

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

SPRING 2018 SYLLABUS

LEGAL STUDIES 206-406: NEGOTIATION AND DISPUTE RESOLUTION

Tuesday 3-6PM, JMHH F45

Instructor

M. TAHERIPOUR

taheripo@wharton.upenn.edu

Office: JMHH 666

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

Teaching Assistants

Zachary Goldstein
zgold@sas.upenn.edu

Ellery Lassiter
elleryl@sas.upenn.edu

Nithya Kasi
nkasi@wharton.upenn.edu

Course Description: Effective negotiation underlies most successful business and social encounters. Perhaps there are naturally gifted negotiators, but the simple truth is that anyone can learn to negotiate effectively. Our time together in class will be focused on enabling you to become a more effective negotiator and conflict resolver. Through an experiential learning environment that emphasizes both skill and structure while providing a unique opportunity for candid and real-time feedback, you are encouraged to reflect on personal experience in order to gain a clearer sense of your individual goals, negotiation style, values, interests, and resources.

Course Objectives: My goal is that you will emerge with a better understanding of your decision making, develop solid communication skills, and feel empowered to become a more effective and confident negotiator. You will learn the importance of effective planning and communication skills and the impact of perception, trust, relationships, ethics, and reputation. This class emphasizes the importance of being open-minded and intensely curious, using active listening and mindfulness techniques to cultivate authentic connections with your counterparts. We will redefine success in negotiation, demonstrating that the best outcomes are win-win and can be attained when negotiators clearly identify and commit to their goals and interests and also understand their counterparts' interests. These attributes are valuable not just to ensure success in negotiation; they are also critical to personal and professional success.

Assigned Reading: G. Richard Shell, Bargaining for Advantage: Negotiation Strategies for Reasonable People (2d. edition, Penguin; “BFA”); Roger Fisher, William Ury & Bruce Patton, Getting to Yes (Penguin 1991); Dale Carnegie, How to Win Friends & Influence People (Pocket Books 1998); Bulk Pack (“BP”) from Study.net.

Confidentiality: In Class 1 you must sign and submit the non-disclosure agreement attached to this syllabus (page 9). 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 before we get underway. If you would prefer not to sign, you must drop the course.

Course Format: This class is experiential in nature, with a mix of lecture, discussion, and interactive exercises. Negotiation exercises are role-play simulations conducted with your peers using confidential information to frame each scenario (see Confidentiality section above). When each simulation is complete, it's important that you **DO NOT assume that the negotiation is over just because you are finished deliberating with your counterpart(s)**. Only after we have completed the formal exercise debrief in class are you permitted to further discuss the results with individuals in our class only.

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.

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. Your participation requires your active engagement in class discussions and activities. If you cannot commit to attending every scheduled class in its entirety, please consider enrolling in this course in another semester when your schedule will permit your full participation. 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 (i.e. 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.

Cell phones, laptops and other electronic devices disrupt the learning environment and are prohibited. 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: Your class participation grade will be informed in part by your peers’ evaluations of your performance. Twice during the semester, you will provide feedback to your classmates related to their class preparation, engagement and skill in negotiation. We will discuss midterm peer feedback in the first class. You will complete final peer evaluations at the end of the term using a survey posted on Canvas. It is your responsibility to keep track of your negotiation partners’ performance throughout the semester to inform your honest and constructive feedback. 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%): Four 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 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. (*See pg. 6 and FAQ for more details.)

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

Personal Negotiation Analyses (20%): **Analysis #1:** You will write a three-page, double-spaced reflective analysis of a personal negotiation you’ve conducted in the past. Your analysis must include a discussion of your expectations for this course and your goals for honing your skill as a negotiator. **Analysis #2:** You will conduct a negotiation of personal significance (outside of class) and write a three-page analysis of your application of negotiation theory based on assigned readings and class discussions 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. Discuss what you’ve learned from the class and how you’ve grown as a negotiator.

Midterm Exam (20%): 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 (25%): 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. 16th – 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. 23rd – Foundations #1 and #2: Bargaining Styles and Expectations

Required Reading: Bargaining for Advantage (BFA) Introduction and Ch. 1-2; BP #2-4

Class Activity: New Recruit

Due In Class: Signed Non-Disclosure Agreement; Negotiation Style Analysis Results; Personal Negotiation Analysis 1 (see page 2 for details)

Class 3: Jan. 30th – Foundations #4 and #5: Relationships and Interests

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

Class Activity: The Opera Problem

Due In Class: Journal Entry 1* (New Recruit)

For Journal Entry 1: New Recruit

Assigned Readings: BFA Intro, Ch. 1-2; BP #2-4

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

Class 4: Feb. 6th – Foundation #6: Leverage

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

Class Activity: Pheasant Egg

Due In Class: Journal Entry 2 (The Opera Problem)

For Journal Entry 2: The Opera Problem

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

Class 5: Feb. 13th – Foundation #3: Standards and Agents

Required Reading: BFA Ch. 3; BP #10-11

Class Activity: House Sale

Due In Class: Journal Entry 3 (Pheasant Egg)

For Journal Entry 3: Pheasant Egg

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

Class 6: Feb. 20th – Foundation #3: Standards and Agents (Wrap-Up) and Midterm Peer Feedback

Required Reading: *How to Win Friends & Influence People, Part 4* (Review: BFA Ch. 3; BP #10-11)

Class Activity: Debrief House Sale; Feedback and Peer Evaluations

Due In Class: Analytical Paper Topic

Class 7: Feb. 27th – MIDTERM EXAM

No Class on March 6th – SPRING BREAK

Class 8: March 13th – Ethics

Required Reading: BFA Ch. 11; BP #12-14

Class Activity: Acme Roofing

Class 9: March 20th – Coalitions

Required Reading: BFA Ch. 10; BP #15; *How to Win Friends & Influence People, Part 3 sections 7-12*

Class Activity: Federated Science Fund

Due In Class: Journal Entry 4* (Acme Roofing)

For Journal Entry 4*: Acme Roofing

Assigned Readings: BFA Ch. 11; BP #12-14

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

Class 10: March 27th – Cross-Cultural Negotiations

Required Reading: BP #16-18

Class Activity: Guest Speaker

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

For Personal Negotiation Analysis:

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

Class 11: April 3rd - Multi-Party Negotiations

Required Reading: BP #19-21

Class Activity: TBD

Reminder: Final Peer Evaluations due before Class 12 on April 10th

Class 12: April 10th – TBD

Class 13: April 17th – TBD

Class 14: April 24th – 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. 30	1	New Recruit	<i>Bargaining for Advantage</i> (BFA) Intro, Ch. 1-2; Bulk Pack (BP) #2-4
Feb. 6	2	The Opera Problem	BFA Ch. 4-5, 7; BP #5-7; <i>How to Win Friends & Influence People, Part 2</i>
Feb. 13	3	Pheasant Egg	BFA Ch. 6, 8-9; BP #8-9; <i>How to Win Friends & Influence People, Part 3 sections 1-6</i>
Mar. 20	4	Acme Roofing	BFA Ch. 11; BP #12-14

ADDITIONAL ASSIGNMENTS

Date Due	Assignment	Description
Jan. 23	Personal Negotiation Analysis #1	Write a three-page, double-spaced reflective analysis of a personal negotiation you've conducted in the past. Discuss your goals and expectations for this course. What would you like to improve? What are you hoping to learn (about yourself, about the bargaining process, etc.)?
Feb. 20	Midterm Peer Evaluations	You will provide feedback on your peers' negotiation performance over the first half of the term. Using your journal entry feedback as a guide, you will share your feedback with your counterparts in one-on-one dialogues during class. You may wish to bring copies of your feedback for reference during your discussions.
Feb. 20	Analytical Paper Description	One paragraph description of paper due. Your paper topic will be reviewed to ensure its feasibility and feedback will be provided.
Feb. 27	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, takeaways from in-class discussions and negotiation exercises assigned prior to the exam. The midterm must be completed individually and will be closed book and closed notes.
Mar. 27	Personal Negotiation Analysis #2	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. Your references must include <i>Getting to Yes</i> plus a minimum of three (3) additional assigned readings.
Apr. 10	Final Peer Evaluations	You will provide feedback on your peers' negotiation performance over the full term. You must manually keep track of your partners as you go along and submit evaluations only for those with whom you've negotiated.
Apr. 24	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.

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. This should be the shortest section of your journal entry.
2. Describe your most critical mistake in the negotiation. Looking back, what would you have done differently, and how might it have changed the outcome?
3. Discuss your counterpart's most critical mistake and the impact it had on the bargaining process and outcome.
4. Summarize your most important take-away from the debriefing. How will it influence your next negotiation?
5. Describe examples of how you tried to apply the negotiation theory from the assigned readings to the actual negotiation. **Discuss which readings you felt were helpful for your preparation and performance and which readings you didn't find as applicable and why.**

*****Special Instructions for Journal Entry 4:** Describe the three "Schools of Bargaining Ethics" (BFA Chapter 11). Discuss which approach you think is best and why.

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.

*****Special Instructions for Journal Entry 1:** Discuss what you learned about yourself during the first negotiation. Did anything surprise you? What would you like to improve upon going forward?

*****Special Instructions for Journal Entry 4:** Discuss what you improved on the most since the first negotiation and which readings you found most valuable to your personal negotiation skill development.

7. With the negotiation outcome and debrief in mind, what constructive feedback would you give to your counterpart(s)? What did they do well, and how could they improve?

GENERAL INSTRUCTIONS

Please write no more than **two pages, double-spaced (including feedback)**, with an emphasis on the quality of your insights over quantity. To maximize the benefit of these journal entries, please be thoughtful and reflective. I encourage you to be honest and transparent, as doing so will allow you and me to evaluate your personal growth throughout the semester.

You may complete your journal entries in any form (with separate responses to each question or as one cohesive piece) as long as all points are clearly addressed and the assigned readings are referenced. Assigned readings may be addressed in response to any of the above points. **You must reference at least one concept from each assigned book and the BP article you found most helpful for full credit—a check ✓.** For example: If 2 chapters of BFA are assigned along with 3 Bulk Pack articles, you must reference at least one concept from either chapter of BFA and at least one concept from any one of the BP articles you found most relevant. Simple parenthetical citations listing the author and article name or chapter number are sufficient.

DETAILED DESCRIPTION of ANALYTICAL PAPER

SUBMIT A PARAGRAPH DESCRIBING YOUR TOPIC IN CLASS 6, FEBRUARY 20th

THE PAPER IS DUE AT THE BEGINNING OF CLASS 14, APRIL 24th

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 assignments.

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 to facilitate 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 beyond the materials presented in class, and analysis inclusive of more than 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 pages, double-spaced (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, and what main points should be addressed?

A: Journal entries may not exceed two pages, double-spaced and must follow the required format (see page 6).

2. Q: Do I have to reference all of the readings in my analysis?

A: No, but to receive full credit (a check ✓), you must reference at least one concept from each assigned book and one from any of the BP articles assigned for that particular class. (For example: Readings for Journal Entry 2 are BFA Ch. 6, 8-9; BP #8-9; and *How to Win Friends & Influence People, Part 3 sections 1-6*. **You need not cite every book chapter and BP article.** One reference each from BFA, the BP, and *How to Win Friends & Influence People* is sufficient.)

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 ANALYSES

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: For Analysis #1, your analysis should be personal and reflective as you retrospectively assess your preparation, performance and outcome in the negotiation. For Analysis #2, your paper should include thorough yet succinct analysis of your intentional application of negotiation theory learned in this class 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 TAs?

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: _____