

NEGOTIATION AND CONFLICT MANAGEMENT

15.667

Spring 2001—Mondays 2:30-5:30
Professor Mary Rowe

Three books for the class are on reserve and at the campus bookstore—these textbooks are classics which may be useful for reference in the future. I assign all of Lewicki, and all of Ury. I assign brief sections of Moore. You can read Moore on reserve—or consider buying the book, if you will often be a “third party”.

- Lewicki, Saunders and Minton, **Essentials of Negotiation**, Irwin (Second Edition). This is a new paperback—not the same text as last year;
- Moore, **The Mediation Process**, Jossey Bass (Second Edition);
- Ury, **Getting Past No: Negotiating with Difficult People**, Bantam.
- Other readings are on sale in the campus copy center, (**15.667 Class Notes**).

If you are interested in “speaking the same language” as others who have had negotiations courses around the world, buy and read all of Fisher and Ury’s little paperback, **Getting to Yes**. (Ury has also just published a controversial paperback, **The Third Side**). If you are interested in the importance of social skills and negotiation skills to business success, buy or borrow Goleman’s **Emotional Intelligence**—and read all of it when you can.

The course is based on: readings, simulations and class discussions, four self- assessments, your analysis of the negotiations of others (known as Separate Pages), writing each week in your journal, and writing three Little Papers. There is no exam. 15.667 meets only eleven times—with a different topic each week—which is why I ask for a commitment that you come to all classes, barring health or family emergencies. (You basically cannot do a “make-up.”) If you do have a personal emergency please let me know?) The course ends a week early on May 7. There is a double class on April 30 with pizza and a guest speaker so the course can end early.

Ethical expectations: You are encouraged to work together with a classmate on any assignment. However, if you are preparing a role, you may only work together with someone else who has the same role.

Calendar for Written Work

Grades are based 50% on class work and 50% on writing: your Little Papers, the journal and Separate Pages. Please write in your confidential journal and write evaluations of your colleagues every week. I will read your papers, keep them confidential, and return the papers at the next class—**no one else sees them.**

- 1) Feb. 12
- 2) **Tuesday** Feb. 20 Turn in Journal and Separate Pages. This journal requires: your comments on the first class; reading the article in the Class Notes: *Options and Choice*, and doing the attached exercise; scoring and discussing the *Thomas Kilmann* Questionnaire; and writing about the negotiations of a classmate.
- 3) Feb. 26 Little Paper #1 Ethics & Machiavelli. Writing this paper requires taking and scoring two *Questionnaires* found in the Class Notes—see the instructions in the Class Notes.
- 4) Mar. 5
- 5) Mar. 12
- 6) Mar. 19 Turn in Journal and Separate Pages
- Vacation**
- 7) Apr. 2 Little Paper #2 Perceived Injurious Experience. See instructions in the Class Notes for the P.I.E letter.
- 8) Apr. 9
- Vacation**
- 9) Apr. 23 Little Paper #3 Seeing Both Sides of a Dispute. See instructions in the Class Notes for this assignment.
- 10) Apr. 30 **Double Class with Pizza**—Bring a drink? The last Journal is due **after April 30, before May 7**, with Separate Pages.
- 11) May 7 Last class ☺ Last day for journals and Pages.

Class one—February 12—Introduction and Course Overview

Reading Assignment for February 12: If you have time, read as much of Essentials of Negotiation as you can—at least read Chapters 1,2,3 and 4 which introduce the book. If you have read the book before, this edition has been revised, so—please read it again? 15.667 will make more sense if you have read these chapters—and there is a lot of writing due the following week.

Class: We will discuss topics to be covered in the course, the Journal and the Separate Pages. You should write in the journal every week—see the page above for when written work is due—and write “separate pages,” which are evaluations of the negotiations of classmates. Major concepts in negotiation will be presented. Negotiation simulations begin, to illustrate factors that may affect your choice of strategy and tactics in negotiation.

Thinking ahead about the written assignments for Feb 20.....

Please write your first journal soon after the first class. Note the page attached to this syllabus on writing a journal. The first journal should include:

- 1) How did you feel about the class negotiations? Which negotiation strategies do you most naturally follow? Which conditions in a negotiation make you most and least comfortable?
- 2) How do you handle conflicts? Read the Class Notes for February 20—the article “Options and Choice” includes an “*Exercise*” requiring you to observe how you personally handle conflicts, and how other people around you handle conflicts.
- 3) Fill out the *Thomas-Kilmann Questionnaire* found in the Class Notes. There is a triplex answering sheet—developed for this course—which permits you to think about yourself in three different contexts. In other words, you should answer the questionnaire in three ways, e.g. thinking about yourself at home, at work, with a boss or subordinates, etc. You could also copy it and ask a significant other to fill it out about you, if you wish. Please discuss your results on this questionnaire in the journal.
- 4) Include a Separate Page, analyzing and discussing the negotiations or presentation of a classmate. **There are pages at the end of the syllabus with questions that may be useful analysis—and feedback.**

Monday next week is a holiday. 15.667 meets next week on Tuesday February 20.

Class two—February 20—What kind of negotiator am I?

Read: “Options and Choice,” Rowe, from Lavinia Hall, Negotiation: Strategies for Mutual Gain, (found in the Class Notes)—the Exercise self-assessment is at the end. Be sure you have read the first four chapters of Essentials of Negotiation.

Hand in your journal, which should include the following four assignments:

- 1) The Class Notes reading assignment for today ends with an “*Exercise*” which is your first self-assessment. Write about your conflict management preferences and those of people close to you.
- 2) Score the *Thomas-Kilmann Questionnaire*—the second self-assessment. Please write about your scores in three areas of your life. Some people photo-copy the questionnaire and the answer sheet for a Significant Other before filling it out, either to find out the self-analysis of the Other, or to see how the other person thinks you would answer it, or both.
- 3) Write about the \$2 game: How did you feel about the negotiation conditions, and the tactics you used or observed in the \$2 game? Whose negotiating behavior particularly impressed or irritated you, and why?
- 4) Turn in at least one Separate Page, about the negotiation behavior of someone in the class which you found particularly noteworthy on the first day. There are pages at the end of the syllabus with questions that may be useful in this analysis. The separate page should include the name of the person whose negotiation you are describing. You do not need to sign the page but if you want to write an anonymous page—and also wish me to give you credit for writing a great assessment—then put your name on it with a post-it, and I will remove the post-it before giving the page to the person named. These pages will be sent to all of you after the end of the course. Previous classes have suggested that this feed-back is useful to the recipients of the pages. My first interest, however, is that you should be able to analyze and understand how others negotiate, and how various negotiations strategies and styles affect you.

Case this week: Stratego Aero I. (Please save your copy of the case)

For next week: Please find the *Ethics* and *Machiavelli Questionnaires*, and scoring sheets in the Class Notes, for the assignment due February 26. Pick up your part in Terry and Josephine at Navigational Systems.

Class three—February 26—Distributive and Mixed Motive Bargaining

1) Read: Read Chapter 7, Ethics in Negotiation, in Essentials of Negotiations.

In today's class we are concerned with ethics, and with classic, zero-sum negotiating problems—the gain of one is the loss of the other. Chapter 3—be sure you have read it?—discussed the nature of distributive bargaining.

2) Hand in: Ethics and Machiavelli Little Paper. The *Ethics* and *Machiavelli Questionnaires* are the third and fourth self-assessments of this class. You will find the *Ethics* and *Machiavelli Questionnaires*, and scoring sheets, in the Class Notes. If you wish, photo-copy the questionnaires and give a copy to someone who knows you well, to fill out about you and return to you. NB: The Machiavelli Questionnaire is at best quaint and sexist, and there are no right answers. The point is to assess the extent to which you think or act in a way that others might think is “Machiavellian,” and to see if you believe that your thinking and behavior reflect your own values. Please feel free to (re) read The Prince, or recall anything you would like about Machiavelli, as you think about this. Alternatively, just deal with the image of “Machiavellianism” and whether you think it suits you.

Also—please write in your journal and, as usual, please write a separate page about the negotiation of someone in the class (journals are handed in on March 19).

3) Case: Prepare your role in the Terry and Josephine case. If you can, prepare together with anyone who is playing the same role as you.

February 26 Class

Case: Terry and Josephine at Navigational Systems. Discussion of the role of power in negotiation.

Video: Film clips. Should change be forced (distributively) or fostered (integratively), or is change a mixed motive process that requires both forcing and fostering??

For next week: Pick up your roles for next week in the Hiring/Salary case (Barrister) and the Performance Evaluation case (Gentle Care). Prepare with someone else with the same role if you can.

Class four—Mar. 5—Integrative and Mixed-Motive Bargaining

This week there is a lot of reading, writing and case preparation but nothing to hand in.

- 1) **Read:** Essentials of Negotiations—you should have read through chapter 4—read chapter 5 on communications, and chapter 6 on power and leverage; Fisher & Ury, Getting To Yes, pp. 5-14 and 101-111 in the Class Notes; and the short guidelines in the Class Notes on progressive discipline for unsatisfactory performance. These readings explore the possibilities of win-win and mixed motive solutions, give background on communications in negotiation and lay out a mixed motive protocol if you have to fire someone. (Letting someone go usually should not be “win-lose”).

Optional reading assignment about power: read Orson Scott Card's, Enders Game, Tor, 1977, science fiction, Hugo & Nebula awards. If you are able to read Enders Game, please consider analyzing the story briefly in your journal in terms of negotiations theory. What sources of power are used by the major actors? In real life, what sources of power are available to someone who is young, and to someone who appears to be otherwise much under the control of senior people? Are these sources of power available to you? Attractive to you?

Under the circumstances, was there any alternative strategy available? There are about three dozen very serious armed conflicts underway in the world today. Is the Enders Game strategy inevitable? Is the use of force ethical, according to the ethical standards you hold for yourself?

- 2) **Write:** Write in your journal, (which is due March 19). As usual, please write a separate page about your observations of someone in the class?

- 3) **Cases:** Prepare your role in Barrister, Counselor, Solicitor and Avocat, and your role in The Yearly Review. Please prepare together with anyone who is playing the same role as you.

Class: Role-plays: Barrister, Counselor, Solicitor and Avocat, (Hiring/Salary Case); The Yearly Review (Performance Evaluation Case). Discussion of firing an employee.

Pick up copies of the Aggressive Competitive Negotiator and Tax Books cases to prepare for next week. **Choose a partner for next week—the negotiation next week will be two on two.**

Class five—March 12—Competitive and Cooperative Styles & Do Gender or Culture Make a Difference?

Reading and Writing and Case Assignment for March 12:

This week there is yet more reading but at least it is about effectiveness ☺. You might want to read the assignments in order, and read the cross-cultural articles next week if you get bogged down.

1) **Read:** Williams, Gerald, Legal Negotiation and Settlement, pp. 1-69; Menkel-Meadow, Carrie, "Teaching about Gender and Negotiation: Sex, Truths, and Videotape," Negotiation Journal, October 2000. If you will be negotiating with people outside your own culture, please also read the two SMR articles in the Class Notes on "Negotiating with Romans," and Essentials of Negotiations, chapter 8 on global negotiation. If you are especially interested in gender questions, read Deborah Kolb's new book Shadow Negotiations.

Almost all students are interested in Gerald Williams' classic book on effectiveness in each strategy. Williams believes: "**A negotiator's effectiveness is not determined by the pattern he or she follows, (i.e. cooperative vs. competitive) but rather by what he or she does with that pattern.**"

2) **Write:** Write in your journal, plus the "separate page" about the excellent (or otherwise remarkable) negotiation of a classmate.

3) **Cases:** Prepare the Tax Books case with a partner. NB: Please together choose a negotiating style and strategy and tactics that you and your partner will pursue—**see the tactics sheet from Negotiations 101**. Keep your plans secret from the other side, but please tell me in your journals how the planned choice of strategy, style and tactics influences (if at all) your negotiating, and the outcome of the case. See if you are able to figure out which strategy and style the other team adopted? In real life, can you recognize the strategy and style of others?

Please also prepare the Aggressive Competitive Negotiator with your partner. Come up with several suggestions about how you might deal with this ACN.

Class: discussion of dealing with an Aggressive Competitive Negotiator, and of the roles of gender and culture in negotiations.

Case: Tax Law Books (**negotiated two on two**)

Pick up your role in Telemachus, for next week. Please prepare with someone who has the same role.

Class six—March 19—Negotiating in Context

Reading and Writing and Case Assignment for March 19:

1) **Read:** If you did not get to the other chapters of Essentials of Negotiations in the last two weeks, try to read them now please. Also read Goleman, Daniel, Emotional Intelligence, pp. 35-45 and pp. 148-163, found in the Class Notes. This book reviews a lot of evidence that **managerial success depends primarily on social skills**. Please be thinking in all your current negotiations, about the importance of your having a strategy, on the importance of preparing for current negotiations and on converting win-lose to win-win.

2) **Hand in your journal—plus separate pages** about people who have inspired you, or who have done something you find questionable, in class negotiations. The journal—covering classes and readings (and your life?) during the period February 20 up to today—is due today.

3) **Case:** Prepare Telemachus, (but not the Coalition case). Prepare together with anyone who is playing the same role as you in Telemachus. Please pay special attention to the question of choosing a strategy and style and planning your tactics—**again please review the Tactics sheet from Negotiations 101 and review the possible roles Ury describes for a Thirdsider—two pages at the end of N101.**

Class: Discussion of negotiation in a team setting and in coalitions.

Cases: Telemachus and Coalition

Next Week: Please do the reading for April 2, before you write your P.I.E. letter. Then read the instructions in the Class Notes on how to write a P.I.E. letter. This letter is your Little Paper #2, due on April 2. You may turn this assignment in early if you wish to because you are taking a trip. Please try hard to follow the instructions even if you think they are too rigid?

March 26

HOLIDAY WEEK

Optional assignment: Enders Game, as suggested earlier and/or Joan Slonczewski's A Door Into Ocean, Avon, 1986, science fiction, which presents a profoundly different view—from Enders Game—of sources of power in dealing with armed conflict. As with Enders Game, this book may interest you especially in the light of hostilities in many parts of the world. If you do read either or both books, please consider writing in your journal your responses to the questions I asked for Mar. 5, with respect to Enders Game?

Class seven—April 2—Origins of Conflict—Dispute Prevention—Delegating Conflict Management to the Disputant

1) **Read:** Felstiner, Abel & Sarat, "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming..."; Rowe, "Helping People Help Themselves", Negotiation Journal, 1990. These readings discuss how conflicts begin and develop and how they can be handled at the lowest possible level. **The Rowe paper is essential for the second PIE Little Paper.** NB: usually half the class hates the Felstiner, Abel & Sarat article. If you are in that half, please skim it anyway? It is a well-known classic and the article may grow on you if you become interested in dispute prevention at home or at work or if you find yourself dealing with difficult conflicts.

If as a manager you will be handling personnel complaints of any kind, skim the MIT Guide to Dealing with Harassment (<http://web.mit.edu/communications/hg/>) which describes a **systems approach** to complaint-handling with respect to one broad class of workplace issues. See especially the Quick Guide, chapter 3.

Discussions of dispute resolution systems, and discussions of “interests, rights and power” in the context of conflict management, raise serious ethical issues. Is it ethical to resolve criminal matters or public safety issues in an informal (problem-solving) fashion—without an investigation and without disciplinary action? At the other end of the spectrum, is it ethical to deal with conflicts involving free expression through disciplinary action? Through problem-solving? Only through problem-solving?

Do you believe complainants should have options with respect to harassment and discrimination? If so, should complainants *always* have options? When yes, and when no? What options should managers have and when? As you read these materials please ask yourself and tell me—is it possible for a manager to prevent reprisal against a whistleblower or other complainant—or a person who strongly dissents from a position taken by an important person in the workplace?

2) **Write:** in your journal—and look for behavior in a classmate that will inspire a separate page.
 3) **Hand in Little Paper #2:** “Perceived Injurious Experience.” Please try hard to follow the instructions in the Class Notes, even if you think they are too rigid?

Class: Videos on complaint handling.

Class eight—April 9—Your Employer's Dispute Resolution & Complaint Handling System

1) **Read:** the excerpt from Cavanagh, Business Dispute Resolution; and Rowe and Bendersky, “Workplace Justice, Zero Tolerance and Zero Barriers.” If you did not have a chance to read the MIT Guide, consider skimming at least chapter 3 for today? It is available on the MIT Web at <http://web.mit.edu/communications/hg/>. Contemporary best practice suggests that employers should not only offer conflict resolution options, but build *integrated* dispute resolution systems. (Was there an integrated system at the place you worked before?) If you will be working in an arena where there are “zero tolerance” policies for illegal behavior, the Rowe article discusses one reason why zero tolerance policies are problematic unless embedded in an integrated system.

2) **Write:** your journal and, if possible, a separate page. If you read or skimmed the MIT Guide consider writing a paragraph of critique or commentary. Read the questions posed for last week and answer them?

Class: Case examples and discussion

Preparing for next week: Read the instructions (in the Class Notes) for Little Paper #3, “Seeing Both Sides of a Dispute”, due April 23.

Pick up Stratego Aero II. Check to see that you still have Stratego Aero I. You will need both I and II to prepare for next week.

Before you leave class **please arrange to prepare together with one or more people** playing the same role as you in the mediation next week. Preparing for any important negotiation is probably the most important skill in negotiations. It is especially vital if you are going into a mediation in any role. You will find the Moore readings useful, so try to do the readings for next week before you meet with a colleague who has the same role. See also the Moore chart found toward the end of N 101.

April 16

HOLIDAY WEEK

Optional assignment: rent the video "The Return of Martin Guerre." The question is, whom can you believe? Is it possible to tell if someone is lying? If so—how will you do it as a manager? If not—how will you manage?

Class nine—April 23—Conciliation and Mediation

1) **Read:** Moore, "How Mediation Works," pp. 41-77, and "Designing a Plan for Mediation" and "Building Trust and Cooperation," pp. 141-192. If you did not buy this text you may find copies on Reserve. These readings lay out elements of strategy, tactics, and process for non-adjudicatory, third party intervention. **In your next job you will almost certainly have to function as a third party intermediary.** You may also be helping colleagues and bosses, and you may be supervising subordinates, as they mediate informally or formally. You are also very likely to be engaged in mediation on behalf of your employer, since so many companies are now switching over to using internal and external mediation in at least some employment and contract disputes. So—read as much of this book as you can.

If you are not interested, you may find the book dry and too thorough. In this case, skim whatever you can stand of it and remember this book next year as soon as you need to know the material, because you will find everything here.

If you are too totally swamped to read *anything*, then study the **Moore chart** found at the end of N101 and then apply it to Stratego I and II to prepare for the mediation.

2) **Write:** Write in your journal and—if possible—a separate page.

3) **Hand in:** Little Paper #3: Seeing Both Sides of a Dispute (instructions are in the Class Notes)

4) **Case:** Prepare Stratego Aero II. To do so, you should have re-read Stratego Aero I as well as your Stratego II Secret Instructions. Prepare together with someone who is playing the same role as you and please prepare carefully. Otherwise you will mess up your colleagues' role-playing, and they will write me fierce notes about requiring people to prepare better.

Case in class: Stratego Aero II, (the mediation case) and discussion.

Pick up cases for next week. These cases are somewhat controversial. Can you find a classmate, *or someone else quite different from you*, to read the cases together with you, and help prepare for the class discussion?

Remember the double class next week 2:30-8:30 with pizza.

**DOUBLE Class—April 30 – Investigation, Arbitration
& Exceptionally Difficult People**

- 1) **Read:** Read Lewicki, chapter 9, and the Halliburton “Dispute Resolution Program”. These readings illuminate dealing with difficult situations, and third party intervention. The Halliburton program is a benchmark example of an integrated system with the option of outside arbitration. It is now seen as best practice—with one big shortcoming in my view—namely, “imposed” arbitration. (Are you willing to sign away your ability to sue your employer as a condition of employment?)
- 2) Read Fein, Vossekuiil and Holden, Threat Assessment (taking a systems approach to targeted violence) as preparation for the evening presentation.
- 3) **Write:** in your journal—and try for a separate page? By now you are totally exhausted with the semester, but the colleagues you write about will (probably) be grateful—and you need all the practice you can get in evaluating Others.

The last journal (covering the period March 19 through April 30) and separate pages, are due after this class, any time later this week.

- 3) **Cases:** Please prepare to discuss the cases. If you possibly can, prepare by asking people outside the class—preferably ask someone who is not of your own background—what should happen in any of these cases. There is no role-play preparation.

Class: Certified Public Accountants, Inc. (Theft); Discussion of cases distributed in class (drugs, whistleblowers, and a convicted employee).

Evening Discussion of violence and the fear of violence in the work place, with Dr. Robert Fein, forensic psychologist.

This week is a **double class with pizza**—2:30-8:30pm. Wear something comfortable and bring something to drink? If you would like to bring your significant other to the evening lecture, please let me know so I can order enough pizza? If you have any dietary restrictions please let me know—we can sometimes make appropriate provision.

Class eleven—May 7—More Negotiating with Difficult People

- 1) **Read:** The third text for the course: Ury, Getting Past No: Negotiating with Difficult People. My recommendation is that you read the whole book—it is short and easy to read, and arguably one of the two or three best books of its type in negotiations. Read also Levinson, "The Abrasive Personality." These readings suggest ideas and modes that you may find helpful if you know anyone who is a difficult person.

The Ury book can be remarkably helpful if you can get both parties to a dispute—two of your colleagues, for example—to read it. By the same token, if you know an abrasive person, the Levinson article may be useful—and usually not offensive—to such a person. (*Abrasive personalities usually do not see themselves as abrasive and are therefore sometimes very interested, if puzzled, to see the main elements of what other people see as abrasiveness spelled out.*)

Optional—if you have time: Ekman and Smoller, "Who Can Catch a Liar?" from American Psychologist, September, 1991—this article got a lot of attention during the Clarence Thomas Hearings; and Smoller, "The Etiology of Childhood." This last article illuminates the point that "things are not necessarily what they seem"☺.

- 2) **Hand in:** Your journal (covering the period since March 19) and separate pages are due today if you did not send them in during this past week.

Class: More discussion of difficult people and excerpts from a movie.

Analyzing the Negotiations of the Other Negotiator

Did the Other appear interested in your interests? In your possible sources of power? Did the Other appear to listen effectively? (Note examples if you like.)

Did the Other appear to you to know his or her *own* interests? If so, to what extent were they clearly presented to you?

Did the Other appear to have a consistent strategy? What was the style of the Other? Which sources of power did you feel the Other was using?

Was the Other prepared on the facts, as far as you can tell? Did the other appear to be negotiating appropriately within the implicit or explicit "rules of the game" (or the laws of the land/company policy, etc.)?

What tactics did the Other use (refer to the Tactics sheet in Negotiations 101)? In particular, was there any shared development of *options*? Of *principles* to decide any given point in dispute? If there were *concessions* were they reciprocal? Did the Other exhibit any especially effective or ineffective tactic? Would this—in your opinion—have been effective or ineffective with others than yourself?

Did you feel respect or disrespect from the Other? How did you feel that the Other responded to your own strategy, tactics, uses of power, successes or errors?

Overall—how do you feel about the process? And about the outcome? Would you trust the Other with an important negotiation of your own?

Giving Feedback to the Other Negotiator

You may want to comment on all of the points above. Or you might want to elaborate on one or a few.

Effective feedback is specific and factual. It uses examples. It is couched in "I statements" ("*I thought that you...*" rather than "*You did this...*"). It emphasizes the positive and/or the future, where at all appropriate. It is always civil and respectful— with the intention to bring the Other to one's side rather than making the Other defensive. (In general it is not useful to speculate on the motives of the Other unless you need to for a very unusual reason such as feedback in this class.) Wry or humorous feedback often works very well where the mode of humor is self-deprecatory or at least clearly not sarcastic or offering ridicule to the Other.

As you use this worksheet, you will obviously be thinking about your own negotiating. Please in specific think about which tactics and sources of power work best for you? To which are you personally the most vulnerable?

Observing the Negotiations of Others as a Third Party

Did A or B's opening statements reveal any true interests?

Did A or B share relevant information?

What sources of power did each party appear to *have*?

What sources of power did each party appear to *use*?

Did either party use commitment tactics?

Did either party try to exploit weaknesses of the other?

What bargaining *style* did the parties exhibit: accommodative, competitive, compromising, avoiding, collaborative, or mixed?

What *strategy* was each party using? (distributive, integrative, mixed motive)

What tactics of either party were especially noteworthy?

Did either party seek to understand and respect the interests of the other?

Did either party help to develop new options?

Did either party participate in the creation of a face-saving solution?

Did either party emphasize the relationship as much as the settlement?

Subjectively speaking, do you trust either A or B?