LAWS5065

Dispute Management and Resolution

Session 2, Special circumstance 2020

Macquarie Law School

Contents

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Notice

As part of Phase 3 of our return to campus plan, most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to timetable viewer. To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

General Information

Unit convenor and teaching staff
Convenor
Dr Susan Armstrong
susan.armstrong@mq.edu.au
I will not be located on campus this semester. Contact me via ILearn or Zoom as below.
Consultation Tuesday 9 am - 10 am Zoom: https://macquarie.zoom.us/my/suearmstrong. PMI
726 060 0005

Tutor
Jack Ellis
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TBC
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Tutor
Gil Tabucanon
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Therese MacDermott
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Credit points
10

Prerequisites
80cp in LAWS or LAW units

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, exercises and research,
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:

ULO1: Describe and critique the various types of dispute resolution processes in operation in Australia and other jurisdictions.

ULO2: Demonstrate and apply the necessary skills required in alternative methods of resolving disputes, including in teams.

ULO3: Identify, research and analyse the legal issues surrounding the practice of dispute resolution in Australia.

ULO4: Research and critique the relevant ethical considerations in dispute resolution and management processes.

ULO5: Identify and apply the applicable dispute resolution process to the nature of the dispute and the participants in that dispute.

General Assessment Information

Assessment Tasks

Name	Weighting	Hurdle	Due
Negotiation exercise	30%	No	Monday 5 October 2020, 5 pm
Dispute resolution report	30%	No	Monday 26 October 2020, 5 pm
Take Home Final Assessment	40%	No	Wednesday 18 November 2020

Negotiation exercise

Assessment Type [1]: Simulation/role play
Indicative Time on Task [2]: 10 hours
Due: **Monday 5 October 2020, 5 pm**
Weighting: **30%**

A negotiation role play undertaken in pairs or small groups that may be conducted face to face, online, or via video conferencing.

On successful completion you will be able to:

- Demonstrate and apply the necessary skills required in alternative methods of resolving disputes, including in teams.
- Research and critique 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.

Dispute resolution report

Assessment Type [1]: Report
Indicative Time on Task [2]: 30 hours
Due: **Monday 26 October 2020, 5 pm**
Weighting: **30%**

A report that includes a reflective element based on the negotiation role play and skills practiced in tutorials. Will also include a research element.

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.
- Identify, research and analyse the legal issues surrounding the practice of dispute resolution in Australia.
- Research and critique 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.

Take Home Final Assessment

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 2 hours
Due: **Wednesday 18 November 2020**
Weighting: **40%**

A multiple choice quiz including problem solving questions

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.
- Identify, research and analyse 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.

[1] If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the Writing Centre for academic skills support.

[2] Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

David Spencer, Lise Barry, and Lola Akin Ojelabi, *Dispute Resolution in Australia,* Thomson Reuters 4th, 2019

Unit Schedule

Week 1 Introduction to the Unit

Week 2 Negotiation Part 1

Week 3 Negotiation Part 2

Week 4 Mediation Part 1

Week 5 Mediation Part 2

Week 6 Advisory and Determinative Processes

Week 7 Court based ADR and on-line dispute resolution

Week 8 Legal Issues in Dispute Resolution

Week 9 Negotiation Exercise due - No lectures or tuts

Week 10 Family Law Dispute Resolution

Week 11 Restorative Justice Processes

Week 12 Ethics & Standards in ADR

Week 13 Dispute Management & Future Directions

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- Academic Appeals Policy
- Academic Integrity Policy
- Academic Progression Policy
- Assessment Policy
- Fitness to Practice Procedure
- Grade Appeal Policy
- Complaint Management Procedure for Students and Members of the Public
- Special Consideration Policy *(**Note:** The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.)*

Students seeking more policy resources can visit the Student Policy Gateway (https://students.m

q.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit Policy Central (http s://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/p olicy-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/study/getting-started/student-conduct

Results

Results published on platform other than eStudent, (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in eStudent. For more information visit ask.mq.edu.au or if you are a Global MBA student contact globalmba.support@mq.edu.au

Student Support

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

Learning Skills

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

- Getting help with your assignment
- Workshops
- StudyWise
- Academic Integrity Module

The Library provides online and face to face support to help you find and use relevant information resources.

- Subject and Research Guides
- Ask a Librarian

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

If you are a Global MBA student contact globalmba.support@mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/ offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the Acceptable Use of IT Resources Policy. The policy applies to all who connect to the MQ network including students.

Changes since First Published

Date	Description
24/07/2020	Change to consultation times
21/07/2020	Tutors added. Room/Hrs TBC