

Program on Dispute Resolution and Restorative Practices
Department of Communications
University of Alaska Fairbanks
Summer, 2016

TITLE: Dispute Resolution and Restorative Practices
NUMBER: 201
LOCATION: Online
INSTRUCTOR: Polly E. Hyslop

COURSE DESCRIPTION

This course surveys the basic practical and theoretical foundations of conflict, conflict resolution and restorative practices. It introduces students to the basic theories and practices of conflict resolution and Peace-making, providing students with grounding in theories, applications and dynamics of conflict and key conflict resolution processes.

STUDENT LEARNING OUTCOMES

1. The course will introduce students to the field of dispute resolution, restorative practices, dispute systems design, and therapeutic jurisprudence.
2. Students will be given the opportunity to personally explore their own approaches to conflict, and what other approaches to conflict may be available to them.
3. Students will also learn to connect different theories of conflict and approaches to conflicts to different resolutions.
4. Students will leave the class with basic dispute resolution skills and knowledge of restorative practices.
5. Students will come to recognize and apply the various methods of conflict resolution, restorative justice, and therapeutic jurisprudence.
6. Students will understand how theory connects to practice in the field of dispute resolution.

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131 Bunnell Building
PO BOX 756700, Fairbanks, Alaska 99775-6700
907.455-2060 • 800.227.8060
Email: uaf-elearning@alaska.edu

7. Students will learn to assess and provide interventions by working through several real-life case studies.

COURSE READINGS/MATERIALS

Alaska Journal of Dispute Resolution (AJDR) 2013 (access on line and copy in library)
<http://www.uaf.edu/comm/inter-university-adr-symp/>

2014 AJDR (Library has one copy)

On-line handouts

COURSE SCHEDULE

Tentative Course Schedule and Topical Outline – SUBJECT TO ANNOUNCED CHANGES

WEEK 1: Foundations of Restorative Community Justice, Conflict Theories and Justice & Alternative Dispute Resolution

Unit 1 - Foundations of Restorative Community Justice

Review Syllabus & Class Expectations

Introductions

Reading Assignment: Movie, Milagro Bean Fields

Unit 2 - Conflict Theories and Perspectives

Perspectives and Paradigms

Conflict Theories and Models

Perspectives in Sociology of Conflict

Perspectives in Sociology of Law

Gender Effects

Culture Effects

Reading Assignment: Handout

Unit 3 – Alternative Dispute Resolution

ADR Continuum

Negotiation Theory

Mediation Theory

Practices in Mediation

Practices in Arbitration

Collaborative Law

Reading Assignment: Handout

Week 2: Restorative Justice I and II, & Therapeutic Jurisprudence
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Unit 4 - Restorative Justice I

History of Restorative Practices

Restorative Justice Theory

Restorative Justice Practices

Reading Assignment: Handout

Unit 5: Restorative Justice II

Discussion of Restorative Justice Programs

Applications in Restorative Justice

Reading Assignment: Handout

Unit 6: Therapeutic Jurisprudence

Understanding Therapeutic Jurisprudence

Applications in Therapeutic Jurisprudence

Lesson from David Wexler

Reading Assignment: Handout

Week 3: Introduction to Arbitration, Negotiation Styles, Tactics, Strategies, & Power and Power-Balancing in Negotiation and Dispute Resolution and Quiz 1

Unit 7 Introduction to Arbitration

FAA Preemption

Formation of Arbitration Agreements

Interpretation of Arbitration Agreements

Effect of Arbitration Awards

Arbitration Fields; Labor, International, Sport, family, commercial, consumer, etc.

History of Arbitration

Rules affecting Arbitration

Rules of Evidence

Building arbitration techniques

Other Related Processes: MED-ARB, ARB_MED, Fact-finding, Early Neutral Evaluation, etc

Reading Assignment: Handout

Quiz 1: Covering all material from Unit 1 -7

Unit 8 Negotiation - Styles, Tactics, Strategies

Traditional Negotiation

Assumptions about Conflict and Negotiation

Styles, strategies, and tactics

Prisoner's Dilemma

Negotiation Theory – Exchange, Field theory, Psychodynamic, etc

Alternative views of negotiation

Interest-based (Principled) Negotiation: The Harvard Model

Issue Frames

Reframing

Interests versus Positions

The Ugli Orange

Communication Effectiveness

Negotiation and Advocacy

Options for Mutual Gain

Insisting on Objective Criteria

Building Effective Negotiation Skills

Dealing with dirty tactics through principled negotiation

Reading Assignment: Handout

Unit 9 - Power and Power-Balancing in Negotiation and Dispute Resolution

Defining Power

Sociological Theories on Power

Power Effects in Negotiation and Mediation

Dealing with Power Relations

Power Balancing

Harvard Method

Batna and Watna

Reading Assignment: Handout

Week 4: Mediation: The Process in depth, Mediation: Challenges in Mediation & Expanded Approaches to Mediation & Quiz 2
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Unit 10: Mediation: The Process in depth

Overview – The Mediation Grid

Interest-based (Facilitative) Mediation

Building interest-based mediation skills

The Process: step by step

Alternative Approaches to Mediation – Introduction

Facilitative versus Evaluative Mediation

Reading Assignment: Handout

Unit 11- Mediation: Challenges in Mediation

Controlling the Process

Moving to Agreements

Dealing with Impasse

Writing up a Memorandum of Understanding

Agreements and legal issues

Mediation Ethics

Reading Assignment: Handout

Quiz 2 (Covering materials from Unit 8-11)

Unit 12 - Expanded Approaches to Mediation

Defining the Goals of Mediation

Transformative Mediation

Empowerment and Recognition

A humanistic Base to Mediation

Bush and Folger – Transformative Mediation

Rogers – On Humanism

A History of Narrative Mediation

Building Narrative Mediation Skills

Post-modernism and post-structuralism

Structural Discrimination

Structured Social Reality

Monk and Winslade

Sara Cobb

Introduction to Integral Mediation

Reading Assignment: Handout

Week 5: Group/Organizational Facilitation and Dispute Systems Design (DSD),

Unit 13 - Group/Organizational Facilitation and Dispute Systems Design (DSD)

Working with Groups, Organizations, and the Public

Methods

Basic versus Developmental Facilitation

Costantino & Sickles- Merchant

Ury, Brett, and Goldberg

Contracting, and Consulting

Organizational Assessment

Implementation

Follow-up

Work on Final voice thread project

Reading Assignment: Handout

Week 6: Final Project and Final Comprehensive Quiz

Final Voice Thread Project and final Quiz