

[Please note this course design will be modified for fall 2011]

Conf. 741: ICAR

Negotiation: Theory and Practice

Semester: Fall 2010; Thursdays, 4:30-7:10 p.m.; Arlington, 331

Instructor: Dr. Johannes (Jannie) Botes
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Office Hours: By appointment.

Description:

The aim of this course is to develop a theoretical, practical, and self-reflective understanding of negotiation. In order to do this, we will read about and use various negotiation techniques and strategies (through exercises and role-plays), relate those experiences to aspects of negotiation theory, and reflect on our developing skills as well as on the connection between theory and practice.

Even if you don't think of yourself as a negotiator, negotiation is already part of your life and you have more experience than you might realize at first. You negotiate at home, at work, and in recreation. It is the primary way in which most people deal with conflicts, disputes, and differences in interests. As the foundation upon which many other techniques are built, it is the bedrock of how we prevent and manage conflict.

Learning Objectives:

At the end of this course, students will:

- Understand the role and value of negotiation as the most common approach to managing and resolving conflict
- Understand the terminology, theory, and notions of practice regarding negotiation skills
- Understand the role of communication, perception, power, ethics, culture, and gender on negotiation
- Have improved and expanded on their negotiation skills via a reflective practice learning model.

Expectations:

- Prepare for and participate thoughtfully in all activities. Because of the experiential nature of learning in this course, participation is critical, which is why it is a relatively large portion of your grade. If you are prepared and involved, you promote your own learning, that of your negotiation partners, and that of the class as a whole.
- Regular class attendance is required. There is no way to make up for the exercises and other educational opportunities you miss when you are absent. In addition, your absence

will affect the classmates who would be paired with you in exercises and will cause significant logistical problems. I understand that you may sometimes need to be absent. Please let me know as far in advance as possible if that happens. Also, please be aware that, as described below, excessive absence will lower your preparation and participation grade and can result in failure of the course. As the analytical writing in this class is based on class experiences, not attending any specific class may also make it very difficult or impossible to be able to write such diagnostic work.

- Do the reading. We will talk about major concepts in class, but class lectures and discussions will not fully cover the readings. In fact, the readings will often be a starting point and our discussion will assume that you already know the material there. If you don't do the reading, you will be less able to understand, to participate constructively in class discussion, to write productive Reflection and Analysis Papers ("RAPs") and to benefit from exercises. *In addition, I may give quizzes on the readings if it appears that doing so is necessary to ensure that students read the assigned material.*
- Help other students. We all come into this course with negotiation experience, but with different backgrounds, experiences, strengths, and shortcomings. Because of this, we each have something to contribute to each other's education. When you have negotiated with other students, please contribute to their learning by giving them CONSTRUCTIVE feedback. You may sometimes be asked to do this formally, but you don't need to wait for those times. Take any chance you have to teach others, just as you take an active role in learning.

Hand in assignments on time. The RAPs are designed to let you reflect and develop your thinking throughout the semester as you learn and try new things. As far as possible, I have scheduled their submission in a manner that will allow you to get them back with comments before writing your next submission. I will deduct one point from your overall RAP grade for each RAP that is submitted late and an additional point for each week a RAP is late.

The analytical paper is due on **November 15**. If you have a problem with this deadline, please "negotiate" with me in advance. If the paper is not finished on the day it is due, do not skip class. I will penalize the late paper more heavily if you are absent that evening.

- Form for written assignments. Your assignments must be typed, double-spaced, using 12-point Times New Roman font, one inch margins, and numbered pages. RAPs must include your name and the date of submission at the top of the first page. Your analytical paper should have a separate cover page that includes the title of the paper, your name, the course name or number, and the date.

All writing should include appropriate internal and reference list citation, using APA form as shown in Diana Hacker's *A Pocket Style Manual*. Papers that do not contain appropriate citations in the correct format will receive lower grades.

No paper should begin with introductory sentences stressing the regularity or constant presence of negotiation or conflict in our lives or our history. Papers with introductory sentences of this nature will be returned for revision.

- Other aspects of writing. Pay attention to grammar and spelling. Use the spell and grammar check functions on your computer, but then proofread for the spelling, grammar, and substantive errors that those functions will miss. Organize your writing and express yourself clearly.

Hacker's *A Pocket Style Manual* is an excellent guide for grammar and usage, as well as citation. It contains explanations of many basic writing issues and can help you improve your writing, especially when my comments suggest a consistent problem in a particular area. The website for the Hacker volume (dianahacker.com/pocket) also includes practice exercises that can help you work on grammar and usage in your writing.

Please speak with me if you are concerned about your skills as a writer. Good writing is an essential skill in graduate school and in life. I will be glad to discuss options for improving your writing.

- Talk to me. If any of the assignments or the material presented in the readings or in class are unclear or confusing, please let me know so that I can explain (if it's unclear) or correct (if it's wrong). I am also glad to discuss any other concerns along the way. E-mail is usually the best way to contact me for routine matters. Some issues are inappropriate for e-mail communication; in these cases, I will be glad to talk to you by phone or to meet in person. Leave a phone number in e-mails please.

Be sure your work is your own. All George Mason University students have agreed to abide by the letter and the spirit of the Honor Code. You can find a copy of the Honor Code at academicintegrity.gmu.edu. All violations of the Honor Code will be reported to the Honor Committee for review. With specific regards to plagiarism, three fundamental and rather simple principles to follow at all times are that: (1) all work submitted be your own; (2) when using the work or ideas of others, including fellow students, give full credit through accurate citations; and (3) if you are uncertain about the ground rules on a particular assignment, ask for clarification. If you have questions about when the contributions of others to your work must be acknowledged and appropriate ways to cite those contributions, please talk with the professor.

ICAR requires that all written work submitted in partial fulfillment of course or degree requirements must be available in electronic form so that it can be compared with electronic databases, as well as submitted to commercial services to which the School subscribes. Faculty may at any time submit a student's work without prior permission from the student. Individual instructors may require that written work be submitted in electronic as well as printed form. ICAR's policy on plagiarism is supplementary to the George Mason University Honor Code; it is not intended to replace or substitute for it.

The English Language Institute offers free English language tutoring to non-native English speaking students who are referred by a member of the GMU faculty or staff. For more information, contact 703-993-3642 or malle2@gmu.edu. The Writing Center is a free writing

resource that offers individual, group, and online tutoring. For general questions and comments please contact us at wcenter@gmu.edu or call: 703-993-4491.

Course Requirements:

- (1) **Preparation and Participation (30%).** Your participation grade includes both preparation for class (including completion of assigned reading and preparation for negotiation exercises) and active involvement in class activities. *With regard to negotiation exercises and role plays, you will be graded on your effort and the development of your skills and understanding over time, not on the outcome.* To develop your skills, you must try to obtain the best negotiated outcome you can. It is also important to try techniques and strategies different from those you have previously used if you think they might work under the circumstances. You will not be graded down for trying new things, even if they prove unsuccessful.

In debriefings and other class discussions, the quality of your contributions is more important than their quantity. Quality contributions include one or more of the following:

- Offer a different but relevant perspective based on analysis and theory
- Contribute toward moving the discussion forward
- Build on other comments made in class
- Offer some evidence or logic to support the point made (not just your impressions or feelings)
- Link relevant concepts to experiences or events

- (2) **Reflection and Analysis Papers -- "RAPs" (40%)**

You must submit six (3-4 page) RAPs over the semester and a longer (6-8 page) summary RAP on the last day of class. If you must miss class but have a RAP ready, please send your assignment with a fellow student. *Please do not e-mail assignments under any circumstances as it makes the logistics of grading unreasonably difficult.*

Guidance on preparing both the regular and the summary RAPs is in Supplement 1 below.

- (3) **The Commons Dilemma (optional substitution for 25% of RAP grade)**

We begin this long-term, scored "exercise" on **September 30**. I will substitute your score on this exercise for 25% of your overall RAP grade if the Commons Dilemma score is the higher of the two.

- (4) **Analytical Paper (30%)**

You will write a 15-20 page analytical paper. Options for paper topics and guidelines for writing the papers are provided in Supplement 2 below. *This paper is due on November 11; please submit your paper topic for my review and approval by October 7.*

(5) **Attendance (deduction from grade)**

Students start with full attendance credit. **Each class a student misses after his or her second absence, no matter what the reason, will cause a decrease of three percentage points in the student's semester grade (a minus grade point off your total course grade).** This is not done as punishment, but because experiential learning must be experienced. You cannot replace the educational benefits you miss when you are out of class.

Required Texts:

Fisher, R., Ury, W., & Patton, B. (1991). *Getting to yes* (2nd ed.). New York: Penguin Books.

Hacker, D. (2004 or 2008). *A pocket style manual* (4th or 5th ed.). New York: Bedford/St. Martin's.

Lewicki, R. J., Barry, B., & Saunders, D. M. (2007). *Essentials of negotiation* (5th ed.). New York: McGraw-Hill/Irwin. [**“Essentials”**]

Lewicki, R. J., Barry, B., & Saunders, D. M. (2007). *Negotiation: readings, exercises, and cases* (6th ed.). New York: McGraw-Hill/Irwin. [**“Readings”**]

Additional readings are available on Electronic Reserve site for this course [**“ERes”**]: **Fall 2010**

ERes-Password: melchior (all in lower case)

Initial Class Schedule and Assignments (subject to change):

Week 1

Sept. 2: **Introduction and Orientation**
Negotiation Exercise
Discussion of Self-Reflection RAP due in class

Week 2

Sept. 9: **Strategies, Framing, and Planning**
Read: *Essentials:* Chs. 1 and 4; *Readings:* *ERes:* Tipler; and *ERes:* Stamato articles from Ivey Business Journal: specifically Stamato; and Gasink & Weiss
Suggested Reading:
ERes: Marsick, Victoria & Alfonso Sauquet (Learning through reflection)
Prepare: *Readings:* Exercise 8, Planning for Negotiations, pp. 495-497. Bring an example of a negotiation you will face in the near future for use in the exercise
Submit: Self-reflection RAP (No. 1)

Week 3

Sept. 16: **Distributive Bargaining**
Read: *Essentials:* Ch. 2; *Readings:* 1.1 (Ury, Brett, & Goldberg, p. 1); 1.2 (Lewicki, Hiam & Olander, p.14); 1.4 (Simons & Tripp, p. 34); *ERes:* Murray; and Stamato articles from Ivey Business Journal, specifically Lax & Sebenius.
Prepare: *Readings:* Exercise 4, The Used Car, pp. 490-491 and role info handed out in class

Week 4

Sept. 23: **Distributive Bargaining (cont'd)**
Read: *Readings:* 1.7 (Robinson, p. 72); *ERes:* Brams; and Dawson.
Prepare: *Readings:* Exercise 9, Pakistani Prunes, p. 498 and role info handed out
Submit: RAP (No. 2)

Week 5

Sept. 30: **Integrative Negotiations/Begin the Commons Dilemma exercise**
Read: *Essentials:* Ch. 3; *Getting to Yes:* pp. 1-94; *ERes:* Thompson & Leonardelli (from Stamato articles from Ivey Bus. Journal)
Prepare: Identifying interests exercise; no advance preparation needed
Submit: RAP (No. 3)

Week 6

Oct 7: **Integrative Negotiations, Negotiator's Dilemma**

Read: *Getting to Yes*: pp. 95-end; *ERes*: Anderson; Rubin—"Some Wise and mistaken..." (2003).

Prepare: Hacker/Star video, no advance preparation needed

Submit: A two-paragraph description of your paper proposal

Week 7

Oct. 14: **Perception, Cognition and Communication**

Read: *Essentials*: Chs. 5 and 6; *Readings*: 2.1 (Neale & Bazerman, p. 115); 2.5 (Weeks, p. 147); *ERes*: Rubin ---"Psychological Traps" (2007).

Prepare: *Readings*: Exercise 19, Bestbooks/Paige Turner, p. 528 and role info handed out.

Week 8

Oct. 21: **Negotiation Leverage**

Read: *Essentials*: Ch. 7; *Readings*: 2.7 (Pfeffer, p. 159); 2.8 (Cialdini, p. 168); *ERes*: Kolb & Williams; and Keys & Case

Prepare: Exercise 17, *Readings*, p. Toyonda

Submit: RAP (No. 4)

Week 9

Oct. 28: **Negotiation Ethics**

Read: *Essentials*: Ch. 8; *Readings*: 2.10 (Adler, p.183); 2.11 (Craver, p.193); 2.12 (Shell, p. 198); *ERes*: Friedman & Shapiro.

Prepare: *Readings*: Questionnaire 2 (SINS II Scale, pp. 680-681) -- fill out before class

Week 10

Nov. 4: **Relationships in Negotiation**

Read: *Essentials*: Ch. 9; *Readings*: 3.1 (Kolb, p.211); 3.5 (Allred, p. 244); 3.8 (Sebenius, p. 267); *ERes*: Rubin & Sander ("When should we use agents?")

Prepare: *Readings*: Exercise 26, New House Negotiation, pp. 542-543 and role info. (Don't forget to read this – it includes information available to all parties!)

Week 11

Nov. 11: **Multiple Parties, Teams and Coalitions**

Read: *Essentials*: Ch. 10; *Readings*: 3.12 (Bracken, p.294); 3.13 (p.298); *ERes*: Vanover

Prepare: *Readings*: Exercise 23, Coalition Bargaining, pp. 535-537, review before class

Submit: Analytical Paper due in class

Week 12

Nov. 18: Individual Differences

Read: *Readings:* 4.1 (Babcock & Laschever, p. 301); 4.3 (Friedman & Barry, p. 317);
ERes: Tannen; Kolb

Prepare: *ERes:* Vanessa Abrams Case Study

Submit: RAP (No. 5)

NOV. 25 THANKSGIVING—NO CLASS

Week 13

Dec 2: International and Cross-Cultural Negotiation

Read: *Essentials:* Ch. 11; *Readings:* 5.1 (Brett, p.321); 5.2 (Salacuse, p. 339); 5.3 (Koh, p. 358)

Prepare: *Readings:* Exercise 33, Alpha-Beta, pp. 560-561 and role info.

Week 14

Dec. 9: Re-negotiation/Dealing with Difficult People/Best Practices

Read: *Essentials:* Ch. 12; *Readings:* 6.4 (Salacuse, p. 391); 6.5 (Jeglic and Jeglic, p. 409); 6.7 (Malhotra & Bazerman, p.435).

Exercise: Debrief the Commons Dilemma

Submit: Summary RAP (No. 6 - long version)

Environmental Negotiation (Note: We will not be covering this material due to a shorter – only 14 week -- semester; we did the exercise below in the first class.)

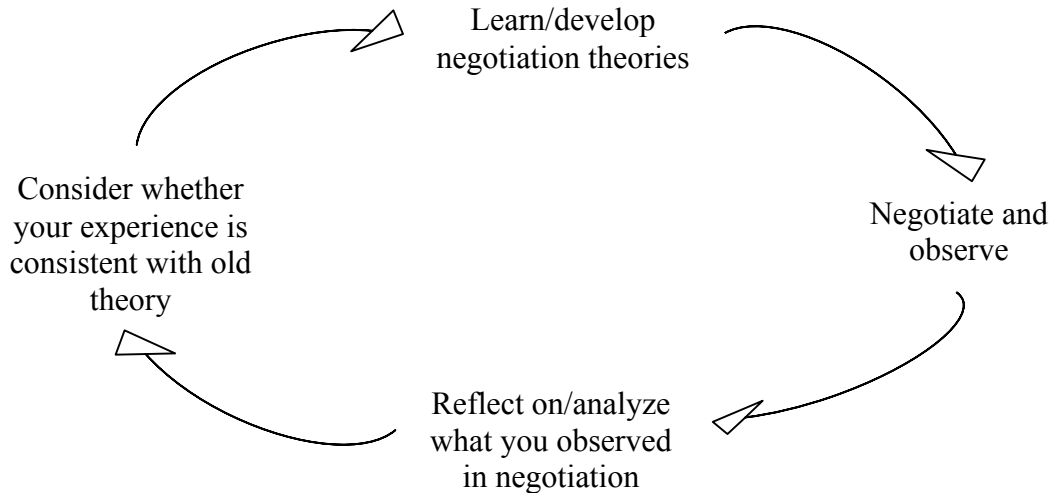
Read: **E-Reserves** Dukes, E.F., and K. Firehock. 2001. *Collaboration: a guide for environmental advocates*, pp. v-12 Charlottesville, VA: University of Virginia, The Wilderness Society, and National Audubon Society;
Gupta, K.S. 2006. Gender and international environmental negotiations - how far and how much more? Program on Negotiation at Harvard Law School.;
Homer-Dixon, T.F. 1999. *Environment, scarcity, and violence*. Chapters 2 and 3 (pp. 12-44). Princeton, NJ: Princeton University Press.

Prepare: **Readings:** pp. 505-507; Exercise 12, City of Tamarack, and role info

Supplement #1, Guidance on Reflective and Analytical Papers (“RAPs”):

A. Regular RAPs

The purpose of RAPs is to be reflective and analytical. The educational process I envision in this course is the following:



The role of the RAPs is at the bottom of the circle. They allow you to reflect on and analyze the readings, negotiations in which you’ve been involved, and your own reaction to new information and experiences. You will then use the new information and reflections to develop and improve your own theories of negotiation. Those theories, in turn, inform and improve your next negotiation, etc. It is particularly helpful to examine how the reading or lecture material covered that week and your reaction to it relates to your past, present, or anticipated future experience as a negotiator. This process of reflection and analysis is part of becoming a “reflective practitioner.” It is a process you can and should use far beyond this semester.

RAP assignments require you to look and think critically. There are many things that you may want to explore in reaction to the readings and/or your negotiation experiences inside or outside of class. Remember that when you write RAPs about negotiations, it is insufficient to simply provide a description of what happened. Again – the key words are reflection and analysis.

To help you operationalize these concepts, initially at least, I offer the following possibilities for writing about negotiations you have experienced, *including those that took place during class*:

- What was interesting or unusual about the situation?
- How did you prepare for the negotiation? What strategies did you consider?
- What theory or hypothesis formed the basis for the strategy you adopted?
- Did your strategy work? Why or why not? If it didn’t, what did you learn about the theory on which the strategy was based?

- Who controlled the negotiation? How?
- What critical factors affected the negotiation situation and outcomes? What can you say about these factors in general?
- How did the negotiation context differ from previous exercises or experiences? What new factors did this context highlight?
- What skills were required in this negotiation? How did you do with them?
- Did you try anything new? How did it work? How did you feel about it?
- What was your view of the opposing negotiator? How did that view affect your actions? Do you now think your reaction was justified?
- What happened that disappointed you? That encouraged you? That surprised you? Why?
- What did you learn about yourself from the experience? About your attitude toward negotiation?
- What did you learn about the behavior of others?
- What did you learn about negotiation and conflict from this situation? Was it consistent or inconsistent with what you have read? How?
- What would you do in the same way or differently in the future? What would make you more effective?
- How do the concepts presented in class and the readings enrich your understanding of this negotiation's process or outcome? Of your own style?
- How do the concepts presented in class and in the readings seem inconsistent with what you experienced? How would you modify those concepts, based on the experience you have had?

These suggestions are intended to give you starting points in understanding the concepts of analysis and reflection or ideas if you're temporarily out of them. They are not prescriptions

B. Summary RAP

Your summary RAP, due on the last day of class, is a reflective and analytical view of yourself as a negotiator as the semester ends. If you think of the semester's learning as a journey, the summary RAP asks you to seriously consider what destination you have reached and plan where you would like to travel next.

The summary RAP should include a consideration of the following (adapted from and relying on the experience of Lewicki, Saunders, Barry and Minton) and should give examples of experiences that led to your conclusions:

- Do I like or dislike negotiating? Why? Does this reaction relate to my feelings toward being in conflict? How? Has my reaction changed from the beginning of the semester to now?
- When do I feel most comfortable negotiating? Least comfortable?
- How do others view me as a negotiator? Good or poor? Strong or weak? Tough or flexible? Creative? Why do others have these views? Are they accurate? Have the views and reactions of others changed over the semester?
- How do I see myself as a negotiator?
- How good am I at persuading others? Are my verbal skills effective? If not, where are they weak and what can I do to improve them?
- How do I respond when I have the most power in a negotiating situation? How do I respond when I have little power?
- What are my most important strengths and weaknesses in negotiations? How have I developed those strengths? What learning goals can I set in order to improve in my weak areas?

The summary RAP should not be:

- A summary of what you wrote in your prior RAPs. You may refer to any events that are relevant to your understanding of your development, but should under no circumstances repeat the same descriptions or analyses you previously submitted.
- A commentary on or critique of the course. I am always interested in and welcome ways to make the course more effective, but this entry is not the appropriate place in which to express them. If you are inclined to praise rather than to criticize, please note that I consider it the highest praise when students show through their summary RAPs that they have gained understanding of themselves and the subject matter – including recognition of what they have not yet accomplished.

Supplement #2: Analytical Paper Guidelines

What and When: 15-20 pages, due **November 11**

Topics: Your paper should be written on a topic taken from the following categories:

- An description of information you gained from and analysis of an interview with one or more experienced negotiator(s). Please note that you must interview a negotiator, **NOT** a mediator! “Negotiator” is a broad category – it can include those who primarily consider themselves negotiators (sports agents, etc.) but also those who have other job titles but engage in a lot of negotiating (such as lawyers, managers, real estate agents, or salespeople).

- The APA states (<http://www.apastyle.org/faqs.html>):

An interview is not considered recoverable data, so no reference to this is provided in the References. You may, however, cite the interview within the text as a personal communication. For example,

(J. Smith, personal communication, August 15, 2001)

So please use the following format for the in-text citations in your papers: (J. Smith, telephone interview, November 14, 2007) where "J. Smith" is the interviewee. Please be specific about the type of communication ("telephone interview," "e-mail," etc.).

- A paper analyzing a negotiation drawn from one of the following books or case studies:
 - Carter, B. (1996). *The late shift: Letterman, Leno and the network battle for the night*. New York: Hyperion.
 - Burrough, B. & Helyar, J. (1991). *Barbarians at the gate: The fall of RJR Nabisco*. New York: Harper.
 - Auletta, K. (1986). *Greed and glory on Wall Street*. New York: Warner Books.
 - Klein, Alec. (2003). *Stealing time: Steve Case, Jerry Levin, and the fall of AOL Time Warner*. New York: Simon & Schuster.
 - *One Day in September* (film).
 - A book or film of your choosing provided it has been cleared with me.
- Select a negotiation taking place now. Research the negotiation by reviewing academic literature, reliable news coverage, and other relevant information sources (including speaking to participants in the negotiation, if possible). Then pick a side in the negotiation and develop a negotiation plan for that party. Identify the approach you would take to the negotiation, including strategies and tactics; research to conduct prior to and during the negotiation; your alternatives and your BATNA; what you would do to improve your BATNA; the schedule for and types of meetings you would propose to the other party; your starting point, resistance point, etc.; and any other relevant aspects of your plan. If you would be representing a larger group of people, how would you communicate with and take direction from them? Think through all aspects of the plan

and describe them in detail, in an order that makes sense, with support from the course texts or other negotiation research. Again, this negotiation should not be concluded.

Topic Proposals: Please submit a two-paragraph description of your paper topic for my approval by **October 7**. Note that proposals to do an interview only make sense if you have obtained permission from the subject to do the interview and have reason to believe the interview can be completed in a timely fashion. Proposals to write on one of the case studies listed will always be approved, you will need to obtain and read the relevant information and take the time to learn whether this is a case where you understand the facts and can handle appropriate analysis.

Writing Guidelines: Your paper should include a description of the situation, negotiator, negotiation, etc. This is true even with regard to the case studies I have listed because otherwise I won't know how you have viewed them or the facts on which you have relied. This description should constitute a relatively small portion of the paper. I suggest that you attempt to limit it to three pages. If the description is very short, your situation may not be sufficiently complex for the assignment or you may need to develop a fuller factual understanding.

The remainder of your paper should be analysis and will be the primary basis upon which your work is judged. Your analysis should use the concepts, theories and vocabulary that we have learned through readings, class activities, discussions, etc. It is a good start to go through the syllabus and readings as you plan your paper and make a list of issues that could be relevant.

If you are doing an interview, it is particularly important to review relevant issues and formulate questions before the interview takes place. People who are very good at negotiation may nevertheless have difficulty explaining what makes them effective, so you will have to use the material you've learned in this class to create questions that explore how they negotiate (practice) and why they do what they do (theory). This process does not need to be intimidating. The basic negotiation theories we are studying are in your readings, so you should go through those, look for the issues likely to apply to this particular negotiator, and use them to create interview questions. Ask about preparation – what does the negotiator generally do? What's the most important aspect? Why? (Why questions are open and often get very good information). You can do the same thing with tactics and strategies, distributive negotiations, integrative negotiations (but note that the interviewee may not be familiar with the terms “distributive” and “integrative”), relationships with the other party – well, you get the idea. You can ask your interviewee to describe a recent negotiation in detail and explore these types of issues within that context. What is the most important piece of advice your interviewee would give to someone who is going to begin negotiating in the same field?

Don't forget that material we have not yet reached may be important as far as your particular negotiator is concerned. You should consider reading ahead on topics such as ethics and culture and include these topics in your interview plan if appropriate for the person you are interviewing.

Please feel free to ask me any questions you have as you are preparing your paper proposal or your paper.