



Negotiation and Dispute Resolution

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Course Overview

This course is designed to introduce students to the fundamentals of negotiation and bargaining. During the class we will look at negotiation through three lenses:

- Negotiation from a "traditional" positional approach;
- Negotiation from an "interest-based" approach;
- Negotiation from a third party (mediator/facilitator) point of view.

Through readings, class discussions, and practical exercises, students will learn the theory and practice of negotiation from each of the three points of view, and students will negotiate from both an advocacy perspective and from a third party perspective.

During the class, we may be joined by negotiators and mediator/facilitators who will speak to their experience in negotiation and bargaining, and the role negotiation theory plays in the development of "real-world" negotiation efforts.

Course Philosophy

The instructor for this class appreciates the myriad possible approaches to any topic related to dispute resolution, and the role that our own professional experiences, ethnic backgrounds, religious beliefs, and political orientations play in the way we analyze situations and act as either advocates or as interveners. The members of the class will bring in many experiences and viewpoints, all of which can contribute to our understanding of how human beings interact in stressful situations. In light of this acknowledgement, I invite you to:

- Respect all points of view regardless of where you are on these issues;



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- Listen to gain insight;
- Reflect on what the other person is trying to communicate, whether or not you agree;
- Accept that we are here as a learning community, in which each person is both a teacher and a learner.

Course Expectations

Due to the highly experiential nature of the course, the following expectations will ensure that you get the most rewarding and engaging experience from the class.

Preparation and Participation: The success of this class is dependent on our ability to discuss class readings intelligently, actively participate in class discussions, and actively participate as well prepared advocates or third parties in the exercises. We have ambitious goals for the class and they cannot be met unless everyone is ready to work when we get together.

Attendance: Consistent attendance is required. If you are not in attendance, it is not possible for you to contribute meaningfully.

Required Textbooks: [Available in hard copy and Kindle on Amazon.com]

Negotiation. Harvard Business Essentials Series – Harvard Business School Publishing Corporation, 2003. ISBN: 13-978-1-59139-111-1

Michael Wheeler, ***The Art of Negotiation: How to Improvise Agreement in a Chaotic World.*** Simon and Schuster, NY, 2013. ISBN: 978-1-4516-9042-2

NOTE: Information and discussions in class will generally track with the content of the books, but I will not “lecture from the book” - I assume you can read on your own, so I would like to create an in-class atmosphere in which we add to information in the books, using them as a base line of information. To accomplish this, please read all of both books before the first class meeting.



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Recommended Reading (Not Mandatory)

Roger Fisher, William Ury, and Bruce Patton. (2011) *Getting to Yes: Negotiating Agreement Without Giving In*. Penguin Books.

William Ury. (1993) *Getting Past NO: Negotiating In Difficult Situations*. Bantam Books.

Leigh Thompson. (2011 - 5th Edition) *The Mind and Heart of the Negotiator*. Pearson Books.

Ray Lewicki, David Saunders, and John Minton. (2010 - 5th Edition) *Essentials of Negotiation*. McGraw-Hill.

Richard Schell. (2006 - 2nd Edition) *Bargaining For Advantage*. Penguin Books.

Adam Grant. (2013) *Give and Take: A Revolutionary Approach to Success*. Penguin Books.

Required Resource

Each student will be required to purchase the Thomas-Kilmann index instrument. The instructor will have the instruments available in class, and will supply them at cost (\$20.00).

COURSE ELEMENTS & GRADES:

This course is heavily experiential: each student will participate in multiple negotiation simulations, both as an individual and as a member of a bargaining team. Grades will be based largely upon the work done in preparation for negotiation. Grades **will not** be assigned based on the outcome of the negotiations. We will discuss who got a better deal, and what a "better" deal might mean, but grades will not be dependent upon bargainers or teams "beating" the other bargainer or team.

Element #1 - Course Participation (10%)

Each student must attend and be active in each of the class meetings. This is an individual grade based on attendance and activity in the discussions and negotiation simulations.



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Element #2 – Required Readings (20%)

Each student will be required to turn in a 1-2 page review of Negotiation. The review should use the review format supplied by the instructor. (10%)

Each student will be required to turn in a 1-2 page review of The Art of Negotiation. The review should use the review format supplied by the instructor. (10%)

Element #3 – Negotiation Preparation and Evaluation (70%)

Major Negotiation 1 – Preparation – The class will be given a preparation framework for negotiation, and a fact pattern for negotiating the first major issue. Each negotiating team will be required to turn in a bargaining preparation document based on the preparation framework. (10%)

Major Negotiation 1 – Review – Each individual will be required to turn in a candid, confidential, review of the negotiation. The review should include the outcome of the case, comments about the effectiveness of the negotiation strategies used, and comments about the negotiation style and effectiveness of all negotiators involved in the case (including a self-evaluation). The instructor will provide a review format. (10%)

Mediated Negotiation – Review – Each class member will be an advocate in two cases and the mediator for a third case. Each student will be required to turn in a review of her or his work as a mediator. The review should contain information about the outcome of the case, the mediation approach, and general comments about the experience. The instructor will provide a review format. (10%)

Major Negotiation 2 – Preparation – The class will be given a preparation framework for negotiation, and a fact pattern for negotiating the second major issue. Each negotiating team will be required to turn in a bargaining preparation document based on the preparation framework. (10%)

Major Negotiation 2 – Review – Each individual will be required to turn in a candid, confidential, review of the case. The review should include the outcome of the case, comments about the effectiveness of the negotiation strategies used, and comments about the negotiation style and effectiveness of all negotiators involved in the case (including a self-evaluation). The instructor will provide a review format. (10%)

Major Negotiation 3 – Preparation – The class will be given a preparation framework for negotiation, and a fact pattern for negotiating the second major issue. Each negotiating team will be required to turn in a bargaining preparation document based on the preparation framework. (10%)



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Major Negotiation 3 – Review – Each individual will be required to turn in a candid, confidential, review of the case. The review should include the outcome of the case, comments about the effectiveness of the negotiation strategies used, and comments about the negotiation style and effectiveness of all negotiators involved in the case (including a self-evaluation). The instructor will provide a review format. (10%)

Review of Graded Elements:

- Class Participation – Individual Grade – 10%
- Negotiation Review – Individual Grade – 10%
- Art of Negotiation Review – Individual Grade – 10%
- Major Negotiation 1 Preparation – Team Grade -10%
- Major Negotiation 1 Review – Individual Grade – 10%
- Mediated Negotiation Review – Individual Grade – 10%
- Major Negotiation 2 Preparation – Team Grade - 10%
- Major Negotiation 2 Review – Individual Grade – 10%
- Major Negotiation 3 Preparation – Team Grade – 10%
- Major Negotiation 3 Review – Individual Grade - 10%

Grading Scale

The following scale, based on the department standard, will be used to calculate final grades:

A	94-100%
A-	90-93%
B+	87-89%
B	84-86%
B-	80-83%
C+	77-79%
C	74-76%
C-	70-73%



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Key Learning Objectives	How Achieved
1. Students will be able to understand and describe the differences between distributive bargaining and integrative bargaining and be able to list common behaviors associated with each style	Students will read descriptions of each style, discuss the theory of integrative and distributive styles with the instructor and with guest negotiators, and apply both styles in negotiation simulations.
2. Given specific case studies, students will be able to identify and analyze the "issues", "positions" and "interests" taken by each party in the dispute.	Students will read descriptions of each element of negotiation, discuss the elements with the instructor, and develop "issues," "positions," and "interests" in negotiation simulations. Guest negotiators will guide the students through development of each element in "real" bargaining situations.
3. Students will be able to identify and describe the key differences in personal styles of negotiation based on the Thomas-Kilman <i>Conflict Mode Instrument</i> and be able to list and describe some of the strengths and weaknesses of each style.	Students will complete the T-K instrument, evaluate their own preferences, discuss the instructors T-K style as an example of bargaining styles, and reflect on their own styles as an element of discussion after each round of bargaining.
4. Using the negotiation planning instrument as a guide, students will be able to develop and implement a multi-faceted strategic plan for approaching any given negotiation.	A major element of preparation for each bargaining simulation will be the preparation of a complete negotiation plan. The plan will be used to prepare for bargaining, and as an element in the evaluation of each round of bargaining.



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NOTE:

The information below is required content for all SMU syllabi – the language is taken from standard university guidelines.

Disability Accommodations: Students needing academic accommodations for a disability must first contact Ms. Rebecca Marin, Coordinator, Services for Students with Disabilities (214-768-4557) to verify the disability and establish eligibility for accommodations. They should then schedule an appointment with the professor to make appropriate arrangements. (See University Policy No. 2.4.)

Religious Observance: Religiously observant students wishing to be absent on the holidays that require missing class should notify their professors in writing at the beginning of the semester, and should discuss with them, in advance, acceptable ways of making up any work missed because of absence. (See University Policy No. 1.9.)

Honor Code: Students are reminded of the SMU Honor Code as referenced in the *Student Handbook*. Intellectual integrity and academic honesty are both the foundation and the goals for this program. Please reference and review the university policies on the responsibilities, policies, and penalties regarding academic honesty at the URL below:

http://www.smu.edu/studentlife/PCL_05_HC.asp

Class Decorum: Turn off (or set on vibrate) all cell phones or pagers. Do not read newspapers, books for other classes, or other outside reading material during class. Walking into class late is disruptive as is leaving early. If you have to leave early, make arrangements before class begins, and then, when you leave, do so quietly. Professional respect and courtesy for your fellow students is imperative at all times.