

## **PADM-GP.4101, CONFLICT MANAGEMENT & NEGOTIATION, Fall 2016**

**Instructor: Nicolas Rofougaran, Ph.D.**

Office Hours by appointment

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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, but that is a subject for another course, PADM-GP.4105, Cross-Cultural Conflict Management: Negotiations & Multi-Cultural Teams, which begins Wednesday, Oct. 26).

In the absence of confidence and skill in conflict management, people tend to resort, often counterproductively, to the use of power, manipulation and secretiveness 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" (mediators and facilitators) 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. Hint: It will also be useful when you write your final paper.

### **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 Swanson" roleplay (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. **Final paper (80% total).** Part 1 (worth 40%) of your final paper essay you will focus on "lessons learned" from preparing for and participating in the final team negotiation exercise, which will take place on **Sunday, November 13, from 11am-2:30pm.** **Be sure to reserve this time, and if you have a conflict, notify Prof. Rofougaran right away.** Part 2 (worth 40%) focuses on a conflict management scenario. Parts 1 and 2 are fully described at the end of the syllabus.
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:**

Assignments are listed under the class session for which they are to have been read. PLEASE NOTE THAT THERE ARE NEGOTIATION EXERCISES TO BE DONE **OUTSIDE OF CLASS** BETWEEN SESSIONS 2-3, 3-4 AND 5-6. BE SURE TO PLAN AHEAD SO THAT DURING EACH OF THOSE PERIODS YOU WILL HAVE SOME TIMES (USUALLY ABOUT 30-60 MINUTES EACH) WHEN YOU CAN DO THE EXERCISE WITH ONE OF YOUR CLASSMATES. The exercises are most useful when you are doing them with someone you don't know well, and they are best done in person. If it is necessary, you can do them over Skype or by phone, though that should be a last resort.

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**Readings:**

**Two books**, available at the Professional Bookstore:

Malhotra, D. & M. Bazerman, Negotiation Genius; NY, NY: Bantam Dell, 2008 (paperback)

Stone, Patton & Heen, Difficult Conversations; NY, NY: Viking Press, 2010 (paperback)

**Articles posted on the course site.** (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 articles in the syllabus are classics and, in my view, haven’t been superseded. Others, though perhaps not classics, succinctly fill a specific niche in the overall syllabus. Rest assured that I am always on the lookout for new articles, and there are often a few deletions and a few additions.)

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**Session 1 – Saturday, September 17**

**Conflict Management and Conflict Dynamics**

**Readings:**

Developing one’s competence

Deikman, The Observing Self, pp. 92-95; Boston, MA: Beacon Press, 1982

Malhotra and Bazerman, Negotiation Genius, Introduction; New York, NY: Bantam Dell, 2007

Ibid., Chapter 14 (pp. 296-top half of 300)

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

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

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**Session 2 - Saturday, October 1**

**Principles of Negotiation – part one**

**Assignment** for session 2: Fill out the Negotiation Style Survey and Scoresheet and bring to class.

**Readings:**

Hofstadter, excerpts from “Metamagical Themas: Computer tournaments of the Prisoner’s Dilemma suggest how cooperation evolves,” Scientific American, May, 1983

Ury, Brett and Goldberg, Getting Disputes Resolved: Designing Systems to Cut the Costs of Conflict, Chapter 1, "Three Approaches to Resolving Disputes"; San Francisco, CA: Jossey-Bass, 1988

Rubin & Levinger, “Levels of Analysis: In Search of Generalizable Knowledge,” in Bunker & Rubin, eds., Conflict, Cooperation and Justice, pp. 13-38; San Francisco, CA: Jossey-Bass, 1995

**Assignments for joint negotiation exercise on November, 13:** Prepare in your two- or three-person team (one of more Wagner students, who will be the clients, and an NYU law student serving as your attorney), to negotiate a case (to be assigned) with another such team. **Schedule your preparation meeting for the exercise as soon as you know who your teammates will be.** Schedule a time and place to have an initial team preparation meeting (plan on no less than three hours. Keep in mind that you may end up wanting a second preparation meeting, so don’t schedule the first one too close to the joint exercise itself. **Case materials will be disseminated in mid-October.**

**Session 3 - Saturday, October 15**

**Principles of Negotiation – part two**

**Assignment** for session 3: Do **Development Negotiation in the Project Review Process** negotiation outside class. (See NYU Classes 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. So, please work within the parameters of the case as they are given – do not add any issues and stick to the options you are given – even though it’s artificial.

**Readings:**

Malhotra and Bazerman, op. cit., Chapters 1 – 5

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

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### **Session 4 - Saturday, October 29**

#### **Principles of Negotiation – part three**

**Assignment** for session 4: Do **Maxwell House** negotiation outside class. (See Blackboard for basic roles and additional material for 1 or 2 optional “follow-up meetings”). Note that this case is NOT “scoreable”, which means that you can be creative.

#### **Readings:**

Gender and negotiation

Craver, “The Impact of Gender on Negotiation Performance,” *Cardozo Journal of Conflict Resolution*, Vol. 14:339, 2013

Greig, “Propensity to Negotiate and Career Advancement,” *Negotiation Journal*; Oct. 2008

Negotiation theory and practice

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

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 Bus. Rev.*, Nov-Dec 93, pp. 13-14

Hevesi, “James Berg, 65, Landlords’ Peacemaker,” *New York Times*, Nov. 24, 2009;  
<http://www.nytimes.com/2009/11/25/nyregion/25berg.html>

### **Session 5 - Saturday, November 12**

#### **Communication in Conflict Management**

**Assignment** for session 5: Be prepared to play the role of Audrey Simmons at the meeting where community representatives demand the cancellation of the awards ceremony in “Audrey Simmons and the FAA”.

#### **Readings:**

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

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; New York, NY: Viking Press, 1999

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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

**Joint Session – SUNDAY, November 13: (11:00am - 2:30pm)**

**Location: 245 Sullivan St. (Furman) rm. 214**

**Negotiation exercise and debriefing – with NYU Law School students**

**Preparation tools (optional):**

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, 14-16, 173-4, 11, Appendix B forms; New York, NY, Penguin Books, 1995

**Reading (optional)**

Please, reread the very first selection regarding developing one’s competence in conflict management and negotiation:

Deikman, The Observing Self, pp. 92-95; Boston, MA: Beacon Press, 1982

**Session 6 - Saturday, December 3**

**Principles of Negotiation – part four**

**Competing Theories of Negotiation**

**Assignment** for session 6:

1. Do the **Sally Swanson** negotiation outside of class (allow 30-45 minutes and bring a calculator with you, just in case you need it). Each *pair of negotiators* will write up and legibly sign their agreement (or a statement that none was reached), indicating who played which role, for submission at session 6. It will be graded on the basis of both how well you, individually, did for your client and have demonstrated negotiation best practices. If you think that my understanding of your *individual* performance won’t be clear from the agreement itself, you may (but aren’t obligated to) write me a *personal* memo telling me what you were trying to accomplish and explaining why the negotiation ended up as it did.
2. Be prepared to discuss the explicit and implicit debates, e.g., about power, in the eight readings assigned below for this topic. *You may be called on* to summarize the authors’ respective views, and you will need to have *thought* about these readings, not just read them.

**Readings on power in negotiation:**

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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

Fisher, Ury & Patton, Getting to Yes, 3<sup>rd</sup> 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 Journal, Apr. 1986

Malhotra and Bazerman, *op. cit.*, Chapter 11 and 13

**Session 7 – Saturday, December 17**

**Conflict Management in the Workplace: A Video Case Study of a Salary Negotiation  
Implications of Conflict Studies for Policy- and Decision-Making**

**Assignment** for session 7:

Be prepared to discuss the implications of the readings on conflict and policy-making

**Readings on conflict and policy- and decision-making:**

Sauerbrey, "Germany's Post-Cologne Hysteria," Op-Ed., January 9, 2016, New York Times, at [http://www.nytimes.com/2016/01/09/opinion/germanys-post-cologne-hysteria.html?comments&\\_r=0](http://www.nytimes.com/2016/01/09/opinion/germanys-post-cologne-hysteria.html?comments&_r=0)

Shonk, "In 'Chinatown' Conflict Resolution, the Dust Clears," Conflict Resolution, February 10, 2015, Program on Negotiation, Harvard Law School

**Optional:** Yates, "Strategies and Tactics for Conflict Management," Chapter 6, The Politics of Management; San Francisco, CA: Jossey-Bass, 1985

**Final paper: Due Friday, December 23rd (or an alternative arrangement made with Prof. Rofougaran)**

The final paper is to be a *maximum* of six pages (not counting a cover page and bibliography if you wish to include them). The paper 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 a similar font.

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Your final paper will consist of the following:

Part 1: Identify the most important “lessons learned” from preparing for and participating in the joint negotiation exercise with law students. To this end, 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. (The “lessons learned” can include insights gained from seeing the results submitted by the other negotiating groups.) For each “lesson learned”:

- Briefly discuss what happened in the preparation process and/or the negotiation itself that yielded the lesson; 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, 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 observations that what happened in the exercise contradicted or raised questions about the usefulness of the guidance contained in the readings and class discussions.

Part 2: Describe your preparations for the upcoming conversation alluded to in the Karen Hannen case study to be found on the NYU Classes course site. Identify your objectives for the conversation 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 would do and say as it develops. In particular, include a script that you would use at the beginning of the conversation to set the tone and frame the rest of the conversation, and identify any other statements that you imagine you might make or questions that you imagine you might ask as the conversation goes along.

Evaluation: Evaluation of both parts of the paper 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! - failure to utilize readings of obvious relevance will have a seriously negative impact on your grade) and have reflected on class discussions and see their relevance to what you did (or should have done) during the preparation for and conduct of the final negotiation exercise. Therefore, *cite course readings* in a way that makes your understanding of them clear. Put footnotes in parentheses in the text (author and page number, and title if there is more than one reading by that author in the syllabus).

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. For guidance about grammar, punctuation, and style, you should consult a reputable source, such as Strunk and 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. Consider availing yourself of Wagner School writing resources. You are graduate students, so there is no excuse for not being able to write!