



HONOR 3354 # 13493
Honors Professional Negotiation Syllabus

Instructor: Cole S. Cannon, Esq.

Course Title: Honors Negotiations.

Time: Tuesday, 4:35-7:35pm, MHC 1205, Spring 2019.

Contact: cole@cannonlawgroup.com;

Course Description:

Honors Professional Negotiations is an undergraduate course designed to introduce students to the wide breadth of negotiations that take place in all disciplines, with an emphasis in business and law. In addition, this course is designed to introduce students to the art of alternative dispute resolution (“ADR”) and bolster interpersonal negotiation skills. Students will learn to create value out of conflict by exploring mutual interests among parties vying for limited resources, bridging cultural differences, and deescalating crisis. Students will learn dispute resolution from both a personal perspective and from that as an advocate for others by harboring the skill of communication, reciprocity, maximization of outcomes, and real-world practice.

This introduction will take place through a fully integrated case study format where students will participate in simulated negotiations and dispute resolutions spanning the disciplines of law, engineering, business, and public sector transactions. The case studies are aimed at teaching students a systematic and practical approach to negotiations such that students will walk away with tangible, and universally applicable, negotiation skills.

This course will also spend some time on the specific attributes of the students in the class and how to capitalize upon their individual ‘human capital’ as they begin navigating their respective career paths. The students will learn how to decipher body language, engage in meaningful active listening, and to maximize their value in the eyes of potential employers and/or partners. The course will also address sensitive issues of gender/religious/political bias in the workplace negotiation.

Class participation is critical as students undertake real-world simulations in an effort to amplify the skills of perception, human interaction, analysis, and conflict resolution. Students will also receive the benefit of multiple guest speakers. This course is particularly useful for those exploring careers as entrepreneurs, lawyers, business professionals, politicians, and public sector managers.

Course Material:

The readings will include various articles, case studies, and diagrams, drawing largely from the Harvard Program on Negotiation. Case study and simulations will be handed out in class. Light readings will be uploaded to Canvas. Guest speakers will be a core part of the curriculum.

Provided by Instructor:

Wheeler, Michael, 2003. *Negotiation; Harvard Business Essentials.* Harvard Business School Press

Fisher, R. & Ury, W. (2011). *Getting to Yes: Negotiating Agreement Without Giving In, Third Edition.* Bruce Patton (Eds.). New York, New York. Penguin Books.

Excerpts from:

Greene, Robert (1998). *48 Laws of Power.* Penguin Books. New York, New York.

Ury, William. (2007). *Getting Past NO: Negotiating In Difficult Situations, Second Edition.* New York, New York. Bantam Books.

Attendance: 100% attendance is expected of each student. One excused absence is permitted during the semester with instructor permission; make-up work will be made available. Attendance—meaningfully engaging yourself in classwork and some out-of-class case studies—comprises 85% of your grade. To fully engage in class student are expected to come fully prepared by reading the chapter(s) assigned from course reading as outlined in the syllabus. The remaining 15% is from the final presentation/exam (see below). The class will adjourn two weeks before regular semester length classes.

The Spring 2018 course will adjourn two weeks *prior* to the conclusion of regular semester length courses. To make this possible the students are required to attend one Saturday day-long course on April 13th, 2018. The instructor's goal is to free up the students' schedule well in advance of final exams. The final presentation will be concluded by April 13th, 2018 (thus no final exam during finals week).

Grading and Class Policy: Students will get out of the class what they are willing to put in. The course will not burden students with [much] homework or reading. Instead, the course is designed to train negotiations experts. Students at the Honors College are held to a high standard within the University and the instructor expects the same. Students are not expected to “win” all negotiations or “resolve” all conflicts; instead, they are expected to fully engage in them as if the student-participant actually has a stake in the dispute and its associated outcome. The students are expected to practice their interpersonal negotiations skills through in class simulations by stepping outside of their comfort zones. By internalizing and taking seriously the work done in the classroom students will walk away both with an “A” grade and with valuable life experience.

The grades are as follows:

85-100:	A/A-
70-84:	B/B-
50-69:	C/C-
0-50:	F

Grading Criteria: In-class participation and case study work (85%); final presentation & final exam (15%). Final exam may, and probably will, be waived at instructor’s option.

The formula for an “A” is simple: 1) show up to class prepared, 2) participate in class (laptops not allowed), 3) do not cheat, and 4) abide by instructor directives in class. There are only two ways to fail this course, 1) failure to appear (the same reasons attorneys get disbarred in real life), and/or 2) disclosing your assigned position in a case study to a counter-party without a stated negotiation/ADR purpose.¹ Anything in between an “A” or an “F” is the result of failed attendance and just not trying.

Assignments:

Final Presentation: 10 minute “Shark Tank” style negotiation at the end of the semester where guests and students will be empaneled to hear you and your peers negotiate for a position of your choosing. The instructors will assign you to sit on a panel to grade your peers as well. You will be required to submit your topic by March 5th.

Project Proposal: Two paragraphs describing who the student will lobby on behalf and what you are seeking. The topic must be situation where you are

¹ Violating the University Honor Code would also result in failure, however no need to state the obvious.

lobbying for limited resources and/or against competing interests. One example (short and sweet) is as follows:

I am representing UNICEF seeking funds from the UN General body for a new computer-based school pilot program in Rwanda. Studies show that electronic-based learning leads to 50% better retention of the skills taught and ultimately makes students more qualified for secondary education. I am seeking \$5M for the program; this amount will be adequate to retrofit ten schools with personal computers sufficient to teach every student how to type, create basic Microsoft Word documents & Excel sheets, and even create basic websites. The funds are also adequate to provide each of the students (1,500) within the ten schools a personal iPad. Finally, the funds will be sufficient to WiFi enable each of the ten schoolhouses for satellite enabled internet.

At the time of your presentation, on April 13th, you are expected to deliver to the instructors (the panel) a maximum of two-page write up of your proposal. You will then be expected to negotiate for the desired outcome. Be prepared for some obstacles! There will be an award presented to the best negotiator.

Student Outcomes:

The instructor will have succeeded if the students leave this course with a substantially increased ability to:

1. Engage the student's powers of perception.
2. Analyze complex situations and evaluate the possibilities for win-win.
3. Systematically breakdown the dynamics of a negotiation including, "ZOPA", positions vs. interests, agenda, thresholds, etc.
4. Evaluate "BATNA" both quickly and under time constraints.
5. Reconcile competing interests by being 'hard on problems' not people.
6. Prepare for mediations/negotiations.
7. Prepare your bottom line.
8. Create integrative solutions out of distributive situations.
9. Identify the student's own personality/negotiations type.
10. Detect their counterpart's negotiation personality.
11. Create and decipher body language.
12. Exude confidence in the delivery of a stated position/conclusion.
13. Check emotions at the door.
14. Communicate and maximize upon their human capital.
15. Exhibit proficient inter-personal communication skills—e.g. establish relationships of trust, demeanor, candor, and presentation.

Week 1: Introduction to Course – January 8

Lecture: Course goals. Introduction to negotiations. Evaluating personal strengths. Hard/Soft negotiations. Zero sum games and its two evil assumptions.

Exercise: Soft/Hard Negotiation Exercise from Harvard Program on Negotiation. Evaluating your negotiation strengths and weaknesses.

Negotiation: Volkamer Lime Negotiation.

Discussion: Volkamer Lime subtopics: power, perceived power, the *ethos, pathos, and logos* of the situation. Ethics of full disclosure, introduction to the Negotiations Analysis. Intro to integrative vs. distributive.

Homework/Reading: Harvard Ch. 2.

Week 2: ZOPA & BATNA – January 15

Lecture: Pareto Superior, Efficiency, Optimality. Zone of Possible Agreement (“ZOPA”). Best Alternative to a Negotiated Agreement (“BATNA”). Harvard Ch. 2. Indifference curves. Emotional Eddy and Business Betty.

Case Study: Saddam Hussein in Kuwait.

Discussion: What are your assets? What are your needs? What are their needs? What is your BATNA? How to assess and communicate the BATNA? Who speaks first? Why? Additional fields of Negotiations Analysis.

Negotiation: 173 Walter Way.

Homework/Reading: Harvard Ch. 1 & 8

Week 3: Integrative vs. Distributive Negotiations – January 22

Lecture: Distributive vs. Integrative negotiations. Weighing the “win-win” against zero sum limitations. Introduction to multi-party negotiations. Relationships, when they matter and the ethics of negotiation.

Case Study: Panama Canal.

Discussion: expansion of the Negotiations Analysis with added complexity of multiparty dynamics. Formation of alliances, when it is wise or foolish. Is it ever okay to “lie” in a negotiation? How about omit information? Is there a difference?

Negotiation: Widgetron 3000.

Homework/Reading: Harvard Ch. 6, Ury Part III, Chapter 7 “What If They Won’t Play?”

Week 4: Overcoming Barriers – January 29

Lecture: Overcoming obstacles. Identifying obstacles prior to the meeting table. Forecasting possible concessions. Other barriers to agreement. Alliance formation vs. single purpose alliances. How to dismantle alliances. Harvard Ch. 6.

Case Study: Beanie Babies

Negotiation: New Age Clothing

Discussion: Applying the Negotiations Analysis to forecasting problem. Using risk as an asset. How can preparation be more complete? What resources are available?

Homework/Reading: Harvard Ch. 3, Ury Part II, Chapter 8 “What if they Use Dirty Tricks?”

Week 5: Preparation – February 5

Lecture: Preparation the single most important skill of a negotiator. Prepare your BATNA; know theirs. Strengthen your BATNA; weaken theirs (is this ethical?). Prepare external standards of fairness. Prepare for the sake of being flexible and not too rigid. Harvard Ch. 3. Prepare for “Dirty Tricks”/Tactics.

Exercise: Mind games and power of perception. YouTube videos.

Case Study: D.R. Horton, the phantom negotiator.

Negotiation: Games with cold hard cash. The giving boss. Short negotiations.

Discussion: What resources are available for research? How to preempt as strong BATNA of your opposite party. Identifying and disarming a trick play. Good Guy/Bad Guy; Straw Man; “One Time Only” offers; Delay Tactic; Surprise Information; False Concession; Add-Ons. Detecting lying.

Homework/Reading: Getting Past No (handout in class). Ury, Part II, Chapter 2 “Separate People from the Problem.” Ury, Part V, “Questions about Dealing with People.”

Week 6: Introduction to Interpersonal Skills – February 12

Lecture: Separating the person from the problem; viewing situations objectively. Interpersonal skills of negotiations and “style” including; aggressive, analytical, expressive, amiable. Body language, when use it, how to interpret it. Ethos, Pathos, and Logos, rounding out the argument.

Exercise: simulated role-plays, on “hiding the ball.” Interpret body language. Identify the style of classmates. Negotiations with various types of personality.

Negotiation. Either Guest Speaker and mock interviews, or Salary Negotiations.

Discussion: Building the right resume, magnifying the resume, doing the appropriate research into your potential employer.

Homework/Reading: Harvard Ch. 9.

Week 7: Negotiating for Others – February 19

Lecture: Negotiating for others. Conflict of interests. Harvard. Ch. 9. Agent principal negotiation. Describing various types of agency; enter ethics, enter self-interest. Know how to identify the motives of an agent vs. principal.

Negotiation: NFL Players Association

Discussion: What conflicts did we see? How to ferret them out and resolve conflicts. Extortion, is it ever ethical? Why illegal? Meth house example.

Homework/Reading: Ury, Part III, Chapter 6 “What if They Are More Powerful?” Greene, handout in class.

Week 8: Power Differentials – February 26th

Lecture: *The Art of Seduction.* Hiring friends vs. empowering enemies. David and Goliath discussion. Classical and historical lessons on power.

Case Study: The of the Italian finance minister (Greene).

Exercise: TBD.

Negotiation: Doomsday.

Discussion: More on Negotiation Jujitsu. Building Confidence and Skills even when the underdog. Maximizing your assets, overcoming a power differential. Appropriate dress for the right context.

Homework/Reading: Reminder that **Project Topics due next week, no more than two paragraph summary of your proposed topic, who you will represent, who you will appeal to, and what you are asking for.**

Week 9: Introduction to Dispute Resolution – March 5

***** Turn in Project Topics******

Lecture: Introduction to ADR. Cost/risks/benefits. Five obstacles to cooperation. Large scale dispute resolution. Evasive & uncooperative. The importance of fairness. Six A's of coming to their side.

Case Study: Seven of the world's most important treaties.

Negotiation: Uber vs. New York City

Discussion: Interest v. positions, consequences of no deal. (consider the “do nothing” alternative).

Homework/Reading: Ury, Ch. 3

Week 10: Spring Break – March 12

Have a great break! Negotiate something.

Week 11: Asking the Right Questions – March 19

Lecture: Reframing the issue. Switching sides of the table. Asking the right questions. Putting the power into the hands of your opponent deliberately and strategically. Ury, Ch. 3.

Exercise: a series of short Q & A format ADR scenarios; goal to reframe the issue. Student athletes for pay. Marijuana Growers of Colorado.

Case Study: Classical example from Green.

Negotiation: 9 Separate Conflict Resolution Scenarios. Speed Negotiations.

Discussion: Is reframing always possible? If not, why not. Changing paradigms with our opponents. Concept of inception.

Homework/Reading: Ury, Ch. 1.

Week 12: Shuttle Diplomacy – March 26

Lecture: Zone of Possible Agreement (“ZOPA”) from a mediator’s perspective. Ethics of mediation. What is “good faith” settlement negotiation? Best Alternative to a Negotiated Agreement (“BATNA”). Life from a mediator’s

perspective. Building trust, breaking down barriers. Being tough on problems and not people. Introduction to multi-party mediation. Possible guest speaker; expert on mediation. Ury Ch. 2.

Case Study: Famous hostage situations.

Negotiation: Whaling in Norway vs. United Nations.

Discussion: Eliciting communication from opponent. Picking up on subtle interests from opposite side, forming an integrative solution. multiparty dynamics. Staying organized. What is the mediator's role? Good Guy/Bad Guy; "One Time Only" offers; litigation threats. Surprise information vs. strategic concealment. Using the deal fatigue to resolve conflict.

Homework/Reading: Greene (disbursed in class).

Week 13: Organization Competence & Flex Day—April 2nd.

Lecture: Organizational competence, institution "know how." Overcoming the [lack of] authority problem. De-escalation, "going to the balcony," building the golden bridge, reframing.

Flex Day for concepts missed, or needing special attention throughout the semester.

Exercise: 12 Angry Jurors. Time permitting.

Guest Speaker: TBA

Week 14: Sordid Sorority & Negotiations A-Z – April 10

Lecture: Consider micro vs. macro considerations. Learning your own personality trait and the tools to combat difficult personalities. Bringing it all together from preparation, ZOPA, BATNA, the actual negotiation, body language, gender, cross-cultural issues, written and workable deals, wrap up summary of the course.

Case Study: Health Clinic and the clash of personalities.

Exercise: Diagnosing a proper personality trait by asking the right questions.

Negotiation: Sordid Sorority vs. the Fraternity Boy.

Homework/Reading: Reminder that Final Presentations start next week

Week 15 &16 Combined: FINAL PRESENTATIONS—Saturday April 13th 8:30am.

Exercise: Guest panels to host final presentations. Students will participate as presenters, judges, and panelists.

Week 16: No Class April 16

Week 17: No Class April 23 (Final if having one...probably not).

Use of Portable Electronic Devices

Computers are not necessary, nor allowed. Materials will be made available in class or on CANVAS outside of class. Cell phones for any non-emergency purpose are not allowed.

Changes to Syllabus

We retain the right to make changes to the course syllabus, course schedule, assignments, due dates and other course requirements. Students will be notified promptly of any changes.

Prohibition on Plagiarism and Academic Misconduct

“Plagiarism” means the intentional unacknowledged use or incorporation of any other person’s work in, or as a basis for, one’s own work offered for academic consideration or credit for public presentation. Plagiarism includes, but is not limited to, representing as one’s own without attribution, any individual’s words, phrasing, ideas, sequence of ideas, information or any other mode or content of expression (Student Code, p. 3 at <http://www.admin.utah.edu/ppmanual/8/8-10.html@SECTIONV>)

Plagiarism, using others’ work without proper citation, is a serious offense. Plagiarism cases will be reported to the relevant authorities and may result in severe consequences; including, but not limited to, taking a grade reduction, receiving a failing grade for the course, suspension or dismissal from the program. You need to refer to any source even if it is an internet source.

In accordance with University policy (as articulated in the Student Code), academic misconduct—including creating, fabrication of information and plagiarism—is not acceptable. A student found engaging in this behavior may receive a failing grade. If at any time you are unsure whether your actions constitute academic misconduct, please see me in order to clarify the matter. See the following link for more information: <http://www.regulations.utah.edu/academics/6-400.html>.

Sexual Assault and Harassment

Title IX makes it clear that violence and harassment based on sex and gender (which includes sexual orientation and gender identity/expression) is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, color, religion, age, status as a person with a disability, veteran's status or genetic information. If you or someone you know has been harassed or assaulted, you are encouraged to report it to the Title IX Coordinator in the Office of Equal Opportunity and Affirmative Action, 135 Park Building, 801-581-8365, or the Office of the Dean of Students, 270 Union Building, 801-581-7066. For support and confidential consultation, contact the Center for Student Wellness, 426 SSB, 801-581-7776. To report to the police, contact the Department of Public Safety, 801-585-2677 (COPS).

Americans with Disabilities Act (ADA) Statement

The University of Utah seeks to provide equal access to its programs, services and activities for people with disabilities. If you will need accommodations in the class, reasonable prior notice needs to be given to the Center for Disability Services, 162 Olpin Union Building, 581-5020 (V/TDD). CDS will work with you and the instructor to make arrangements for accommodations. All information in this course can be made available in alternative format with prior notification to the Center for Disability Services.

Wellness Statement

Personal concerns such as stress, anxiety, relationship difficulties, depression, cross-cultural differences, etc., can interfere with a student's ability to succeed and thrive at the University of Utah. For helpful resources contact the Center for Student Wellness - www.wellness.utah.edu; 801-581-7776.

Veterans Center

If you are a **student veteran**, I want you to know that the U of Utah has a Veterans Support Center on campus. They are located in Room 161 in the Oplin Union Building. Hours: M-F 8-5pm. Please visit their website for more information about what support they offer, a list of ongoing events and links to outside resources: <http://veteranscenter.utah.edu/>. Please also let me know if you need any additional support in this class for any reason.

LGBT Resource Center

If you are a member of the **LGBTQ community**, I want you to know that my classroom is a safe zone*. Additionally, please know that the U of Utah has an LGBT Resource Center on campus. They are located in Room 409 in the Oplin Union Building. Hours: M-F 8-5pm. You can visit their website to find more information about the support they can offer, a list of events through the center and links to additional resources: <http://lgbt.utah.edu/>. Please also let me know if there is any additional support you need in this class.

Learners of English as an Additional/Second Language

If you are an English language learner, please be aware of several resources on campus that will support you with your language development and writing. These resources include: the Department of Linguistics ESL Program (<http://linguistics.utah.edu/esl-program/>); the Writing Center (<http://writingcenter.utah.edu/>); the Writing Program (<http://writing-program.utah.edu/>); the English Language Institute (<http://continue.utah.edu/eli/>). Please let me know if there is any additional support you would like to discuss for this class.