

行政院及所屬各機關出國報告
(出國類別：出國研習)

美國哈佛大學國際談判專題研習報告

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摘要

本次的研習課程主題為「增進談判效能 (Improving Your Negotiating Effectiveness)」，內容重點分別為：瞭解談判的整體架構、學習談判的工具與技術、練習參與談判的技巧。課程雖為期僅有五天，實際上從完成網路報名後即開始，談判學院透過電子郵件傳送課程表及須預先研讀之書籍，課程安排非常緊湊與紮實，上午的課程以授課為主，除闡述理論外並運用大量的案例與影片輔助教學與說明。下午的課程則以案例實務談判演練為主，方式係讓學員從首日的一對一談判，逐步練習到最後一天的團隊談判，效果非常直接與有效。特別是要求事先閱讀的書籍並非艱深難懂的理论課本，而是用非常通俗淺顯文字呈現，讓非英文為母語的外國學員也能夠輕鬆閱讀，達到預習的目的。

「成功的談判者應先從對方的角度著想」是這次談判課程所要傳遞的核心思想，而「充分的準備及預擬最佳談判替代方案」則是成功談判者的實際體現。本次參與的學員來自世界各國，雖然仍以美國本土居多，並且以現職從事律師、法官等法律相關工作為主，但學員們仍不分彼此的專心學習、相互討論及經驗交流，結訓後仍持續以電子郵件交換心得，的確也同時達到哈佛大學當初設定讓學員能具備不斷提升談判能力的訓練目標。

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壹、依據與目的

本項出國研習係行政院人事行政總處依據「國際談判人才培用方案」，辦理 104 年行政院國際經貿談判與訴訟人才培用班，依據培用班實施計畫第 9 點規定，參與高階班訓練並完成國內訓練課程及瑞士日內瓦國際關係暨發展高等學院國外職務歷練課程者，將擇優選送 2 名高階班結訓學員至美國哈佛大學進行研習，希望學習談判的工具與技術、練習參與談判的技巧，期在未來參與正式與非正式的國際談判場合中，能達到對談判議題進行有效的掌控與協調，並達到創造與最大化談判價值的整體談判成果，達到強化現職公務人員國際經貿談判及訴訟能力，以及長期培訓辦理國際經貿談判及國際法律事務人才之計畫目標。

本出國報告撰寫人係勞動部推薦，經人事總處遴選後，簽院核定參與高階班訓練，並於完成國內訓練課程及國外職務歷練課程後，獲選為赴美國哈佛大學談判學院（Harvard Negotiation Institute, HNI）進行研習。今年前往參予研習的課程係自本（105）年 6 月 13 日至 6 月 17 日，在哈佛大學法學院談判學院進行，研習主題為「增進談判效能（Improving Your Negotiating Effectiveness）」，謹將研習情形與心得建議報告如后。

貳、研習過程

哈佛大學談判學院係由該校法學院國際談判實務與教學經驗豐富的Roger Fisher教授於1981年成立，目的在訓練學員的談判技巧及如何進行共同決策與問題之解決，並在結訓後的未來能夠繼續增進所學。該學院每年皆會開設不同主題及期程的研習課程，提供世界各國專業人士及政府部門人員進修。職本次報名參與為期五天的研習課程主題為「增進談判效能（Improving Your Negotiating Effectiveness）」，內容重點分別為：瞭解談判的整體架構、學習談判的工具與技能、練習參與談判的技巧等。本課程開設目地希望透過研習主題的訓練，達成下列預期目標及效果，包括：增進對國際談判議題的分析與瞭解能力、瞭解身為談判者自身的強項弱項為何、習得如何解決公平分配問題的談判技巧、習得如何與難纏對手談判或處理艱難議題的策略、在未來參與正式與非正式的國際談判場合中，能達到對談判議題進行有效的掌控與協調並達到創造與最大化談判價值的整體談判成果。

本研習課程實際上從學員成功完成網路報名後即開始，談判學院同步透過電子郵件傳送課程表及正式研習前須預先研讀之書籍，分別為法學院 Roger Fisher 與 William Ury 兩位教授共同撰寫之“Getting To Yes”及 Roger Fisher 與 Daniel Shapiro 兩位教授共同撰寫之“Beyond Reason”兩書，研習期間講座授課之內容大致則以“Getting To Yes”一書為主要架構依據。

正式研習課程大致依下列四階段進行：

- 1.上午 8 時開始課程講授，本次研習全程皆由“Getting To Yes”的新修訂版作者 Bruce Patton 教授擔任講座；
- 2.中午除午餐時間外，同時進行分組案例討論；
- 3.下午分組討論及案例實務演練；
- 4.晚間研讀當日下午下課前助教發下之案例，為隔日案例演練預作準備。

一週研習課程內容重點分述如下：

6月13日 本日上午授課共有三個重點及案例實務演練：

- 1.研習引言:講座首先說明談判不僅是上談判桌的談判，還包括正式與非正式、言辭與非言辭、有形與非有形、文字、口頭、建構內容、設計決議等

多種面向的談判態樣。談判產生的問題包括：衝突引起的不快、最佳解決方案的不確定性及其可能造成的後果。另點出談判理論與實務落差之處，並以象限圖說明如何釐清議題本身的問題與有效的解決問題的方法論。

2. 課程說明：講座接續說明本次研習的五大目標，分別為：（1）增進學員對假設、主要選項及可能結果、針對不同談判對象應採不同策略的瞭解度（2）提供學員觀念的組織與分析工具的基礎架構（3）促進學員發展有效的指導方針（4）增進學員學習如何達成美好結論與良好互動工作之關係、能在利害關係者間獲致良好的選擇及如何在困難的對話下能有正面效果的技能及（5）讓學員能具備不斷提昇的能力。

3. 研習模式與大綱：

研習主要分為課堂教學與分組演練兩大重點，課堂教學部分係透過講座講授、影片觀賞與助教協助，達到知識授與及技巧學習的目標；分組演練部分主要為五個固定分組的討論（每一分組約有 15 位左右固定學員），透過案例研讀、組員討論、觀察、角色扮演等方式，達到技巧學習、案例演練，最終能學以致用的目標。

4. 案例實務演練及解說：（Case: Oil Pricing）

將全體學員分成 A、B 兩大組，每大組各有 5-6 的對應小組及油價定價後之雙方收益表。每小組各有 8 次依對應小組的報價機會，同步回應調整己方油價策略，最後再總計各小組 8 次調整油價的總利潤。講座於案例講評時指出，定價策略要有目的性而非僅是就對方的價位做反應，要同時考慮己方定價時所釋出給對方的訊息及信賴度。本案例演練主要目的，在訓練學員如何以正面的態度去瞭解對手，並達到雙方利潤最大化的雙贏結果，因為彼此的相互信任，可以降低雙方的交易成本，講座並輔以英國如何在聯合國的一項投票案中，採取信任蘇聯代表的方式而避免可能攤牌致互損的案例。

本日下午課程係案例實務談判演練與課堂授課：

1. 案例實務演練（Case: The Allen Affair）

分組學員就談判學院預先提供的案例及談判指令，以一對一的方式，輪流變換對手進行談判演練，助教則在演練後與學員進行腦力激盪，並請學員做經驗分享。

2. 合班教學

講座於課堂講解貫穿本次訓練課程的核心--談判七要素之精神，七要素分別為：關切的議題（Interests）、替代方案（Alternatives）、不同選項（Options）、合適性（Legitimacy）、認同（Commitments）、良好關係（Relationship）及溝通（Communication）。

6月14日 本日上午授課共有二個重點及案例實務演練：

1. 系統化的談判

授課內容包括：談判七要素的中立性、七要素各自不同的操作方式、談判態樣的一般認知、如何瞭解談判模式、如何評估進行方式及如何運用七要素解決問題。

2. 談判前的準備

授課內容包括：就七要素個別做進一步的說明與分析、談判前準備的三個面向，分別為：圖像的建立、決議的設計及談判如何進行，及三個面向各自需要考慮的問題。

3. 影片觀賞與討論

講座於課程講授時搭配觀賞談判學院自製拍攝的衝突與解決影片「The Fight」及電影「間諜橋」的片段，對照做為案例說明。

4. 案例實務談判演練及解說：（Case: The PowerScreen Problem）

學員分組就助教前日預先提供的案例及談判指令，以每小組兩人的對談方式，輪流變換隊員組合進行談判演練，助教則在演練後與學員進行腦力激盪，並請學員做經驗分享。

本日下午課程係課堂授課與影片觀賞：

1. 講座首先請全體學員就一張女性的圖片猜測其年齡及依據，引出個人或同一群體其實都受到既有先入為主觀念所限，以致可能產生雙方雖有同樣資

訊，卻會形成不同於他方的認知、解讀或結論發生。講座並據以說明若不同意對方意見時，己方應有的態度、如何影響對方的策略性作法及評估工具。

2. 影片觀賞與討論

講座於課程講授前先行播放談判學院自製拍攝的影片「The HackerStar Negotiation」，後續再就影片內容進行討論。

6月15日 本日上午授課主題為如何掌控談判，共有四個重點及實務演練：

1. 本位主義的交涉

講座從交涉時的各種可能情境、實質成果與良好互動工作關係相斥的共通性假設，帶出談判雙方實際上皆需要具備有達成優質的談判成果與良好的互動工作關係的技巧。更重要的是，要具有下述的正確觀念，也就是有價值的談判成果是經由良好互動關係而來，其與優質的良好互動工作關係兩項是相輔相成的。

2. 以解決問題為導向的談判

講座從大眾傳統的固定利益大餅認知，闡述談判雙方應朝共同努力把餅做大，以創造雙方皆能獲得更大的價值的方向努力，也就是談判者應從本位主義交涉的傳統觀念，轉換到雙方應朝共同解決問題結果方向去思考。

3. 談判七要素的個別指引

講座針對七項要素分別提出談判者如何自我評估及可能性作法供學員參考。

4. 如何掌控談判的進行

內容包括：充分運用七項要素做為談判前後的自我檢視標準、在預先的內部討論中補充七要素未能涵蓋之處、朝向更有建設性的結論方向思考。

5. 案例實務談判演練及解說：（Case: Sally Soprano）

學員分組就助教前日預先提供的案例及談判指令，以兩組對談方式進行案例分析與談判演練，助教則在演練後與學員進行腦力激盪，並請學員做經驗分享。

本日下午課程係案例實務演練（Case: Royal Pains）：

1. 講座指導

講座前往各分組旁聽實務演練過程、現場提出新指令與講評各學員表現，並同時接受提問。

2. 學員續就助教前日預先提供的案例及談判指令，以兩組對談方式持續進行案例分析與談判演練，助教則在演練後與學員進行腦力激盪，並請學員做經驗分享。

6月16日 本日上午授課共有三個重點及情境演練：

1. 如何在談判中管理互動關係、情緒與溝通

為了能在談判進行中，從實質成果與良好互動關係間達成我方的目標，談判者需要在良好互動關係方面，具備能夠處理彼此差異的能力，才能營造有效的工作關係；至於如何處理談判雙方彼此間的差異性，講座指出有下列幾項要件，包括：合理的平衡情緒、相互瞭解、有效與相互尊重的溝通、彼此信任、說服勝於強迫，以及談判雙方要能互相接納的雅量。

2. 有建設性但無任何附加條件的倡議

要達到前項的良好互動關係，最佳的策略即是提出有建設性但無任何附加條件的倡議，相關做法包括：接受並重視對方或任一方、尋求並瞭解對方的看法、共同探討彼此的優點、要呈現出完全值得信賴的（Trustworthy）但不能完全的信賴別人（Trusting），以及保持自己情緒與所提出理由間的平衡性。

3. 情緒與溝通及角色變換情境演練

講座指出處理情緒與溝通時，應隨時提醒自己要注意的五項核心關注重點，分別為：感謝（Appreciation）、自律（Autonomy）、加入（Affiliation）、身分（Status）與角色（Role），並針對五項的核心重點，分別做進一步的闡釋，並在本階段課程中，安排全體學員在助教的帶領下，以兩人為一組進行角色變換之情境演練，由學員依序分別扮演自己、雇主及不相關第三者的角色，藉此讓學員學習如何去瞭解與聆聽別人的想法，以及如何以

他人角度回顧自己想法的差異性與客觀性。講座並搭配個人參與厄瓜多與祕魯邊界爭議的國際談判案例做說明。

4. 談判能力

講座在合班上課中指出，雖然造成談判能力薄弱的原因有：歷史、地理、天然資源、國民生產毛額、人口等許多因素，但並不表示就完全無法扭轉局面，仍可採取事先完善的準備、建立良好談判聲譽，以及運用談判七要素研擬「最佳談判替代方案(Best Alternative To a Negotiated Agreement, BATNA)」等方式來強化己方的能力。

本日下午課程係案例實務演練、課堂授課與影片觀賞：

1. 案例實務談判演練及解說：(Case: Eazy's Garage)

學員分組就助教前日預先提供的案例及談判指令，以每小組兩人的對談方式，輪流變換隊員組合進行談判演練，助教則在演練後與學員進行腦力激盪並請學員做經驗分享。

2. 策略性思考

講座講授參與談判前應有的策略性思考重點，包括：邀請對象、進行程序、談判目的、談判架構、可能受到影響的對象、對方在乎的議題為何及如何設計能夠獲致對手同意的談判結論等。

3. 影片觀賞

完整播放談判學院自製拍攝的談判教學影片「Getting to Yes」。

6月17日 本日上午授課共有二個重點及實務演練：

1. 調停者

講授談判者與調停者的關連性，並說明調停者應扮演下列角色，包括：增進雙方良好的工作關係、促進良好的溝通、闡明實務可行的最佳談判替代方案、研擬並確認談判者關注的議題、鼓勵大家進行腦力激盪以獲得可行的各種解決方案、協助建構有效與智慧性的認可結論等。

2. 會議的設計

講授內容包括：召開會議的目的、會議結束的成果、參與會議的成員、會

議的進行方式、如何進行多邊會議的技巧及工具。講座最後介紹不同文化差異產生工作互動情誼與談判之間的關連性。

3. 案例實務談判演練及解說：(Case: Chestnut Village)

本課程最後的實務談判演練係以團隊談判的方式進行，學員分成兩組就助教前日預先提供的案例、扮演角色及談判指令，各自先行進行腦力激盪式的沙盤推演後，最後回到教室進行實務演練的雙方攻防戰。

本日下午課程係案例實務演練與個人經驗分享：

1. 案例談判實務演練討論

助教就上午進行的演練與學員進行腦力激盪並請學員做經驗分享。

2. 經驗分享

本節重點係由助教帶領學員各自就一週的研習課程做個人的經驗分享。

參、心得與建議

- 一、談判是一門高深的學問，它除涉及談判者個人的風格、涵養、訓練、經驗與抗壓性外，亦涉談判者如何能成功的完成所屬團體交付的任務，因此能夠教授談判課程的講座，除需具備足夠的理論基礎與教學經驗外，豐富的實務經驗才是能否達到訓練目的的最重要關鍵因素。本課程講座部分，係由哈佛大學法學院 Bruce Patton 教授全程擔任，Patton 教授本身具有非常豐富的國際談判實務經驗，曾經參與南非解除種族隔離政策、伊朗人質危機、厄瓜多與祕魯邊界爭議等談判，亦曾成功協助協調波士頓公立教師工會教師罷工案。此外 Patton 教授又有多年的訓練教學經驗，因此在授課部分非常地生動活潑，尤其是過程中不斷適時的引用各種真實案例做解說，讓學員既能融會貫通又能專心一致，將這門艱辛的課程，轉換成淺顯易懂的內容，真正屬大師級的講座，也讓學員收穫豐富。
- 二、本次專題研習全程雖為期僅有五天，但課程安排非常緊湊與紮實，從線上報名成功起，哈佛大學談判中心即同步傳送課程表、預讀書單、上課注意事項及相關配合設施等資訊，讓學員心理先有準備，顯示該中心這套標準作業流程做得非常到位。特別是要求事先閱讀的書籍並非艱深難懂的理论課本，而是用非常通俗淺顯文字呈現，讓非英文為母語的外國學員也能夠輕鬆閱讀，達到預習的目的。另每日課程的進行皆經過精密設計，上午的課程以授課為主，講授的內容與預讀書單相關，除闡述理論外並運用大量的案例與影片輔助教學與說明。下午的課程則以案例實務談判演練為主，學員必須於前日晚上先行研讀才能於次日進行演練，且演練的方式係讓學員從首日的一對一談判，逐步練習到最後一天的團隊談判，這種演練與講授結合並循序漸進的訓練模式，的確可以讓學員從下午的實務演練中，立即印證講座當天上午於課堂所教授的重點，效果非常直接與有效。
- 三、「成功的談判者應先從對方的角度著想」是這次談判課程所要傳遞的核心思想，而「充分的準備及預擬最佳談判替代方案」則是成功談判者的實際體現。本次參與的學員來自世界各國，雖然仍以美國本土居多，並且以現職從事律師、法官等法律相關工作為主，但學員們仍不分彼此的專心學習、相互討論及經驗交流，結訓後仍持續以電子郵件交換心得，除增進學員對國際談判議題的分析與瞭解能力，能在未來參與正式與非正式的國際談判場合中，達到對談判議題進行有效的掌控與協調，並達到創造與最大化談判價值的整體談判成果外，的確也同時達到哈佛大學當初設定讓學員能具備不斷提升談判能力

的訓練目標。

四、在每日下午的研習過程中，學校大量運用有經驗的法律系研究生助教，他（她）們皆具備優秀的學術能力及熟練帶領腦力激盪的訓練背景，且每 15 名分組學員皆配備兩位助教，這種活潑的教學方式及高師生比，的確有值得我國學術或訓練單位學習的地方，而從報名後到住宿資訊、報到流程、資料領取、餐飲提供及結訓當天行李寄放等細微事務性工作的完備順暢度，更是讓學員留下深刻的印象。這點也是我國公、民營訓練單位要走向國際化的關鍵要素，建議未來國內的訓練單位除課程內容的學習外，也不要忽略事務性流程的搭配。

五、哈佛大學法學院談判學院成立已 35 年，在國際談判人才訓練方面非常有經驗與成效，更培訓了世界各國公私部門許多的專業學員。該校每年都會針對不同主題，開辦一系列期程不同的研習訓練，雖然本次參加的課程只有五天，但個人已在談判的工具與技術、參與談判的技巧與練習，及思考如何達到創造與最大化談判價值的整體談判成果方面獲益良多，惟因送訓單位受預算限制，無法提供更多的經費，供參訓者能繼續接受本項主題第二週的進階訓練。就以參訓者的角度而言，既然已千里迢迢的出國研習，建議未來在預算容許的前提下，能優予安排至少二至三週的研習課程較為適當，以符合受訓課程的完整性及成本效益性。



Harvard Negotiation Institute

Negotiation Workshop

Improving Your Negotiating Effectiveness

June 13-17, 2016

Bruce Patton

Co-Founder and Distinguished Fellow, Harvard Negotiation Project

Assisted by:

Kyle Glover, Teaching Team Leader

Alex Green, Workshop Coordinator

and Teaching Assistants:

**Naomi Campbell, Jacob Hanna, Rachel Krol, Lisa Marrone,
Tim McDonald, Deanna Parrish, Jonathan Rosenbluth, Carson Wheat**

General Memorandum

- I. Purposes of the Workshop
- II. Structure and Logistics
- III. Requirements
- IV. A Note on Confidentiality

I. Purposes of the Workshop

This Workshop is the latest iteration of a program developed and taught by Bruce Patton and Professor Roger Fisher, Founding Director of the Harvard Negotiation Project, since 1981. The aim of this Workshop is to help participants improve their skills in negotiation, joint decision-making, and joint problem-solving, and to leave them better able to continue refining those skills in the future. All of these skills are relevant to effective lawyering, negotiating, or other problem-solving. More specifically, the aims are:

A. To increase participants' awareness about negotiation

- The pervasiveness of negotiation
- The importance of *process* — *how* we negotiate
- Our own negotiating behavior and the implicit working assumptions that underlie it

B. To provide "theory for practitioners" — some rigorous and tested concepts and tools for thinking about negotiation that can help you figure out what it makes sense to do

- Basic variables that can serve as organizing concepts
- Diagnostic tools — charts, checklists, and so on
- A fundamental analytical framework to enhance preparation, negotiation, and review

C. To offer some general guidelines or "rules of thumb"

There is no single "best" way to negotiate in all circumstances, but some conceptual and practical guidelines may be worth following, absent good reasons not to do so.

D. To enhance participants' skills

- To assess the skills you have as a negotiator and as a third party
- To broaden your repertoire
- To practice and experiment with skills in relative safety
- To develop practical ways to apply useful concepts to daily negotiations
- To discover effective techniques others use
- To work on bridging the gap between theory and practice, between what we preach and what we do

E. To learn from experience, and from each other, so we all keep getting better

- To learn to welcome surprises
- To practice a cycle of plan, act, and review
- To apply this to the Workshop itself, so it keeps improving

To achieve these ends, the Workshop uses a wide range of tools: careful analysis of the negotiating process, frequent exercises with extensive preparation and review, videotaping, live and filmed examples, real-time experiments, individual written and small group reviews, and careful analysis of the process of learning from experience. Negotiation exercises are drawn from many contexts, from legal to personal to business and international, from bilateral to multilateral. We also briefly explore third party roles in negotiation, especially mediation, for what they can teach negotiators.

II. Structure and Logistics

Much of the week's work will be done in smaller Working Groups of 16-24 participants. Each participant will be assigned for the week to a specific Working Group. Each Working Group will be assigned a home base in a specific room and will have two Teaching Assistants (TAs). All of the TAs have had formal training in negotiation. While a particular TA may have had less experience than you in legal practice or the business world and may not have the specific answer you seek, all are aware of and comfortable with the myriad questions that arise in the negotiation process. Their task is to structure and facilitate high-quality review of the negotiation exercises, and otherwise to assist you in getting the most out of the time you spend in your Working Group. The lead instructors will also be visiting the Working Groups from time to time.

The success of the Workshop, and its value to you and your co-participants, will depend on careful preparation and active involvement. It also requires that close attention be paid to the intricate logistical details attendant upon such a Workshop. Please read your assignments. Please study the schedule and assignments carefully and frequently. The Workshop can move forward smoothly only if everyone is on time and paying attention.

III. Requirements

A. Attendance

Both experience and theory are essential to improving negotiation skills. The experiential learning that takes place in the classroom and in the exercises is at the heart of this Workshop. Most exercises depend on every participant playing a certain role. Each day you will be paired up with another participant (or several) for a negotiation exercise. Any absence is likely to cause significant inconvenience and loss of opportunity to others.

For these reasons, attendance at all class sessions is required. If you know that you will be unavoidably absent for a given class, please notify your TAs as soon as possible, so that they can try to revise, if it is possible, the negotiation schedule and the configuration of exercise participants. (If you cannot reach them directly, please leave an explicit message for Alex Green, the Workshop Coordinator, at 781-405-5066, specifying your name, Working Group, and the day and time you will be absent.)

B. Journal

We ask that at the end of each day you write a one- to two-page entry in your "Journal." The practice of writing a reflective journal tends to make us more observant of what is happening, to remember it better, and to review and question our assumptions. Your journal should be a distillation of your own thoughts, containing (1) conclusions and propositions or hypotheses generated by your experience on that day, and (2) questions that you would like to discuss with

other problem solving. More specifically, the aims are:

A. To increase participants' awareness about negotiation

- The pervasiveness of negotiation
- The importance of *process* — *how* we negotiate
- Our own negotiating behavior and the implicit working assumptions that underlie it

B. To provide "theory for practitioners" — some rigorous and tested concepts and tools

others or to which you would like some sort of answer.

To allow you the benefit of testing your own ideas and sharing questions that arise in the course of a day, we ask that you set aside 15-20 minutes each day to exchange and discuss journal entries with one other person in your Working Group. Pairings for the week will be established on Monday. Copy machines are located in the Harvard Law Library in Langdell Hall and in the Caspersen Student Center near the cafeteria. There is also a copy service in the basement of Wasserstein Hall.

If you have any questions that remain unresolved after Working Group discussion, please write them down on a separate piece of paper and see that they get to Bruce. He will try to address those that seem to be of general interest in the plenary sessions.

C. Preparation and Readings

Each evening, and during specified times in the course of the day, you should prepare for upcoming exercises. Preparation for the exercises is critical to your own learning process and to those of your colleagues. There will also be short reading assignments on some evenings. We believe that you will find these readings helpful to a greater understanding of the Workshop and negotiation in general.

D. Schedule

The Workshop will meet regularly from **8:00 a.m.** until 5:00 p.m.; 5:15 on Wednesday; and 4:00 on Friday. An optional video on Thursday evening runs until about 7:40 p.m. Participants are also invited to attend an opening reception Monday evening and a closing reception on Friday.

Some of the class time will be used for exercises, some for discussion in Working Groups, and some for plenary sessions of the full class. You should set aside time during the late afternoon and evening to write your Journal and prepare material assigned for the following day. There will also be time for lunch, occasional coffee and snack breaks, and additional case preparation.

Because attendance and participation are important for your own learning experience and, due to the nature of this Workshop, essential to the experience of others with whom you will be working, we ask that you plan telephone calls to your office or other business during lunch or after 5:00 pm. Because of the workload, no significant outside activity will realistically be possible during the week. To enjoy the beauty and splendor of Boston and the surrounding areas, we suggest that you arrive several days early or plan to stay several days after the conclusion of the Workshop.

E. Location and Check-In

The Workshop will be held at Harvard Law School. Please see the HNI Welcome Packet (sent to you in a separate email) for information regarding the times and location of check-in (and other

activities and resources). Please complete check-in on Sunday or Monday *before the Workshop begins at 8:00 a.m.* When you check-in for the Workshop, you will be given a Workshop binder with materials, including the final Workshop schedule with room assignments, and HNI program staff will direct you to the plenary room for the opening of the Workshop.

IV. A Note on Confidentiality

A feeling of openness and trust among participants will increase our ability to share with and learn from each other. To foster the free exchange of experience, suggestions, and ideas, we ask that each of you treat the information shared by others as confidential.

In addition, we ask that you please refrain from discussing the exercises and cases with persons outside the Workshop. To invent and refine an exercise is an arduous task, sometimes taking several years. If either the structure of an exercise (its configuration or its surprises) or the substantive facts of one or more sides should become widely known, the case would be of little further use to us and to participants in future Workshops.

We appreciate your cooperation. Many thanks!

Draft Syllabus

Monday, June 13, 2016

7:00 - 8:00	Final Registration and pick up of any needed materials.
8:00 - 8:45	WORKSHOP PURPOSES AND STRUCTURE Location: Plenary, Pound Hall 101
9:00 - 11:30	Oil Pricing Exercise Location: Milstein East
11:45 - 12:45	Introductions Location: Working Groups - receive materials for <i>The Allen Affair</i>
12:45 - 14:00	Lunch; prepare to negotiate <i>The Allen Affair</i>
14:00 - 15:45	Negotiate <i>The Allen Affair</i> (30 min.) [1-on-1] Location: Working Groups Review Choose Journal Partners Pick up materials for tomorrow: - instructions for <i>The PowerScreen Problem</i> - class lists
15:45 - 16:00	Break
16:00 - 17:00	WHAT IS A GOOD OUTCOME? ELEMENTS OF NEGOTIATION Location: Pound Hall 101
17:00	Break for the day Reception (Harvard Faculty Club)

Individual Preparation for Tomorrow:

- Prepare to negotiate *The PowerScreen Problem*. Use the Seven Elements to organize your thinking.
- You may want to read Chapters 1-2 of *Beyond Reason: Using Emotions as You Negotiate* to help you think through the relationship issues in tomorrow's case.
- Review the situation you described in the advance assignment **A Current Problem**. See "A Current Problem: Refining the Analysis" in *The Workbook* for further instructions.
- Meet with your journal partner to exchange journal entries and discuss issues that arose during the day. Breakfast before class is often a good time to try to do this. See the General Memorandum for a discussion of journal-writing.

Tuesday, June 14, 2016

- 8:00 - 9:40 ALTERNATIVE “SYSTEMS” OF NEGOTIATION
HOW PREPARE?
View “*The Fight*”
Location: Pound Hall 101
- 9:40 - 9:55 Break
- 9:55 - 12:45 Prepare by side for *The PowerScreen Problem*
Location: Working Group Breakouts; TBA
Negotiate *The PowerScreen Problem* (45 min.) [1-on-1]
Review
Pick up materials for tomorrow:
- Instructions for *Sally Soprano*
- Instructions, pairings, and videotaping & reviewing times for *Royal Pains*
- 12:45 - 13:45 Lunch
- 13:45 - 15:05 *The Consensus Exercise*
PARTISAN PERCEPTIONS
A SYSTEMATIC APPROACH TO INFLUENCE
Location: Pound Hall 101
- 15:05 - 15:15 Break
- 15:15 - 17:00 View and discuss film: *The HackerStar Negotiation*
Location: Pound Hall 101
- 17:00 Break for the day

Individual Preparation for Tomorrow:

- Prepare to negotiate *Sally Soprano*.
- Prepare to negotiate *Royal Pains*. Note that some of you will not have much preparation time on Wednesday, so you should consider meeting with your partner tonight to discuss and plan strategy.
- Continue your analysis of the situation you described in **A Current Problem**. Refer to the handout “A Current Problem: Refining the Analysis” for further instructions.
- Meet with your journal partner to exchange journal entries and discuss issues that arose during the day.

Wednesday, June 15, 2016

8:00 - 9:20	ACHIEVING GOOD SUBSTANTIVE <i>AND</i> RELATIONSHIP OUTCOMES: THE CIRCLE OF VALUE Location: Pound Hall 101
9:30 - 12:15	Negotiate <i>Sally Soprano</i> (30 min.) [1-on-1] Location: Working Groups Review Pick up materials for tomorrow: - Instructions on selecting a context for the <i>Role Reversal Exercise</i> - Instructions for <i>Eazy's Garage</i>
12:15 - 16:10	Prepare by team, negotiate, and review <i>Royal Pains</i> . Fifteen minutes in the middle of your negotiation will be videotaped, and shortly after the negotiation you will review of this videotape with a TA. After this negotiation, please complete the Peer- and Self-Evaluations for the exercise.
14:30 - 16:00	Professor Patton will hold group "office hours" to discuss issues and answer questions. Location: TBA
16:20 - 17:15	Review <i>Royal Pains</i> negotiations Location: Working Groups
17:15	Break for the day

Individual Preparation for Tomorrow:

- Prepare for the *Role Reversal Exercise*.
- Prepare for the *Eazy's Garage* negotiation.
- Identify a negotiator with whom you have difficulty. For the purposes of the laboratories tomorrow, it will be helpful to have a specific individual in mind.
- See the instructions for tonight in the handout "A Current Problem: Refining the Analysis."
- Meet with your journal partner to exchange journal entries and discuss issues that arose during the day.

Thursday, June 16, 2016

- 8:00 - 8:50 MANAGING RELATIONSHIPS, EMOTIONS, AND COMMUNICATION AS YOU NEGOTIATE
Location: Pound Hall 101
- 9:05 - 10:30 *Role Reversal Exercise*
Location: Milstein East
- 10:45 - 12:00 NEGOTIATION POWER
Location: Pound Hall 101
- 12:00 - 13:00 Lunch
- 13:00 - 15:45 Negotiate *Eazy's Garage* (40 min.) [1-on-1]
Location: Working Groups

Review

Advanced practice exercises

Pick up materials for tomorrow:
- instructions for *Chestnut Village*
- 16:00 – 17:00 THINKING STRATEGICALLY
Location: Pound Hall 101
- 17:10 - 19:40 *Getting to Yes: The Video Workshop on Negotiation.* This 2½ hour video is optional. However, many participants have found it extremely helpful in crystallizing their understanding of the material.
Location: Pound Hall 101

Individual Preparation for Tomorrow:

- Prepare to negotiate *Chestnut Village*.
- Read Chapters 8-9 in *Beyond Reason: Using Emotions as You Negotiate*.
- If you have not already done so, get together with a colleague to discuss your analysis of **A Current Problem**.
- Meet with your journal partner to exchange journals and discuss themes from the day.

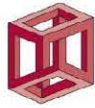
Friday, June 17, 2016

8:00 - 9:15	MEDIATION & MULTIPARTY NEGOTIATION Location: Pound Hall 101
9:30 - 10:45	Prepare by team to negotiate <i>Chestnut Village</i> Location: Various; TBA
10:45 - 13:00	Negotiate <i>Chestnut Village</i> (70 min.) [6-on-4] Location: Various; TBA Review Location: Various; TBA
13:00 - 14:00	Lunch
14:00 - 15:15	Working Group Final Discussion
15:30 - 16:00	FINAL PRESENTATION Location: Pound Hall 101
16:00	End of Workshop Closing reception (TBA)

Individual Preparation for Continued Learning:

In light of your experience during the past week:

- Revise your memorandum to a junior colleague giving your advice, general propositions, rules of thumb, or other guidance on how to negotiate.
- Write a brief memo to yourself outlining your new approach to the problem or situation you described in the pre-Workshop assignment, **A Current Problem**.



Harvard Negotiation Institute

June 2016 Harvard Negotiation Institute

**Negotiation Workshop:
*Improving Your Negotiating Effectiveness***

Advance Assignment

Please complete the following Advance Assignment:

1. Participant Information. Complete the Participant Information sheet and return it **by May 22** to the attention of Alex Green by email to hni@law.harvard.edu, by fax to 617-495-7818, or by mail to Harvard Negotiation Institute, Pound Hall 501, Harvard Law School, Cambridge, Massachusetts, 02138. (The purpose of the questionnaire is to divide participants into balanced Working Groups.)

2. Read *Getting to YES: Negotiating Agreement Without Giving In*, Third Edition, by Roger Fisher, William Ury, and Bruce Patton (Penguin, 2011) and, optionally, *Beyond Reason: Using Emotions as You Negotiate* by Roger Fisher and Daniel Shapiro (Viking/Penguin, 2005). These two books introduce many of the ideas we will be considering during the Workshop. They are available in paperback at most major bookstores and libraries or from any on-line retailer. *Getting to YES* is also available in multiple translations.

3. Complete the following exercises and bring them with you when you attend the Workshop. (These are to help you clarify your current thinking on negotiation and to provide you with a specific confidential context within which to apply tools and ideas you will be using and developing during the week, helping you to gauge your learning.)

(a) Memo to a Junior Colleague. Like everyone else, you have been negotiating all your life: with parents, neighbors, landlords, children, colleagues, etc. It is likely that you have developed some working assumptions about how, in general, one ought to negotiate to do well. Write a short (one- to two-page) memorandum to a junior colleague giving your advice, general propositions, rules of thumb, and other guidance on how to negotiate.

(b) A Current Problem. Following the guidelines in the (attached) handout by this title, please describe a negotiation situation you now face in your practice.

4. Read and prepare for the Oil Pricing Exercise (attached). Consider what strategy you will recommend to the other Oil Pricing Board members for your country. You should be prepared to negotiate this case when you come to class: the negotiation is scheduled for early Monday morning, and you will not have any time to prepare once the Workshop begins.