



# **Alternative Dispute Resolution: Effective Negotiation, Mediation, and Arbitration in the Context of International Business**

Syllabus – Summer 2019 – Professor Henry Webb

Tan Tao University

## **Course Term**

The course begins on Monday, 9 July 2019, and continues through Friday, 26 July 2019. Class sessions begin at 9:00am and end at 12:00pm.

## **Course Materials**

- Roger Fisher, William L. Ury, and Bruce Patton, *Getting to Yes* (Updated Revised Edition 2011), ISBN 0143118757 (“Textbook”).
- Slides, cases, and other materials posted to the course webpage or handed out in class.

## **Course Description and Goals**

This course will present an overview of effective Alternative Dispute Resolution (“ADR”) methods – including negotiation, mediation, and arbitration - in the context of international business. Students will learn basic ADR concepts and techniques through a combination of theory-based group discussions and simulated dispute resolutions. Some simulations will be team-based, and some will be individual. Most simulations will be face-to-face, but at least one will be conducted online over Skype, Whatsapp, Zalo, or a similar online application.

Students who complete this course should be able to: (1) understand basic ADR concepts and how those concepts contribute to successful dispute resolution in the context of international business; (2) effectively use basic negotiation, mediation, and arbitration skills in a variety of real-world contexts; (3) identify and take into account cultural differences and how they may affect the dispute resolution process; (4) identify and effectively analyze issues that may prevent disputes from being successfully resolved; (5) understand how online dispute resolution differs from face-to-face dispute resolution, and the positives and negatives associated with each of those methods; and (6) develop a basic understanding of contract clauses related to ADR, such as mediation and arbitration clauses.

## **Course Attendance and Tardiness**

I will take attendance at the beginning of every class session. This is a short, summer session course and it is important that students attend all class sessions if possible. It is also important that students be on time to each class session, as coming to class late distracts your fellow students and me. I encourage you to arrive to class early so that we can begin promptly.

15 of the total available marks for the course are based on attendance and tardiness. Students who are absent or tardy for one class session will earn 10 of those marks. Students who are absent or tardy for two class sessions will earn 5 of those marks. Students who are absent or tardy for three or more class sessions

will earn zero marks. Only absences that are officially excused by Tan Tao University will be excused in this course.

### **Participation**

As this course is based primarily on group discussions and simulated negotiations, mediations, and arbitrations, it is important that all students participate in class. 5 of the total available marks for the semester are based on participation. Students who fail to participate meaningfully in class may have marks deducted in the instructor's discretion. Participation is especially important for the team-based simulations.

### **Makeup Quizzes or Exams and Late Assignment Submission**

You are expected to take all quizzes and exams at their scheduled times. Only students who have an official, university-approved absence will be allowed to take makeup quizzes or exams. Also, if you have a conflict with a quiz or exam, you should notify me and Tan Tao University well in advance of the quiz or exam, not afterward. If you arrive late to an exam, you will not be given additional time to complete the exam.

Any assignments that are submitted late will be assessed a 50% penalty.

Please note that technical difficulties are not an acceptable excuse for the late submission of an assignment. For example, failing to print out an assignment until just before it is due does not excuse late-developing printer problems. Please save and print your work frequently.

### **Academic Dishonesty**

Academic dishonesty will not be tolerated. If, in the opinion of the instructor, a student has engaged in academic dishonesty, that student will be reported to Tan Tao University and action will be taken in accordance with the university's policies and procedures. If you are not clear about what constitutes academic dishonesty at Tan Tao University, please contact the university administration.

### **Assessments and Grading**

| <b>Assessment</b>    | <b>Maximum Possible Marks</b> | <b>Due Date/Time</b>  |
|----------------------|-------------------------------|---|
| Attendance/Tardiness | 15                            |   |
| Participation        | 5                             |   |
| Quizzes 1 and 2      | 20                            | Quiz 1: Session 6<br>Quiz 2: Session 11                                     |
| Reflective Journal   | 20                            | Before Start of Final Exam<br>(Submit Via Email –<br>henry.webb@ttu.edu.vn) |
| Final Exam           | 40                            | Date and Time to be<br>Determined by TTU                                    |

Final grades will be calculated as follows:

- A Greater than or equal to 90% of the 100 total available points for the semester.
- B 80% through 89%
- C 70% through 79%
- D 60% through 69%
- F Less than 60%

The final exam is cumulative, closed-book, and may cover material from the assigned readings in the Textbook and any materials posted to the course webpage or handed out in class, as well as anything discussed in class. Questions about the simulations may be included on the final exam.

### Course Calendar

| SESSION                                    | TOPIC  | READING   |
|--|--|---|
| <b>Session 1<br/>Monday 8/7/19</b>         | Course Introduction; Review Syllabus; Conduct Simulated Negotiation A: "Appleton-Baker"; Discuss Results of "Appleton-Baker" Negotiation; Discussion: "Basic Negotiation Concepts"; Discuss and Administer Negotiation Styles Questionnaire  | Textbook, Chapter 1   |
| <b>Session 2<br/>Tuesday 9/7/19</b>        | Review Results of Negotiation Styles Questionnaire and Assign Students to Teams Based On Those Results; Conduct Simulated Negotiation B: "Sally Soprano"; Review Results of Negotiation Styles Questionnaire and Assign Students to Teams Based On Those Results; Conduct Simulated Negotiation B: "Sally Soprano" Simulated Negotiation | Textbook, Chapter 1   |
| <b>Session 3<br/>Wednesday<br/>10/7/19</b> | Review Results of "Sally Soprano" Negotiation; Discuss Textbook, Chapter 1 – "Don't Bargain Over Positions"; Conduct Simulated Negotiation C: "The Hospital Committee"; Review Results of "The Hospital Committee" Negotiation   | Textbook, Chapter 2   |
| <b>Session 4<br/>Thursday 11/7/19</b>      | Discussion: Textbook, Chapter 2; Prepare for Simulated Negotiation D: "A-Far vs. Footsteps"; Conduct "A-Far vs. Footsteps"   | Textbook, Chapter 2   |
| <b>Session 5<br/>Friday 12/7/19</b>        | Review Results of "A-Far vs. Footsteps"; Discussion: Textbook, Chapter 3; Review for Quiz 1  | Textbook, Chapter 3   |
| <b>Session 6<br/>Monday 15/7/19</b>        | <b>Quiz 1 – Covers Textbook, Chapters 1, and 2, All In-Class Discussions and Simulations (10 Points)</b>   |   |
| <b>Session 7<br/>Tuesday 16/7/19</b>       | Conduct Simulated Negotiation E – Individual Negotiation: "Dirty Laundry"; Discussion: Preparing for an Online Negotiation; Distribute Materials for Simulated Negotiation – Online Negotiation: "Rain of Limbs"   | Textbook, Chapters 4 and 5; Article: Deal or No Deal: Teaching On-Line Negotiation to Law |

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|---|---|---|
| <b>Session 8<br/>Wednesday<br/>17/7/19</b>  | Conduct Simulated Negotiation F – Online Negotiation: “Rain of Limbs” [Note: For this negotiation, you may not come to the classroom. Your team needs to meet at a coffee shop, restaurant, someone’s home, etc. – anywhere with an internet connection – as you will be conducting this negotiation online.] | Textbook, Chapters 4 and 5; Article: Deal or No Deal: Teaching On-Line Negotiation to Law |
| <b>Session 9<br/>Thursday 18/7/19</b>       | Review Results of “Rain of Limbs” Online Negotiation;<br>Discussion: How to Design an Effective Negotiation Exercise  | Handout: How to Design an Effective Negotiation Exercise                                  |
| <b>Session 10<br/>Friday 19/7/19</b>        | Conduct Simulated Negotiation G – Class-Designed Negotiations; Review for Quiz 2  | Handout: How to Design an Effective Negotiation Exercise                                  |
| <b>Session 11<br/>Monday 22/7/19</b>        | <b>Quiz 2 – Covers Textbook, Chapters 3, 4, 5, All In-Class Discussions and Simulations (10 Points)</b>   |   |
| <b>Session 12<br/>Tuesday 23/7/19</b>       | Discussion: Effective Mediation   | Handout: Effective Mediation  |
| <b>Session 13<br/>Wednesday<br/>24/7/19</b> | Conduct Simulated Mediation G – Practice Mediation – “The Late Paper”; Review Results of “The Late Paper”; Discussion: Questions About Simulated Mediation H – “KMD Accounting”   | Handout: Effective Mediation  |
| <b>Session 14<br/>Thursday 25/7/19</b>      | Simulated Mediation H – “KMD Accounting”; Review Results of “KMD Accounting”; Discussion: Effective Arbitration, Key Differences from Mediation; Handout Materials for Simulated Arbitration I – “The Scorched Bean”  | Handout: Effective Mediation  |
| <b>Session 15<br/>Friday 26/7/19</b>        | Conduct Simulated Arbitration I – “The Scorched Bean”;<br>Review for Final Exam   | Handout: Arbitration vs. Mediation  |

**FINAL EXAM – DATE AND TIME TO BE DETERMINED BY TTU – CUMULATIVE (40 POINTS). ALSO: REFLECTIVE JOURNALS DUE BEFORE THE START OF THE FINAL EXAM (20 POINTS)**