



JOSHUA FLAX, ADJUNCT LECTURER IN PUBLIC POLICY
MANAGEMENT, LEADERSHIP & DECISION SCIENCES
BELFER L-2D
79 JFK STREET, CAMBRIDGE, MA 02138

MOBILE: 617.216.6004
JOSHUA_FLAX@HKS.HARVARD.EDU
OFFICE HOURS: BY APPOINTMENT

MLD-275: Negotiation Practicum

Syllabus: Spring 2015

Mondays, 4:00PM – 6:00PM in Starr Auditorium (Belfer Building)
Fridays, 11:40AM – 1:00PM Review, Debrief & Practicum Assistance in Starr Auditorium

Teaching Fellow: Arvid Bell arbell@law.harvard.edu
Course Assistant: Christine Kidd Christine_Kidd@hks15.harvard.edu
Faculty Assistant: Veronica Chapman Veronica_Chapman@hks.harvard.edu
L-349B (Littauer 3rd Floor), 617.495.8833

Table of Contents

Course Description.....	2
Course Enrollment & Prerequisites.....	2
Course Structure	2
Preparation for Seminar Guests	3
Weekly Seminar Meeting & Response Papers.....	3
Practicum Exercise	4
Evaluation & Grading.....	5
Required Readings	6
Semester Schedule & Weekly Readings.....	7
Statement on Academic Honesty	11
MLD-275 Spring 2015 Course Calendar & Checklist	12

Course Description

MLD-275 was developed to address a growing need identified at HKS for advanced learning in the field of negotiation analysis and conflict resolution (in addition to the MLD-280 workshop). MLD-275 is therefore designed to challenge our best students in the field of negotiation analysis with a combination of classroom learning and semester-long fieldwork. For students who wish to translate their mastery into a potential career, this course will help you connect your grasp of theoretical constructs with further learning and practical real-world opportunity.

Course Enrollment & Prerequisites

This seminar is designed for students with the prerequisite grounding in negotiation analysis, and assumes a mastery of the following: diagnosing barriers to agreement, analysis of deal-crafting, navigating the tension between creating and claiming value, managing conflict escalation, and tactical considerations both at and away from the table. These concepts are well-covered by the “3-D Negotiation” analytic framework offered by Lax & Sebenius (2006). Students unfamiliar with this model will be expected to familiarize themselves early in the Spring 2015 semester by attending Friday review sessions (see below).

This course is open to students across Harvard with prior negotiation training. Courses that satisfy the prerequisite from within HKS include: MLD-220M, MLD-222M, MLD-221, or MLD-224; the course is also open to students who are concurrently enrolled in MLD-222M. In the event of limited open seats, the Instructor will consider student enrollment in the following order of preference: (1) Harvard Kennedy School; (2) Harvard University (any graduate school); and (3) other Boston-area graduate students. Interested cross-registrants should contact the teaching team to discuss whether their prior coursework is sufficient.

Course Structure

MLD-275 will feature two concurrent learning streams:

Weekly Seminar Meetings: learning from professional negotiators who are leaders in their fields during the Monday seminar meeting. This will include “instant” case study presentations by seminar guests, as well as rigorous preparation by students to effectively question guests and extract as much practitioner insight as possible. A key component of this learning stream will require comparison and testing of our negotiation analytic frameworks against practitioner cases and insights—observing when the frameworks are helpful, when they are not, and why.

Fieldwork: vigorous pursuit of lessons derived from the semester-long fieldwork—as captured by the Practicum Exercise (PE). Students will work in small teams (max. 4 students per team), identify and secure a client (individual or organization), and work with the client to conduct real-world negotiation analysis for an upcoming negotiation or potential conflict situation that the client is facing (or will potentially face). Friday review sessions, mandatory assignment “waypoints” and required meetings with the teaching team, and optional additional meetings with the teaching team by appointment, will assist students in keeping their fieldwork on track for timely completion. See below for a complete list of specific PE requirements.

Preparation for Seminar Guests

We will meet professional negotiators who are leaders in their fields, and learn directly from them: how they developed their skills, how they became expert, and how they apply their skills on a continual basis. Professional negotiators, deal-crafters, mediators and facilitators are not simply “born”—they are aware of their skills and their roles, and they work hard to keep their abilities sharp and their reputations strong. Weekly seminar meetings will provide students with a career-relevant orientation to expert negotiation analysis and practice as they learn from a community of leading practitioners and study with them.

Each week, two or three student teams will be assigned to research the upcoming week’s seminar guest’s background and the topic(s) that will be presented and to develop a set of specific questions to be asked of the guest during the seminar meeting. Teams will be encouraged to share their list of questions in advance with the entire class via e-mail. A student volunteer from one of the assigned teams will be asked to provide a brief introduction of our guest.

Weekly Seminar Meeting & Response Papers

Each weekly seminar meeting will feature academic inquiry and a practical, career-relevant offering. Seminar guest(s) in leadership positions across sectors (private, non-profit, government, etc.) will illustrate practical application of negotiation analysis through real-time case study, identify career relevance, and suggest direction for further inquiry.

Each weekly seminar meeting will proceed roughly as follows:

- Welcome and short lecture by the Instructor on advanced topics in negotiation analysis
- Brief introduction of seminar guest by student volunteer
- Remarks by seminar guest
- Targeted questioning of, and dialogue with, seminar guest, led by assigned student groups and then opened to all students
- Closing remarks by the Instructor with expressly identified links to negotiation analytic frameworks
- As the semester progresses: short time slots toward the end of class will be available for student teams to test PE ideas with the entire class

Each student in MLD-275 will be responsible for writing and submitting three Response Papers throughout the course of the semester. Each paper will be directly in response to the presentation made by the seminar guest and should focus on application of one specific negotiation analytic framework to the presentation. This short paper can take either of the following two forms:

- Analytic framework elements from the “instant” case either applied or ignored by the presenter; why did the presenter make that choice; and a retrospective outcome analysis (i.e., did applying the framework elements help the presenter, did ignoring them hurt the presenter, or vice versa, and why)
- Student personal practice reflection drawing from specific case or experiential data offered by the presenter and what the learning will mean to your future practice

Students are free to respond to any of the weekly seminar meetings. Your response must be grounded in the language and analytic frameworks of our field. The Response Paper must be 650 words or fewer; put your name, degree program, and a word count on the document. When you choose to respond to a particular weekly seminar, you must submit your Response Paper as you walk into class at the beginning of the very next weekly seminar meeting.

Practicum Exercise

MLD-275 requires the successful completion of semester-long fieldwork. To that end, the Practicum Exercise (PE) requires students to journey from the classroom to the applied environment. Student teams will find a “client” organization and complete a thorough analysis of a real-world upcoming negotiation or potential serious conflict, complete with Executive Summary, recommendations and suggested implementation process (including crucial *likely pitfall analysis*) with timetable. See list of sample client/topics below.

PE Waypoints & Deliverables

A brief note on team-oriented fieldwork: success requires a high level of coordination, cooperation, organization and internal team task assignment that is realistic and achievable. The responsibility for organizing and managing your team is your own; the teaching team will closely monitor your fieldwork throughout the semester and ascertain compliance with waypoints and deliverables, as outlined below. Highly integrative internal negotiation (within your own team) and external negotiation (with your client) is considered a vital part of the learning for this course.

- **Waypoint #1 – By 5:00pm, February 20 deliverable:** e-mail the teaching team to indicate prospective client and topic (OK to indicate multiple prospects among which you are deciding)
- **Waypoint #2 – By 5:00pm, February 27 deliverable:** Each team must submit a prospectus identifying your client organization, topic and analytic research objectives. E-mail submissions are acceptable; suggested length 300-500 words.
- **Waypoint #3 – By 5:00pm, March 13 deliverable:** e-mail the teaching team your comprehensive (200-450 words) progress update indicating status of your fieldwork and upcoming targets, challenges and expected completion date. Optional meetings with the TF or the CA are highly recommended by Waypoint #3.
- **Waypoint #4 – By 5:00pm, April 3:** your team has completed a mandatory progress meeting with the TF or the CA.
- **Waypoint #5 – April 13 from 4:00pm to 7:00pm:** mandatory 10 minute progress meeting with the Instructor (in place of regularly scheduled weekly seminar meeting). You must come to the meeting with a draft of your PE’s Executive Summary.
- **Waypoint #6 – by 5:00pm, April 24 deliverable:** e-mail the teaching team with short (max. 200 words; bullet list ok) plan for your team’s Oral Examination & Presentation on April 27 or April 28.

PE Written Submission Deadline: By 5:00pm on May 8, 2015 in the submission box located by the desk of our Faculty Assistant, Veronica Chapman in L-349B.

Sample Practicum Exercise Clients & Topics:

- Ongoing relationship problem for an organization in the public, federal or private sector
- Immediately following a perceived “unsuccessful” negotiation, a challenge or a crisis situation, the organization wishes to prepare better—from a negotiation analytic perspective—for the next challenge
- Public, non-profit or private sector organization attempting to organize and negotiate with stakeholders, for either a chronic concern or a new upcoming issue
- Assist any organization or its labor union—pick a side!—that is preparing for upcoming collective bargaining negotiations
- Native American tribe or First Nation with specific ongoing conflict or upcoming negotiation analysis problem
- Your previous employer—public, private or nonprofit/NGO—might have a negotiation analytic task well suited to this fieldwork assignment

Evaluation & Grading

Students will be evaluated based on their completed Practicum Exercise, as well as course participation & attendance, and individual work.

Practicum Exercise (50%), in component parts as follows:

- Adherence to Waypoints & Deliverables 20%
- Oral Examination & Presentation 25%
- Written Submission 45%
- Client Feedback Form 10%

Participation and Attendance (25%):

- **Participation.** Students will be assessed on their preparation for seminar meetings, engagement with seminar guests, participation in class discussions, and attention to seminar readings.
- **Attendance.** Attendance is mandatory except in cases of illness or emergency. Any unexcused absence will negatively affect this portion of your grade. You must seek approval from your Degree Program Director for an excused absence.

Individual Work (25%):

- Individual work is assessed primarily in two ways: the three response papers, and the PE team peer review form each student will use to rate the members of your PE team. Response papers will be graded on a scale of 1-4. The peer review form will offer you the opportunity to confidentially evaluate each of your PE team member’s performance as a team member, both on a numerical scale and in a written format.

Required Readings

The following book is a **prerequisite** to MLD-275—it is expected that you are fully conversant with its analytic framework:

- Lax, David A., and Sebenius, James K. *3-D Negotiation: Powerful Tools to Change the Game in Your Most Important Deals*. Boston, MA: Harvard Business School, 2006.

If your prerequisite coursework did not include *3-D Negotiation*, please purchase a copy for yourself, read and attend the first MLD-275 Friday Review Session that is specifically geared to teach the 3-D analytic model.

The **required** course textbook will provide additional depth and frameworks for thinking about advanced topics in negotiation:

- Coleman, Peter T., and Ferguson, Robert. *Making Conflict Work: Harnessing the Power of Disagreement*. New York, NY: Houghton Mifflin Harcourt, 2014.

Many in our field find the following book to be indispensable:

- Thompson, Leigh L. *The Mind and Heart of the Negotiator*. Upper Saddle River, NJ: Pearson/Prentice Hall, 2005.

Specific chapters from *The Mind and Heart of the Negotiator* will be assigned, so you do not have to purchase the most recent edition of this book (very expensive). Alternatively, you are free to purchase an earlier edition of *The Mind and Heart*; for example, a 5th edition (and earlier) appears to be available used for about \$30-40 and is well worth it—a good reference in your future career as a professional negotiator.

Important note on Seminar Guest Assigned Readings

Additional readings will be assigned throughout the semester in preparation for each Weekly Seminar Meeting. Most of these additional readings will be assigned directly by the seminar guests in advance of their appearance in our class, so that you are ready to participate in the discussion and questioning. The teaching team will only be notified of these additional readings several weeks before each seminar guest arrives in class, so many thanks in advance for your patience. These reading assignments will be of the shorter variety—articles and chapters, for example—and will be easier for you to complete. MLD-275 students are expected to check the Course Page regularly; the teaching team will e-mail all students whenever a new reading is posted.

Semester Schedule & Weekly Readings

<p>SEMINAR Monday January 26</p>	<p>Negotiation, Mediation, Conflict Resolution & Failure <i>Bringing students' prior HKS negotiation course work forward to emphasize best practices and learn from failure; general approach and outline of MLD-275; an introduction to mediation best practices; "government as a stakeholder convenor"</i> <u>Reading:</u> as assigned by seminar guest; see course page.</p>
<p>REVIEW Friday January 30</p>	<p>3D Analytic Framework Basic Review <u>Reading:</u> Lax, David A., and James K. Sebenius. 3D NEGOTIATION: POWERFUL TOOLS TO CHANGE THE GAME IN YOUR MOST IMPORTANT DEALS. Harvard Business Review Press; First edition (October 1, 2006): pp. 1-50.</p>
<p>SEMINAR Monday February 2</p>	<p>Lessons from "High-Conflict" Communities <i>Applying negotiation and conflict resolution frameworks and skills in a more immediate and community-based setting – highlighting areas of tension between theory and practice – advising governmental enforcement agencies (local, state & federal) on improving stakeholder & community negotiation and outreach to improve outcomes</i> Seminar Guest: Teny Gross, Executive Director, The Institute for the Study & Practice of Nonviolence <u>Reading:</u> as assigned by seminar guest; see course page.</p>
<p>REVIEW Friday February 6</p>	<p>Theory and practice of negotiation and conflict resolution <u>Reading:</u> Ramsbotham, Oliver, Tom Woodhouse, and Hugh Miall. CONTEMPORARY CONFLICT RESOLUTION PAPERBACK. Polity; Third Edition (April 11, 2011), pp. 35-62.</p>
<p>SEMINAR Monday February 9</p>	<p>International Treaty Negotiations <i>International treaty and trade negotiations – is there a way to prevent the "internal" negotiation (i.e., with constituents) from completely overwhelming the "external" negotiation (with another country, entity or trading bloc)? How can these external negotiations be optimally managed to generate improvements at both the external and constituent levels when compared with the no-deal options? How can you conduct trade negotiations in necessary secrecy with all of the above considerations looming simultaneously?</i> Seminar Guest: Jason Kearns MPP '00, Minority Chief Trade Counsel, House Ways & Means Committee, United States Congress <u>Reading:</u> as assigned by seminar guest; see course page.</p>

REVIEW Friday February 13	Internal/External Negotiations and the Power of Constituencies <u>Reading:</u> Thompson, Leigh L. THE MIND AND HEART OF THE NEGOTIATOR. Pearson/Prentice Hall (2005), pp. 215-251.
Mon., Feb. 16	No class (Presidents day)
Fri., Feb. 20	No review session
Friday February 20	Waypoint #1 – By 5:00pm: e-mail teaching team to indicate prospective client and topic (OK to indicate multiple prospects among which you are deciding)
SEMINAR Monday February 23	Party Politics, Negotiation & Conflict Resolution In A Partisan Era <i>Can our academic frameworks and inquiries translate into success for elected officials? Or perhaps simply help them avoid failure as they seek to develop and implement policy agendas and goals?</i> Seminar Guest: David Mark, Editor-in-Chief, Politix.com (Co-author of recently published <i>Dog Whistles, Walk-Backs and Washington Handshakes: Decoding the Jargon, Slang and Bluster of American Political Speech</i>) <u>Reading:</u> as assigned by seminar guest; see course page.
REVIEW Friday February 27	The review session will be a “research lab” embedded in the design process of a new multi-party negotiation exercise that is currently under development at HKS. The exercise will feature high-stakes political negotiations and coalition building similar to the challenges outlined in this week’s seminar. A first draft of the exercise will be shared with the students who are encouraged to critically discuss idea, mechanics, and teaching points. <u>Reading:</u> Watch season 1, episode 1, of Danish TV show BORGEN.
Friday February 27	Waypoint #2 – By 5:00pm, February 27: Each team must submit a prospectus identifying your client organization, topic and analytic research objectives. E-mail submissions are acceptable; suggested length 300-500 words.
SEMINAR Monday March 2	Collective Bargaining as the Ultimate Test of a Negotiator <i>When high stakes negotiations create true panic at the table for one or both parties (terrible BATNA) – the role of the chief negotiator– influence on negotiation dynamics – moves at and away from the table – pitfalls and problems – simultaneous management of constituent and counterpart negotiations – how do you get a seat at the table in the first place?</i> Seminar Guests: Diane B. Patrick, Partner, Ropes & Gray LLP Shelley Kroll, Esq., Segal Roitman LLP <u>Reading:</u> as assigned by seminar guest; see course page.
REVIEW Friday March 6	Gender in Negotiation <u>Reading:</u> Kolb, D. “Too Bad for the Woman or Does it Have to Be? Gender and Negotiation Research over the Past Twenty-Five Years,” NEGOTIATION JOURNAL, Vol. 25, No. 4, October 2009, pp. 515 – 531.

<p>SEMINAR Monday March 9</p>	<p>High Stakes Negotiation Over Intellectual Property <i>Intra- and inter-organizational conflict over “media rights” – negotiating to maintain non-profit organization relevance and mission success while managing radically competing agendas – low degree of risk aversion heightens potential for damaging conflict</i></p> <p>Seminar Guests: Mark Volpe, Managing Director, Boston Symphony Orchestra Pat Hollenbeck, President, Boston Musicians Association</p> <p><u>Reading:</u> as assigned by seminar guest; see course page.</p>
<p>REVIEW Friday March 13</p>	<p>Assistance with Practicum Exercise prospectus feedback and progress update</p> <p><u>Optional Reading:</u> Sebenius, J. “Negotiation Analysis: From Games to Inferences to Decisions to Deals,” NEGOTIATION JOURNAL, Vol. 25, No. 4, October 2009 pp. 449 – 467.</p>
<p>Friday March 13</p>	<p>Waypoint #3 – By 5:00pm: e-mail teaching team with comprehensive (200-450 words) progress update indicating status of your fieldwork and upcoming targets, challenges and expected completion date. Optional meetings with the TF or the CA are highly recommended by Waypoint #3.</p>
<p>Mon., Mar. 16</p>	<p><i>No class (Spring Break)</i></p>
<p>Fri., Mar. 20</p>	<p><i>No class (Spring Break)</i></p>
<p>SEMINAR Monday March 23</p>	<p>Managing Large-Scale Multi-stakeholder Negotiations Seminar Guest: Susan Podziba, Podziba Policy Mediation (Author, <i>Civic Fusion – Mediating Polarized Public Disputes</i>)</p> <p><u>Reading:</u> as assigned by seminar guest; see course page.</p>
<p>REVIEW Friday March 27</p>	<p>Large-scale public policy negotiation & mediation</p> <p><u>Reading:</u> Podziba, Susan L. <i>Civic Fusion: MEDIATING POLARIZED PUBLIC DISPUTES</i>. American Bar Association; First Edition (February 16, 2013): Chapters 8 and 9.</p>
<p>SEMINAR Monday March 30</p>	<p>Online Dispute Resolution <i>Technology’s influence on conflict resolution process, outcomes & best practices</i></p> <p>Seminar Guest: Colin Rule MPP ‘99, Chairman & COO, Modria.com, former head of on-line dispute resolution for eBay</p> <p><u>Reading:</u> as assigned by seminar guest; see course page.</p>
<p>REVIEW Friday April 3</p>	<p>Reserved for mandatory Practicum Exercise progress meetings</p>
<p>Friday April 3</p>	<p>Waypoint #4 – By 5:00pm: your team has completed a mandatory progress meeting with the TF or the CA.</p>

<p>SEMINAR Monday April 6</p>	<p>Navigating Public Sector Negotiation Challenges <i>Successful public sector management is a constant and ongoing complex, high-stakes negotiation: negotiating with stakeholders; the community being served; politicians; civic leaders; suppliers & vendors; employee labor organizations – how to balance all these simultaneous negotiations – is there a recipe for success? – how to manage failure and suboptimal outcomes</i> Seminar Guest: Dr. Jeffrey Young, Superintendent, Cambridge Public Schools <u>Reading:</u> as assigned by seminar guest; see course page.</p>
<p>REVIEW Friday April 10</p>	<p>Assistance with Practicum Exercise and Waypoint #5 <u>Optional Reading:</u> Malhotra, D. and Bazerman, M. NEGOTIATION GENIUS: HOW TO OVERCOME OBSTACLES AND ACHIEVE BRILLIANT RESULTS AT THE BARGAINING TABLE AND BEYOND, Chapter 1, pp. 15-49.</p>
<p>Monday April 13</p>	<p>Waypoint #5 – April 13 from 4:00PM – 7:00PM: mandatory 10 minute progress meeting with the Instructor (in place of regularly scheduled weekly seminar meeting). You must come to the meeting with a draft of your PE’s Executive Summary.</p>
<p>REVIEW Friday April 17</p>	<p>Assistance with Oral Examination preparation <u>Optional Reading:</u> Thompson, Leigh L. THE MIND AND HEART OF THE NEGOTIATOR. Pearson/Prentice Hall (2005), pp. 252-284.</p>
<p>SEMINAR Monday April 20</p>	<p>International Aid Negotiation & Conflict Resolution <i>“Sacred issues” negotiations – are there ways to reach a deal and satisfy your “constituents” when the negotiation turns on a human rights issues?</i> Seminar Guest: Rev. Dr. William Schulz, former Executive Director of Amnesty International (USA), currently President, Unitarian Universalist Service Committee <u>Reading:</u> as assigned by seminar guest; see course page.</p>
<p>REVIEW Friday April 24</p>	<p>Assistance with Oral Examination preparation</p>
<p>Friday April 24</p>	<p>Waypoint #6 – by 5:00pm: e-mail teaching team with short (max. 200 words; bullet list ok) plan for your team’s Oral Examination & Presentation on April 27 or April 28</p>
<p>Monday April 27</p>	<p>In-Class Oral Examinations (4pm-6pm)</p>
<p>Tuesday April 28</p>	<p>In-Class Oral Examinations (additional mandatory class session, 6pm–8:30pm)</p>

REVIEW Friday May 1	Assistance with Practicum Exercise, in particular, apply feedback from Oral Examination to the final written product
Friday May 8	5:00PM <u>PE</u> Written Submission Deadline, to be placed in the submission box located by the Faculty Assistant, Veronica Chapman (L-349B)

Statement on Academic Honesty

The HKS faculty takes very seriously the requirement to promulgate and enforce the highest standards of academic honesty and integrity. In that spirit, I borrow the most clearly stated example of an academic honesty declaration I have ever seen from one of my colleagues, appropriately cited below. Please know in advance: I will uphold this standard to the letter for all MLD-275 students.

“Students must observe Kennedy School and Harvard University rules regarding the citation of sources. Any sentences or paragraphs taken verbatim from the writing of (or interviews with) any other person or persons, or from your own writing that has been published elsewhere, must be placed in quotation marks and their source must be clearly identified. Changing the wording of a sentence or passage slightly does not evade the requirement for citation. Indeed, whenever you are drawing an important argument or insight from someone else, even if you reword it into your own words, a reference to the source is required.

Including material from others in the assignments without appropriate quotation marks and citations is regarded, as a matter of School and University policy, as a serious violation of academic and professional standards and can lead to a failing grade in the course, failure to graduate, and even expulsion from the University.”

Source: Harvard Kennedy School Course Syllabus – IGA-408M: Learning from the Failure of Climate Policy, Professor David Keith, Spring 2014

MLD-275 Spring 2015 Course Calendar & Checklist

The entire sequence of course events, in checklist form, to assist you with your planning:

Date	Event
January 26	Seminar: Negotiation, Mediation, Conflict Resolution & Failure
February 2	Seminar: Lessons from “High Conflict” Communities
February 9	Seminar: International Treaty Negotiation
February 16	NO CLASS – President’s Day
February 20	Waypoint #1 due by 5:00PM
February 23	Seminar: Party Politics, Negotiation & Conflict Resolution in a Partisan Era
February 27	Waypoint #2 due by 5:00PM
March 2	Seminar: Collective Bargaining as the Ultimate Test of a Negotiator
March 9	Seminar: High Stakes Negotiation Over Intellectual Property
March 13	Waypoint #3 due by 5:00PM
March 16	NO CLASS – Spring Break
March 23	Seminar: Managing Large-Scale Multi-stakeholder Negotiation
March 30	Seminar: On-line Dispute Resolution
April 3	Waypoint #4 due by 5:00PM
April 6	Seminar: Navigating Public Sector Negotiation Challenges (& Failures)
April 13	Waypoint #5 Progress Meetings from 4:00PM – 7:00PM
April 20	Seminar: International Aid Negotiation & Conflict Resolution
April 24	Waypoint #6 due by 5:00PM
April 27	Oral Examinations / In-Class Presentations 4pm-6pm, regular class session
April 28 (Tue)	Oral Examinations / In-Class Presentations 6pm-8:30pm, mandatory additional session
May 8	Practicum Exercise due by 5:00PM