DEPARTMENT OF LEGAL STUDIES & BUSINESS ETHICS
THE WHARTON SCHOOL, UNIVERSITY OF PENNSYLVANIA
LGST 206-407, MGMT 291-407, OIDD 291-407

NEGOTIATION
Fall 2020

Instructor:　　Rachel M. Krol, JD
Class times:　　Wednesdays, 3:00-6:00 PM EST
Location:　　　Zoom
Office Hours: Thursdays 1:00-2:30PM or by appointment (all via Zoom)
E-mail:　　　　rkrol@wharton.upenn.edu

Leaders and professionals in business and other fields must negotiate. While negotiation is a constant feature of our daily personal, professional, and civic lives, we rarely have the time to consider what makes us a more (or less) effective negotiator. This course will integrate theory, practice, and self-reflection to improve your conceptual understanding of negotiation processes and refine your practical negotiation and conflict resolution skills. It will help you become a better negotiator as well as a more intelligent negotiation analyst and strategist. We will spend a significant amount of class time engaged in interactive negotiation simulations that we will then debrief extensively. This will give you the opportunity to experiment with different negotiation approaches and learn from those experiments. We will combine this learning with readings, mini-lectures, and discussions.

Over the course of the semester, I hope you will:
1. Enhance your awareness of negotiation theory and behavior;
2. Increase your ability to analyze negotiation processes that occur professionally and personally;
3. Build your confidence and competence through the regular practice of negotiation; and
4. Gain tools for continued growth and development as a negotiator.

I look forward to embarking on this learning experience together!

READINGS:
1. Roger Fisher, et al., *Getting to Yes* (Penguin 3rd edition 2011);
2. Additional (required and recommended) readings on Canvas

FALL 2020 CLASS FORMAT AND EXPECTATIONS

Format:

In the Fall of 2020, this class will be conducted online, primarily via Zoom and an online platform called iDecisionGames. A detailed list of weekly readings, assignments, and class agendas will be posted in the "Modules Tab" on Canvas.

Class each week will begin promptly at 3PM with a "live" or "synchronous" Zoom call. During these synchronous class sessions, I will expect you to have your video turned on unless I specify otherwise. Please feel free to use a virtual background.[1]

Attendance and Preparation:

You and your classmates will get the most out of this course when everyone participates actively. Each week in this course, you will participate in an interactive negotiation simulation or exercise where you will be given a specific role to play and teamed up with at least one other student. Your attendance during these simulations is crucial in this course. If you fail to show up for a negotiation or the post-negotiation peer feedback and group debrief sessions, your absence will hurt everyone's learning, not just yours. The same applies to preparation. If you come to a negotiation unprepared, not only will you lose out, but your counterpart(s) will also lose out and you will not learn the lessons and skills that the simulation aims to teach. If you do not expect to be able to prepare for and participate in every negotiation simulation, I urge you to reconsider whether this course is the right fit for your schedule this semester.

Some weeks, these simulations or exercises will take place during the "synchronous" class time (Wednesday, 3-6pm). In other weeks, I will ask you and your negotiation counterpart(s) to find a time to meet via Zoom to conduct the simulation outside of the scheduled class time. In those weeks, we will end our synchronous class meeting earlier than 6:00PM to account for the time you have spent engaging in the simulation outside of class. You are expected to participate in all "out of class" negotiation simulations as arranged with your negotiation counterpart(s).

If you will be taking this class from a time zone that will make it challenging/impossible to join the synchronous class sessions, please email me (rkrol@wharton.upenn.edu) as soon as possible with some details about your situation. We can then problem-solve together and find the best way to manage these course logistics for you. The class lectures and debriefs will be recorded and available on Canvas.

If you need to miss a scheduled class, please let me know at least 24 hours in advance, i.e. by 3:00PM on Tuesday. The more notice there is, the more easily I can plan to ensure that the experience of the other students is uninterrupted.

As for your grade, missing one class = losing 3 participation points. You can earn those points back by arranging with classmates to make up the missed simulation or by completing a short writing assignment related to the class material that week. Consult with me 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+) for each additional missed event.[2] You do not need to

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[1] That being said, I understand that individual circumstances might make it problematic for you to share your environment/surrounds via video. If that is the case, you may join class with your video muted, no questions asked. I will still expect you to actively participate.

[2] For students who are unable to participate at all during the synchronous class time (Wednesdays, 3-6PM) due to time zone issues, please email me as soon as possible so that I can arrange for you to conduct all negotiation simulations and exercises outside of class time. The class lectures and debriefs will be recorded and available on Canvas.

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

Confidentiality and Academic Integrity:

In the various negotiation exercises, you will typically be given confidential instructions for the role that you will play. It is up to you to decide, during the course of each negotiation, what information you want to share (or not share) with your counterparts. This is a large part of what will make the simulation an enriching learning experience. Therefore, it is critical that you not discuss or share these instructions with your classmates until we begin our formal class debrief session.

In addition, it is critical that you not share or discuss negotiation simulation 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. To invent and refine a case is an arduous task, often taking several years. If either the structure of a case (its basic challenge) or the substantive facts of one or both sides should become widely known, or if you should attempt to learn about the structure of the case prior to negotiating it, the case would be of little use to you or future students.

I will also ask you to videorecord your negotiations at certain times throughout this course as a way to help you improve your negotiation skills. You may not share these videos with anyone outside of this course—in order to protect the privacy of others on the video and the integrity of the negotiation simulations.

Any of these actions (sharing confidential case information, attempting to obtain confidential case information, or sharing video recordings from this course to anyone outside of this course) would be considered a violation of Penn's Code of Academic Integrity.

INSTRUCTOR BIO

Rachel M. Krol is an attorney, consultant, and educator with a focus on negotiation and conflict management. In addition to teaching Negotiation at Wharton, she is an Advisor with the Cambridge Family Enterprise Group, where she advises family-owned enterprises on strategies for achieving multigenerational success, including helping families and ownership groups implement effective governance systems and build their capacity for managing relationships, communication, and conflicts. Professor Krol has taught negotiation around the world including at Harvard Law School, Georgetown University Law Center, Penn Law School, and the Vienna University of Economics and Business. She has worked with a variety of client organizations ranging from court systems to tech companies, local government agencies to international NGOs. Professor Krol earned her J.D. from Harvard Law School and her B.A. in History from Columbia University. She began her legal career as an attorney in the Corporate and Securities Group at Faegre Drinker LLP (previously Drinker, Biddle & Reath LLP).

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. Due dates are posted on Canvas.

GRADE COMPONENTS	Points per Assignment	Total points
1. Class Participation	15 + 10 + 10	35
2. Short Papers	15 + 15	30
3. Final Paper	35	35
		100

1. **Class Participation (35 points)**

    a. ***Completion of Pre-Negotiation and Post-Negotiation Reports (15 points):*** Preparation is probably the single most important thing you can do to improve your performance in any negotiation. Prior to each negotiation simulation or exercise, you will be asked to submit a short form online that will help guide you in your preparation. After each negotiation simulation or exercise, you will be asked to submit a short report of your results that will help direct the class debrief and discussion. Each prep form and results form will be graded for completion and worth 0.5-1.0 points.

    b. ***Participation in Simulations and Class Discussions (10 points):*** Participation is a very important part of this learning process. Grading will be based on attendance and the quality of contributions and insights that you share during class discussion (simulations debriefs, lectures, and in-class exercises) as well as your engagement in any asynchronous discussion boards. Typically, quality comments: i) are relevant to the topic, ii) clearly articulate a relevant personal experience or observation, and iii) move the conversation forward in some way by adding new information, insights, or viewpoints. If you rarely contribute, it is impossible to evaluate the quality of your thinking and your classmates cannot learn from your insights. At the same time, over participating or excessively dominating the conversation can hinder the learning environment.

    c. ***Peer Feedback (10 points):*** You will be expected to provide peer feedback to your counterparts after each negotiation. We will discuss this in more detail during the semester. Typically, this will take place in "breakout rooms" on Zoom during synchronous class time. In some weeks, I will ask you to review the videorecording of your negotiation prior to class and prepare some written notes to use in your feedback conversations. Active participation in and preparation for peer feedback

sessions will earn you .5-1.0 points per simulation for a total of 7.5 points. In addition, each student will be asked to complete a peer feedback survey during the final week of class in which they 1) identify peers who made significant contributions to their learning during during the course simulations and discussions; and 2) list the names of the top eight negotiators in class, defined as "those who were able to achieve excellent results while maintain and strengthening long-term relationships." Completion of the peer feedback survey is worth 2.5 points. I may take the results of this final Peer Feedback survey into account when grading Class Participation.

2. **Short Papers** (30 points): There are **two reflection papers** due during the semester, each worth 15 points. **Each reflection paper should be 750-1000 words in length** and should be submitted as a word document (not a PDF) via Canvas. The purpose of these papers is to help you achieve a greater level of awareness of yourself as a negotiator, foster a deeper understanding of the experience of negotiating, and demonstrate the ways in which you are thoughtfully engaging with the course material. Each reflection paper should focus on analyzing your experience negotiating during a class simulation and may also reference negotiations in your life outside of class. Please do not simply tell a "blow-by-blow" account of what happened. Instead, focus on a moment or two that you experienced as significant. Explore the moment from your perspective and your counterpart's perspective. Propose feedback for yourself about what worked (and why), what you might do differently next time (and why). Identify specific lessons you learned about negotiation and/or yourself as a negotiator from this experience. If this experience raised questions about specific aspects of negotiation theory/practice that still feel unresolved for you, raise the question and share what answers you have in this moment. In addition, each paper should reference and incorporate one required reading. That said, these papers are not a "test" of whether you have done the readings nor are they a test of your research skills. They are intended to be an exercise in self-awareness and an opportunity to engage in ongoing self-reflection and personal growth. I will post examples on Canvas to show you what I expect.

3. **Final Paper: Real World Negotiation** (35 points) For the Final Paper, I would like you to analyze a real-world negotiation that *you* have participated in and discuss negotiation lessons from the experience. The paper should be 1400-1800 words in length. You can plan for and conduct a "new" negotiation during the semester or choose to reflect on a negotiation you participated in prior to taking this course.

   Choosing your real-world negotiation:
   - The negotiation should be about something nontrivial (i.e., you should care how the negotiation turns out). Other than that, it can be about any topic (a good or service, salary, resolving a conflict, etc.).
   - The negotiation counterpart(s) may not be another student in this class or the instructor.
   - The negotiation counterpart(s) must not be aware either before or during the negotiation that you will be analyzing it to satisfy course requirements (however, you may share your paper with them afterwards if you wish).
   - Please enter any "new" negotiation in good faith and act ethically.

Writing your paper: Although there are many creative formats for papers, a good paper usually includes the following elements:

- <u>Introduction</u> – What is this negotiation about? Who is involved? What is the context? What were your goals?
- <u>Analysis/discussion</u> – *Note: You should not give a complete play-by-play of your entire negotiation nor should you necessarily answer each of the following questions. Part of your analysis involves choosing a few key moments (2? 3? 4?) in which something interesting happened and analyzing those moments in a detailed, meaningful way. Whatever your focus you should incorporate the use of theory and research from the readings and lecture material to bolster your analysis.*
  - o What did you do to prepare for this negotiation? How did that preparation help (or not help) in your actual negotiation? What strategies did you plan to employ? How did they play out in real life?
  - o What happened at certain key moments in your negotiation (specifically what did someone do or say)? What were you thinking at the time? What might they have been thinking (and why do you think they were thinking that)?
  - o What impact did a particular moment have on you/them/the negotiation? Why do you think it had the impact that it did?
  - o What concepts/theories from the readings or from lectures can help you analyze what happened in these moments?
  - o What past negotiation/life experiences can help you analyze your own behavior and reactions in these moments?
  - o What specifically could or should you have done differently, if anything, and why?
- <u>Conclusion</u> – What lessons about negotiation and/or yourself did you learn from this experience that you will take with you into your future negotiations?

Key Due Dates (other than weekly assignments related to negotiation simulations)*

Due Date	**Assignment**
Wed., Sept. 2, 3pm	Self-Intro Video (Flipgrid) and Preliminary Course Goals (Canvas)
Wed., Oct. 7, 3pm	Short Paper #1 (Canvas)
Tues., Oct. 13, 3pm	Power Analysis of Negotiation in the News (Canvas)
Wed. Oct. 21, 3pm	Prepare your own "real world challenge"
Wed., Nov. 18, 3pm	Short Paper #2 (Canvas)
Wed., Dec. 9, 11:59pm	Peer Feedback Survey (Instruction Center)
Thurs., Dec. 16, 11:59pm	Final Paper (Canvas)

*See the "Modules Tab" on Canvas for a full list of weekly assignments

Plagiarism

I expect students to adhere to Penn's Code of Academic Integrity in all assignments. Papers must represent only your own creative work and effort. Any source you rely on or quote directly must be cited. Please feel free to use whichever citation method you prefer as long as it is clear and consistent.

COURSE TOPIC OVERVIEW

As mentioned previously, a detailed list of weekly readings, assignments, and class agendas will be posted in the "Modules Tab" on Canvas. My hope is that this will help us all stay organized in the Fall 2020 online learning environment. To avoid duplication (and potential confusing discrepancies), I will not replicate those details here. Below, you will see an outline of the topics we will cover each week.

Introducing Negotiation Basics	
Week 1	Introduction to Negotiation
Week 2	First Offers and Bargaining Strategies
Exploring the Tension Between Creating and Distributing Value	
Week 3	Exchanging Information and Active Listening
Week 4	Creating Value
Week 5	Distributing Value
Addressing Difficult Negotiation Dynamics	
Week 6	Negotiation Ethics
Week 7	Difficult Situations, Part 1 (managing difficult behaviors and power imbalances)
Week 8	Difficult Situations, Part 2 (managing partisan perceptions and deep differences)
Week 9	Job Offers and Email Negotiation
Adding Parties and Complexity	
Week 10	Assisted Negotiation: Agents
Week 11	Assisted Negotiation: Mediation
Week 12	Multiparty Negotiations
Thanksgiving Break	
Week 13	Group Decision-Making and Complex Team Negotiations, Part 1
Week 14	Complex Team Negotiations, Part 2

Please keep in mind that the syllabus might change as we progress through the semester. I will let you know of any changes in advance both in class and through Canvas.