

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

**NEGOTIATION
LEGAL STUDIES 806-406
LECTURER: MILAN PRILEPOK
FALL 2018 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 professionals across ~35 countries 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 10, 2018)
Office Hours: Before class and by appointment (see below for additional dates)
Email: prilepok@wharton.upenn.edu
Mobile: 973-652-3485 (texts are also fine for quicker responses)

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 negotiations
- Lecture discussion of the relevant negotiation themes
- Video/audio review of one of your negotiations (requires use of your phone, etc)
- Sharing research from the field (what professionals think and do)
- Sharing your real-world negotiations experiences from outside the class
- Discussing notable public events where negotiations play a key role
- 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)
- **3D Negotiation: Powerful Tools to Change the Game in Your Most Important Deals**, by David A. Lax and James K. Sebenius (Harvard Business School Press, 2006)
- 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 compelling insights and makes it easier to learn your names). 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. A sign-in sheet will be passed around at the beginning of each lecture – this will be the singular mechanism for class attendance tracking. 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 9:00 pm 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 (continued)

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.

Important note – your grade is not affected at all by how you perform on simulations (and that's subjective to some degree). This is a very deliberate feature of the course - to encourage you to test and try some techniques in a safe environment – to engender learning and reflection, and application in real-life situations.

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 (from the assigned readings) and negotiation debriefs

Each class session (12 in-class sessions total) is worth 3.5 points. Completing the negotiation simulation and active participation in the discussions will yield 3.5 points for that given lecture. Exceptional individual insights contributed during the discussions can yield 1 additional point for that session, resulting in 4.5 points. Furthermore, an unexcused absence results in no class participation points for that day.

Additionally – there will be a few group exercises where teams will present their perspectives at the front of the classroom to the full class. The groups will individually select who presents. Those groups who are determined to have had the most compelling overall perspectives will receive some extra points.

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. The papers are due before class and must be submitted via Canvas in Microsoft word or PDF format.

The topics for the four short papers are:

1. Personal negotiation tendencies, style, strengths & weaknesses, and individual learning goals for the class (due by the start of Class #2)
2. Real-life negotiation analysis and learnings (due by the start of class #5)
3. Negotiation reflection paper and video review around a negotiation simulation in this course (due by the start of class #8)
4. Negotiation reflection paper assessing your negotiation style/tendencies and lessons learned (**due date – your choice: anytime between 11/25 and 12/17**). **However – you have to let me know via email by Tuesday 9/18 on what due date you assign yourself**)

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 this course.

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 either videos / audio / structured feedback of your negotiation simulation on Monday October 22 (your choice if you use audio or visual). 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 17 by 11:59pm ET.** All papers must be submitted via Canvas in Microsoft word or PDF 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)

Please don't hesitate to reach back to me on any inquiries on a potential topic for your final paper.

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. Therefore, the time allotted for the simulations is inclusive of providing feedback to your simulation partner(s) on their approach, tactics, what you liked / didn't necessarily appreciate, etc. 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. The feedback you provide to your negotiation counterparty should happen in such a way, as to not provide the confidential role information. 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 your 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 approaches and tactics used by your classmates, and the efficacy of these tactics.

***** ADVANCE NOTICE OF NOT ATTENDING A LECTURE *****

As the simulation pairings are scheduled in advance of the lectures (Sunday evening) – it's critical to inform me if you will miss a lecture as soon as you know – that way the simulation pairings can take into account who will be attending the lecture that week.

7. Miscellaneous

Scheduling discussions out of class. In addition to some availability before and after our Monday lectures (3-6pm ET), there will be two block days (Tuesday October 2 and Tuesday November 27) – where I will spend the entire day on campus at Jon Huntsman Hall – available to connect on any items

- (a) negotiation related in your life
- (b) questions around the materials and topics from our lectures
- (c) discussion around any career related inquiries you may have

These sessions are on a first-come basis from 8:00am to 4:00pm ET, every 20 minutes – so please send an email to confirm your slot. Please note – there is no requirement to participate in these – just more of an opportunity to be helpful for any items you wanted to discuss.

Lecture slides. The lecture slides will not be printed in advance of our lecture sessions, but a subset of the pages (meaning not every single slide) will be made available within ~24 hours of our lecture on Canvas.

Presentation in front of the class. There will be a few group exercises within our lectures (groups of 3-5 people), and the majority of these will result in a few groups presenting their perspectives in front of the full class. The intention here is to let students share their thinking around a particular situation (often slightly contrasting perspectives than other groups surface), as well as a chance to present in front of the class.

Cold calling. There will be some level of calling on students during the lectures – with the intent just to secure more of a variety of student participation and their perspectives.

Assigned readings for the lectures. Some of the assigned readings will feature very prominently in our lecture discussions, while other readings may play a smaller role – although all the concepts are relevant (even if we spend less time discussing in the lecture), so it's still important to be reading all the assigned on a weekly basis. Please note – there may be some assigned readings added later in the semester.

Negotiation related surveys. A few of the lectures will require a short survey completion (3 minutes or less) to complete at the end of class. We incorporate the aggregated anonymous results for discussion in future lectures this semester.

8. Course Schedule

Class #1 (September 10)

Prepare	<ul style="list-style-type: none"> ▪ No readings required
In class	<ul style="list-style-type: none"> ▪ Exercise ▪ 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 17)

Prepare	<ul style="list-style-type: none"> ▪ Read Bargaining for Advantage Intro and chapters 1 and 2 ▪ Complete Bargaining Styles Assessment Scores, Appendix A from Bargaining for Advantage book ▪ Coursepack # 2
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"> ▪ Paper #1: Personal negotiation tendencies / goals for the course

Class #3 (September 24)

Prepare	<ul style="list-style-type: none"> ▪ Read Bargaining for Advantage chapter 3 ▪ Coursepack #3
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

8. Course Schedule (continued)

Class #4 (October 1)

Prepare	<ul style="list-style-type: none">▪ Read Bargaining for Advantage chapters 4, 5, 6▪ Coursepack #4
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 8)

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

Class #6 (October 15)

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

Class #7 (October 22)

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

8. Course Schedule (continued)

Class #8 (October 29)

Prepare	<ul style="list-style-type: none">▪ Coursepack #8
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 negotiations (using audio / visual)

Class #9 (November 5) – NO LECTURE

Prepare	<ul style="list-style-type: none">▪ Coursepack #9 (but only discussed on November 12)
Out of class	<ul style="list-style-type: none">▪ Replacing in-class lecture will be an extended negotiation simulation where debrief will happen on November 12
Hand in	<ul style="list-style-type: none">▪ Nothing

Class #10 (November 12)

Prepare	<ul style="list-style-type: none">▪ Read Bargaining for Advantage chapters 7, 8, 9, 10▪ Coursepack #10
In class	<ul style="list-style-type: none">▪ Discuss institutional infrastructure, negotiation preparation, escalation▪ Negotiate simulation #10 and debrief
Hand in	<ul style="list-style-type: none">▪ Nothing

Class #11 (November 19) – NO LECTURE

Prepare	<ul style="list-style-type: none">▪ Coursepack #11
Out of class	<ul style="list-style-type: none">▪ Replacing in-class lecture will be an extended negotiation simulation where debrief will happen on November 26
Hand in	<ul style="list-style-type: none">▪ Nothing

8. Course Schedule (continued)

Class #12 (November 26)

Prepare	<ul style="list-style-type: none">▪ Coursepack #12
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 3)

Prepare	<ul style="list-style-type: none">▪ Coursepack #13
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 10) Lecture will run longer to about 6:30pm

Prepare	<ul style="list-style-type: none">▪ Coursepack #14
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: Paper #4 can be submitted anytime between 11/25 and 12/17 – but you have tell me your self-imposed deadline for this paper by 9/18

Reminder: Final Paper is due on 12/17 by 11:59pm ET