

Spring 2017

Professor LaRocco

CALIFORNIA STATE UNIVERSITY, SACRAMENTO

College of Business Administration

MBA 232

Seminar in Negotiation and Dispute Resolution

Monday Evenings

6:00 p.m. to 8:50 p.m.

COURSE SYLLABUS

INSTRUCTOR: John B. LaRocco, B.S., M.S., J.D., LL.M.
OFFICE: TAH 2046
OFFICE HOURS: Mondays – 3:00 p.m. to 6:00 p.m. and
and by Appointment
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PREREQUISITE: Graduate Standing

I. REQUIRED READINGS

Thompson, Leigh, *The Mind and the Heart of the Negotiator*, Sixth Edition (Prentice Hall, 2015). ISBN-10: 0133571777 ISBN-13: 9780133571776

Diamond, Stuart, *Getting More*, (Three Rivers Press, 2010) ISBN #978-0-307-71690-3

Simulations and Exercises [See Section X]

II. OPTIONAL READING

Johnston, Peter D., *Negotiating with Giants*, (Negotiation Press 2012)

III. FORGETTABLE QUOTES

Winning isn't everything, it's the only thing. Vince Lombardi, Former Head Coach, Green Bay Packers.

It doesn't matter who wins as long as it is us. Harry P. "Bud" Grant, Former Head Coach, Minnesota Vikings.

IV. COURSE OBJECTIVES

When engaged in a dispute or a conflict, we love to win and we hate to lose. Indeed, most of us become so focused on winning or losing that we sometimes forget why we are embroiled in the conflict. This course is not designed to denigrate the satisfaction of winning or to reward losers. Rather, it is designed to question whether winning is what it appears to be.

Sometimes, winning at all costs is worse than an intelligent, long-lasting collaborative agreement.

We will examine various dispute resolution mechanisms and the characteristics of each mechanism. Concurrently, we will analyze a range of possible alternatives or solutions to complex problems.

Conflict is usually destructive to individuals and organizations. To some extent, it is preventable and yet, to a large degree, conflict is inevitable. Except for lawyers, most persons shy away from conflict or if they are able to confront it, they find dealing with conflict to be a very unpleasant experience. Lawyers, because they are trained in the adversarial system, usually thrive on conflict. In this course, we will learn how to manage conflict and strive to instill the constructive model into ourselves and our organizations. When we constructively deal with conflict, we win regardless of the outcome.

More specifically, this course will help a student develop knowledge, skills, values and behavioral alternatives that they can use in managing their organizations to settle or resolve a variety of conflicts. We will study and perform alternative dispute mechanisms, including negotiation, mediation, arbitration and fact-finding. We will cover all four but place a special emphasis on negotiation. We will discuss the philosophies of these dispute resolution strategies but we will also, through role playing and other exercises, acquire “nuts and bolts” skills for handling conflict. The textbooks will apply the principles to business organizations. We will critique all of these techniques so that we understand the advantages and disadvantages of each mechanism.

Upon successful completion of this course, students should be able to: (1) articulate a definition of alternative dispute resolution; (2) understand the advantages and limitations of alternative methods of dispute resolution; (3) be able to apply the dispute resolution process to real life situations; (4) to acquire rudimentary negotiating skills and tactics; (5) be able to handle conflict in a fashion that does not destroy the student or the student’s organization; (6) should be able to understand the differences among alternative dispute resolution techniques; and (7) be able to fully implement and practice interest based bargaining.

V. CLASS METHODOLOGY

We will utilize a variety of teaching and learning strategies. While there will be some (but not much) traditional lecture and lecture-discussion periods, we will engage in role-playing, watch videos, do research, read and analyze cases, do simulations and encourage student-propelled discussions. Since this is a seminar, all students are responsible for contributing to the learning environment. You will find that you will learn from classmates as much or more than you can learn from me. We will not directly cover or extensively discuss the required readings in class. I will cover some topics in a manner or perspective different from the textbooks. In addition, students must incorporate the reading material into their personal journal and the paper project. Besides being a Professor at CSUS, I am a nationally known labor arbitrator and mediator. I have handled some very interesting and high profile disputes during my career. In addition to teaching, I continue to arbitrate and mediate in the real world. I bring some of my experiences into the classroom and I hope that they facilitate your understanding of the principles of alternative dispute resolution.

VI. GRADING POLICY

A student's final grade will be based on the scores that the student receives on one paper project, a course diary (or personal journal) and participation in our exercises and discussions. **There will be no adjustments to grades.** The weight given to each category follows:

*	Paper Project:	33 1/3% (100 Points)
*	Personal Journal:	33 1/3% (100 Points)
*	Participation:	33 1/3% (100 Points)

The final grade will be determined according to the following scale:

A	276-300 points
A-	270-275 points
B+	264-269 points
B	246-263 points
B-	240-245 points
C+	234-239 points
C	216-233 points
C-	210-215 points
D+	204-209 points
D	186-203 points
D-	180-185 points
F	179 and below

VII. COURSE REQUIREMENTS

A. Paper Project: After you have had some practice at negotiating, I will ask you to prepare for a complex negotiation. You must write a paper showing how you will handle the upcoming negotiation. You will write the paper from the perspective of your role. I will be grading you on your familiarity with principles, techniques and skills you acquired from readings and prior exercises; your ability to ferret out the major issues to be negotiated; your mastery of interest based bargaining; your ability to analyze the problem from the perspective of the role you are playing and how well prepared you are to engage in the negotiation. You may have to do some research to be adequately prepared for bargaining. On the day you hand in the paper, we will go ahead with the exercise, that is, the negotiation. The paper will cover the *Arthur Hangtough* exercise or the *Viking Investment* exercise. You should note on the class schedule when we will be doing this exercise. I will give you the role playing materials at least five weeks before the exercise. While the paper can be any length, 8 to 15 pages (including tables) is a suggested length. After the negotiation, you will exchange papers with your opponent and so, please bring an extra copy.

NO LATE PAPERS WILL BE ACCEPTED

B. Personal Journal or Course Diary: Beginning with the second class, students must maintain a personal diary covering this course. The diary will be your personal reflections recorded after each class. It need be no more than five or six comprehensive paragraphs per

class. However, you may write as much as you like. Your writing should report what you learned and not what occurred in class. You should reflect on how the class and readings are helping you or not helping you reach your goals. You should also describe the insights you have gleaned from textbooks, class and the exercises. I will keep your diary completely confidential so feel free to write candidly and write down thoughts you would not necessarily share with others.

I will be looking for a quality journal. A student is not guaranteed credit just by haphazardly compiling a diary near the end of the course. To achieve points, you will have to devote some time to this project after each class. I will expect most entries to integrate the required readings even though we do not specifically cover the textbooks in class. To reiterate, do not simply recite our class discussions. You may also wish to integrate what you learned into your work/personal life and record your experiences in the journal. I want your innermost thoughts, good or bad, laudatory or critical. I want to see if you are aware of how well your skills develop as we proceed through the course. In a way, the journal will be a self-assessment of your learning.

The diary will be due on the last day of class and so, you will not be required to make an entry in your journal for the final class session.

NO LATE JOURNALS WILL BE ACCEPTED

C. Class Participation/Class Exercises: A substantial portion of class time will be devoted to exercises and simulations. Students will engage in participatory activities. You will do so individually or in teams. You will do a large quantum of role playing. These exercises are an essential component of the course because negotiation and/or arbitration skills can only be learned by doing them. After each exercise, we will have an extensive class discussion to “debrief” the results of the exercise. NOTE: The dates for each exercise may change depending on time constraints. I will keep you updated with announcements in class. In the past, we have been unable to perform all the exercises on the syllabus and so, several will probably be omitted. (This will not detrimentally affect your educational experience.) However, we will do *Arthur Hangtough/Viking Investments* on the date specified in the syllabus.

Most of the time, I will distribute the materials during the same class that we conduct the exercise. If so, I will provide you with ample time in class to prepare for the role playing. I will assist you with your preparation. Except for *Arthur Hangtough/Viking Investments*, you will rarely have to prepare for exercises outside of class. You should spend the out of class time reading the textbooks, writing in your journal and composing the paper. I will evaluate students’ participation in terms of effort, quality and growth. Since this is a seminar and since there are frequently “no right answers”, grading participation is quite subjective. I will attempt to assess your accumulation of knowledge, your analytical ability, your acquisition of negotiating skills and techniques and your professional development. I urge you to fully participate in the class discussions and exercises.

If a student is not doing well in class participation (that is, below 75%), I will notify the student before the end of the course so the student has opportunity to raise the participation points to 75 points or greater.

VIII. CLASS ATTENDANCE

I do not formally take class attendance. Obviously, I expect you to attend class regularly and, those who do not attend class are likely to receive lower point scores on class participation and the journal. A student cannot do a complete journal entry without attending class. Generally a student's class participation and journal grades suffer with more than one absence. The more a student is absent, the more gaps there will be in the student's journal. However, if you are truly ill, your classmates and I do not want you to attend class. Please adjust your business schedule so that you do not miss class except for an illness or serious family emergency.

IX. OFFICE HOURS AND CONFERENCES

In addition to my published office hours, I am available for student conferences at other times. I am sure we can find a mutually convenient time to meet whenever a conference is necessary. Please make an appointment with me in class or by e-mail. Occasionally, emergencies or school meetings cause me to be absent during office hours. It is best to confirm with me, in advance, that I will be present during my office hours.

X. CLASS EXERCISES

Students must pay the Hornet Bookstore a fee for the exercises that I will distribute in class. Thus, at the time you pay the fee, you will not actually receive the exercises. You will be provided with a proof of purchase which you should deliver to me by the third week of class. The fee covers copyright charges, copies and the bookstore's margin. I do not receive a royalty on the exercises that I prepared.

XI. COURSE GRADES

If you wish to receive your course grade before it is posted on MySacState, please provide me with a self-addressed, stamped envelope on the last day of class. Unfortunately, I can no longer e-mail grades to students due to privacy considerations.

XII. CLASS SCHEDULE

Following is a tentative class schedule. We will have to make adjustments as we proceed except the paper and journal are due on the dates specified. I try to arrange for at least one guest speaker. On the first night of class, I will discuss our 15-minute break with you.

**Date..... Class Exercise/Assigned Readings Topics
Videos/Activities..... Covered**

January 23 ...	<i>College Town Apartments</i>	None	Professor & Student Introductions Preview of Negotiation
January 30	<i>Jerry</i> <i>Conflict Mode</i>	Thompson, Appendix 1..... Diamond, Chapters 1-3.....	Conflict Self-Assessment Conflict Management
February 6	<i>Silent Bargaining Quiz</i> <i>Getting to Yes</i>	Thompson, Chapters 1-2..... Diamond, Chapter 4	Empathy Introduction to Negotiation
February 13	<i>Getting to Yes</i> <i>Brainstorming</i>	Thompson, Chapter 6..... Diamond, Chapter 5	Elements of Interest Based Bargaining
February 20	<i>Greed & Cheapskate</i>	Thompson, Chapter 3.....	Perceptions
	<i>Listening Skills</i>	Diamond, Chapter 6	Communications & Negotiation
February 27	<i>Oil Pricing</i>	Thompson, Chapters 7 & 11, Appendix 2	Negotiation
March 6	<i>Sally Soprano I</i>	Thompson, Chapters 4-5..... Diamond, Chapter 11	Negotiation
March 13	<i>Tendley Contract</i>	Thompson, Chapter 8..... Diamond, Chapter 7	Negotiation
March 27	<i>Where's Alvin</i>	Thompson, Chapter 9..... Diamond, Chapter 8	Ethics & Negotiation
April 3	<i>Omnichart</i>	Thompson, Chapter 10.....	Negotiation
April 10	<i>Arthur Hangtough/ Viking Investments</i>	PAPER PROJECT DUE AT 6:00 P.M.	NO LATE PAPERS
April 17	<i>Santara v. Kessel</i>	Thompson, Chapter 12, Appendices 3 and 4	Negotiation & Mediation
April 24	<i>Harold & Wanda</i>	Diamond, Chapters 9-10.....	Arbitration & Mediation
May 1	<i>Great Continental Railroad</i> <i>Southern Electric</i>	Diamond, Chapters 13-14.....	Arbitration
May 8	<i>WWU & PWS</i> <i>Celtic Luck</i>	Diamond, Chapters 15-16.....	Factfinding & Arbitration
		JOURNALS DUE	NO LATE JOURNALS

NOTE: This seminar does not meet during Final Exam Week because there is not any final examination. In exchange, students may have to stay late about 15 minutes on about three evenings during the semester. I will announce these "later nights" in class.