



NYU

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

PADM-GP 4101

Conflict Management & Negotiation

Winter 2023

Instructor Information

- Adjunct Professor Allen J. Zerkin, J.D.
- Email: allen.zerkin@nyu.edu
- Phone: 917-292-4473
- Mailbox: Mailbox 91. Puck 3rd Floor
- Office Address: Puck 3rd Floor Adjunct offices
- 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.

IMPORTANT NOTE: This Conflict Management and Negotiation course is also offered during the Spring term, and that section of the course culminates in a **very special joint team negotiation exercise with students from NYU Law School**. Each team comprises one of more students from the Wagner class, who take the role of the client, and a law student serving as the client's attorney. Each team negotiates the assigned case with another such team, and the entire exercise, including the extensive process of preparing for it, is debriefed, both within each two-team negotiating group and in the larger group. The negotiations themselves and the debriefing will take place from **11am to 2:30pm on Saturday, April 15**. It's an enormously valuable and exciting exercise. While the exercise is not formally part of the J-term section of the course, all J-term students are welcome to sign up for it, and *if a student so chooses*, they can make the experience and lessons learned from it the subject of their final paper, just as the Spring term students will, and that paper would be submitted in lieu of the second essay listed in this J-term version of the syllabus. But it is perfectly permissible to write the regular essay for the J-term course and simply participate in the joint law school exercise with no obligation to write anything about it. Let Professor Zerkin know no later than **Monday, February 27** if you want to participate, as the teams will be set up in early March and team preparation will take place starting right after the Spring break. **As of February 27, any request to be included in the exercise will become a firm commitment to participate unless you have let Professor Zerkin know by that date that you want to withdraw.**

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 your side's interests **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 **Saturday, January 21**. The second (50% of your course grade) will focus on "lessons learned" from preparing for and participating in the final team negotiation exercise at the last class. The second essay will be due as an email attachment on or before **Monday, February 6**. 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](#).

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 FOR EACH EXERCISE SO AS TO ENSURE YOU CAN FIND A CONVENIENT TIME WITH YOUR COUNTERPART. 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, Skype 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.

The final simulation, about which you will be writing your final essay, will take place immediately after Session 4 on Saturday, January 21. Please do not make plans for the remainder of that afternoon. Let me know if this is a problem for you.

Readings

Two books, available at the Professional Bookstore and widely available elsewhere. The Stone *et al* book is also available electronically through the NYU Library at no cost.

- 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: Tuesday, January 3 - 5:30-9:10pm

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

Pre-class assignments:

Simulation exercise

- **Development Negotiation in the Project Review Process** - See the course Brightspace site for the general information and the instructions for the specific role to which you will have been assigned.
- Read the material and be prepared to play your role after being paired with someone playing the opposite role.
- Consider how you will approach the negotiation?
 - How should you begin?
 - What statements should you make?
 - What questions could you ask?
 - What positions might you take; what demands might you make?
 - What information, if any, should you share?
- Note that this case is “score-able” – so, **no other issues can be introduced; no options can be considered other than those provided; the value of various options are already defined and mustn’t be changed because of your personal views**. Though this limits creativity, a “score-able” case’s fixed parameters allow us to compare outcomes and explore what generated them.

Survey instrument

- Fill out Shell’s Negotiation Style Survey; but don’t score it yet.

Readings:

Developing one’s competence

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

Conflict

- Bolton, Excerpts from “Conflict Prevention and Control,” People Skills: How to Assert Yourself, Listen to Others, and Resolve Conflicts, pp. 206-10 (top); New York, NY: Simon & Schuster, 1979
- Stone, Patton & Heen, Difficult Conversations, pp.3-19; NY, 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 9 - 5:30-9:10pm

Topics:

Communication in Conflict Management

Conflict Management and Conflict Dynamics – Part Two

Principles of Negotiation – Part Two

Case study, to be role-played in class

- Reich, ed., “Audrey Simmons and the FAA,” Public Management in a Democratic Society, Englewood Cliffs, NJ: Prentice-Hall, 1990
 - If you have been assigned a role, be prepared to play it as realistically as you can.
 - If you haven’t been assigned a role, think about how you, if you were Audrey Simmons, might deal with the challenge she faces when community representatives demand the cancellation of the upcoming awards ceremony.

Simulation assignment for session 2:

Do the **Development Negotiation in the Project Review Process** negotiation outside class. (See Brightspace for general information and the roles.) Remember that this case is “score-able” - no other issues can be introduced; no options can be considered other than those provided; the value of various options are defined and mustn’t be changed because of your personal views. This is obviously artificial and limits creativity, but a “score-able” case allows us to compare outcomes and explore what generated the differences in outcomes. 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 (if you didn’t already) and score the Negotiation Style Scoresheet.
- Email professor Zerkin with your personal growth goals regarding conflict management.

Readings:

Conflict and communication

- 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 (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
 - Malhotra and Bazerman, *op. cit.*; chapter 12, "When Negotiations Get Ugly: Dealing with Irrationality, Distrust, Anger, Threats, and Ego"; New York, NY: Bantam Dell, 2007

Negotiation

- Malhotra and Bazerman, *op. cit.*, 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
- Craver, "The Inherent Tension Between Value Creation and Value Claiming During Bargaining Interactions," Cardozo Journal of Conflict Resolution, Vol. 12:1, 2010

Session 3: Saturday, January 14 - 11:00am-2:40pm

Topics:

Principles of Negotiation – Part Three

Conflict Management and Conflict Dynamics – Part Three

Competing Theories of Negotiation

Simulation assignment:

- Do **Maxwell House** negotiation outside class. Allow 45-60 minutes. (See the materials on the course site for the role to which you will have been assigned. You will find an initial confidential memo and also optional additional materials 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 and your counterpart decide at that initial meeting to imagine that you will “go home” and think about what had been said, without yet 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, and would read the third confidential memo. 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 nine readings assigned in the syllabus under “Competing theories of negotiation”, 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

- 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?”
- PON staff, “Beyond Walking Away: Facing a Hardball Strategy Head-on,” Program on Negotiation, Harvard Law School, November 4, 2021

- 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 Journal, Apr. 1986
- Malhotra and Bazerman, *op. cit.*, Chapters 11 ("Negotiating from a Position of Weakness") and 13 ("When *Not* to Negotiate")

Negotiation Theory and Practice

- 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

Your first written essay is due by email sometime on **Saturday, January 21**. See the instructions below.

Session 4: Saturday, January 21 - 11:00am-2:40pm and 3:00-5:00pm

Topics:

Principles of Negotiation – Part Four

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

Implications for Policy and Decision Making

Final negotiation exercise

Written assignment:

- The first of your written essays is due by email on **January 21**. 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.

Simulation assignment #1:

- Do the **Sally Swansong** negotiation outside of class (allow at least 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. You 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 representing 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, and/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.

Simulation assignment #2:

- The final team negotiation will be conducted after the completion of class. Each team should plan on having a minimum two-hour preparation meeting in the days leading up to the simulation 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 learn 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:

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

A set of detailed forms to use for preparation:

Fisher, R. and D. Ertel, Getting Ready to Negotiate, pp. 6, 173, 11, 14-16, Appendix B forms; New York, NY, Penguin Books, 1995

A review of key concepts:

Shonk, K., "Top 10 Negotiation Skills You Must Learn to Succeed," Program on Negotiation at Harvard Law School, May 1, 2018

Dealing with anxiety

PON Staff, "Anxiety is the most commonly experience emotion before a negotiation, so what can you do about it when making a deal?" Program on Negotiation at Harvard Law School, May 18, 2021

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
- PON staff, "Are Salary Negotiation Skills Different for Men and Women?," Program on Negotiation, Harvard Law School, November 4, 2021
- Cooper, Sarah, "[7 Non-threatening Email Strategies for Women](#)," Cooper Review

Recommended for further reading on the subject of dealing with gender bias issues in organizational life: 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. Zerkin)

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](#).
- **Optional:** Shonk, "[In 'Chinatown' Conflict Resolution, the Dust Clears.](#)" [Conflict Resolution](#). February 10, 2015, Program on Negotiation, Harvard Law School
- **Optional:** 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 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 Saturday, January 21:

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 Brightspace 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 6

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 you might have made 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.

Evaluation: Guidelines for your essays

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 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 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.