouts: Negotiating Inside Out & Negotiating Teams</p> <p>Due: Learning Summary #2</p>	<p>10 APRIL Team negotiation</p> <p>Roleplay #10, continued.</p> <p>Read: Lax & Sebenius article on 3D negotiations</p>
<p>14 APRIL Multi-party negotiations</p> <p>Roleplay #10 debrief Multi-party negotiation</p> <p>Read: “Making the Most of Multiparty Negotiations” by Lawrence Susskind http://hbswk.hbs.edu/archive/3898.html</p> <p>Due: Rough draft of “Real World” analysis paper</p>	<p>16 APRIL Multi-party negotiations</p> <p>Checking in on topics and readings you want to discuss. Roleplay #11 start.</p> <p>Due: Comments on partner’s analysis paper</p>
<p>21 APRIL Multiparty negotiations</p> <p>Finish Roleplay #11, debrief if time.</p> <p>Due by start of class: “Real World” analysis paper</p>	<p>23 APRIL NO CLASS</p> <p>(guest speaker substitute day)</p> <p>Skim: Ertel on Corporate Capability.</p> <p>Due by Sunday, April 27th 9pm: Complete the online peer evaluation survey. *Please* don’t be late!</p>

<p>28 APRIL</p> <p>Last Class: – the larger picture</p> <p>Roleplay #11 debrief, complex negotiation case story.</p> <p>Negotiation as core business & life competency</p> <p>Festivities!</p> <p>Due: Learning Summary #3 (Self Eval)</p>	
<p>6 MAY</p> <p>Last kaizen due</p> <p>Due by 5pm: Final Kaizen Team report (It's fun to do this at the very end of the semester, however you can meet any time after April 19th)</p>	

Kaizen Teams



The challenge of this course is applying 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 revisions, disciplined improvement. 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? 4 substantive meetings throughout the semester, including one time with me if we can work out schedules. Schedule at least an hour for your meetings. You may also be asked to do small assignments together.

1st meeting agenda: Share the negotiation stories and course goals each person wrote for your first assignment. (No need to summarize the content in your kaizen report, as I have them already!) Identify the emotions and strategies in each of your stories. Discuss what you’d each like to work on during the semester.

The other 3 meetings

Sketch out your agenda via text/email ahead of time –a loose list of 2-4 topics you’d like to discuss, or an activity you want to do together. Although making an agenda can feel “unnatural,” it is an invaluable for running efficient negotiations and facilitating meetings in the business world. Get in the habit!

How to use your time:

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.
- Talk about negotiations / conflict management events in the news.
- Help a kaizen member prepare for a job interview or difficult conversation by roleplaying it out.
- Play a negotiation game: I recommend doing this for at least one of your kaizen meetings. Warning: games can take many hours. And you may never speak to each other again! See the recommended games page on Canvas. Please add your comments there afterward.
- Arrange to interview someone who does a lot of negotiating in their job. Maybe invite them out to lunch with your team.
- Watch video clips of yourselves negotiating—what do you notice? (Use these for your Learning Summaries.)
- Discuss course concepts that interest or confuse you, questions you have for me.

Kaizen Reports

Select 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. (The person who ends up without having to write one can either pair up with someone, or take on other Kaizen tasks, such as scheduling and agendas.)

Post a maximum 500 word summary of your meeting in your Canvas kaizen folder.

Include:

- a. Who attended, who wrote the report. Add a group photo, if you want!
- b. The place, day, and time duration of the meeting,
- c. A list of the things you talked about / did, I don't need to know the details of your conversations unless there's something you want me to know or respond to.

Your kaizen grade will take into account the range of topics and activities you explore, how much effort you put into making this useful for all group members, whether you spread your meetings out through the semester (not clumping them at the end), and attendance.

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.

First Week Assignment

Post in your Canvas folder, preferably before by the evening of Wednesday, 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 & item "c" confidential.