



NYU

**ROBERT F. WAGNER GRADUATE
SCHOOL OF PUBLIC SERVICE**

PADM-GP 4101

Conflict Management & Negotiation

Spring 2022

Instructor Information

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Course Description

Conflict is ubiquitous. Whether one is concerned with public and non-profit management, public policy, finance, or urban planning and land use, the professional working in the various realms of the public/non-profit sector is going to have to manage and function effectively in a wide variety of conflicts.

Conflict management includes handling situations in which conflict is already overt as well as those in which it is latent, such as in efforts to enter into contracts or forge partnerships or in seeking to be a change agent, whether within organizations or in the public sphere. It is essential for public, non-profit and private sector managers and agents to know how to manage conflict effectively. (Functioning in an international or intercultural context, or in a multicultural work environment, adds yet another layer of complexity that is beyond the scope of this course.)

In the absence of confidence and skill in conflict management, people tend, often counterproductively, to fall back on the use of power, manipulation, deception and reticence in order to try to exercise control over potentially volatile situations. At the heart of conflict management is competence in negotiation and communication. By possessing confidence and skill in negotiating, one can engage with others more directly and constructively to manage either latent or overt conflict. Through the course's readings, lectures and discussions and by doing and debriefing the assigned simulations, you will develop an understanding of conflict dynamics, the art and science of negotiation, the particular aspects of communication that are critical to conflict management, and the role that neutral "third parties" can play.

The course will emphasize both the theoretical and the practical. Self-awareness is central to the development of negotiation and communication skills, and because you will almost certainly learn a lot about yourself in this course, you are encouraged to keep a journal that (hint) may prove useful when you write your final paper.

Course Evaluation:

1. **Class participation (10%).** This is for contributions made to class sessions, not just attendance. **Given the hands-on experiential nature of this course, class attendance and participation in outside-of-class negotiation exercises between classes are mandatory. Non-excused absences will affect your grade.**
2. **Performance in the “Sally Swansong” role-play (10%).** Your grade for the exercise will reflect how well you advance the interests of the party you represent in the negotiation **and** how well you demonstrate competence by applying the best practices discussed in the course.
3. **Written essays (80%).** There are two written essays. The first (30% of your course grade) concerns an organizational conflict management scenario and will be due as an email attachment by end-of-day **Wednesday, March 9**. The second (50% of your course grade) will focus on “lessons learned” from preparing for and participating in the final team negotiation exercise. The second essay will be due as an email attachment by end-of-day **Monday, April 18**. Extensions are available upon request for either essay. Both essays are fully described at the end of the syllabus, along with the evaluation criteria for them. (NOTE: Though content is paramount, grammar, punctuation, spelling, clarity and precision, and professional presentation all matter. Papers that are poorly written or full of mistakes will not be eligible for a grade in the A-/A range and may even be returned for rewriting, with an automatic grade reduction. You are graduate students, so there is no excuse! For guidance about grammar, punctuation, and style, consult a resource such as Strunk & White’s classic **The Elements of Style** or the [Wagner School’s writing center](#).)
4. **Fun (0%).** I hope you have fun in this course, but it isn’t a requirement and it won’t affect your grade.

Assignments

Assigned readings are listed under the class session for which they are to be read. PLEASE NOTE THAT THERE IS A NEGOTIATION EXERCISE TO BE DONE **OUTSIDE OF CLASS BETWEEN SESSIONS [1-2, 2-3 and 5-6]**. PLAN AHEAD SO YOU WILL HAVE AN APPROPRIATE BLOCK OF TIME AVAILABLE IN WHICH TO DO EACH OF THE EXERCISES WITH A CLASSMATE. The approximate amount of time required for each exercise is noted in the assignments. The exercises are most valuable when done **face-to-face** (including remotely, via Zoom or whatever) *with someone you don’t know well and haven’t worked with on a prior exercise*. We will assign you a counterpart for these exercises beforehand.

Readings

Two books, available at the Professional Bookstore and widely available elsewhere, too. The Stone book is also available electronically through the NYU Library for free.

- Malhotra, D. & M. Bazerman, Negotiation Genius; NY, NY: Bantam Dell, 2008 (paperback)
- Stone, Patton & Heen, [Difficult Conversations](#); NY, NY: Viking Press, 2010

Articles posted on the course site. Most are required. Those that are not are noted as being “optional”. (From time to time, a student complains that some of the articles are “outdated”.

This is akin to complaining about reading Milton, Donne and Shakespeare in an English literature class. Many of the assigned articles are classics and haven't been superseded.

Others, though perhaps not classics, succinctly fill a specific niche in the syllabus. Rest assured, I am always on the lookout for new articles, and there are often some deletions and additions.)

Academic Integrity

Academic integrity is a vital component of Wagner and NYU. All students enrolled in this class are required to read and abide by [Wagner's Academic Code](#). All Wagner students have already read and signed the [Wagner Academic Oath](#). Plagiarism of any form will not be tolerated and students in this class are expected to report violations to me. If any student in this class is unsure about what is expected of you and how to abide by the academic code, you should consult with me.

Detailed Course Overview

Session 1: Wednesday, January 24 – 4:55-6:35pm - VIA ZOOM

Topics:

Conflict Management and Conflict Dynamics
Principles of Negotiation – Part One

Readings:

Developing one's competence

- Deikman, The Observing Self, pp. 92-95; Boston, MA: Beacon Press, 1982
- Malhotra and Bazerman, Negotiation Genius, Introduction and Chapter 14 (pp. 296-top half of 300); New York, NY: Bantam Dell, 2007

Conflict Management

- Bolton, Excerpts from "Conflict Prevention and Control," People Skills: How to Assert Yourself, Listen to Others, and Resolve Conflicts, pp. 206-10; New York, NY: Simon & Schuster, 1979
- Stone, Patton & Heen, Difficult Conversations, pp. 3-19; New York, NY: Viking Press, 1999
- Ury, Brett and Goldberg, Chapter 1, "Three Approaches to Resolving Disputes", Getting Disputes Resolved: Designing Systems to Cut the Costs of Conflict; San Francisco, CA: Jossey-Bass, 1988
- Hofstadter, excerpts from "Metamagical Themas: Computer tournaments of the Prisoner's Dilemma suggest how cooperation evolves," Scientific American, May, 1983

Session 2: Wednesday, February 2 – 4:55-6:35pm - TBD

Topic: Principles of Negotiation – Part Two Role play assignment for session 2:

Do the **Development Negotiation in the Project Review Process** negotiation outside class. (See NYU Brightspace for general information and the roles.) Note that this case, being “scoreable”, inherently limits your creativity, but it has the virtue of enabling us to compare outcomes and explore what generated the differences. **NOTE: Work within the parameters of the case as they are given – do not add any issues, stick to the options you are given, even though it may seem artificial, and use the values/points assigned to those options, even if you disagree with their relative weights!**

When you finish, discuss the following questions with your counterpart and come to class prepared to share the insights:

- What moves led to impasses?
- What moves got you past the impasses?
- What moves yielded breakthroughs?
- What moves produced an agreement?

Additional assignments for session 2:

- Fill out the Negotiation Style Survey and Scoresheet and bring to class.
- Email Professor Zerk in a short memo (a few paragraphs or bullet points) identifying your personal growth goals regarding conflict management.

Readings:

- Malhotra and Bazerman, *op. cit.*, Chapters 1 – 5
- Kahneman and Renshon, “Why Hawks Win,” Foreign Policy, Jan-Feb 2007
- Lax & Sebenius, “Interests: The Measure of Negotiation,” Negotiation Journal, 2:1, 1986
- Craver, “The Inherent Tension Between Value Creation and Value Claiming During Bargaining Interactions,” Cardozo Journal of Conflict Resolution, Vol. 12:1, 2010

Session 3: Wednesday, February 9 – 4:55-6:35pm

Topic: Principles of Negotiation – Part Three Assignment for session 3:

Do the **Maxwell House** negotiation outside class. Allow 45-60 minutes. (There are three confidential memos for your role. The last two allow you to imagine adjourning a meeting and, after reading the next memo, having another meeting, and you can do that twice. Note that this case is NOT “scoreable”, which means that you can be creative.

Readings:

- Malhotra and Bazerman, *op. cit.*, Chapters 6 - 10.

Session 4: Wednesday, February 16 – 4:55-6:35pm

Topic: Communication in Conflict Management Assignment for session 4:

Read the “Audrey Simmons and the FAA” case study.

- Reich, ed., “Audrey Simmons and the FAA,” Public Management in a Democratic Society, Englewood Cliffs, NJ: Prentice-Hall, 1990

Readings:

- Leary, K., Pillemer, J., and M. Wheeler, “Negotiating with Emotion,” Harvard Business Review, Jan.-Feb. 2013
- Stone, Patton & Heen, Difficult Conversations, especially pp. 3-19, 39-43, 60, 68-70, 76-80, 91-92, 96-104, 106-108, 112, 122-124, 147-179, 183, 190, 193-194, 201-204, 209-210, 217-234 (note that the example at pp. 76-80 could be considered dated insofar as the authors say that Miguel's behavior “may or may not be blameworthy” when it is presumably wrong for him to continue to express romantic interest when Sydney does not return it; but in a situation where, as has happened in this example, Sydney has allowed the situation to persist, what is described may well be a useful way to respond),; New York, NY: Viking Press, 1999
- Himmelstein, J. & G. Friedman, Center for Understanding in Conflict blog excerpt, February 2014
- Schindler & Lapid, excerpts, The Great Turning; Santa Fe, NM: Bear & Co., 1989
- Malhotra and Bazerman, *op. cit.*, chapter 12

Session 5: Wednesday, February 23 – 4:55-6:35pm

Topics: Principles of Negotiation – Part Four, & Competing Theories of Negotiation Assignment for session 5:

Be prepared to discuss the explicit and implicit debates, e.g., about power, in the eight readings assigned below. *You may be called on* to summarize the authors' respective views, and you will need to have *thought* about the readings, not just read them.

Readings on power in negotiation:

- White, "Essay Review: The Pros and Cons of Getting to YES", Journal of Legal Education, 1982
- McCarthy, "The Role of Power and Principle in Getting to YES", Negotiation Journal, January 1985
- Meltsner & Schrag, "Negotiating Tactics for Legal Services Lawyers," in Goldberg et al, eds, Dispute Resolution: Negotiation, Mediation & Other Processes, pp. 18-23; Boston, MA: Little, Brown, 1992. (This selection is offered not because I endorse its recommendations but because it represents some of the received wisdom that is "out there" and needs to be understood.)
- Fisher, Ury & Patton, Getting to Yes, 3rd ed., Chapter 7, "What If They Won't Play?"; New York, NY: Penguin Books, 2011
- *Ibid.*, Chapter 8, "What If They Use Dirty Tricks?"
- Lax & Sebenius, excerpt from The Manager as Negotiator; New York, NY: Free Press, 1986, reproduced in Goldberg, Sander & Rogers, *op. cit.*, pp. 62-65
- Murray, "Understanding Competing Theories of Negotiation," Negotiation J., Apr. 1986
- Malhotra and Bazerman, *op. cit.*, Chapters 11 and 13

Session 6: Wednesday, March 2 – 4:55-6:35pm

Topics: Principles of Negotiation – Part Five Assignment for session 6:

1. Do the **Sally Swansong** negotiation outside of class (allow 45-60 minutes and bring a calculator with you, just in case you need it). Assuming you reach an agreement, you and your counterpart will together write up and legibly sign the agreement, indicating which role each of you played. **Hand in the agreement at session 6.** It will be graded on the basis of both how well *you, individually*, did for *your* client compared to how others in the class did for that same client, and how well you utilized negotiation best practices, as indicated by the nature of the agreement. If you think that my understanding of your *personal* performance won't be clear from the agreement itself, you may (but aren't obligated to) write me an *individual* (NOT joint) memo telling me what you were trying to accomplish or what "best practices" you sought to employ, even though the final agreement may not reflect them, or explaining why the negotiation ended up as it did despite your efforts.

Readings:

- Shonk, K., "The Anchoring Bias in Negotiation: Get Ahead with a 'Range Offer'," Program on Negotiation, Harvard Law School, April 16, 2018
- PON Staff, "How Much Does Personality in Negotiation Matter?" Program on Negotiation, Harvard Law School, April 22, 2021
- PON Staff, "Are Introverts at a Disadvantage in Negotiation?" Program on Negotiation, Harvard Law School, December 29, 2020
- Voss, B., "7 Negotiation Techniques for introverts", The Black Swan Group, Dec. 24, 2018
- Rackham, "The Behavior of Successful Negotiators," pp. 169-181, Lewicki et al, Negotiation: Readings, Exercises, and Cases; New York, NY: The McGraw-Hill Companies, Inc., 2003
- Perkins, "Negotiations: Are Two Heads Better Than One?" Harvard Business Review, Nov-Dec 93, pp. 13-14
- Hevesi, "James Berg, 65, Landlords' Peacemaker," New York Times, Nov. 24, 2009

Session 7: Wednesday, March 9 – 4:55-6:35pm

Topics: Negotiating in the Face of Bias: A Video Case Study of a Salary Negotiation

Assignments for session 7:

- The first of your written essays is due by email anytime on **March 9**. See instructions near the end of the syllabus.
- Read the short “Caitlin’s Challenge handout” in Brightspace as background for the video case study we’ll be looking at in class.
- Be prepared to speak briefly about the relevance of the course for your life, e.g., what are the conflict management and negotiation strategies you have discovered you typically use in life, and what are you learning about yourself in relation to that?

Readings:

Gender and Negotiation

- Craver, “The Impact of Gender on Negotiation Performance,” Cardozo Journal of Conflict Resolution, Vol. 14:339, 2013
- Coleman & Weaver, “Women and Negotiation: Tips from the Field”, Dispute Resolution Magazine, Spring 2012
- Greig, “Propensity to Negotiate and Career Advancement,” Negotiation Journal; Oct. 2008
- Wong, K., “A Woman’s Guide to Salary Negotiation,” New York Times, 2019
- Cooper, Sarah, “[7 Non-threatening Email Strategies for Women](#),” Cooper Review
- PON Staff, “Are Salary Negotiation Skills Different for Men and Women?” Program on Negotiation, Harvard Law School, November 4, 2021

Recommended for future reading on the subject of dealing with gender bias issues in organizational life (recommended for future reading): Kolb, D. & J. Porter, [Negotiating At Work: Turn Small Wins into Big Gains](#), San Francisco, CA: Jossey-Bass, 2015

Race and Negotiation

- Craver, “Race and Negotiation Performance,” Dispute Resolution Magazine, Fall 2001, p. 22
- Hernandez, Avery, Volpone, & Kaiser, “Bargaining While Black: The Role of Race in Salary Negotiations.” Journal of Applied Psychology, Advance online publication. <http://dx.doi.org/10.1037/apl0000363>

Counteracting bias

- PON staff, "[Counteracting Negotiation Biases Like Race and Gender in the Workplace](#)", Program on Negotiation, Harvard Law School, November 19, 2020
- Gaunt, D., "What is the Black Swan "Accusation Audit"™?", The Black Swan Group, August 24, 2020 (excerpted by A. Zerkín)

Implications of conflict studies for policy- and decision-making

- Carpenter & Kennedy, "Understanding Public Disputes: The Spiral of Unmanaged Conflict," Chapter 1 in [Managing Public Disputes: A Practical Guide to Handling Conflict and Reaching Agreements](#); San Francisco, CA: Jossey-Bass, 1988
- Kristof, N., "They Overcame Mutual Loathing, and Saved a Town," Op-Ed., April 11, 2021, [New York Times Sunday Review](#).
- Shonk, "[In 'Chinatown' Conflict Resolution, the Dust Clears.](#)" [Conflict Resolution](#). February 10, 2015, Program on Negotiation, Harvard Law School
- PON staff, "The Pros and Cons of Back-Channel Negotiations", Program on Negotiation at Harvard Law School, December 1, 2020
- **Optional:** Yates, "Strategies and Tactics for Conflict Management," Chapter 6, [The Politics of Management](#); San Francisco, CA: Jossey-Bass, 1985.

Final negotiation exercise and debrief with NYU Law School students

You will prepare in your two- or three-person team. Each team comprises one of more students from the class, who will be the clients, and an NYU law student serving as your attorney. Your team will negotiate a case (to be assigned) with another such team. **Schedule your preparation meeting for the exercise as soon as you find out who your teammate(s) are.** Plan on no less than three hours for the preparation meeting. You also may want a prep meeting just with your class teammate, if you have one, before meeting with your "lawyer", and keep in mind that you may end up wanting an additional preparation meeting that includes your "lawyer", so don't schedule the first ones too close to the final exercise itself. **Team assignments and case materials will be disseminated in mid-March.**

If teaching in-person is available in April, the negotiation exercise and a joint law student/Wagner student debriefing will most likely take place on **Saturday April 9, from 11:00am-2:30pm**. If gathering in-person is not advisable at that time, the negotiation itself will have to be completed before 6:30pm on April 6. From 6:30pm until approximately 7:30pm on April 6, the law students and their instructor will conduct a debriefing of the exercise as part of the law students' regular class, and you would be welcome, but are not required, to participate. If the negotiation exercise is done remotely, someone from each negotiating group (not each team) must submit a simple summary of your agreement (in all likelihood this will be done by the law students), so that we can compile and distribute the set of agreements so you can use them as a reference in writing your final paper.

Preparation Tools for final exercise (Optional):

- Good summaries of matters to consider during preparation:
 - Lewicki R.J., D.M. Saunders and B. Barry, “Getting Ready to Implement the Strategy: The Planning Process,” pp. 113-131 in **Negotiation**, Fifth Edition; New York, NY: McGraw-Hill/Irwin, 2006
 - Shonk, “Top 10 Negotiation Skills You Must Learn to Succeed,” May 1 2018
- A set of detailed forms to use for preparation:
 - Fisher, R. and D. Ertel, pp. 6, 173, 11, 14-16, Appendix B forms; **Getting Ready to Negotiate**; New York, NY, Penguin Books, 1995

Readings (optional):

- With the course now largely behind you, reread the very first selection regarding developing one’s competence in conflict management and negotiation:
 - Deikman, **The Observing Self: Mysticism and Psychotherapy**, pp. 92-95; Boston, MA: Beacon Press, 1982

Final Essays: Due as indicated below, or as arranged directly with Prof. Zerkin.

Both of your essays should be submitted in **Word** (*not a PDF file*, so that edits and comments can be easily made), and should be **double-spaced**, with **indented paragraphs** (so that no extra lines are needed between paragraphs) and **1” margins**, using **10-point Times New Roman or similar font**. **The maximum number of pages for each essay does NOT count a cover page (optional) and the bibliography (mandatory).**

Essay 1, due anytime Wednesday, March 9:

Maximum two (2) pages. Describe how you would prepare for the conversation alluded to in the Karen Hannen case study to be found on the NYU Classes course site. Identify your objectives for the conversation (bullet points), and describe the approach you would take in this situation, and explain why. Consider the variety of ways the conversation might go and what you might do and say at the critical junctures you can foresee. In particular, include a short script that you would use *at the beginning* of the conversation to set the tone and frame the rest of the conversation. Use and cite course readings and materials as resources to support your conclusions. See “Evaluation” below to be sure you understand the criteria for the essay.

Essay 2, due anytime Monday, April 18

Maximum three (3) pages. Identify the most important “lessons learned” from preparing for and participating in the final negotiation exercise. You are encouraged to use the exercise to the fullest as a learning experience by finding time to ask your teammate(s) and counterparts for feedback about what you did well and what you could improve upon. (The “lessons learned”

for this paper can also include insights gained from seeing the other negotiating groups' results, which you will receive right after the exercise.) For each "lesson learned":

- Briefly discuss what yielded the lesson, whether it's from what happened in the preparation process, the negotiation, the debriefing and/or seeing other groups' results; and
- Identify which course readings and/or class discussions have something to say about dealing with the kind of situation or problem for which the "lesson learned" seems to you to be helpful. Briefly discuss what guidance those readings or class discussions provide, and whether or not you actually remembered to use that guidance. (How well you did in the negotiation isn't what is being evaluated. The point is to show, using the resources of the course, that you see *why* what you/others did either worked or didn't, and in the latter case to suggest what could have been done that might have worked better.) Note that the "lessons learned" can include any observations that what happened in the exercise contradicted or raised questions about the usefulness of the guidance contained in the readings and class discussions, i.e., it's alright to disagree with an author or with me, but be sure to back up your argument with a solid understanding of the course materials or other source material.

See "Evaluation" below to be sure you understand the guidelines for the essays.

Evaluation:

Evaluation of both essays will be primarily based on (a) the quality of your insights and (b) your ability to demonstrate that you have studied the course readings (whether or not we have discussed them in class!) and have reflected on the course PowerPoint and class discussions and see the relevance of the readings and discussions to what you did (or think you should have done) during the preparation for and conduct of the final negotiation exercise. Failure to utilize readings of obvious relevance will have a seriously negative impact on your grade, so *cite and quote course readings and explain their relevance so it is clear that you understand them*. Put the citation source in parentheses in the text (*author and page number*, and, if there is more than one reading by that author in the syllabus, provide the title as well).

Though content is paramount, grammar, punctuation, spelling, clarity and precision, and professional presentation all matter. Papers that are poorly written or full of mistakes will not be eligible for a grade in the A-/A range and may even be returned for rewriting, with an automatic grade reduction. You are graduate students, so there is no excuse! For guidance about grammar, punctuation, and style, consult a resource such as Strunk & White's classic The Elements of Style - I am not insisting on any particular format or convention, only that you are following a reputable source and are being consistent - or avail yourself of the [Wagner School's writing center](#).

Henry & Lucy Moses Center for Students with Disabilities

Academic accommodations are available for students with disabilities. Please visit NYU's [Moses Center for Students with Disabilities \(CSD\) website](#) and click on the Reasonable Accommodations and How to Register tab or call or email CSD at (212-998-4980 or mosescsd@nyu.edu) for information. Students who are requesting academic accommodations are strongly advised to reach out to the Moses Center as early as possible in the semester.

NYU's Calendar Policy on Religious Holidays

[NYU's Calendar Policy on Religious Holidays](#) states that members of any religious group may, without penalty, absent themselves from classes when required in compliance with their religious obligations. Please notify me in advance of religious holidays that might coincide with exams to schedule mutually acceptable alternatives.