

Department of Legal Studies & Business Ethics
The Wharton School, University of Pennsylvania
LGST/MGMT/OIDD 2910-407

NEGOTIATIONS

Fall 2023

Instructor: Rachel M. Krol, JD (rkrol@wharton.upenn.edu)

Class times: Wednesdays, 3:30-6:30 PM ET

Location: TBD

Office Hours: Wednesdays, 1:00-2:30 PM ET or by appointment; JMHH 6th fl. or via Zoom

TAs: Maria Veronica M. Manalo (ymmanalo@pennlaw.upenn.edu)

Tvisha Malik (tvisha@wharton.upenn.edu)

OVERVIEW

We negotiate every day—with merchants, service providers, employers, colleagues, clients, friends, and family—determining what price we will pay, the amount of our salary and compensation, how to accomplish a team project, what movies to watch, where to go to dinner, who will clean the kitchen, and so forth. Although negotiations are a ubiquitous part of our everyday lives, many of us know little about the strategy and psychology of effective negotiations. Why do we sometimes get our way, while other times we walk away feeling frustrated by our inability to achieve the agreement we desire?

This course integrates theory and practice. It will give you a foundation, a conceptual understanding of negotiation processes, so that you can analyze negotiation situations intelligently and choose effective strategies. It will also build your practical hands-on negotiation and conflict resolution skills in a range of settings.

Each class period will include negotiation simulations and exercises. We will combine this experiential learning with readings, lectures, discussions, and small group review sessions. I encourage you to approach this course with an open mind and a willingness to experiment!

COURSE OBJECTIVES

More specifically, during the course you will:

1. Learn fundamental concepts of negotiation theory and behavior;
2. Enhance your ability to analyze negotiation processes in both professional and personal situations;
3. Build your confidence and competence through frequent practice; and
4. Gain tools for your continued development as a skilled negotiator.

READINGS

1. Roger Fisher, et al., *Getting to Yes* (Penguin 3rd edition 2011);
2. Douglas Stone, et al., *Difficult Conversations* (Penguin 2nd edition 2010); and
3. Additional Readings on Canvas (see the “Course Materials @ Penn Libraries” tab).

You will also be required to register for the online platform iDecisionGames (iDG) and pay a \$15 user fee.¹ This is where you will receive your negotiation case instructions and pairings and submit your preparation forms and results. Further instructions on Canvas.

ATTENDANCE

Attendance in this course is mandatory!²

Each week, you will have interactive negotiation simulations where you will be given a specific role to play and be teamed up with at least one other student. Therefore, missing a class hurts 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 need to miss a class, please let me and the course teaching assistants know at least 24 hours in advance—by 3:30PM on Tuesday. The more notice there is, the more easily I can plan to ensure that the learning experience of other students is uninterrupted.

Missing one class = losing 3 participation points. You can earn participation points back by making up the missed roleplay or completing a short 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+). Make sure you attend regularly so that getting sick or having a schedule conflict does not risk putting you over the 2-class limit.

USE OF LAPTOPS AND OTHER ELECTRONIC DEVICES

Unless directed otherwise, you may not use laptops or other electronic devices during lectures and class discussions/review sessions. You may use laptops or other devices during the negotiation simulations. I will make the PowerPoint slides of every lecture available. You may find it helpful to print out the instructions for your negotiation simulations, which you will receive electronically. If you need an accommodation to use a laptop or other device, please speak to me about this issue.

¹ If you have concerns about the user fee, please let me know. This should not be a barrier for you to take the class.

² Consistent with University COVID public health guidance and Policy on Secular & Religious Holidays.

GRADING

Grading for this course will be based on the following components. Due dates are posted on Canvas and listed in the course schedule at the end of this syllabus. A common question is whether the course follows a curve. The course does not adhere to a curve. This means grades are assessed for each person individually against a set standard.

GRADE COMPONENTS	Percentage per Assignment	Percentage of Final Grade
A. Negotiation Preparation	1 per case	12
B. Reflection Papers	10 + 12	22
C. Midterm Exam		22
D. Final Paper		22
E. Class Participation		18
F. Other Short Written Work	3 + 1	4

A. Negotiation Preparation

Preparation is probably the single most important thing you can do to improve your performance in any negotiation. In class, it is essential that you read and prepare for every negotiation exercise. Lack of preparation diminishes the value of in-class negotiations, not only for you, but also for your negotiating partners.

To ensure you are prepared and to show you how to prepare, you will be required to submit a short preparation form via iDecisionGames prior to each negotiation simulation.

Then, following each negotiation exercise (with the exception of the first class), you will submit a short post-negotiation evaluation on iDecisionGames about your experience. The central purpose of this survey is accountability. You will be asked to evaluate your counterpart's preparation and your counterpart will be asked to evaluate your preparation. Your counterparts will not see your individual ratings, and you will not see their individual ratings of you. Only de-identified aggregate ratings will be released at the end of the semester. These ratings are not determinative. I may take them into consideration when determining each student's preparation grade.

Grading:

0 – did not complete

1 – completed with apparent effort and thought, by the deadline

B. Reflection Papers

During the semester, you will write two reflection papers in which you analyze your own experience negotiating in class to develop specific negotiation insights and advice for

yourself in the future. The purposes are to help you gain a greater awareness of yourself as a negotiator, deepen your understanding of the factors that affect negotiation processes, relationships, and outcomes, and provide you with tools to continue to improve.

You will not be expected to write about every in-class negotiation simulation, but rather to choose one or two significant moments to explore in detail in each paper. You will apply theory from the course readings, frameworks from class, and your own common sense to analyze what happened and why and to draw out negotiation lessons.

Each paper should be no more than 1000 words (approximately 3-4 pages of double-spaced text in 12-point font, with one-inch margins) and must incorporate and reference at least one assigned reading.

We will discuss this assignment in more detail in class and written guidelines and examples will be posted on Canvas.

Grading: Papers will be graded on a 0-10 scale, where 10=A, 9=A-, 8=A-, 7=B+, 6=B, 5=B-, 4=C/C+, 3=C-/D+, 2=D/D-, 1=F. Note that 10s will be rare and reserved for assignments that truly excel. The first paper will be weighted slightly less than the second paper in order to give you the opportunity to incorporate my feedback on your first paper.

C. Midterm Exam

When you are in a negotiation, you must have the appropriate strategies at your fingertips. You cannot stop a negotiation in the middle of its flow to go check your notes or a book – you must have access to this knowledge on the fly. The purpose of the exam is to help you get to that point. The exam will cover the concepts discussed in class and in the readings. While we will not have time to discuss all the readings in class, you will be expected to understand and apply the main substantive points of each chapter/article.

D. Final Paper: Real World Negotiation

Sometime during the semester, you must plan and execute a negotiation outside of class. This is an opportunity for you to apply concepts outside of class in situations with real stakes. 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 (buying or selling a good or service, subletting an apartment, negotiating a job offer, resolving a conflict with a friend, roommate or family member, etc.).

For the Final Paper, you will share your preparation for this negotiation, provide an analysis of key moments during the negotiation, and discuss lessons from the experience.

The paper should be no more than 1800 words. You may include your preparation notes in an Appendix that will not be counted towards the 1800-word limit.

We will discuss this assignment in more detail in class and written guidelines and examples will be posted on Canvas.

Grading: Papers will be graded on a 0-10 scale, where 10=A, 9=A, 8=A-, 7=B+, 6=B, 5=B-, 4=C/C+, 3=C-/D+, 2=D/D-, 1=F. Note that 10s will be rare and reserved for assignments that truly excel.

E. Class Participation

Participation in weekly class discussions to debrief the negotiation simulations is a very important part of this learning process. Grading will be based on my weekly observations of your effort and engagement during in-class exercises and the quality of your in-class comments. If you rarely contribute to discussions, 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.

Grading: After each class, everyone gets a numeric evaluation

- 0 – Absent (unexcused)
- 1 – Present, but late or otherwise disengaged
- 2 – Present, on time, and engaged
- 3 – Present + high quality participation

High quality participation typically includes the following attributes:

- Relevant to the topic
- A clear articulation of a personal experience or observation
- Moves the conversation forward in some way by adding new information, insights, or viewpoints; and
- Engages other students by sparking peer responses.

At the end of the course, I will ask you to share feedback regarding peers who made significant contributions to your learning in the course. This feedback will give me additional perspectives as well as insight into aspects of the course that I cannot observe directly, such as the negotiation simulations and small group discussions. This feedback is not determinative. I may take it into consideration when determining each student's participation grade and will do so only a way that helps a student's participation grade.

Making sense of the grading:

- Being on time, present, and engaged in all class sessions + high quality participation in 50% of the class sessions would be the equivalent of an A participation grade.
- Being on time, present, and engaged in all class sessions, but with limited participation would be the equivalent of a B participation grade.
- If a student is on the cusp of a B+/A- for her participation grade and receives positive feedback from her peers, she would be bumped up to an A-.

F. Other Short Written Work

A portion of your grade will depend on the timely completion of two short assignments:

1. Submission of Personal Growth Statement; and

2. Submission of peer feedback during the final week of class

Grading (Personal Growth Statement):

- 0 – did not complete
- 1– completed with little or no effort
- 2 – sufficiently thorough, clear and thoughtful reflection for the most part, may be too general or vague, might not address all parts of the assignment prompt
- 3 – exceptionally thorough, clear and thoughtful throughout, states clear objectives and uses concrete examples, addresses all parts of the assignment prompt

Grading (Peer Feedback):

- 0 – did not complete
- 1– completed with apparent effort and thought, by the deadline

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. You may use whichever citation method you prefer as long as it is clear and consistent.

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 simulations 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 may 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 or 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 Negotiations at Wharton and Penn Law, 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, 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).

COURSE SCHEDULE AND DELIVERABLES

Class (Date)	Agenda	Readings Due	Assignments Due
Class 1 (1/18)	<ul style="list-style-type: none"> • INTRODUCTION TO NEGOTIATION • Read, negotiate, and review <i>Cessna</i> • Discuss Syllabus 	<ul style="list-style-type: none"> • Fisher, <i>Getting to Yes</i>, Introduction, chs. 1-2. 	<ul style="list-style-type: none"> • Submit Self Introduction Video & register for iDecisionGames (iDG) by Tuesday evening, January 17. See Canvas for instructions.
Class 2 (1/25)	<ul style="list-style-type: none"> • Read and negotiate <i>BioPharm-Seltek</i> • GIVING AND RECEIVING FEEDBACK • Review <i>BioPharm-Seltek</i> • DISTRIBUTIVE BARGAINING, FIRST OFFERS, ANCHORING 	<ul style="list-style-type: none"> • Peppet & Moffitt, "Action Science and Negotiation." • Shell, "Your Goals and Expectations" 	<ul style="list-style-type: none"> • Review Course Syllabus (posted to "Files" on Canvas). • Submit Personal Growth Statement (due by 12pm noon on Friday, 1/27)
Class 3 (2/1)	<ul style="list-style-type: none"> • Negotiate and review <i>Negotiating a Pandemic</i> • INTEGRATIVE BARGAINING & MULTI-ISSUE NEGOTIATIONS 	<ul style="list-style-type: none"> • Sebenius – Six Habits of Merely Effective Negotiators 	<ul style="list-style-type: none"> • Prepare to negotiate <i>Negotiating a Pandemic</i>
Class 4 (2/8)	<ul style="list-style-type: none"> • CREATING VALUE • Negotiate and review <i>Diego Primadonna</i> • ACTIVE LISTENING 	<ul style="list-style-type: none"> • Fisher, <i>Getting to Yes</i>, chs. 3-4. • Moffitt, "Contingent Agreements: Agreeing to Disagree about the Future." • Stone, <i>Difficult Conversations</i>, chs. 9-10. 	<ul style="list-style-type: none"> • Prepare to negotiate <i>Diego Primadonna</i>

Class (Date)	Agenda	Readings Due	Assignments Due
Class 5 (2/15)	<ul style="list-style-type: none"> • THE CHALLENGE OF DISTRIBUTION • Negotiate and review <i>67 Fishpond Lane</i> 	<ul style="list-style-type: none"> • Fisher, <i>Getting to Yes</i>, ch. 5. • Shell, "Authoritative Standards & Norms" 	<ul style="list-style-type: none"> • Prepare to negotiate <i>Eazy's Garage</i> • Submit Reflection Paper #1 (due by 12pm noon on Friday, 2/17)
Class 6 (2/22)	<ul style="list-style-type: none"> • Guest Speaker • DEALING WITH DIFFICULT TACTICS • Negotiate <i>Bullard Houses</i> 	<ul style="list-style-type: none"> • Fisher, <i>Getting to Yes</i>, chs. 7-8. • Shell, "Negotiating with the Devil without Losing Your Soul." • Adler, "Negotiating with Liars." 	<ul style="list-style-type: none"> • Prepare to negotiate <i>Bullard Houses</i>
Class 7 (3/1)	<ul style="list-style-type: none"> • Midterm Exam • Review <i>Bullard Houses</i> 	NONE	<ul style="list-style-type: none"> • Prepare readings and lectures from Classes 1-6 for Midterm Exam
NO CLASS (3/8)	NO CLASS – ENJOY SPRING BREAK!		
Class 8 (3/15)	<ul style="list-style-type: none"> • Negotiate and review <i>Author Author</i> • MANAGING EMOTIONS AND DIFFICULT CONVERSATIONS 	<ul style="list-style-type: none"> • Stone, <i>Difficult Conversations</i>, chs. 1-4. • Fisher, "Beyond Reason" (chs. 1-2). 	<ul style="list-style-type: none"> • Prepare to negotiate <i>Author Author</i>
Class 9 (3/22)	<ul style="list-style-type: none"> • ASSISTED NEGOTIATION: MEDIATION 	<ul style="list-style-type: none"> • Cleary, "Mediators: Lessons and Observations" 	<ul style="list-style-type: none"> • Prepare to mediate <i>Catering Coworkers</i>

Class (Date)	Agenda	Readings Due	Assignments Due
	<ul style="list-style-type: none"> • Mediate and review <i>Catering Coworkers</i> 	<ul style="list-style-type: none"> • Beer, excerpts from “The Mediator’s Handbook.” 	
Class 10 (3/29)	<ul style="list-style-type: none"> • ASSISTED NEGOTIATION: AGENTS • Negotiate and review <i>Eazy’s Garage</i> 	<ul style="list-style-type: none"> • Mnookin, “The Tension Between Principals and Agents.” 	<ul style="list-style-type: none"> • Prepare to negotiate <i>Eazy’s Garage</i>
Class 11 (4/5)	<ul style="list-style-type: none"> • Review <i>The Offer</i> email negotiation • CAREER PREP (offer negotiations and performance reviews) 	<ul style="list-style-type: none"> • Ebner, “Negotiation via Email.” • Malhotra, “Control the Negotiation Before It Begins.” <p><i>Optional: Watch/Listen</i></p> <ul style="list-style-type: none"> • “How to Negotiate Your Job Offer” • “Thinking Strategically about Career Negotiations” 	<ul style="list-style-type: none"> • Prepare <u>and negotiate</u> <i>The Offer</i> via email (see Canvas for details) • Submit Reflection Paper #2 (due by 12pm noon on Friday, 4/7)
Class 12 (4/12)	<ul style="list-style-type: none"> • MULTIPARTY NEGOTIATION • Prepare by role for <i>Harborco</i> • Negotiate <i>Harborco</i> 	<ul style="list-style-type: none"> • Susskind, “Making the Most of Multiparty Negotiations” • Lewicki, “Multiparty Negotiations: Coalitions and Groups.” 	<ul style="list-style-type: none"> • Prepare to negotiate <i>Harborco</i>
Class 13 (4/19)	<ul style="list-style-type: none"> • Review <i>Harborco</i> • Meet with teams to prepare to negotiate <i>Chestnut Village</i> • Conduct opening negotiation session of <i>Chestnut Village</i> 	<ul style="list-style-type: none"> • Brett, “How to Manage Your Negotiating Team” 	<ul style="list-style-type: none"> • Prepare to negotiate <i>Chestnut Village</i>

Class (Date)	Agenda	Readings Due	Assignments Due
Class 14 (4/26)	<ul style="list-style-type: none"> • Final negotiation session of <i>Chestnut Village</i> • Review <i>Chestnut Village</i> • Course wrap-up 	<p><i>Optional: Watkins, "Negotiating in a Complex World."</i></p>	<ul style="list-style-type: none"> • Prepare to finish negotiating <i>Chestnut Village</i> <p>Reminder:</p> <ul style="list-style-type: none"> • Online peer feedback due by midnight on April 28 • Final paper due by midnight on May 5