

**UNIVERSITY OF PENNSYLVANIA
THE WHARTON SCHOOL
DEPARTMENT OF LEGAL STUDIES & BUSINESS ETHICS**

**NEGOTIATION
LEGAL STUDIES 806-406
LECTURER: MILAN PRILEPOK
FALL 2017 COURSE SYLLABUS**

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Acknowledgements

I've designed this course to lean heavily on the methodologies used in the *Wharton Executive Negotiation Workshop: Bargaining for Advantage* (led by Professor G. Richard Shell), while also drawing from the *Advanced Negotiation Masterclass* at Harvard and *Programme on Negotiation* at Oxford. Furthermore, my real-life negotiations experiences as well as delivering negotiations workshops / coaching to ~10,000 people globally has both reinforced and challenged numerous fundamental negotiation principles. It's the confluence of these negotiations programs, extensive research, and practical experiences which shape my perspectives on the ingredients to successful negotiations.

1. Contact Information

Office: Huntsman Hall, 6th Floor
Class Times: Mondays 3-6pm (First class is September 11th)
Office Hours: Before class and by appointment
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2. Course Objectives & Format

This course focuses on the overarching objective to improve your negotiating competency (e.g., preparation, execution, deal implementation) ultimately yielding you better negotiated outcomes while improving your overall experience along the way.

What makes negotiating skills so important is the fact that we negotiate every day in the course of our professional roles as well as personal lives. Therefore, we are negotiations practitioners, whether we like it or not, consistently attempting to secure arrangements to meet our preferences and expectations. Recognizing the importance and role of negotiations skills is first step for many people, while only a select few diligently employ a mindset of self-awareness, practice, and continuous improvement in negotiations over their career and lifetime.

It's important to recognize that the discipline of negotiations, even with the growing body of research, is much less definitive than other business domains. Negotiations is a bit of both art and science – meaning there is not necessarily a correct way or answer on how to negotiate a specific deal. Therefore, it's important to recognize that different strategies, techniques and tactics will need to be thoughtfully evaluated and deployed under differing scenarios.

Based on the aforementioned, this course aspires to help you on the following:

- Identify your own natural negotiating tendencies and preferences – uncovering both your strengths as well as focus areas for improvement
- Improve your ability to strategically prepare for negotiations and prioritize (e.g., understanding a comprehensive fact-base, identifying the needs of the various constituents, developing a strategic plan)
- Understanding the psychology (in the sense of our biases and decision making) and how this affects negotiators' behaviors and mindsets
- Developing an understanding of various negotiating styles, approaches, tactics available
- Develop confidence and improve your performance as a negotiator

2. Course Objectives & Format (continued)

This class will consist of:

- Interactive negotiation simulations every week
- In class debrief of all negotiations
- Lecture discussion of the relevant negotiation themes
- Video review of one of your negotiations
- Sharing research from the field
- Discussing notable public events where negotiations play a key role
- Sharing your real-world negotiations experiences from outside the class
- Guest speakers where possible / appropriate

3. Readings

Required readings for this class:

- **Bargaining for Advantage**, by G. Richard Shell (Penguin, 2nd edition. 2006)
- **Getting to Yes: Negotiating Agreement Without Giving In**, by Roger Fisher, William L Ury and Bruce Patton, (3rd edition Penguin 2011)
- **Coursepack**: Available on Study.net

Optional readings for this class:

- **Getting Past No**, by William L Ury (New York Bantam Books, 1993)
- **Negotiating Rationally**, by Max Bazerman and Margaret Neale (New York: Free Press, 1992)
- **The Art and Science of Negotiation**, by Howard Raiffa (Cambridge: Harvard University Press, 1982)
- Other supplemental articles posted on the course website

4. Course Requirements

Classroom Etiquette. Each session will start and end on time and the expectation is that you are here on time, to eliminate any distractions to your classmates. You will display your name tent (as this enables credit for your participation). Furthermore, you must turn off all electronic devices such as phones, laptops, etc. as they tend to provide a distraction to your classmates.

Attendance and Preparation. This class is designed to be thoroughly interactive and depends on the preparation and participation of all students in the class. Therefore, it is extremely important for you to attend class and to be prepared to participate in a meaningful way. Missing as much as 15 minutes at the beginning, end, or during a class counts as "part of a class." Part of the preparation is reading select articles in advance of the class. Similar to other courses, the more effort and commitment you put into this class, the more you and your classmates will get out of it! Excused absences include: Family or personal medical emergencies and religious holidays, birth of one's child, and some events outside of your control (cancelled flights, weather, official closing of school, etc.). Job interviews are not excused absences. If you miss one class there is no penalty. If you miss more than one class (for reasons that are not excused absences) you will lose a half letter grade for each class missed (from an A- to B+; B+ to B etc.). Please contact me in advance if you have any questions. Furthermore, if you know you will miss a lecture in advance, please inform me by 8pm ET on the Sunday night before class – this allows me to structure the simulation pairings most appropriately.

Confidentiality. In the first lecture, everyone will be asked to sign a Non-Disclosure Agreement (NDA) regarding the information they learn in connection with the simulated negotiations and some of the lecture discussions. Unless I specifically advise on what you can share, you may not share confidential information you receive in connection with a negotiation simulation with anyone, including classmates who are playing the same role. This is a critical point – your integrity in this regard will affect your reputation with your peers and your instructor. Furthermore, if there are real-world negotiations examples shared by classmates during the lecture, where specific details/names they request to remain confidential and not shared outside of the classroom, we expect the same level of confidentiality to remain in effect. Please check back with me on any questions.

Use of Prior Materials. Please do not discuss the negotiations cases with or borrow notes from people outside of our class. Please do not share any information about these simulations with students who have not yet taken this class. It is a violation of the University Code of Academic Integrity to post anything about the negotiation simulations on a public website, or to conduct internet/Google searches about simulations.

5. Grading

There are a total of 100 points to earn in this course. Your grade will be determined by the total points earned in the course compared to the other students. More detailed instructions for the assignments will be distributed at the necessary time throughout the semester.

A. Class Participation (42%) is comprised of components

- *Negotiations:* You are expected to participate and complete all the negotiations simulations on time for the full credit. These simulations may require advance preparation (reading, preparation of negotiation strategy, sometimes written materials and analysis)
- *Classroom discussion:* Timely attendance and high-quality active participation in class lectures and negotiation debriefs
- *Negotiation surveys:* Several of the negotiation simulations will require a short survey completion (5 minutes or less) to complete. We incorporate these survey responses into our class discussion

Each class session (14 sessions total) is worth 3 points. Completing the negotiation simulation, active participation in the discussions, and survey completions (where applicable) will yield 3 points for that lecture. Exceptional insights contributed during the discussions can yield 1 additional point for that session, resulting in 4 points. Furthermore, an unexcused absence results in no class participation points for that day.

5. Grading (continued)

B. Four short papers (28%)

During the term, you will write four short 2-page papers, double spaced, in 12-point times new roman font with 1 inch standard margins. All papers are due before class and must be submitted via Canvas in Microsoft word format.

The topics for the four short papers are:

1. Personal negotiation tendencies, style, strengths & weaknesses, and individual learning goals for the class (due at the start of Class #2)
2. Real-life negotiation analysis and learnings (due at start of class #5)
3. Negotiation reflection paper and video review around a negotiation simulation in this course (due at the start of class #8)
4. Negotiation reflection paper assessing your negotiation style/tendencies and lessons learned (due at the start of Class #13)

Paper #1

You should focus and reflect on your overall style and approach to negotiations, your perceived strengths and weakness as a negotiator at this time, and on your overall aspirations for yourself during the term.

Paper #2

This paper is based on a real-life negotiation you actually participate in. You should focus on the negotiation principles we have covered in class (or reading materials) to identify what principles you used. Furthermore, it's important to reflect on what you intended by using these principles, and how things played out. Please be specific in describing the negotiation context and details involved.

Paper #3

You will be reviewing and commenting on key learning moments from videos of you negotiation simulation. You will be asked to identify the key moments in these negotiations, your impressions from these key moments, and thoughts on alternate approaches and tactics which could have been potentially more effective.

Paper #4:

This paper is focused on personal assessment on your own negotiation style/tendencies, now that you've had a chance to explore this deeper over the course of the semester. Identifying key learnings and what you will apply going forward is important.

5. Grading (continued)

C. Final Paper (30%)

Your final paper should be between 8-10 pages, not including cover pages, charts, reference pages and should be double-spaced, in 12-point times new roman font, with 1 inch standard margins. **The Final Paper is due one week after the last class, due Monday December 18.** All papers must be submitted via Canvas in Microsoft word format.

You have significant discretion in what you choose as the topic for your final paper. It's important however when selecting your topic to consider what is something you are passionate about as it relates to negotiations. Furthermore, this paper provides the opportunity to demonstrate what you may have learned in class, and how you apply these learnings more broadly.

Some thought starters on potential topics include (but this is nowhere close to an exhaustive list):

- *Real world negotiations situations* (corporate M&A, international / political events) either currently ongoing or historical
- *Negotiation best practices from either a functional or sector perspective* (procurement negotiation best practices, real-estate development, environmental, etc.)
- *Profile on public figures and their negotiation approach, outcomes, etc.*
- *Insights and applications of cognitive research on negotiations*
- *Topics relating to bargaining styles (culture, personality, gender, age)*
- *Role and implications of ethical and non-ethical behavior in negotiations*
- *Institutional negotiation considerations (corporate culture, processes)*
- *Analytical, digital, other tools and their application in negotiations*

Grading will be based on (a) ability to tie in principles from the readings and class discussions, (b) original research and creative application of negotiations principles, (c) uncovering and articulating compelling insights and implications, and (d) overall excellence in writing (structure, proofreading, organization)

6. Negotiation simulations

Overview. This course relies heavily on the negotiations simulations you prepare for and participate in. To that end, we will have negotiations simulations and debriefs for all the class sessions.

For each negotiation simulation, you will be assigned a role (in some cases prior to class) and provided with background information (instructions, confidential information to your role, etc.). For most simulations you will be paired with one other person (your negotiating counterparty) and in a few cases with multiple negotiating partners. Negotiations simulations will take place the first half of class, and the debriefs will be in the second part after the break. In some cases, you will have the opportunity to negotiate outside of the classroom.

Preparation & execution of simulations. It's critical that you thoughtfully review and prepare for these simulations – maximizing the learning for both yourself and your negotiating counterparty. Whilst the actual outcome of the negotiations does not affect your grade, the quality of preparation will impact your learning experiences.

As we will be negotiating every week, this provides you the opportunity to test different approaches and tactics, to see how natural and effective these are for you. It's this type of experimenting which most often yields the most learning.

Confidentiality and simulations debriefs. Once you have completed your negotiations, you are expected to not reveal your confidential information to your counterparts, or to members of another team, before returning to the classroom for the formal debrief session with me. Only after we have debriefed the simulations together in the plenary session, are you free to discuss the case further with members of our class.

Importance of simulations. These negotiation simulations provide you the best opportunity to understand your negotiation tendencies, and ultimately the best mechanism to test and improve you negotiations skills. What makes these negotiations simulations more valuable, is that you will have the opportunity to see how others fared in their negotiated outcomes, given exact same information and time constraints. Therefore, you can easily calibrate your performance and results. During the debriefs we try to uncover and understand the various tactics used by your classmates, and the efficacy of these tactics.

7. Course Schedule

Class #1 (September 11)

Prepare	<ul style="list-style-type: none"> ▪ No readings required
In class	<ul style="list-style-type: none"> ▪ Introduction to the course ▪ Review syllabus ▪ Sign Non-disclosure forms ▪ Negotiate simulation #1 & debrief
Hand in	<ul style="list-style-type: none"> ▪ Nothing

Class #2 (September 18)

Prepare	<ul style="list-style-type: none"> ▪ Read Bargaining for Advantage Intro and chapters 1, 2, and 11 (pages 196-208) ▪ Complete Bargaining Styles Assessment Scores, App. A ▪ Coursepack # 1
In class	<ul style="list-style-type: none"> ▪ Discuss goals, bargaining styles, distributive bargaining, and anchor effects ▪ Negotiate simulation #2 & debrief
Hand in	<ul style="list-style-type: none"> ▪ Completed Bargaining Styles Assessment ▪ Paper #1: Personal negotiation tendencies / goals for the course

Class #3 (September 25)

Prepare	<ul style="list-style-type: none"> ▪ Read Bargaining for Advantage chapter 3 ▪ Coursepack #2
In class	<ul style="list-style-type: none"> ▪ Discuss agents, deadlines, electronic bargaining, and standards ▪ Negotiate simulation #3 & debrief
Hand in	<ul style="list-style-type: none"> ▪ Nothing

7. Course Schedule (continued)

Class #4 (October 2)

Prepare	<ul style="list-style-type: none">▪ Read Bargaining for Advantage chapters 4, 5, 6▪ Coursepack #3
In class	<ul style="list-style-type: none">▪ Discuss interests, leverage, BATNA, preparation worksheet▪ Negotiate simulation #4 & debrief
Hand in	<ul style="list-style-type: none">▪ Nothing

Class #5 (October 9)

Prepare	<ul style="list-style-type: none">▪ Read Getting to Yes (pages 3-96)▪ Coursepack #4
In class	<ul style="list-style-type: none">▪ Discuss integrative bargaining▪ Negotiate simulation #5
Hand in	<ul style="list-style-type: none">▪ Paper #2: Real life negotiation analysis and learnings

Class #6 (October 16)

Prepare	<ul style="list-style-type: none">▪ Coursepack #5
In class	<ul style="list-style-type: none">▪ Discuss trust, commitment, and negotiators dilemma▪ Negotiate simulation #6 & debrief
Hand in	<ul style="list-style-type: none">▪ Nothing

Class #7 (October 23)

Prepare	<ul style="list-style-type: none">▪ Read Bargaining for Advantage chapter 11▪ Coursepack #6
In class	<ul style="list-style-type: none">▪ Discuss ethics and lying in negotiations▪ Negotiate simulation #7 & debrief (videotaped)
Hand in	<ul style="list-style-type: none">▪ Nothing

7. Course Schedule (continued)

Class #8 (October 30)	
Prepare	<ul style="list-style-type: none">▪ Coursepack #7
In class	<ul style="list-style-type: none">▪ Discuss emotions, biases, and heuristics, non-verbal▪ Negotiate simulation #8 and debrief
Hand in	<ul style="list-style-type: none">▪ Paper #3: Reflection of video negotiations

Class #9 (November 6)	
Prepare	<ul style="list-style-type: none">▪ Read Bargaining for Advantage chapters 7, 8, 9, 10▪ Coursepack #8
In class	<ul style="list-style-type: none">▪ Debrief negotiation #9▪ Discuss negotiation preparation, information exchange, bargaining, concessions, and commitment
Hand in	<ul style="list-style-type: none">▪ Nothing

Class #10 (November 13)	
Prepare	<ul style="list-style-type: none">▪ Coursepack #9
In class	<ul style="list-style-type: none">▪ Discuss institutional infrastructure and escalation▪ Negotiate simulation #10 and debrief
Hand in	<ul style="list-style-type: none">▪ Nothing

Class #11 (November 20)	
Prepare	<ul style="list-style-type: none">▪ Coursepack #10
In class	<ul style="list-style-type: none">▪ Replacing in-class lecture will be an extended negotiation simulation where debrief will happen on November 27
Hand in	<ul style="list-style-type: none">▪ Nothing

7. Course Schedule (continued)

Class #12 (November 27)

Prepare	<ul style="list-style-type: none">▪ Coursepack #11
In class	<ul style="list-style-type: none">▪ Debrief simulation #11▪ Discuss group decision making and hierarchy▪ Negotiate simulation #12 and debrief
Hand in	<ul style="list-style-type: none">▪ Nothing

Class #13 (December 4)

Prepare	<ul style="list-style-type: none">▪ Coursepack #12
In class	<ul style="list-style-type: none">▪ Discuss multi-party negotiations▪ Negotiate simulation #13 and debrief
Hand in	<ul style="list-style-type: none">▪ Paper #4: Negotiation Reflections, Key learnings, and priorities going forward

Class #14 (December 11)

Prepare	<ul style="list-style-type: none">▪ Coursepack #13
In class	<ul style="list-style-type: none">▪ Discuss mediation and arbitration▪ Negotiate simulation #14 and debrief▪ Discuss key learnings from the semester▪ Course wrap-up
Hand in	<ul style="list-style-type: none">▪ Nothing

Reminder: Final Paper is due on 12/18 by 11:59pm ET