



# LAW 465

## Dispute Management and Resolution

S2 Day 2014

*Dept of Law*

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## General Information

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W3A507

TBA - see iLearn page

Unit Convenor

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W3A520

TBA

Credit points

3

Prerequisites

6cp in LAW units at 300 level (P)

Corequisites

Co-badged status

Unit description

Dispute resolution schemes now dominate the practice of law at many levels. This unit explores various types of dispute resolution processes with an emphasis on negotiation, mediation, conciliation, arbitration and restorative justice. The unit provides an overview of the theory, philosophy, process, ethical and legal issues involved in each of these methods of dispute resolution. Through experiential role plays, discussions and exercises, students will be introduced to the skills required to advise on and participate in conflict resolution and management.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

Describe and critique the various types of dispute resolution processes in operation in Australia and other jurisdictions

Demonstrate and apply the necessary skills required in alternative methods of resolving disputes especially communication skills

Identify and analyze the legal issues surrounding the practice of dispute resolution in Australia.

Evaluate the relevant ethical considerations in dispute resolution and management processes

Identify and apply the applicable dispute resolution process to the nature of the dispute and the participants in that dispute

## Assessment Tasks

Name	Weighting	Due
<u>Class participation</u>	0%	Ongoing
<u>Analysis</u>	10%	TBA
<u>On line negotiation</u>	50%	TBA
<u>Take home exam</u>	40%	TBA

### Class participation

Due: **Ongoing**

Weighting: **0%**

Attendance at tutorials and the on campus session is compulsory. If you have a legitimate reason for not being able to attend a tutorial then please complete a special consideration form.

You are required to participate in the tutorial role plays, discussions, debates and any other activities. You will be assessed on this component on a “Pass/Fail” basis.

Tutorials in this unit only work if all students attend and give the entire group the benefit of their views based upon the readings and their experience.

External students will be assessed on their participation at the compulsory on-campus session.

Tutors will engage in ongoing assessment of student participation using the following criteria:

**a) Preparation and understanding of material:** the student has listened to the lecture, read the required reading and has attempted to link the materials to the lectures, to other course materials and to their life experience

**b) Ability to think critically about the material:** the student is able to think critically about the materials from different angles and is able to question the materials

**c) Clear expression of ideas:** the student is able to clearly express their ideas about the materials

**d) Engaging with other students:** the student engages with others in the class taking an active role in discussions, role plays, debates and other activities assigned by the tutor. The student responds to others in the class by listening to them, providing constructive feedback and asking questions.

**e) Demonstration of skills:** The student is able to demonstrate communication skills including listening skills, interviewing skills and negotiation skills.

**Students must pass the participation component of the course. Participation is assessed on a Pass/Fail basis. It is possible to fail this course on the basis of poor participation alone. Tutors will assess student participation on an ongoing basis and will raise any concerns about poor participation with the student involved. Students will be given an opportunity to submit remedial work where there are concerns about participation and when they have failed to attend a tutorial**

On successful completion you will be able to:

- Describe and critique the various types of dispute resolution processes in operation in Australia and other jurisdictions
- Demonstrate and apply the necessary skills required in alternative methods of resolving disputes especially communication skills
- Identify and analyze the legal issues surrounding the practice of dispute resolution in Australia.
- Evaluate the relevant ethical considerations in dispute resolution and management processes
- Identify and apply the applicable dispute resolution process to the nature of the dispute and the participants in that dispute

## Analysis

Due: **TBA**

Weighting: **10%**

Students will complete a self assessment questionnaire and write a brief report of a negotiation they have been part of.

Report will be a maximum of 750 words.

Full details of the report requirements will be posted on iLearn

On successful completion you will be able to:

- Demonstrate and apply the necessary skills required in alternative methods of resolving disputes especially communication skills
- Identify and apply the applicable dispute resolution process to the nature of the dispute and the participants in that dispute

## On line negotiation

Due: **TBA**

Weighting: **50%**

### **This assessment is in two parts:**

A) Participate in an extended online negotiation. Daily emails sent over a two week period.

B) Write a report about your experience - 2000 words max

Students will be paired with another student in the Unit for an extended online negotiation to take place over a two week period. All students in Law 465 will need daily access to a reliable email service during this time.

At the conclusion of the negotiation students will submit a complete log of all the negotiation emails and a reflective report about their experience.

Full details about the assessment will be available in iLearn. The negotiation scenario will be released the day before the negotiation commences.

On successful completion you will be able to:

- Describe and critique the various types of dispute resolution processes in operation in Australia and other jurisdictions
- Demonstrate and apply the necessary skills required in alternative methods of resolving disputes especially communication skills
- Identify and analyze the legal issues surrounding the practice of dispute resolution in Australia.
- Evaluate the relevant ethical considerations in dispute resolution and management processes

## Take home exam

Due: **TBA**

Weighting: **40%**

The final exam will be a take home exam in two parts:

Part 1: Multiple Choice

Part 2: Short essay questions

The exam will test students knowledge from weeks 1-13. The exam will be completed and submitted online.

On successful completion you will be able to:

- Describe and critique the various types of dispute resolution processes in operation in Australia and other jurisdictions
- Demonstrate and apply the necessary skills required in alternative methods of resolving disputes especially communication skills
- Identify and analyze the legal issues surrounding the practice of dispute resolution in Australia.
- Evaluate the relevant ethical considerations in dispute resolution and management processes
- Identify and apply the applicable dispute resolution process to the nature of the dispute and the participants in that dispute

## **Delivery and Resources**

### **Required text:**

Tania Sourdin, *Alternative Dispute Resolution*, (Thomson Reuters, 4th ed, 2012).

### **Classes**

There is a weekly two hour lecture and a one hour compulsory tutorial for internal students. External students must attend the complete two day on-campus session.

### **Technology Used and Required**

Additional content for this unit is delivered online via iLearn.

Assessments are submitted online. Students will require daily internet access to participate in the online negotiation assessment task.

The examination is completed and submitted online.

Students require regular and reliable internet access.

## **Unit Schedule**

Weekly two hour lectures are held on Tuesdays 2- 4pm.

Students must attend a weekly one hour tutorial. Tutorials in 2014 are on Tuesdays and Thursdays.

External students must attend the 2 day on campus session -2-3 October 2014.

A detailed weekly lecture and tutorial programme is available via iLearn.

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy [http://mq.edu.au/policy/docs/grievance\\_management/policy.html](http://mq.edu.au/policy/docs/grievance_management/policy.html)

Disruption to Studies Policy [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html) *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: [https://students.mq.edu.au/support/student\\_conduct/](https://students.mq.edu.au/support/student_conduct/)

In line with Macquarie Law School policy, no late submissions of assignments or the exam will be accepted. Any requests for an extension should be made using the Disruption to Studies form at <ask.mq.edu.au>.

Published word limits for an assignment are the maximum allowed. Any words over the limit will not be marked.

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

#### Assessment tasks

- Class participation
- Analysis
- On line negotiation
- Take home exam

### Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary



solutions to problems.

This graduate capability is supported by:

## **Learning outcomes**

- Describe and critique the various types of dispute resolution processes in operation in Australia and other jurisdictions
- Demonstrate and apply the necessary skills required in alternative methods of resolving disputes especially communication skills
- Identify and analyze the legal issues surrounding the practice of dispute resolution in Australia.
- Evaluate the relevant ethical considerations in dispute resolution and management processes
- Identify and apply the applicable dispute resolution process to the nature of the dispute and the participants in that dispute

## **Assessment tasks**

- Class participation
- Analysis
- On line negotiation
- Take home exam

## **Critical, Analytical and Integrative Thinking**

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

## **Learning outcomes**

- Demonstrate and apply the necessary skills required in alternative methods of resolving disputes especially communication skills
- Identify and apply the applicable dispute resolution process to the nature of the dispute and the participants in that dispute

## **Assessment tasks**

- Class participation
- On line negotiation
- Take home exam

## Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

### Learning outcomes

- Demonstrate and apply the necessary skills required in alternative methods of resolving disputes especially communication skills
- Identify and analyze the legal issues surrounding the practice of dispute resolution in Australia.
- Identify and apply the applicable dispute resolution process to the nature of the dispute and the participants in that dispute

### Assessment tasks

- Class participation
- Analysis
- On line negotiation
- Take home exam

## Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

### Learning outcomes

- Describe and critique the various types of dispute resolution processes in operation in Australia and other jurisdictions
- Demonstrate and apply the necessary skills required in alternative methods of resolving disputes especially communication skills
- Identify and analyze the legal issues surrounding the practice of dispute resolution in Australia.
- Evaluate the relevant ethical considerations in dispute resolution and management processes
- Identify and apply the applicable dispute resolution process to the nature of the dispute

and the participants in that dispute

## **Assessment tasks**

- Class participation
- On line negotiation
- Take home exam

## **Effective Communication**

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

## **Learning outcomes**

- Describe and critique the various types of dispute resolution processes in operation in Australia and other jurisdictions
- Demonstrate and apply the necessary skills required in alternative methods of resolving disputes especially communication skills
- Identify and analyze the legal issues surrounding the practice of dispute resolution in Australia.

## **Assessment tasks**

- Class participation
- Analysis
- On line negotiation
- Take home exam

## **Engaged and Ethical Local and Global citizens**

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

## **Learning outcomes**

- Describe and critique the various types of dispute resolution processes in operation in

Australia and other jurisdictions

- Demonstrate and apply the necessary skills required in alternative methods of resolving disputes especially communication skills
- Identify and analyze the legal issues surrounding the practice of dispute resolution in Australia.
- Evaluate the relevant ethical considerations in dispute resolution and management processes
- Identify and apply the applicable dispute resolution process to the nature of the dispute and the participants in that dispute

## **Assessment tasks**

- Class participation
- Analysis
- On line negotiation
- Take home exam