

Negotiation & Dispute Resolution

SPRING 2016 // LGST #206, MGMT #291, OPIM #291 Section 407

University of Pennsylvania, Wharton School

Instructor: 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 will 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.

Objectives: 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.

This course is a “lab class.” This series of experiential learning activities is designed to build your skills and expand your thinking. This learning-by-doing means that presentations and discussions of readings will be brief, and hit the high points. The more you read and prepare, the more you engage in the debriefs and reflection essays afterward, the more you’ll learn from the roleplays and exercises.

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*. Roger Fisher, William Ury, and Bruce Patton. The classic work on interest-based negotiation. Please read the 2011 edition.
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. *Getting More of What You Want*, 2015. Margaret A. Neale and Thomas Z. Lys.
7. 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!

Attendance

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.

Roleplays and debriefs

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 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.

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 Reflection Essays. 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.

Participation

EVERYONE participates in this class! And your participation in class discussion is not graded. Indirectly, 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 replace 2 of our scheduled classes. You can attend, watch the video afterward on the Wharton network, OR substitute another 45+ minute relevant guest lecture. To get attendance credit, upload one paragraph to Canvas summarizing your reaction to the lecture you heard.

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.

Grading generally puts the class median near the B / B+ line.

Plan ahead – If you want to change a due date you must ask at least 48 hours before the assignment is due (and I may not be able to say yes.)

| Category | % of grade | Assignment |
|------------------------------|------------|--|
| A. Ungraded Assignments | 3% | First Assignment plus other small assignments completed satisfactorily |
| B. Reflection Essays | 5% | #1 (Negotiate Something) |
| | 10% | #2 |
| | 15% | #3 (with video) |
| | 7% | #4 (self eval) |
| C. Real World Analysis Paper | 17% | |
| D. Kaizen Team | 15% | Completing 5 Kaizen Meetings with satisfactory effort |
| E. Concept Quizzes | 18% | 3 short-answer quizzes |
| F. Skill evaluation | 10% | Peer Evaluation, Roleplay participation |

A. Ungraded Assignments

First Week Assignment

Introduce yourself, think through what you'd like to accomplish in this class. For instructions, see the last page of this syllabus (also posted on Canvas). Required but not graded. Please do it SOON!

We will have other small "required but not graded" assignments, usually for class preparation or to practice your learning from a particular class.

B. Reflection Essays: Roleplays + class and readings

Reflect on what you have learned from the roleplays, your real-life situations, from class and course readings. Your grade will be based on how well you use course concepts to learn from your experiences, how deeply you reflect on your performance and the actions and reactions of others, and the intellectual richness of your observations and questions.

Details for each assignment will be posted on Canvas.

#1 Negotiate Something. Explained in class next week. Maximum word count: 800.

#2 What have you learned so far? Maximum word count: 950.

#3 Video: Same topic as #2 with the addition of commentary on 3-4 minutes of video clip(s) showing you negotiating. I suggest you start recording roleplays from day one. Get at least one other classmate to watch your chosen clips and give you their observations. Maximum word count: 1150.

#4 Self-evaluation: a skills evaluation form + conversing with other students (of your choice) about your performance + reviewing your *course goals and your peer feedback* (remember to keep notes!).

C. "Real World" Analysis Essay

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 draft. Maximum word count: 1500

D. Kaizen Team

Kaizen Teams consist of 4 students who meet at least 5 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.

E 3 Concept Quizzes

Each will take about 30 minutes. They are mostly questions with one or two sentence answers, and test your ability to recognize and apply the main concepts from class notes and required readings.

F. 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. Therefore, your reputation in the class, other students' perception of your skills, and how seriously you prepared for and participated in the roleplays WILL affect your final grade.

Please learn everyone's name ! so that you can give them a fair evaluation. Make notes on your debrief sheets to remind yourself, especially when someone does something well.

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.
- Put the word count at the end of your assignment. (MS Word calculates this for you.)
- 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.

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 want to improve your grade
- ✓ If you have low confidence in your negotiation or mediation abilities
- ✓ If you want more challenge or want to explore a topic or skill further
- ✓ If you have any concerns about what’s happening in class or Kaizen
- ✓ 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 |
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| | <p>14 JANUARY 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>19 JANUARY 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>21 JANUARY 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>26 JANUARY 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>Optional: <i>Getting More of What you Want</i>, Chapter 7 on who should make the 1st offer.</p> | <p>28 JANUARY Bargaining, claiming value: approaches</p> <p>Fitting the approach to the situation. Reviewing your Negotiate Something strategies.</p> <p>Due: “Negotiate Something” results. Optional: complete the personal negotiation style questionnaire (on Canvas). Optional: <i>Bargaining for Advantage</i>, Part I. <i>Getting More</i>, Chapters 2-4.</p> <p>Due: 1st Kaizen Report</p> |

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| <p>2 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> (okay to skim through and read what interests you.)</p> <p>Due by start of class: Reflection Essay #1 on your “Negotiate Something” experience</p> | <p>4 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>9 FEBRUARY Understanding their world</p> <p>Identifying interests Getting into <i>their</i> head and heart: Listening, acknowledging Key points from <i>Negotiation Genius</i>. Questions about the quiz,</p> <p>Read: <i>Negotiation Genius</i>, chapter 3</p> | <p>11 FEBRUARY 🔄 Quiz #1</p> <p>NO CLASS (guest speaker substitute day) Online quiz, starting at 10:40 Read: <i>Negotiation Genius</i>, Chapters 4, 5, 6 (not included in quiz)</p> |
| <p>16 FEBRUARY Watch your language</p> <p>Quiz review Debrief Email Roleplay #4 Communication channels Asking effective questions</p> <p>Due: Bring a printout of your transcript for the in-class debrief exercise. (No need to post or print me a copy.)</p> | <p>18 FEBRUARY Job negotiations</p> <p>Data + value! Strategies for job negotiations—brief skits</p> <p>Read: <i>Negotiation Genius</i>, Chapter 7, 13</p> <p>Optional: <i>Getting More</i>: Chapter 5 on preparation.</p> <p>Optional: Browse the web – THOUSANDS of videos and sites on these topics</p> <p>Due Friday, 4:30pm Reflection Essay #2</p> |

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| <p>23 FEBRUARY Leverage & Power</p> <p>Presentation Exercise and debrief Handout Roleplay #5– prepare with your partner outside of class, ready to go Thursday morning.</p> <p>Read: <i>Negotiation Genius</i>, Chapter 11, 12</p> <p>Optional: <i>Bargaining for Advantage</i>, Chapter 6</p> <p>Optional: <i>Getting More</i>, Chapter 9 on Promises & threats, Chapter 11 on Power</p> <p>Due: 2nd Kaizen Report</p> | <p>25 FEBRUARY Labor negotiation</p> <p>Roleplay #5 + debrief</p> <p>Read: <i>Negotiation Genius</i>, Chapters 8, 9, 10</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>1 MARCH Public negotiations</p> <p>🔄 Quiz #2 in class and mid-course evaluations</p> <p>Roleplay #5 debrief continued</p> <p>Read: Finish <i>Negotiation Genius</i>.</p> <p>Optional: Labor mediator’s critique of <i>Getting To Yes</i> (short) : http://www.colorado.edu/conflict/peace/problem/mcca7535.htm</p> <p>Due: Peer review: Fill out brief online survey (will be a small part of the peer eval grades)</p> | <p>3 MARCH Perceptions, Mind traps & Ploys</p> <p>Quiz review Ploy skits</p> <p>Read: Review NG chapters 4, 5, 8.</p> <p>Optional: Hammond et al. article, Hidden Traps</p> |
| <p>8 MARCH</p> <p>Enjoy your mid semester break!</p> | <p>10 MARCH</p> |

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| <p>15 MARCH Conflict, emotion, mediation</p> <p>Handling conflicts and emotions, shadow negotiation issues A basic mediation process (video, demo) Handout Agent Roleplay #6 (to be completed outside of class. This roleplay can require a lot of back and forth negotiation, so start SOON.)</p> <p>Read: <i>Joseph Daly article notes (on Canvas)</i></p> <p>Read: <i>The Mediator Handbook</i> excerpts (posted files start with "MH")</p> <p>Optional: <i>Getting More</i>, Chapter 10 on emotions.</p> | <p>17 MARCH Mediation practice</p> <p>Mediation mini roleplays & debrief Handout Agent Roleplay #7 (agent/client meetings outside of class, use 3/24 class time to finish.)</p> |
| <p>22 MARCH Mediation practice</p> <p>Mediation mini roleplays continued Mediations debrief Resolving dispute negotiation in business settings (ADR)</p> <p>Due: By this date you should have at least had your initial agent/client meetings for both outside roleplays.</p> <p>Due: 3rd Kaizen Report</p> | <p>24 MARCH Agent/client</p> <p>Finish Roleplay #7. Debrief if time.</p> <p>Read: <i>When you shouldn't go it alone</i>, by L. Susskind.</p> |
| <p>29 MARCH Agents</p> <p>Debrief roleplays #6 & #7 Using agents, being an agent.</p> <p>Due: before the start of class: Post your Roleplay #6 results.</p> | <p>31 MARCH 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>Optional: <i>Bargaining for Advantage</i>, Chapter 11</p> <p>Due Friday, April 1, 5 pm: Reflection Essay #3 with video clips</p> |

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| <p>5 APRIL</p> <p>➡ Quiz #3 in class</p> <p>Team negotiation</p> <p>Negotiating as a team, negotiating multiple issues Team Prep for Roleplay #8</p> | <p>7 APRIL</p> <p>Team negotiation</p> <p>Roleplay #8, continued.</p> <p>Read: Lax & Sebenius article on 3D negotiations</p> <p>Due: 4th Kaizen Report</p> |
| <p>12 APRIL</p> <p>Complex negotiations</p> <p>Roleplay #8 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: Complete draft of Real World Analysis paper</p> | <p>14 APRIL</p> <p>NO CLASS (Guest speaker substitute day)</p> <p>Due by noon: Comments on your partner’s analysis paper—email your partner and CC: me.</p> |
| <p>19 APRIL</p> <p>Multi-party negotiations</p> <p>Start Roleplay #9</p> <p>Due by start of class: “Real World” analysis paper</p> | <p>21 APRIL</p> <p>Multiparty negotiations</p> <p>Finish Roleplay #9 debrief</p> <p>Skim: Ertel on Corporate Capability.</p> <p>Due by Sunday, April 24th 9pm: Online peer evaluation survey. *Please* don’t be late!</p> |
| <p>26 APRIL</p> <p>Last Class: – the larger picture</p> <p>Roleplay #9 debrief, complex negotiations Negotiation as core business & life competency</p> <p>Due: Reflection Essay #4 (Self Eval)</p> | |

4 MAY

Final kaizen report due

Due by noon: Kaizen Team report #5 (It's fun to do this at the very end of the semester, however you can meet any time after April 19th)

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? 5 substantive meetings throughout the semester, including one time with me if we can work out schedules. Schedule an hour for your meetings.

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 4 meetings

Before you meet, choose 2-4 topics you'd like to discuss, or pick an activity you want to do together. Although making an agenda can feel weirdly formal, it is invaluable baseline for facilitating efficient negotiations and 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 this for your 2nd or 3rd kaizen meeting. Warning though!: 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.
- See a negotiation-related film together.
- 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 Reflection Essay #2.)
- 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.

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) plus any idea or problem or question you want me to know about or respond to.

Your kaizen grade will take into account the range of topics and activities you explore, how much energy you put into making your meetings useful for all group members, meeting & reports happening at the required intervals, and on your personal attendance. There's no grade on individual kaizen meetings, just comments and guidance. The grade applies to your whole semester efforts.

Note: Most students like their kaizen get-togethers and find it helps with their real world negotiations and conflicts. However, if you find your kaizen group is not particularly interesting or helping your learning, please come talk to me (confidentially) SOON, and we'll strategize.

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 20. 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? What kinds of negotiation are likely to be most important for you? (One paragraph.)

2. What are you curious about, what would you like to accomplish?

What skills and information about negotiation would you especially like to improve by the end of this semester? The more *specific and measurable* the skills and ideas, the more likely you are to focus your learning effectively. (i.e. "I'd like to learn how to get and keep people's attention" or "My goal is to understand how to prepare so I feel less nervous" or "I want to learn how negotiation skills can be applied to my ___ situation." or "I'm curious about the negotiation strategies diplomats use in international trade negotiations." rather than "I'd like to negotiate better.")

Note that you'll return to these goals for your end-of-semester evaluation assignment.

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.