

60755 - Alternative conflict resolution techniques

Syllabus Information

Academic year: 2023/24

Subject: 60755 - Alternative conflict resolution techniques

Faculty / School: 102 - Facultad de Derecho

Degree: 642 - Master's in Legal Practice

ECTS: 3.0

Year: 1

Semester: First semester

Subject type: Compulsory

Module:

1. General information

-To provide the student with a general knowledge of ADR and ODR: origin, evolution, distinction between extrajudicial resolution mechanisms.

-To provide the student with the necessary skills to identify the elements of the conflict and to determine the most appropriate method of resolution according to the nature of the conflict, the level of the conflict, the effects that are sought with its resolution (maintenance of personal relationships, economic solutions, etc.).

-To help the student acquire and apply the necessary techniques in the various processes of conflict resolution, being able to act as a lawyer in arbitration proceedings, mediation, etc.

These approaches and objectives are aligned with the following Sustainable Development Goals (SDGs) of the United Nations Agenda 2030: 3, 4, 8,10,16 17 .

2. Learning results

CO_03: to know the different techniques for the composition of interests and to know how to find solutions to problems by means of alternative methods to the jurisdictional route.

HA_02: To distinguish the different techniques of interest composition and know how to find solutions to problems by means of alternative methods to the jurisdictional route.

HA_12: To develop interpersonal attitudes that facilitate professional practice in their relations with citizens, with other professionals and with institutions.

CP_03: To identify conflicts of interest and know the techniques for their resolution, establish the scope of professional secrecy and confidentiality, and preserve independence of judgment.

CP_04: To identify the performance and organizational requirements that are decisive for legal advice and the procedural representation.

CP_09: Critical thinking: To reason in a reflective manner on a topic and be able to deliberate on its validity subjecting one's own and external convictions to debate.

CP_10: Emotional intelligence: understanding and regulating one's own emotions and those of others in order to interact and participate effectively and constructively in social and professional life.

3. Syllabus

LESSON 1.- The conflict.

LESSON 2.-Different extrajudicial methods to solve conflicts.

LESSON 3.-Introduction to Negotiation.

LESSON 4.-Introduction to conciliation.

LESSON 5.-Introduction to the transaction.

LESSON 6.- Introduction to mediation.

LESSON 7.- Introduction to arbitration.

4. Academic activities

1- EXPOSITORY ACTIVITIES AND SYSTEMATIZATION OF KNOWLEDGE BY THE TEACHER: Methodology: theoretical class.

2- DYNAMIC TEACHER AND STUDENT ACTIVITIES: Some of the following activities can be included: resolution of practical cases, commentary of sentences, simulation activities, visits to institutions, projection of videos of real experiences of practice of alternative dispute resolution techniques and other interactive and participatory activities that facilitate the approach of the student to the subject.

3- PERSONAL STUDY OF THE STUDENT.

4- EVALUATION ACTIVITIES.

5. Assessment system

Mixed system.

1-Assessment of the active participation of the student through the evaluation of the programmed evaluable activities, which will consist of oral expositions, presentations of works, recensions, participation in debates or answers to the questions that are formulated in class orally or in writing on the practical cases raised and the subject related to them.

Continuous evaluation will compute 30% of the final grade and will be maintained for the June and September exams.

2- Performance of a final test, which will consist of:

a) An objective test of a theoretical nature on the contents of the program. There will be a number of questions that will require the presentation of the syllabus contents. The grade obtained will account for 50% of the final grade.

b) A practical test, in which one or several assumptions will be stated on which several questions will be formulated to be answered by the student

The student who has passed the continuous evaluation (obtaining at least 1.5 points out of 3 and having attended 80% of the practical classes) may answer only the two questions indicated by the teacher for these students (in this case this grade will represent 20% of the total). In this case, the grade obtained in the continuous evaluation will be added to this grade.

A maximum of 5 points can be obtained.

In order to pass the subject, students must have passed both the active participation in class (1.5 out of 3 points) and the final exam (3.5 out of 7 points). The final test in this evaluation system is considered to be made up of the objective theoretical test and the practical test.

In the case of passing the continuous evaluation part, but not passing the final exam, the student's numerical grade will be exclusively that obtained in the final exam, without adding the grade obtained for active participation.

Also, if the student wishes, they may answer the 5 questions posed in the case study. In this case, the teacher will take into account the option that benefits the student, i.e., they will choose either the grade resulting from adding the continuous evaluation grade to the grade obtained in the 2 practical case study questions or the grade obtained by answering the 5 questions.

In the latter case (the grade obtained by answering the 5 questions) it will be necessary to obtain 2.5 in each part, both in the theoretical and practical in order to pass the subject. If only one of the tests is passed, the grade obtained will be "fail" and the numerical grade will be the result of averaging the test passed with the grade of 0 of the test not passed. The grade obtained in the continuous evaluation will be saved for the following exam.

System based exclusively on a global final test

In accordance with the above and in accordance with current regulations that require a system for students who do not opt for the continuous evaluation system, the subject may be passed by means of a final global test, which will take place at the corresponding official call. This test will consist of:

a) An objective test of a theoretical nature on the contents of the program. The exam will consist of 2 questions. The grade obtained will account for 50% of the final grade.

b) A practical test in which one or several assumptions will be stated on which several questions will be formulated to be answered by the student. The grade obtained will account for 50% of the final grade. In this second test, the student is allowed to use legal texts.

Passing the subject will require passing each of the two tests that make up the overall final exam (2.5 as a minimum grade in each). If only one of the tests is passed, the grade obtained will be a "fail" grade and the numerical grade will be the result of averaging the test passed with the grade of 0 of the test not passed. The grade obtained in the other test will not be saved for the next exam call

The final written test to be taken by students who have opted for the continuous evaluation system and the overall test to be taken by students who have not opted for this system or who have not passed the subject will be held on the same day.