

Alternative Dispute Resolution

Module title			
Alternative Dispute Resolution			
Module NFQ level (only if an NFQ level can be demonstrated)	Module number / reference	ECTS Value	Duration
Level 8 NFQ	LLBH - ADR	5 ECTS	One semester: 12 weeks.
Parent programme(s). Principal programme title, and embedded(s) if relevant		Stage of parent programme	Semester No.
Bachelor of Laws (Honours)		3	1 or 2
Bachelor of Laws (Honours) in Criminal Justice		3	1 or 2
Bachelor of Laws (Honours) in Commercial Law		3	1 or 2
Teaching and Learning modes	Proportion (% of Total Directed Learning)		
Classroom / Face to Face	19%		
Workplace			
Online			
Other (Identify)	81% (Independent Research and Learning)		
Entry requirements (statement of knowledge, skill and competence)			
Please see section 4.2 for full details of entry requirements.			
Maximum number of learners per instance of the module	Sixty (60)		
Average (over the duration of the module) of the contact hours¹ per week	2		
Pre-requisite module title(s) (if any)	None		
Co-requisite module title(s) (if any)	Peace and Reconciliation		
Is this a capstone module? (Yes or No)	No		
Module-specific physical resources and support required per centre (or instance of the module)			
Requirements are for the lecturer to utilise a PC with Microsoft Office, Zoom and access to the internet through which an individual can gain access to the Griffith College student intranet: Moodle. There are no further software requirements for this module.			

¹ Effort while in contact with staff

Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff working in this module.

Role e.g. Tutor, Mentor etc	Qualifications & experience required:	# of Staff with this profile (WTEs)
Lecturer	Lecturers expected to hold at least a level 8 legal qualification, preferably with a professional legal qualification and mediation and/or arbitration qualification/experience. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College.	0.25 WTE

Analysis of required learning effort

*Effort while in contact with staff	Minimum ratio teacher / learner	Hours
Classroom and demonstrations	1:60	24
Mentoring and small-group teaching	-	-
Other (specify)	-	-
Independent Learning		
Directed e-learning (hours)		-
Independent Learning (hours)		101
Other hours (specify)		-
Work-based learning hours of learning effort		-
Total Effort (hours)		125

Allocation of Marks

	Continuous Assessment	Supervised Project	Proctored Practical Exam.	Proctored Written Exam	Total
Percentage Contribution	100%				100%

6.6.1 Module aims and objectives

The aim of this module is to provide a detailed understanding of the complementary systems of alternative dispute resolution as a forum for dispute resolution and the practical skills involved, while considering the role of the courts in alternate dispute resolution.

This module aims to provide learners with the ability to identify the fundamentals of different modes of alternative dispute resolution: Mediation, Arbitration and Conciliation and where each sits in the dispute resolution spectrum.

Learners develop both an understanding of the primary aims of mediation, arbitration and conciliation within dispute resolution. Learners will learn about the underlying ethos of mediation, arbitration and conciliation through encouraging the removal of obstacles.

Learners are enabled to understand both the theory and practice underpinning the law relating to each of these modes of alternative dispute resolution.

To develop the learner's understanding of ethical considerations in alternative dispute resolution and their ability to discerningly evaluate the ethical code of practice of one organisation of mediators vis-à-vis another and thus exercise judgement in identifying an appropriate forum for disputing parties.

6.6.2 Minimum intended module learning outcomes

On successful completion of this module, learners will be able to:

- (i) Identify the alternatives to judicial resolution of disputes and specify the criteria for seeking non-judicial resolution of disputes.
- (ii) Demonstrate knowledge of the principles governing alternative dispute resolution: mediation, arbitration and conciliation, and the impact of these processes on resolving conflict.
- (iii) Compare and contrast the different models and styles of mediation.
- (iv) Critically analyse the law that relates specifically to mediation, arbitration and conciliation and discuss the problems relating to each nationally and internationally.
- (v) Analyse how these modes of alternative dispute resolution interact with other areas of law: contract law: agreements to mediate and mediated agreements.
- (vi) Demonstrate an understanding of the various professional codes of ethics present in each of these fields, specifically the duties and responsibilities of individuals working in each of the modes of alternative dispute resolution.
- (vii) Critically analyse alternative dispute resolution and the philosophical, political and economic structures underpinning it.
- (viii) Research and develop reasoned arguments to produce informed solutions to alternative dispute resolution problems.
- (ix) Act with autonomy, responsibility and team-working skills through cooperation on case studies.
- (x) Manage and participate constructively in complex team environments.

6.6.3 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

Alternative Dispute Resolution is an elective module where learners become familiar with the principles and legislation relating to this area of practice and its practical application within the Irish Legal System and International Law. The module learning outcomes are aligned to a number of the Minimum Intended Programme Learning Outcomes, including the develop a of critical awareness of the international legal environment in which the Irish legal system operates, in order for learners to critically evaluate their own academic performance and take responsibility for self-directed learning and to demonstrate independent critical judgment and analytical skills supporting personal and career development.

This module will familiarise the learner with the fundamentals of Alternative Dispute Resolution. It provides knowledge of the principles of Mediation, Arbitration and Conciliation and the process involved in each.

This module will also give learners an awareness of the impact of conflict behaviour on professionals involved in each of these fields, both from the perspective of the Mediator, Arbitrator or Conciliator themselves, and also from the parties involved in the processes.

The module emphasises the necessity of inherent emotional intelligence on the part of the professional in each of the fields of Alternative Dispute Resolution in this regard. It is sought to achieve this by introducing the learner to both academic reading and self-reflection on the area.

6.6.4 Information provided to learners about the module

The learners will have in their possession their Faculty Handbooks from their previous year. The Faculty Handbook provides general information about the faculty, its staffing, resources, and operation. Detailed programme information is supplied through Moodle, including copies of the approved module descriptors from the accredited programme (detailing related teaching, learning and assessment) along with a programme timetable. Another copy will be provided to the learners upon their request.

During the first class of the Module, learners are given a detailed outline of the Module showing the schedule of delivery and the dates when assignments are released and due for submission.

Moodle is used to provide learners with ongoing access to module related information, from the handbooks and module outlines provided in advance of the module commencement, the lecture material and links to related resources provided on a scheduled basis in line with the module delivery.

6.6.5 Module content, organisation and structure

Alternative Dispute Resolution is a 5 ECTS credit module taught and assessed over one academic semester. The module is delivered over 24 lecture sessions of 4 hours duration for Full Time learners, 2 hours duration for Part Time learners and weekly pre-recorded lectures that will be supplemented with evening seminars and Live Days for the Blended learners.

The Learning Outcomes for this programme have been aligned with the knowledge, skills and competencies indicated as appropriate for Level 8 on the NFQ. They have been explicitly articulated using the Quality and Qualifications Ireland (QQI) Generic Awards Standards. The module curriculum is as follows:

Topic 1 - Introduction to Alternative Dispute Resolution

- Introduction to Alternative Dispute Resolution
- Definitions involved in Alternative Dispute Resolution

Topic 2 - Mediation

- Relevant laws
- Process
- Role of Mediator

Topic 3 - Arbitration

- Relevant laws
- Process
- Role of Arbitrator
- The Agreement to Arbitrate
- Setting Aside an Award and enforcement of an Award
- Defences to the enforcement of an award including Public Policy

Topic 4 – Conciliation

- Relevant laws
- Process
- Role of Conciliator

Topic 5 – Practical Operation

- Compare and contrast each of Mediation, Arbitration and Conciliation • Consider the approach adopted in varying situations

6.6.6 Module teaching and learning (including formative assessment) strategy

The module uses participative lectures, which consist of tutorial-style discussions, group work sessions and exercises by way of block release. The lectures are supplemented by structured on-line resources and directed reading. Formative assessment is provided in the form of interactive exercises such as directed class discussion topics which reference current affairs pertaining to Alternative Dispute Resolution at the time of instruction. Formative assessment is also provided through tutorialstyle discussions, group work and exercises which will be facilitated in the main Zoom call or by way of breakout rooms in the Block release sessions that will be provided throughout the semester. These focus on specific case law and problem-based learning requiring learners to analyse the law and apply it to practical mediation, arbitration and conciliation disputes or issues.

Learners also engage in collaborative work in pairs or small groups to brainstorm what learning has been achieved through discussing the law in breakout rooms and applying it to a scenario that was provided by the lecturer during the class, and then asked to provide a summary of their discussion when the breakout rooms are closed. In order to support learners through the examination process, they engage in the answering of sample examination questions and correction of their own or peer's papers, thereby familiarising themselves with the marking criteria. Learners also engage in activities where they draft their own exam questions in order to recap and consolidate a particular topic.

Learners undertaking the course via blended learning benefit from varied and additional options for engagement to compensate their reduced attendance of campus. These include webinars, screencasts (recorded lectures), discussion fora, and increased use of the College's VLE (Virtual Learning Environment), Moodle.

In addition to what has been stated, classroom assessment and benchmarking techniques are deployed to encourage learners to develop more agency in terms of their own learning including inclass presentations, group work, peer-review exercises and reflective practice. The variety of teaching, learning and assessment techniques reflect an enhanced emphasis on skills acquisition to deepen practical knowledge. Finally, the attention of learners is drawn to current industry practice and technology used in the specific area of law to add a further dimension to learning, tracking the actual practice of legal professionals.

6.6.7 Work-based learning and practice-placement

Alternative Dispute Resolution is a class based 5 ECTS credit module and does not require workbased learning and practice placement.

6.6.8 E-learning

Moodle, the College Virtual Learning Environment is used to disseminate notes, advice, and online resources to support the learners. E-learning activities include learner feedback, forums where learners contribute, formative quizzes and video links. The learners will also have access to a number of other online resources through the library such as access to databases and research tools (Westlaw.ie, Westlaw.uk, JustisOne (vLex) and Hein Online) as well as access to online copies of books published from Bloomsbury Online.

6.6.9 Module physical resource requirements

Requirements are for the lecturer to utilise a PC with Microsoft Office, Zoom and access to the internet through which an individual can gain access to the Griffith College student intranet: Moodle. There are no further software requirements for this module. In relation to Microsoft Office the lecturer will require to use PowerPoint or Word to present the information to the learners. Zoom will be required in conjunction with Microsoft Office in order to record the lectures. Zoom will also be required for the seminars through which the module will be taught (block release).

The College library has a dedicated law section and online legal research tools (Justice One, Westlaw, Hein Online).

6.6.10 Reading lists and other information resources

Primary reading

- Jennifer E. Beer, Caroline C. Packard, Eileen Stief and Elizabeth Elwood Gates, *The Mediator's Handbook* (Revised and expanded 4th edition, New Society Publishers, 2012);
- Barry Mansfield, *Arbitration in Ireland: Arbitration Act 2010 and model law: a commentary* (2nd edition, Clarus Press, 2018);
- Gary Born, *International Arbitration: Law and Practice* (3rd edition, Kluwer Law International, 2021);
- Thomas H. Webster and Michael Buhler, *Handbook of ICC Arbitration: Commentary and Materials* (5th Edition, Sweet & Maxwell, 2021);
- Law Reform Commission, *Report on Alternative Dispute Resolution: Mediation and Conciliation*, [LRC 98-2010];
- Raymond Byrne, Paul J McCutcheon, Laura Cahillane, Emma Roche-Cagney, Byrne and McCutcheon on the Irish legal system (7th edition, Bloomsbury Professional 2020);
- Roger Fisher, William Ury and Bruce Patton, *Getting to Yes: Negotiating Agreement without Giving in* (Houghton Mifflin, 1991);
- Robert A. Baruch Bush and Joseph P. Folger, *The promise of mediation: responding to conflict through empowerment and recognition* (Jossey-Bass, San Francisco, CA, 1994);
- Nigel Blackaby, KC, Constantine Partasides, KC and Alan Redfern, Redfern and Hunter on *International Arbitration*, (7th edition, Oxford University Press, 2023)
- Deborah Kolb and Jean Bartunek, *Hidden Conflict in Organisations: Uncovering BehindtheScenes Disputes* (1st edition, SAGE Publications Inc., 1992)

Secondary reading

- Howard M. Holtzmann and Joseph E. Neuhaus, *A Guide to the UNITRAL Model on International Commercial Arbitration: Legislative History and Commentary*. (Kluwer Law International, 1995);

e-Resources

- *Bloomsbury Professional Online*
- *JustisOne – Vlex*
- *Westlaw.ie*
- *Westlaw UK*
- *Heinonline*
- *Griffith College Library Website*

6.6.11 Specifications for module staffing requirements

Lecturers qualified to the appropriate academic or professional level with a minimum Level 9 or professional qualification in addition to a qualification or experience in mediation and/or arbitration and preferably with a third level teaching qualification (e.g. Certificate in Education, Learning and Development).

Learners also benefit from the support of the Programme Director, Faculty Administrators, a dedicated Learning Technologist Office, the Learning Supports Office, at least one Learner Representative for each Stage, the Students' Union and a free (off campus) Counselling Service.

6.6.12 Module summative assessment strategy

Theoretical and practical knowledge will be assessed by continuous assessment (100%). The continuous assessment shall consist of a case study assignment which the students will receive early in the semester (50%) and a Group presentation near the end of the semester that will be on a different case brief where the learners must also discuss their research process (research record) (25%). The final assessment will be a reflective journal (worth 25%). In line with ongoing developments to protect the academic integrity of the course, the assignment shall take the form of a problem question heavily embedded in the application of alternative dispute resolution principles to relatively unique, and domestically tailored, factual circumstances.

The following table indicates the module's learning outcomes' alignment with the assessment used for the module:

No.	Description	MIMLOs	Weighting
1	Case Study (2,500 words)	i, ii, iii, iv, v, vi, vii, viii, ix, x.	50 %
2	Group Presentation (1,000 words)	i, ii, iii, iv, v, vi, vii, viii, ix, x, xi.	35 %
3	Reflective Journal (750 words)	i, ii, iii, iv, v, vi, vii.	15 %

Reassessment/Repeat assessment strategy: Griffith College regulations state that learners must pass all component elements of the module to be deemed to have passed the module.

- In the event of a learner failing components of / this module, they will be required to submit a new individual repeat assignment which will be made available on Moodle to learners, and which must be submitted as per faculty instructions.
- In the event of a learner failing the group assessment element of this module, a new individual repeat assignment will be made available on Moodle to learners which must be submitted as per faculty instructions.
- In the event of the learner failing the exam, learners will take the re-sit exam at the next available sitting, details of which will be made available to learners via Moodle.

6.6.13 Sample assessment materials

Please see sample assessment supplementary document.