

NEGOTIATION & CONFLICT RESOLUTION

Syllabus for LGST 206-409 Spring 2016

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University of Pennsylvania | The Wharton School
Department of Legal Studies & Business Ethics

Class time Thursdays 3 - 6 PM

Classroom: Forum 94

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OVERVIEW

We negotiate every day—with merchants, service providers, employers, co-workers, friends, and family—determining what price we will pay, the amount of our salary and compensation, what movies to watch, where to go to dinner, who will clean the kitchen, and so forth. Although negotiations are a ubiquitous part of our everyday lives, many of us know little about the strategy and psychology of effective negotiations. Why do we sometimes get our way, while other times we walk away feeling frustrated by our inability to achieve the agreement we desire?

This course integrates theory and practice. It will give you a foundation, a conceptual understanding of negotiation processes, so that you can analyse negotiation situations intelligently and choose effective strategies. It will also build your practical hands-on negotiation and conflict resolution skills in a range of settings.

Each class period will include negotiation simulations and exercises. We will combine this experiential learning with readings, lectures, discussions and extensive individual and small group review sessions. We encourage you to approach this course with an open mind and a willingness to experiment!

COURSE OBJECTIVES

More specifically, during the course you will:

1. Learn fundamental concepts of negotiation theory and behavior;
2. Learn to analyze negotiation processes in both professional and personal situations.
3. Build your confidence and competence through frequent practice;
4. Identify different negotiation styles and structures. Understand the benefits, disadvantages, and appropriateness of using different styles and processes in particular settings;
5. Take away preparation and evaluation tools for your continued development as a skilled negotiator.

READINGS

1. G. Richard Shell, *Bargaining for Advantage* (Penguin 2nd edition 2006);
2. Roger Fisher, et al., *Getting to Yes* (Penguin 3rd edition 2011);
3. Douglas Stone, et al., *Difficult Conversations* (Penguin 2nd edition 2010); and
4. Additional Readings on Canvas.

ATTENDANCE:

Attendance in this course is very important !!

Each class period will have actual negotiations where you will be given a specific role to play and be teamed up with one or more other students. Therefore, missing a class hurts everyone's learning, not just yours.

If you need to miss a class, please let us know at least 24 hours in advance—by 3:00PM on Wednesday. The more notice we have, the more easily we can plan to ensure that the other students can have a full learning experience.

Missing one class = losing 3 participation points. You can earn those points back by arranging with classmates to make up the missed roleplay, by completing a short writing assignment related to the class material that week, and/or by writing about a guest speaker presentation. Consult with the instructor as to which make-up is appropriate.

If you miss more than two classes, your overall grade for the course will be reduced one level (i.e. from B- to C+).

You do not need to send us a formal or informal excuse for absences. Make sure you attend regularly so that getting sick or having schedule conflict does not risk putting you over the 2-class limit.

ASSIGNMENTS & GRADING:

There are 100 points to be gained in the class. Students with the most number of points receive the best grades. In other words, your grade will reflect your performance relative to other students in this course, **not** relative to “perfection” or a mythical “Wharton curve.”

A. 3 Preparation plans (9 points)

Three preparation plans are due throughout the semester (3 points each). Although only these three will be graded, you are encouraged to prepare a similar prep plan for each negotiation. *The prep plan form that we expect you to use will be posted on Canvas.*

Preparation is probably the single most important thing you can do to improve your performance in any negotiation. In class, it is essential that you read and prepare for every negotiation exercise. Lack of preparation diminishes the value of in-class negotiations, not only for you, but also for your negotiating partners.

B. 4 Reflection Papers (18 points)

Four reflection papers are due throughout the semester (6 points each, however, only your top three papers will count towards your course grade). *Maximum 950 words each.*

The purpose of these papers is to help gain greater awareness of yourself as a negotiator, as well as of the people and situations you encounter, and to foster a deeper understanding of the experience of negotiating.

Reflect on your in-class simulations and/or negotiation-related experiences that arise in your life outside of this class. There’s no need to explain blow-by-blow what happened in your negotiations. Focus instead on what you were thinking, feedback for yourself about what worked well, what you might do differently next time, and what unanswered questions you still have. In addition, each paper should reference at least one of the required readings and incorporate it into your self-reflection. That said, these papers are not a test of your research or formal writing skills. They are intended to be an exercise in self-awareness and an opportunity to engage in ongoing reflection and personal growth. We will post examples on Canvas to show you what we expect.

C. 2 Quizzes (23 points)

The two in-class quizzes are worth 13 and 10 points respectively. Given in Classes 7 and 13. the quizzes will cover readings, lectures, class discussions, and guest speakers and will last 20-30 minutes.

While we will not have time to discuss all the readings in class, you will be expected to understand and apply the main substantive points of each chapter/article. Studying this conceptual knowledge will inform your negotiation practice, and give you a broader perspective that gives you a basis for growing your skills long after you finish this class.

D. Final Paper (25 points)

Due before 2pm on May 3, 2016, *Maximum 2800 words* (not including reference pages or charts).

The final paper gives you a chance to explore in more depth one aspect of wider-world negotiation that you are passionate about, and/or one that intrigues you.

Potential topics: analysis of one real negotiation (mergers, international crises, historical events), industry negotiation practices (best practices in commercial real estate development deals), profiles of negotiators in fiction or drama (Shakespeare's Henry IV), profiles of real negotiators (Richard Branson, Hillary Clinton, Gandhi), research reviews on particular aspects of negotiation, such as bargaining styles (culture, gender, personality), communication (lying, listening, non-verbal communication) or anything else you want to explore about negotiation. Given the short length of the paper, we advise you to carefully limit your topic (one phase of a negotiation, one particular context, etc.) so that you can avoid large generalizations and learn from examining details.

Grading is based on:

- 1) Originality and importance of topic, including an explanation of why you picked it, how it potentially links to your career or personal interests.
- 2) Thorough research.
- 3) Making valid connections between your topic and the concepts covered in class (not just summarizing other people's analyses), and insightful, well-supported conclusions.
- 4) Clear and accurate writing, which includes helpful organization and careful proofing.

For example, someone interested in diplomatic negotiations will get more points for exploring a little-known but fascinating example of Central Asian diplomacy, for finding interesting, original sources on this topic such as personal interviews and primary historical works (such as debates, biographies, first-person accounts, and critical histories), and for drawing fresh and thoughtful conclusions, than he or she will get for writing about the Cuban Missile Crisis which replay the information and conclusions garnered from much-cited web articles and books on the topic.

E. Class Participation (25 points)

Fifteen points will be based on our weekly observations of

- 1) Your effort and engagement during in-class exercises;
- 2) The quality of your in-class comments – especially how well you engage other students. This means questions and observations that spark peer responses, that forward the class discussion as a whole. Incidentally, this is great practice for facilitating and negotiating.
- 3) Timely completion of assignments, graded and ungraded.

The remaining ten points will take into account online peer ratings you will do at the end of the course. Each student will rate each other student's overall demonstrated contribution to the class's learning and development. In addition, each student will identify eight students who particularly gained your respect during the semester for simultaneously managing both relationships and transactional success. Peer ratings will help us assess:

- 1) How well you prepared for in-class exercises and how seriously you played your roles;
- 2) Your involvement in small group discussions and exercises, and
- 3) Your success in building a reputation as a skilled negotiator.

We will review the raw scores from these peer evaluations to ensure the results are fair. We will announce the highest peer scores during the final class!

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 we appreciate getting a paper copy of assignments, even if you email us, 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.)

Please save paper by omitting extra title pages, large cute graphics, etc.

BTW, Dr. Beer enjoys any readable font that isn't Times Roman, and prefers single space.

- 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!

4. Talk to us

If you're uncertain about how to do an assignment, if you're worried about your grade, if you have questions or suggestions for class, if you're excited about a topic and want to explore it further... please come talk to us sooner rather than later.

CO-INSTRUCTORS

Professor Krol is team-teaching this semester with Professor Beer.

Professor Beer will take the lead in the first third of the semester, and then after a co-taught session or two, Professor Krol will take the lead for the remaining weeks. We will work closely together throughout the semester to share our notes on class participation and ensure that grading is fair and consistent. It is our hope that you will benefit from learning about negotiation from our different interdisciplinary perspectives, as well as from various guest speakers.

Professor Krol began teaching the Negotiation and Conflict Resolution at Wharton in Spring 2015. She has previously facilitated negotiation courses at Penn Law School, Harvard Law School, Vienna University (Romania), and in the Middle East through the organization Seeds of Peace. As a practicing attorney in Philadelphia, she has worked on both transactional deals and litigation disputes, both of which inform her approach to teaching negotiation.

Professor Beer has enjoyed teaching this Negotiation course at Wharton since 2001. She has a freelance consulting business here in Philadelphia, facilitating meetings and giving training to organizations and communities that are negotiating conflicts and cross-cultural issues. Her Masters is in International Administration. Her PhD studies in Anthropology at UC Berkeley looked at the Japanese tourism business in Southeast Asia. She is author of the well-known *The Mediator's Handbook*, now in its 4th edition.

GUEST SPEAKERS

Wharton Negotiation classes sponsor at least 2 guest speakers each semester. We will announce the times and dates of these lectures as they are scheduled, and post links to the video of those talks a few days afterward.

COURSE CALENDAR

I. INTRODUCTION				
Class	Topic	Agenda	Readings Due	Assignments Due
Class 1 (1/14)	Introduction to Negotiation	<ul style="list-style-type: none"> • Welcome and course overview • Read, negotiate and review Case #1 • Discuss syllabus 	Suggested: Get a head start on the Hopkins article and <i>Getting to Yes</i> chapters due next week.	Self introduction & Goals Assignment. See last page of this syllabus for instructions. Post to Canvas or email to beerj@wharton.upenn.edu by Tuesday evening, January 20th.
Class 2 (1/21)	Anchoring, First Offers and Information	<ul style="list-style-type: none"> • Negotiate and review Cases #2a and #2b • Review key concepts related to first offers, anchoring, and evaluating outcomes 	<ul style="list-style-type: none"> • Michael S. Hopkins, "How to Negotiate Practically Anything." • Fisher, <i>Getting to Yes</i>, Introduction, chs. 1-2 (pp. 3-41). • Shell, <i>Bargaining for Advantage</i>, ch. 2 (pp. 26-39), pp. 140-151, and ch. 9 (pp. 158-174). • George Wu, "Anchoring and First Offers in Negotiation." • Atul Gawande, "Personal Best." 	Prepare to negotiate Cases #2a and #2b

II. TENSION BETWEEN CREATING AND DISTRIBUTING VALUE

Negotiators often feel caught between the competing desires of finding opportunities for joint gain (i.e. “growing the pie”) and claiming a large share of the value (i.e. “getting a slice of the pie”). In the next five classes, you will have the opportunity to experiment with different approaches as we explore this tension between value creation and distribution—which at its core deals with how and when you share information. We will also discuss ethical issues that arise related to information-sharing and trust-building.

Class	Topic	Agenda	Readings Due	Assignments Due
Class 3 (1/28)	Preparing to Negotiate and Create Value	<ul style="list-style-type: none"> • Discuss the 7 elements and preparation • Negotiate and review Case #3 	<ul style="list-style-type: none"> • <i>Getting to Yes</i>, chs. 3-4 (pp. 41-81). • <i>Bargaining for Advantage</i>, chs. 4-5 (pp. 58-88). • Michael Moffit, “Contingent Agreements: Agreeing to Disagree about the Future.” 	<ul style="list-style-type: none"> • Prepare to negotiate Case #3 • First Reflection Paper due before class
Class 4 (2/4)	The Challenge of Distribution	<ul style="list-style-type: none"> • Review bargaining, information sharing, and distribution • Prepare with partner for Case #4 • Negotiate and review Case #4 	<ul style="list-style-type: none"> • <i>Getting to Yes</i>, ch. 5 (pp. 82-95). • <i>Bargaining for Advantage</i>, ch. 3 (pp. 40-57). • Gary Goodpaster, “A Primer on Competitive Bargaining.” 	<ul style="list-style-type: none"> • Prepare to negotiate Case #4 • Submit Preparation Plan for Case #4 due before class

Class	Topic	Agenda	Readings Due	Assignments Due
Class 5 (2/11)	Leverage	<ul style="list-style-type: none"> • Negotiate and review Case #5 • Discuss leverage, power, and other related topics with guest lecturer 	<ul style="list-style-type: none"> • <i>Getting to Yes</i>, Ch. 6 (pp. 99-108). • <i>Bargaining for Advantage</i>, Ch. 6 (pp. 89-113), and Ch. 10 (pp. 175-195). 	TBD (to be determined in collaboration with guest lecturer)
Class 6 (2/18)	Trust and Communication	Negotiate and review Case #6	<ul style="list-style-type: none"> • Catherine H. Tinsley, Jack Cambria, and Andrea Kupfer Schneider, "Reputations in Negotiation." • Sissela Bok, "Truthfulness, Deceit, and Trust." 	<ul style="list-style-type: none"> • Prepare to negotiate Case #6 • Second Reflection Paper due before class
Class 7 (2/25)	Negotiation Ethics	<ul style="list-style-type: none"> • Negotiate and review Case #7 • Review schools of ethics 	<ul style="list-style-type: none"> • <i>Bargaining for Advantage</i>, ch. 11, (pp. 196-228). • Alan Stufler, "On the Ethics of Deception in Negotiation." • Robert S. Adler, "Negotiating with Liars." • Deepok Malhotra and Max Bazerman, <i>Negotiation Genius</i>, pp. 196-218. 	<ul style="list-style-type: none"> • Prepare to negotiate Case #7 • Submit Preparation Plan for Case #7 due before class

III. TENSION BETWEEN EMPATHY AND ASSERTIVENESS

Negotiators often feel like they need to choose between being empathetic – understanding another’s perspective—and asserting their own views and interests. But this is a false choice! Skilled negotiators are able to do both without escalating conflict or jeopardizing their own interests. In the next two classes, we will reflect on where our individual strengths lie and build skills to help us balance both as negotiators.

Class	Topic	Agenda	Readings Due	Assignments Due
Class 8 (3/3)	Bargaining Styles and Difficult Behaviors	<ul style="list-style-type: none"> • Quiz #1 • Bargaining styles assessment and discussion • Real World Challenge exercise 	<ul style="list-style-type: none"> • <i>Bargaining for Advantage</i>, ch. 1 and Appendix A. • <i>Getting to Yes</i>, chs. 7-8 (pp. 109-145). <p>(Note: You are not responsible for today’s readings for the quiz.)</p>	<ul style="list-style-type: none"> • Prepare readings and lectures from Classes 1-7 for Quiz #1 • Prepare worksheet for Real World Challenge Exercise
(3/10)	Enjoy Spring Break!			
Class 9 (3/17)	Role of Emotions	<ul style="list-style-type: none"> • Negotiate and review Case #8 • Discuss role of emotions and identity in negotiation 	<ul style="list-style-type: none"> • Douglas Stone, Bruce Patton & Sheila Heen, <i>Difficult Conversations: How To Discuss What Matters Most</i> (2d ed. 2010), chs. 1-6, (pp. 3-128). • Roger Fisher & Daniel Shapiro, <i>Beyond Reason: Using Emotions As You Negotiate</i>, chs. 1-2. 	Prepare to negotiate Case #8

IV.MANAGING COMPLEXITY

The final portion of the class will focus on complex negotiations with multiple parties and issues. First we will explore the related disciplines of mediation and facilitation to help build skills such as process management and consensus-building that are key to successful multi-party negotiations. Then we will engage in two complex negotiations that will synthesize all of the concepts we have been discussing throughout the semester.

Class	Topic	Agenda	Readings Due	Assignments Due
Class 10 (3/24)	Mediation (Part 1)	<ul style="list-style-type: none"> • Lecture: Introduction to Mediation (and film clips) • Prepare with co-mediator • Mediate and review Case #9 	<ul style="list-style-type: none"> • Patrick Cleary, <i>The Negotiation Handbook</i>, Ch. 6. • Jennifer Beer and Carolyn Packard, <i>The Mediator's Handbook</i>, pp. 3-10, 29-76, 95-113, 117-137. 	<ul style="list-style-type: none"> • Prepare to mediate or role-play Case #9 • Third Reflection Paper due before class
Class 11 (3/31)	Mediation (Part 2)	<ul style="list-style-type: none"> • Mediate and review Case #10 • Film on Mediation 	<ul style="list-style-type: none"> • <i>Difficult Conversations</i>, ch. 9 (pp. 163-184). • Deborah Tannen, "The Power of Talk: Who Gets Heard and Why." 	<ul style="list-style-type: none"> • Prepare to mediate or role-play Case #10 • Final paper topics due before class

Class	Topic	Agenda	Readings Due	Assignments Due
Class 12 (4/7)	Complex Negotiations (Part 1)	<ul style="list-style-type: none"> • Discussion and exercise on teams • Meet with teams to prepare to negotiate Case #11 • Conduct opening negotiation session of Case #11 	<p>Note: Readings below are for the next two weeks:</p> <ul style="list-style-type: none"> • David A. Lax & James K. Sebenius, "3-D Negotiation: Playing the Whole Game." • Michael Watkins, <i>Dynamic Negotiations: Seven Propositions about Complex Negotiations</i>. • Max H. Bazerman & Margaret A. Neale, <i>Negotiating Rationally</i>. 	<ul style="list-style-type: none"> • Prepare to negotiate Case #11 • Preparation Plan for Case #11 due before class (to be completed individually before you meet as a team)
Class 13 (4/14)	Complex Negotiations (Part 2)	<ul style="list-style-type: none"> • Quiz #2 • Finish negotiating and review Case #11 	None, finish readings from last week.	<ul style="list-style-type: none"> • Prepare to finish Case #11 negotiation • Prepare readings and lectures from Classes 8-13 for Quiz #2
Class 14 (4/21)	Multiparty Negotiations and Moving Forward	<ul style="list-style-type: none"> • Negotiate and review Case #12 • Course wrap-up 	<ul style="list-style-type: none"> • Larry Susskind, "Winning and Blocking Coalitions: Bring Both to a Crowded Table." • Margo Vanover, "Get Things Done through Coalitions." • Stephen John Stedman, "Spoiler Problems in Peace Processes." • Acuff, <i>How to Negotiate Anything with Anyone Anywhere Around the World</i>. 	<ul style="list-style-type: none"> • Prepare to negotiate Case #12 • Fourth Reflection Paper due before class <p>Reminders:</p> <ul style="list-style-type: none"> • Online peer reviews due by midnight on April 28, 2016 • Final Papers must be uploaded to Canvas by 2pm May 3, 2016

First Week Assignment

Please post to Canvas, preferably before by the evening of Tuesday, January 20. This assignment 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 with more confidence.")

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 we are likely to say it wrong.
- b. Your phone number and preferred email address
- c. Any difficulties or special situations that we should know about. (For example: scheduling problems which might make you late for class, English not your first language, hearing loss,).

We will keep your phone number & item "c" confidential.