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MODULE DESCRIPTOR

Module Title

Practical Dispute Resolution

Reference	BSM817	Version	3
Created	August 2021	SCQF Level	SCQF 11
Approved	August 2016	SCQF Points	15
Amended	September 2021	ECTS Points	7.5

Aims of Module

To enable students to understand the main methods of dispute resolution available. To provide students with an understanding of the principal factors relevant to making a choice of dispute resolution method. To impart an understanding of the importance of negotiation as a key non-formal method of dispute resolution. To allow students to understand the essentials of more formal methods of dispute resolution in the UK, such as mediation and arbitration, and to contrast these with litigation. To describe some of the main pitfalls in the resolution of a dispute with an international dimension and to develop an understanding of the essentials of drafting an effective dispute resolution clause in a contract.

Learning Outcomes for Module

On completion of this module, students are expected to be able to:

1	Understand and the range of dispute resolution techniques and the importance of the proper choice of dispute resolution method
2	Demonstrate a detailed knowledge of the main negotiation techniques applicable to the resolution of disputes
3	Display a good understanding of mediation techniques, procedure and the law
4	Analyse the law and procedure of arbitration as it applies in the UK
5	Discuss the essentials of an effective dispute resolution clause in a contract
6	Understand the main cross-border issues involved in the main methods of dispute resolution

Indicative Module Content

Types of dispute; choice of resolution method; importance of negotiation; theories and approaches to negotiation; practical negotiation tips; forms of mediation; the procedure in a typical mediation; legal issues in mediation; advantages and disadvantages of mediation over arbitration and litigation; the statutory framework for arbitration in the UK; issues of jurisdiction and basic arbitral procedure; advantages and disadvantages of arbitration over mediation and litigation; basic cross-border dispute resolution issues such as choice of law and jurisdiction; drafting a good dispute resolution clause.

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Module Delivery

Seminars, problem solving, case studies, presentations and role play

Indicative Student Workload	Full Time	Part Time
Contact Hours	22	22
Non-Contact Hours	128	128
Placement/Work-Based Learning Experience [Notional] Hours	N/A	N/A
TOTAL	150	150
Actual Placement hours for professional, statutory or regulatory body		

ASSESSMENT PLAN

If a major/minor model is used and box is ticked, % weightings below are indicative only.

Component 1

Type:	Coursework	Weighting:	100%	Outcomes Assessed:	1, 2, 3, 4, 5, 6
Description:	Practical exercise/role play				

MODULE PERFORMANCE DESCRIPTOR

Explanatory Text

Component 1 comprises 100% of the module grade. To pass the module, a D grade is required.

Module Grade	Minimum Requirements to achieve Module Grade:
A	A
B	B
C	C
D	D
E	E
F	F
NS	Non-submission of work by published deadline or non-attendance for examination

Module Requirements

Prerequisites for Module	None in addition to SCQF 11 entry requirement or equivalent.
Corequisites for module	None.
Precluded Modules	None.

ADDITIONAL NOTES

In addition to the texts in the indicative bibliography, the student will be required to purchase the course materials.

INDICATIVE BIBLIOGRAPHY

1. BROWN H. and MARRIOT A., 2012. *ADR Principles and Practice.* 3rd ed. London:Sweet and Maxwell.
2. DAVIDON, F., 2012. *Arbitration.* 2nd ed. Edinburgh: W. Green.
3. FISHER R. and URY W., 2012. *Getting to yes: negotiating agreement without giving in.* 2nd Ed. London: Penguin.
4. FISHER R. and BROWN S., 1989. *Getting together: building a relationship that gets to yes.* New York: Penguin.
5. URY W., 1991. *Getting past no: negotiating with difficult people.* New York: Random House.