

UNIVERSITY OF PENNSYLVANIA
THE WHARTON SCHOOL
LEGAL STUDIES AND BUSINESS ETHICS DEPARTMENT

SYLLABUS

LEGAL STUDIES 806-406: NEGOTIATION AND DISPUTE RESOLUTION SPRING 2016
TUESDAY 3 – 6PM, JMHH F50

Instructor

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Office Hours: Tuesdays 1:00 – 2:30pm (by appointment) or via email anytime

Teaching Assistants

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Course Objectives: Our time together in class, electronically, and in small group/one-on-one coaching sessions will be focused on enabling you to become a more effective negotiator and conflict resolver. This effectiveness in negotiation and conflict resolution requires many things, including:

- The creativity to execute deals that others might overlook;
- Knowing when to walk away;
- The patience and insight to understand the expense of litigation and alternative means of settling costly disputes;
- The strategic skill to get your fair share of what is negotiated;
- The insight to recognize ethical traps– and the wisdom to avoid them;
- Understanding the importance of relationships;
- The ability to work with people whose backgrounds, expectations, cultures and values differ from your own;
- The ability to resolve conflicts; and
- The capacity to reflect on and learn from your experiences.

This course links both the science and the art of negotiation and conflict resolution, but it is more “art” than “art appreciation.” It will give you the opportunity to identify your strengths as a negotiator and to work on your relative weaknesses. More fundamentally, the course will provide a conceptual framework to both diagnose problems and promote agreement in a range of settings, from your organization to your home.

Non-Disclosure Agreement: You must sign and submit the attached agreement before we get underway. If you would prefer not to sign, you must drop the course.

Assigned Reading: REQUIRED: G. Richard Shell, Bargaining for Advantage: Negotiation Strategies for Reasonable People (2d. edition, Penguin); Roger Fisher, William Ury & Bruce Patton, Getting to Yes (Penguin 1991); Max H. Bazerman & Margaret A. Neale, Negotiating Rationally (Free Press 1993); Kerry Patterson, Joseph Grenny, Ron McMillan & Al Switzler, Crucial Conversations: Tools for Talking When Stakes Are High (2d. edition, McGraw-Hill 2011); Bulk Pack of additional readings.

RECOMMENDED: Dale Carnegie, How to Win Friends & Influence People (Pocket Books 1998).

GRADING FACTORS

Nothing is accepted late. **Late assignments receive an F.** Missing a single class will disrupt the learning environment in this course. **If you miss two classes**, you are doing a tremendous disservice to the learning environment and, absent a written medical (**not work-related**) excuse from a medical care provider, the instructor may give you **an F** in the course.

At a minimum, each unexcused absence will cause your grade to be lowered one full step (A to B, B- to C-, etc.). If you anticipate that you will have any attendance problems, please do not take this course.

1. **Journal Entries and Speaker Reflection** (25%): Nine journal entries and one speaker reflection are due during this course. Please see page 8 for the **required format** for each journal entry. Please write no more than a **one-page analysis** (grade will automatically be lowered if this limit is exceeded – i.e. from B to B- or A- to B+). The tables on page 2 provide details regarding each assignment. You must reference all readings assigned to earn full credit. For journal entries about negotiations involving multiple counterparts, you may address either one or all of your counterparts' most important mistakes. We recommend quality over quantity, however, and suggest addressing the single mistake you learned the most from. Please submit all assignments in hard copy form.

Journal entries will be graded on the following scale:

Check plus (✓+): journal entry exceeds expectations— these are rare and given only at graders' discretion

Check (✓): all required points addressed in sufficient detail

Check minus (✓-): most important points addressed, but lacking in one or more areas

Cross (X): all required points not addressed/points mentioned not expressed in sufficient detail

2. **Midterm Exam** (25%): In Class 7, there will be a 30-question midterm, which you will be given 90 minutes to complete. The format of the midterm will be multiple choice, true/false and short answer questions. Materials covered on the midterm will include all required reading for the class and journal entries assigned prior to the exam. The midterm will not be graded on a curve.

3. **Analytical Paper** (30%): This paper should be 6-8 pages (double-spaced) and should focus on a high profile negotiation of the past or present. The paper should display the facts of the negotiation, related negotiation research, as well as your analysis. You must be able to tie your analysis to topics discussed in class or in the readings; **your analysis must reflect your takeaways from this course.** Please see page 4 for more details.

4. **Personal Negotiation Analysis** (10%): During the semester, you will conduct a negotiation of personal significance (outside of class) using concepts learned in this course. You will write a two-page, double-spaced, analysis of your application of negotiation theory in your preparation, negotiation performance, and the outcome. Your analysis must reference at least two (2) negotiation concepts from the required book *Crucial Conversations* and at least three (3) additional assigned readings.

5. **Peer Evaluations** (10%): You will rate your classmates on three dimensions using a 1-10 scale, 1 being poor and 10 being excellent: 1) overall preparation for and commitment to the exercises and contributions to class discussions; 2) skill in one-time negotiations where the future relationship does not matter much; and 3) skill in negotiations where the future relationship matters significantly. **You will complete midterm evaluations due Wednesday, Feb. 24th by 3pm and final evaluations due Wednesday, April 27th by 3pm.** There will be a peer evaluation tool posted on Canvas through which you will submit your evaluations. It is your responsibility to keep track of your evaluations of your fellow students during the semester. There is no need to indicate the class in which you negotiated with the peer. If you negotiate with someone more than once, submit only your overall evaluation. If you do not negotiate with an individual, do not submit an evaluation for them.

6. **Negotiation Performance:** At the instructor's discretion, your course grade may be increased for outstanding class participation and negotiation performance.

JOURNAL ENTRIES

Date Due	Journal Entry	Negotiation Exercise	Assigned Readings Relevant for Question # 5	Suggested Readings
Jan. 26	1	Distributive Bargaining Exercise	Bulk Pack (BP) #1; Negotiating Rationally (NR) Ch. 1, 9	
Feb. 2	2	Bargaining Styles and Expectations Exercise	BFA Intro, Ch. 1-2; NR Ch. 3-4, 11; BP #2-3	
Feb. 16	3	Standards and Agents Exercise	BFA Ch. 3; BP #4-5	NR Ch. 15
Feb. 16	4	Agents and Interests	NR Ch. 2, 7	
Feb. 23	5	Relationships and Interests Exercise	BFA Ch. 4-5, 7; BP #6	NR Ch. 5, 11
March 1	6	Leverage Exercise	BFA Ch. 6, 8-9; NR Ch. 8, 16; BP #7-8	
March 22	7	Trust and Decision Making Exercise	<i>Getting to Yes</i>	
March 29	8	Ethics Exercise	BFA Ch. 11; NR Ch. 13; BP #9	NR Ch. 12
April 5	9	Coalitions Exercise	BFA Ch. 10; NR Ch. 12; BP #10	BP #11

ADDITIONAL ASSIGNMENTS

Date Due	Assignment	Description
Feb. 16	Analytical Paper Topic Description	One paragraph description of paper due. This is an important step, as it will ensure that you start thinking about the paper and don't get overwhelmed later on. The more effort you put into it, the better feedback you can get, and the easier it will be to write your paper. If you receive feedback that it is not recommended or find it hard to find information, you can change your topic.
Feb. 24	Midterm Peer Evaluations	Don't let these intimidate you, as they are not meant to dissuade you from exploring your negotiation style, but to encourage you to use the skills talked about in class and help you get comfortable with your negotiation style. Keep track of your partners as you go along.
April 12	Speaker Reflection	Write a one-page, double-spaced response discussing at least two insights from the guest speaker and how they correspond with the readings assigned for that week. You must cite each of the assigned readings to ground your analysis.
April 22	Analytical Paper	See above section on Analytical Paper for more information. Well thought out and well researched papers receive the best grades.
April 26	Personal Negotiation Analysis	During the semester (outside of class), conduct a negotiation of personal importance using concepts and techniques learned in this course. Write a two-page, double-spaced analysis of your application of negotiation theory in your preparation, negotiation performance, and the outcome. Your analysis must reference at least two (2) negotiation concepts from the required book <i>Crucial Conversations</i> and at least three (3) additional assigned readings.
April 27	Final Peer Evaluations	Like the midterm evaluations, you will provide feedback on your peers' negotiation performance over the full term. You are to evaluate only those with whom you've negotiated, so keep track of your partners as you go along.

DETAILED DESCRIPTION of ANALYTICAL PAPER

SUBMIT A PARAGRAPH DESCRIBING YOUR TOPIC IN CLASS 5, FEBRUARY 16th

THE PAPER IS DUE BY 3PM ON FRIDAY, APRIL 22nd

This is your chance to demonstrate your ability to analyze negotiations as a consultant, advisor, or strategist for others— something we will do throughout the course. Do not use this paper to write about a personal negotiation you face or have faced in the past. Personal topics are best suited for your journal entries and the Personal Negotiation Reflection assignment.

Viable topics may be found in sports and entertainment (NHL, salary negotiations, stadium financing deals), history (end of the Korean War, Cuban Missile Crisis), and business (AOL-Time Warner, RJR-Nabisco merger). The topic should be of interest to you and have enough information available where you can do an in-depth analysis of the negotiation. If you choose to do a topic that is not well documented, you may be doing yourself a disservice, as this will require more work on your part. However, if it is a topic that truly interests you, you can look into the history of the various parties involved in the negotiation where you may find richer documentation or find alternative ways of getting undocumented information, such as interviews with insiders. You need more than just a few newspaper articles.

While the papers will not be graded on a hard curve, it is in your best interest to choose a unique topic. Choosing a generic topic (i.e. one suggested here) may put you at a disadvantage as there is bound to be an element of comparison/relative grading between multiple papers submitted addressing the same topic.

The best papers, those at the “A” level, will include a wide range of citations, negotiations research from beyond the materials presented in class, and analysis beyond a couple of references. The worst papers, those at the “C” level, will merely summarize the details of a high profile negotiation. All papers should include appropriate references and citations to relevant books and articles.

You have flexibility in terms of the way you structure your paper.

Do not exceed page limit: 8 pages, double-spaced (not including bibliography). 6-8 pages recommended.

CLASS SCHEDULE – Page 1

	Date	Before class, it is REQUIRED that you...	Before class, it is OPTIONAL for you to...	Class Agenda	To be brought/ Turned in during this class:
Class # 1	Distributive Bargaining: The “Zone of Agreement”				
	Jan. 19	Read: Bulk Pack (BP) #1; <i>Negotiating Rationally</i> (NR) Ch. 1, 9		Distributive Bargaining Negotiation Exercise	Printed Syllabus
Class # 2	Foundations #1 and #2: Bargaining Styles and Expectations				
	Jan. 26	Read: <i>Bargaining for Advantage</i> (BFA) Introduction and Ch. 1-2; NR Ch. 3-4, 11; BP #2-3 Complete: Journal Entry 1 Negotiation Style Analysis		Negotiation Style Analysis Bargaining Styles and Expectations Negotiation Exercise	Signed Non-Disclosure Agreement Results from Negotiation Style Analysis Journal Entry 1* Exercise: Distributive Bargaining Required References: BP #1; NR Ch. 1, 9 <i>*See special instructions for Question 6 on pg. 8 of syllabus</i>
Class # 3	Foundation #3: Standards and Agents				
	Feb. 2	Read: BFA Ch. 3; BP #4-5 Complete: Journal Entry 2	Read: NR Ch. 15	Standards and Agents Negotiation Exercise	Journal Entry 2 Exercise: Bargaining Styles and Expectations Required References: BFA Intro, Ch. 1-2; NR Ch. 3-4, 11; BP #2-3
Class # 4	Standards, Agents and Interests				
	Feb. 9	Read: NR Ch. 2, 7		Debrief Standards and Agents Negotiation Exercise Agents and Interests Negotiation Exercise	Reminder: Analytical Paper Topic Description due in class Tuesday, Feb. 16th

CLASS SCHEDULE—Page 2

	Date	Before class, it is REQUIRED that you...	Before class, it is OPTIONAL for you to...	Class Agenda	To be brought/ Turned in during this class:
Foundations #4 and #5: Relationships and Interests					
Class # 5	Feb. 16	Read: BFA Ch. 4-5, 7; BP #6 Complete: Journal Entry 3 & 4	Read: NR Ch. 5, 11 <i>How to Win Friends & Influence People</i> (Entire book)	Relationships and Interests Negotiation Exercise	Analytical Paper Topic Description due in class. Journal Entry 3 Exercise: Standards and Agents Required References: BFA Ch. 3; BP #4-5 Optional Reference: NR Ch. 15 Journal Entry 4 Exercise: Agents and Interests Required References: NR Ch. 2, 7
Foundation #6: Leverage					
Class # 6	Feb. 23	Read: BFA Ch. 6, 8-9; NR Ch. 8, 16; BP #7-8 Complete: Journal Entry 5		Leverage Negotiation Exercise	Journal Entry 5 Exercise: Relationships and Interests Required References: BFA Ch. 4-5, 7; BP #6 Optional References: NR Ch. 5, 11; <i>How to Win Friends & Influence People</i> Reminder: Midterm Peer Evaluations due by 3pm Wednesday, Feb. 24th
MIDTERM EXAM					
Class # 7	March 1	Review material for Midterm Complete: Journal Entry 6		Midterm* <i>*See description on pg. 2 of syllabus</i>	Journal Entry 6 Exercise: Leverage Required References: BFA Ch. 6, 8-9; NR Ch. 8, 16; BP #7-8
NO CLASS ON MARCH 8th (SPRING BREAK)					
Trust, Communication, and Conflict Resolution					
Class # 8	March 15	Read: <i>Getting to Yes</i> (Entire book)		Trust and Decision Making Negotiation Exercise	

CLASS SCHEDULE—Page 3

	Date	Before class, it is REQUIRED that you...	Before class, it is OPTIONAL for you to...	Class Agenda	To be brought/ Turned in during this class:
Class # 9	Ethics				
	March 22	Read: BFA Ch. 11; NR Ch. 13; BP #9 Complete: Journal Entry 7		Ethics Negotiation Exercise	Journal Entry 7 Exercise: Trust and Decision Making Required Reference: <i>Getting to Yes</i>
Class # 10	Coalitions				
	March 29	Read: <i>Crucial Conversations</i> Ch. 1-4; BFA Ch. 10; NR Ch. 12; BP #10 Complete: Journal Entry 8	Read: BP #11	Coalitions Negotiation Exercise	Journal Entry 8* Exercise: Ethics Required References: BFA Ch. 11; NR Ch. 13; BP #9 <i>*See special instructions for Question 5 on pg. 8 of syllabus</i>
Class # 11	Cross-Cultural Negotiations				
	April 5	Read: <i>Crucial Conversations</i> Ch. 6-9; BP #12-13 Complete: Journal Entry 9	Read: NR Ch. 8	Guest Speaker	Journal Entry 9 Exercise: Coalitions Required References: BFA Ch. 10; NR Ch. 12; BP #10 Optional Reference: BP #11
Class # 12	TBD				
	April 12	Complete: Speaker Reflection			Speaker Reflection Required References: <i>Crucial Conversations</i> Ch. 6-9; BP #12-13 Optional Reference: NR Ch. 8
Class # 13	Multi-Party Negotiations				
	April 19	Read: BP #14-15		Multi-Party Negotiation Exercise	
*** Final Papers are due by 3pm Friday, April 22nd and must be submitted to the Legal Studies and Business Ethics Department – 6th Floor, JMHH***					
Class # 14	Reflections, Closing				
	April 26	Read: BP #16 Complete: Personal Negotiation Analysis		Final Negotiation Exercise	Personal Negotiation Analysis Reminder: Final Peer Evaluations due by 3pm Wednesday, April 27th

NEGOTIATION JOURNAL ENTRY REQUIRED FORMAT

Your Name:

Counterpart's Name(s):

Date:

Name of Negotiation Exercise:

1. Result of the negotiation and a very brief description of the best explanation for this result.
2. My most important mistake in the negotiation.
3. My counterpart's most important mistake in the negotiation.
4. My most important take-away from the negotiation debriefing.
5. Two examples of how I tried to apply the negotiation theory from the related assigned readings to the actual negotiation. All assigned readings must be addressed within the two examples given for full credit.**
6. Personal negotiation skill to develop and realized improvement from the previous week's negotiation experience. *

SPECIAL INSTRUCTIONS:

***For Journal Entry #1, Question 6:** Discuss what you learned about yourself during the first negotiation. Did anything surprise you? What would you like to improve upon going forward?

****For Journal Entry #8, Question 5:** Describe the three "Schools of Bargaining Ethics" (BFA Chapter 11) and discuss which approach you think is best and why.

You may complete your journal entries in any form (with separate responses to each question or as one cohesive piece) as long as all of the points are all clearly addressed.

Journal entries must not exceed one page in length.

NEGOTIATIONS FAQ

JOURNAL ENTRIES

- 1) Q: How long do they have to be?
A: Journal entries should be no more than 1 single-spaced page.
- 2) Q: What main points should be addressed?
A: Please see the required format on page 8. The best journal entries incorporate analysis of what happened in the negotiation in relation to concepts outlined in the assigned reading for that week.
- 3) Q: Is it possible to make up journal entries for a missed class?
A: No. Absence from class precludes participation in the negotiation exercise, which is the subject matter for the journal entries. Missing journal entries due to class absence will be graded as a zero.

PERSONAL NEGOTIATION

- 1) Q: Is there a specific topic for the negotiation?
A: No, you are free to negotiate anything you like.
- 2) Q: How long should the analysis be?
A: Your analysis should be two double-spaced pages and include thorough yet succinct analysis of your application of negotiation theory in your preparation, negotiation performance, and the outcome. Your analysis must reference negotiation concepts from at least five (5) different assigned readings.

FINAL PAPER

- 1) Q: Are there a certain number of sources that are required?
A: No, there is no set number; however, better papers tend to use more sources. Good papers typically have a mix of sources between those that support the analysis and those that provide information on the topic. Don't fall into the trap of discussing the events that happened instead of analyzing the negotiation. The average paper has **5-10** sources.
- 2) Q: Is it ok to cover/focus on a negotiation topic (like game theory) that was not discussed in detail during class?
A: Yes, these are fair game. These can turn out to be some of the best papers, if the subject area is well researched.
- 3) Q: How much of the paper should be factual, and how much should be our analysis?
A: You should not have more than 2 pages of factual material. A good paper has a rough percentage of **20%** factual, **80%** analytical content.
- 4) Q: Can I change topics after I turn in my paper topic without telling Professor Taheripour or the TA?
A: Yes, you can. However, often people who change topics very late into the semester have to scramble to finish the paper, and as was noted several times, no extensions will be given. So, take the time to research and think about your topic, and then get feedback. This will help you pace yourself. That being said, it is better to change topics and have a good paper than stick to a topic on which you cannot find enough material or one you are not interested in.
- 5) Q: Is it possible to get an extension?
A: No.

NEGOTIATION AND DISPUTE RESOLUTION NON-DISCLOSURE AGREEMENT

Some of the role-playing negotiation exercises used in the various sections of this course and others are very similar. The sections do not necessarily encounter/debrief these exercises at the same times during the semester.

In order to make the course work and the grading fair for this and future sections of this course, it is essential that participants:

- Keep role-specific, confidential information to themselves, except as they may choose to disclose it to their counterpart(s) in the actual negotiation exercises;
- Make no efforts, other than in the course of negotiations, to discover the contents of the private information given to their counterparts;
- Refrain from discussing the exercises and results of negotiations with other students until they are *certain* that the person with whom they are speaking has completed the exercise and discussed it in class. **Under no circumstances should students discuss the exercises with students who are not currently enrolled in a Negotiations course.**

The professors teaching these courses consider intentional violations of these rules to constitute violations of the ethics guidelines of this institution. By signing this form, you agree to abide by the aforementioned requirements and rules.

Signed: _____

Print Name: _____

Date: _____