Instructor Information

- Allen J. Zerkin, J.D.
- Email: allen.zerkin@nyu.edu
- Phone: 917-292-4473
- Mailbox: Mailbox 91. Puck 3rd Floor – not being used until further notice
- Office Address: Puck 3rd Floor Adjunct offices – not being used until further notice
- Virtual Office Hours: By appointment

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 **Friday, January 22**. 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 on or before **Sunday, February 7**. 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 sincerely 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 3-4.** PLAN AHEAD SO YOU WILL HAVE MORE THAN ONE 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.
Readings

Two books, available at the Professional Bookstore and widely available elsewhere. 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 that 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: Monday, January 4 - 5:30-9:10pm

Topics:
Conflict Management and Conflict Dynamics
Principles of Negotiation – Part One

Case study, to be discussed in class

  - As you read the letters and the story, take note of your immediate thoughts and emotional reactions and jot them down to refresh your recollection in class. Also note (a) what you think are the sources of conflict in the case, including pre-existing factors and the content of the letters, (b) what the inflection points were, when the escalation of the conflict could have been reversed, and what you think could have been said or done at those moments to reverse it – again, these notes are to aid you in our class discussion.
Readings:

Developing one’s competence
- Deikman, The Observing Self, pp. 92-95; Boston, MA: Beacon Press, 1982

Conflict
- Stone, Patton & Heen, Difficult Conversations, pp. 3-19; New York, NY: Viking Press, 1999
- Hofstadter, excerpts from “Metamagical Themas: Computer tournaments of the Prisoner’s Dilemma suggest how cooperation evolves,” Scientific Am, May, 1983

Session 2: Monday, January 11 - 5:30-9:10pm

Topics:
Communication in Conflict Management
Principles of Negotiation – Part Two

Case study, to be role-played in class
    Be prepared to play the role of Audrey Simmons at the meeting in which community representatives demand the cancellation of the awards ceremony in “Audrey Simmons and the FAA”

Case assignment for session 2:

Do the Development Negotiation in the Project Review Process negotiation outside class. (See NYU Classes for general information and the roles.) Note that this case is “scoreable” - no other issues can be introduced; no options other than those provided; defined values regarding various options – all of which is artificial and limits creativity. But a “scoreable” case allows us to compare outcomes and explore what generated the differences. So, work within the parameters you are given – don’t add any issues, stick to the specified options and “points” – even though it’s artificial.

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 Shell’s Negotiation Style Survey and Scoresheet; nothing to hand in.
• Email professor Zerkin with your personal growth goals regarding conflict management.

Readings:

Conflict and communication

• Stone, Patton & Heen, Difficult Conversations, especially pp. 3-19 (if not already read for session 1), 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
• 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
• Malhotra and Bazerman, Negotiation Genius; chapter 12; New York, NY: Bantam Dell, 2007

Negotiation

• Malhotra and Bazerman, op. cit., Introduction, chapter 14 (pp. 296-top half of 300), and chapters 1-10
• 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
• Kahneman and Renshon, “Why Hawks Win,” Foreign Policy, Jan-Feb 2007
• Lax & Sebenius, "Interests: The Measure of Negotiation," Negotiation Journal, 2:1, 1986
Session 3: Friday, January 15 - 9:00am-12:40pm

Topics:
Principles of Negotiation – Part Three
Competing Theories of Negotiation

Case assignment:

- Do Maxwell House negotiation outside class. Allow 45-60 minutes. (See the materials on the course site for the initial roles and for the optional additional material that allow you to imagine adjourning the initial negotiation meeting and having one or even two “follow-up meetings”). Before your initial negotiation meeting, only read the first confidential memo for your role. If you decide at that initial meeting to imagine that you decided to “go home” and think about what had been said before reaching an agreement, then you would each read your second confidential memo and, as if time had passed, begin the second meeting. IF you choose to, you can repeat that process and have a third meeting as well. Note that this case is NOT “scoreable”, which means that you can be creative.

Discussion assignment:

- 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:

Competing theories of negotiation

- 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.)
- Ibid., Chapter 8, “What If They Use Dirty Tricks?”
- Malhotra and Bazerman, op. cit, Chapters 11 and 13

Negotiation Theory and Practice

Your first written essay is due by email January 22. See the instructions below.

Session 4: Friday, January 22 - 9:00am-12:40pm
Topics:
Principles of Negotiation – Part Four
Negotiating in the Face of Bias: A Video Case Study of a Salary Negotiation
Implications of Conflict Studies for Policy and Decision making

The first of your written essays is due by email on January 22. See the instructions at the end of the syllabus.

Case study
- Read the “Caitlin’s Challenge” handout as background for the video case study we’ll be looking at in class. In preparation for our discussion, be sure to read the assigned material, below, about Gender and Negotiation and Race and Negotiation.

Case assignment:
- 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 it up, indicating which role each of you played and must submit it to me prior to session 4. Your performance will be graded on the basis of both (1) how well you, individually, did for your client compared to how others in the class did for that same client, and (2) 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. If you don’t reach an agreement, each of you should submit such a memo.
Readings

Gender and Negotiation

- Cooper, Sarah, “7 Non-threatening Email Strategies for Women,” Cooper Review


Race and Negotiation

- Craver, “Race and Negotiation Performance,” Dispute Resolution Magazine, Fall 2001, p. 22

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. Zerkin)

Implications of conflict studies for policy- and decision-making

- PON staff, “The Pros and Cons of Back-Channel Negotiations”, Program on Negotiation at Harvard Law School, December 1, 2020
Final Negotiation Exercise

Assignments for final negotiation exercise: Prepare in your two- or three-person team. Your final negotiation will be conducted after the completion of our class session. It will be a team negotiation, two students on each side (perhaps three on some, depending on the total number of students in the class). Each team should plan on having a two-hour preparation meeting beforehand to consider the case material (to be assigned) and strategy. Your experience of preparing as a team and negotiation with another team, and the lessons you learned from that, will be the basis of your final paper (see “Essay 2” below).

The following materials, to be found in the Resources of the course site, may be helpful during your preparation:

A good summary of matters to consider during preparation:

A set of detailed forms to use for preparation:

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

Both final essays should be submitted in Word (not a PDF file, so that edits and comments can be made easily), 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 any cover page (optional) and the bibliography (mandatory).

Essay 1, due anytime Friday, January 22:

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 and class discussions as resources to support your conclusions. See “Evaluation” below to be sure you understand the criteria for the essay.
Essay 2, due Monday, February 7

**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 even your counterparts – for feedback about what you did well and what you could improve upon. 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 essay.

**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 and Lucy Moses Center for Students with Disabilities at NYU

Academic accommodations are available for students with disabilities. Please visit the 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 mosecsd@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 for assistance.

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.