LAWS5065

Dispute Management and Resolution

Session 2, In person-scheduled-weekday, North Ryde 2023

Macquarie Law School

Contents

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General Information

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Lecturer
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Credit points
10

Prerequisites
130cp in LAW or LAWS 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

Late Penalty Policy

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment or video assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue. This late penalty will apply to non-timed sensitive assessment (incl. essays, reports, posters, portfolios, journals, recordings etc). Late submission of time sensitive tasks (such as tests/ exams, performance assessments/presentations, scheduled practical assessments/labs, etc.) will only be addressed by the unit convenor in a Special Consideration application. Special Consideration outcome may result in a new question or topic.

Assessment Tasks

Name	Weighting	Hurdle	Due
Negotiation exercise	40%	No	11:55pm on Wednesday, 27 September 2023
Dispute resolution report	40%	No	11:55pm on Wednesday, 18 October 2023
Take Home Final Assessment	20%	No	Online between 3pm & 5pm on Friday, 17 November 2023

Negotiation exercise

Assessment Type [1]: Simulation/role play
Indicative Time on Task [2]: 10 hours
Due: **11:55pm on Wednesday, 27 September 2023**
Weighting: **40%**

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: **11:55pm on Wednesday, 18 October 2023**
Weighting: **40%**

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: **Online between 3pm & 5pm on Friday, 17 November 2023**
Weighting: **20%**

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

1-hour recorded lecture each week; and

2-hour in-person tutorial every second week with in-class exercises and roleplay activities.

Textbook: Spencer, Barry and Akin Ojelabi *Dispute Resolution in Australia* (4th ed 2018 Lawbook Co.)

Note about the textbook: A new version of the textbook (5th ed 2023 Lawbook Co.) is expected to be published in the early weeks of second semester 2023. The lectures and course materials will be based on the 4th edition. However, students should feel free to purchase the 5th edition if they wish. Although page numbers will differ, the references to the textbook in the lectures will include paragraph references, which are largely consistent between the two editions.

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (https://policies.mq.edu.au). 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
- Assessment Procedure
- Complaints Resolution Procedure for Students and Members of the Public
- Special Consideration Policy

Students seeking more policy resources can visit Student Policies (https://students.mq.edu.au/su

pport/study/policies). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit Policy Central (https://policies.mq.edu.au) and use the search tool.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/admin/other-resources/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

Academic Integrity

At Macquarie, we believe academic integrity – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free online writing and maths support, academic skills development and wellbeing consultations.

Student Support

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

The Writing Centre

The Writing Centre provides resources to develop your English language proficiency, academic writing, and communication skills.

- Workshops
- Chat with a WriteWISE peer writing leader
- Access StudyWISE
- Upload an assignment to Studiosity
- Complete the 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

Macquarie University offers a range of Student Support Services including:

- IT Support
- Accessibility and disability support with study
- Mental health support
- Safety support to respond to bullying, harassment, sexual harassment and sexual assault
- Social support including information about finances, tenancy and legal issues
- Student Advocacy provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via AskMQ, or contact Service Connect.

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.