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.
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

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

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
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