

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

SPRING 2017 SYLLABUS

LEGAL STUDIES 206-409: NEGOTIATION AND DISPUTE RESOLUTION

Tuesday 3-6 PM

JMHH F36

Instructor

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Office Hours: Tuesdays 1:00 – 2:30 pm, Appointment Required

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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: The information you receive as part of in-class negotiation exercises is confidential and may not be shared with anyone, including classmates assigned the same role for the negotiation exercise. It is expected that you will exhibit honesty, integrity and ethical conduct pursuant to the University Code of Academic Integrity. You must sign and submit the attached agreement (see page 9) 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); Dale Carnegie, How to Win Friends & Influence People (Pocket Books 1998); Bulk Pack from Study.net.

GRADING FACTORS

Please note that assignments will not be accepted late and no extensions will be given. **Late assignments will receive a zero.** Please submit all assignments in hard copy format at the start of the class in which they are due.

Class Attendance and Participation (15%): I strive to start class promptly and end on time. We will be doing a negotiation exercise in the majority of classes, thus, students who skip class, arrive late, or leave early disrupt the experience for all. If you cannot commit to attending every scheduled class in its entirety, please consider not enrolling in this course. Absent a written medical excuse from a medical care provider, you will lose half a letter grade for each unexcused absence, tardiness, or early departure (from an A- to a B+; B+ to B etc.). You may receive **an F** in the course if you miss significant portions of two or more classes.

Your participation requires your active engagement in class discussions and activities. The use of cell phones, laptops and other electronic devices in class is prohibited, as it disrupts the learning environment. All electronic devices must be turned off and put away prior to the start of class. If you wish to leave your cell phone on in “silent” mode because of an ongoing emergency situation, please let me know before class.

Peer Evaluations: As part of your class participation grade, you will rate your classmates on three dimensions related to their class preparation, engagement and skill in negotiation exercises. 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. **You will complete evaluations using a survey posted on Canvas at the end of the semester.** It is your responsibility to keep track of your negotiation partners’ performance throughout the semester.

Don’t let the peer evaluations intimidate you. They are not meant to dissuade you from exploring your negotiation style. Use the skills learned in class, and get comfortable with your negotiation style.

Journal Entries (20%): Six journal entries are due during this course. They will be graded according to the scale below. The table on page 5 provides details regarding each assignment. Please see page 6 for the **required format**.

You must cite all readings assigned for the class in which the exercise was conducted for full credit.

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

Check (✓): All required points and assigned readings addressed in sufficient detail.

Check minus (✓-): Most points addressed, but lacks analysis or inclusion of assigned readings in one or more areas.

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 three-page analysis of your application of negotiation theory in your preparation, negotiation performance, and the outcome. You must cite the required book *Getting to Yes* and at least three (3) different additional assigned readings to ground your analysis.

Midterm Exam (25%): In Class 7, there will be a 30-question midterm, which you will be given 90 minutes to complete. The format will be multiple choice, true/false and short answer questions. Materials covered will include all required reading, content from in-class discussions, takeaways from negotiation exercises and journal entries completed through class 6. The midterm will be closed book and closed notes and will not be graded on a curve.

Analytical Paper (30%): You will analyze a high profile negotiation of the past or present. **Your analysis of the negotiation is the key determinant of your grade** and thus should be the majority of your paper’s content. You must tie your analysis to topics discussed in class and in the assigned readings. Please see page 7 for more details.

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

CLASS TOPICS AND ASSIGNMENTS

Class 1: Jan. 17th – Distributive Bargaining: The “Zone of Agreement”

Required Reading: Bulk Pack (BP) #1; *How to Win Friends & Influence People, Part 1*

Class Activity: Cessna

Due In Class: Bring printed syllabus for in-class review

Class 2: Jan. 24th – Foundations #1 and #2: Bargaining Styles and Expectations

Required Reading: Bargaining for Advantage (BFA) Introduction and Ch. 1-2; BP #2-3

Class Activity: New Recruit

Due In Class: Signed Non-Disclosure Agreement; Negotiation Style Analysis Results

Class 3: Jan. 31st – Foundations #4 and #5: Relationships and Interests

Required Reading: BFA Ch. 4-5, 7; BP #4; *How to Win Friends & Influence People, Part 2*

Class Activity: The Opera Problem

Due In Class: Journal Entry 1*

For Journal Entry 1: New Recruit

Required References: BFA Intro, Ch. 1-2; BP #2-3

**See special instructions for Question 6 on page 6 of syllabus.*

Class 4: Feb. 7th – Foundation #3: Standards and Agents

Required Reading: BFA Ch. 3; BP #5-6

Class Activity: House Sale

Due In Class: Journal Entry 2

For Journal Entry 2: The Opera Problem

Required References: BFA Ch. 4-5, 7; BP #4; *How to Win Friends & Influence People, Part 2*

Class 5: Feb. 14th – Foundation #3: Standards and Agents

Required Reading: BFA Ch. 3; BP #5-6

Class Activity: House Sale

Class 6: Feb. 21st – Foundation #6: Leverage

Required Reading: BFA Ch. 6, 8-9; BP #7-8; *How to Win Friends & Influence People, Part 3 sections 1-6*

Class Activity: Pheasant Egg

Due In Class: Journal Entry 3 and Analytical Paper Topic

For Journal Entry 3: House Sale

Required References: BFA Ch. 3; BP #5-6

Class 7: Feb. 28th – MIDTERM EXAM

Due In Class: Journal Entry 4

For Journal Entry 4: Pheasant Egg

Required References: BFA Ch. 6, 8-9; BP #7-8; *How to Win Friends & Influence People, Part 3 sections 1-6*

No Class on March 7th – SPRING BREAK

Class 8: March 14th – Ethics

Required Reading: BFA Ch. 11; BP #9-10; *How to Win Friends & Influence People, Part 4*

Class Activity: Acme Roofing

Class 9: March 21st – Coalitions

Required Reading: BFA Ch. 10; BP #11; *How to Win Friends & Influence People, Part 3 sections 7-12*

Class Activity: Federated Science Fund

Due In Class: Journal Entry 5*

For Journal Entry 5*: Acme Roofing

Required References: BFA Ch. 11; BP #9-10; *How to Win Friends & Influence People, Part 4*

**See special instructions for Question 5 on page 6 of syllabus.*

Class 10: March 28th – Cross-Cultural Negotiations

Required Reading: BP #13-14

Class Activity: Mexico Venture

Due In Class: Personal Negotiation Analysis (see page 2 for details)

For Personal Negotiation Analysis:

Required References: *Getting to Yes* and three (3) additional assigned readings

Class 11: April 4th - Multi-Party Negotiations

Required Reading: BP #15-17

Class Activity: OPEC

Due In Class: Journal Entry 6

For Journal Entry 6: Mexico Venture

Required References: BP #13-14

Class 12: April 11th – TBD

Class 13: April 18th – TBD

Reminder: Peer Evaluations due before Class 14 on April 25th

Class 14: April 25th – Closing

Due In Class: Analytical Paper (see page 7 for details)

SCHEDULE OF ASSIGNMENTS

JOURNAL ENTRIES

Date Due	Journal Entry	Negotiation Exercise	Assigned Readings Relevant for Question # 5
Jan. 31	1	New Recruit	<i>Bargaining for Advantage</i> (BFA) Intro, Ch. 1-2; BP #2-3
Feb. 7	2	The Opera Problem	BFA Ch. 4-5, 7; BP #4; <i>How to Win Friends & Influence People, Part 2</i>
Feb. 21	3	House Sale	BFA Ch. 3; BP #5-6
Feb. 28	4	Pheasant Egg	BFA Ch. 6, 8-9; BP #7-8; <i>How to Win Friends & Influence People, Part 3 sections 1-6</i>
Mar. 21	5	Acme Roofing	BFA Ch. 11; BP #9-10; <i>How to Win Friends & Influence People, Part 4</i>
Apr. 4	6	Mexico Venture	BP #13-14

ADDITIONAL ASSIGNMENTS

Date Due	Assignment	Description
Feb. 21	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 get feedback about the feasibility of your topic.
Feb. 28	Midterm Exam	You will be given 90 minutes to complete a 30-question exam. The format of the midterm will be multiple choice, true/false and short answer questions. Materials covered will include all required reading, content from in-class discussions, takeaways from negotiation exercises and journal entries assigned prior to the exam. The midterm must be completed individually and will be closed book and closed notes.
Mar. 28	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 three-page, double-spaced analysis of your application of negotiation theory in your preparation, negotiation performance, and the outcome. You must cite negotiation concepts from at least 4 different sources to ground your analysis: <i>Getting to Yes</i> plus a minimum of three (3) additional assigned readings.
Apr. 25	Analytical Paper	Analyze a high profile negotiation of the past or present. Your paper should display the facts of the negotiation, related negotiation research, as well as your analysis. You must tie your analysis to topics discussed in class and in the assigned readings. See page 7 for more details. Well thought out and well researched papers receive the best grades.
Apr. 25	Peer 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. You must manually keep track of your partners as you go along because the survey will not be posted on Canvas until the near end of the course.

NEGOTIATION JOURNAL ENTRY REQUIRED FORMAT

Your Name:

Counterpart's Name(s):

Date:

Name of Negotiation Exercise:

1. State the result of the negotiation and provide a very brief description of the best explanation for this result. Do not summarize the negotiation process, rather highlight the outcome and describe the main reason for the result.
2. Describe your most critical mistake in the negotiation.
3. Describe your counterpart's most critical mistake in the negotiation and what you learned from it. (See Note A)
4. Summarize your most important take-away from the negotiation debriefing.
5. Discuss examples of how you tried to apply the negotiation theory from the assigned readings to the actual negotiation. **You must reference all books and articles assigned for the class in which the exercise was conducted for full credit (simple parenthetical citations listing the author and article name or chapter number are sufficient). Discuss which readings you felt were helpful for your negotiation preparation and performance and which readings you didn't find as applicable and why.** (See Note B)
6. Describe the negotiation skill you'd like to personally develop (given the outcome of this negotiation) and, if applicable, any realized improvement from the previous week's negotiation experience. (See Note C)

GENERAL INSTRUCTIONS

Please write no more than a **one-page, single-spaced analysis**. Your personal reflections are incredibly important in the journal entries. This will allow you and me to evaluate your personal growth throughout the semester. To maximize the benefit of these journal entries, please be thoughtful and reflective.

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 clearly addressed and all assigned readings are referenced. Assigned readings may be addressed in response to any of the above points, as long as all readings are referenced in your analytical reflection.

Note A: 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.

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

Note C: 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?

DETAILED DESCRIPTION of ANALYTICAL PAPER

SUBMIT A PARAGRAPH DESCRIBING YOUR TOPIC IN CLASS 6, FEBRUARY 21ST

THE PAPER IS DUE AT THE BEGINNING OF CLASS 14, APRIL 25th

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. The topic you choose must reflect a well-documented and well-known/high profile negotiation. **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 Analysis 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 to retrieve even the most rudimentary facts about the negotiation. 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. Please note that you should select a negotiation that has been completed in order for you to have a compelling analysis of its outcome.

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 facts of a high profile negotiation. We are looking for in-depth, thoughtful analysis and not a regurgitation of facts. All papers should include proper citations in MLA format for all sources used and a works cited page at the end of the paper.

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

Do not exceed page limit: 8 double-spaced pages (not including works cited)

NEGOTIATIONS FAQ

BULK PACK

1) Q: What is it and where can I find it?

A: The Bulk Pack is the collection of readings on Study.net accessible via Canvas. Each article is numbered in the table of contents and corresponds with the “BP #” listed in the readings assigned for each class.

JOURNAL ENTRIES

1. Q: How long do they have to be?

A: Journal entries should not exceed 1 page.

2. Q: What main points should be addressed?

A: Please see the required format on page 6. The best journal entries incorporate analysis, not summary, 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: What should the analysis include?

A: Your analysis should 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 the required book *Getting to Yes* and at least three (3) additional 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 that support the analysis and provide information on the topic. The average paper has **5-10** sources, including both class readings and outside references.

2) Q: Is it ok to focus on a negotiation topic (like game theory) that was not discussed in detail during class?

A: Yes, these are fair game. These can 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; though changing topics very late into the semester may leave you scrambling to finish the paper, and as noted previously, late assignments will not be accepted and no extensions will be given. However, it is better to change topics and have a good paper than to stick with 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 time 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; and
- 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: _____