Dispute Resolution Centre

School of Management

Dispute Resolution Handbook 2017
The information contained in this publication is indicative of offerings available in 2017. This information is correct as at the time of going to press, but may be subject to change. While all reasonable efforts will be made to ensure listed courses are offered and regulations are up to date, the University reserves the right to change the content or method of presentation, or to withdraw any course of study, or impose limitations on enrolments should the circumstances require this.
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<td>153.320</td>
<td>Employment Dispute Resolution</td>
<td>32</td>
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</tbody>
</table>
Message from the Centre

The Dispute Resolution staff welcome this opportunity to tell you about the programme of study and invite you to join them in exploring the related disciplines of Arbitration, Mediation and Negotiation.

We are pleased to offer the range of papers described in this handbook.

Our programme seeks to introduce students of dispute resolution to a range of models and a variety of processes for resolving justiciable disputes. The principal processes used are arbitration, mediation and negotiation. We use a number of models within those processes. Our educational philosophy is not to endorse any particular model, but rather to assist students, through both theory and an examination of practice, to select from the continuum of options available. The process should be appropriate to the particular dispute between the presenting parties.

Students in the programme are also given opportunities to develop competencies in the applied aspects of dispute resolution.

We have now completed 20 years of teaching this programme and it is pleasing to see that many of our graduates are making a significant contribution to the theory and practice of dispute resolution in New Zealand.

We are always pleased to hear from you and hope you will have an interesting and rewarding time studying dispute resolution. If you have any further enquiries regarding your programme of study please contact me for further assistance.

Dr Frieder Lempp
Director
Dispute Resolution Centre
School of Management
Massey Business School
Massey University
Massey University
Dispute Resolution Centre

The Dispute Resolution Centre was established by Massey University in 1995 to develop a programme of study following the introduction of dispute resolution papers in 1993.

The areas of study and research conducted by the Dispute Resolution team are mainly centred on the processes available for the resolution of justiciable disputes. These are:

a  Negotiation, where parties deal directly with each other.

b  Mediation, where parties are helped by a third party who provides assistance with the process but leaves the power to settle with the parties.

c  Arbitration and adjudication, where a binding decision is made by a third person, although with reduced student interest our offerings have dropped in this area.

Information on personal programmes of study is available from the Centre.

<table>
<thead>
<tr>
<th>Dispute Resolution Contact Information</th>
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<tr>
<td>The University telephone communication system is run on an automated system. The numbers are:</td>
</tr>
<tr>
<td>Wellington</td>
</tr>
<tr>
<td>Palmerston North</td>
</tr>
<tr>
<td>Auckland</td>
</tr>
<tr>
<td>You will then be prompted to enter the extension number of the person you wish to speak to. Our extension numbers are listed below:</td>
</tr>
<tr>
<td>Dr Frieder Lempp, Director</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
Most matters (such as course materials, contact course registration, exam information or change of address) should be addressed to the National Contact Centre.

Please contact Massey if you change your physical or email address – otherwise you may not receive important information.

National Contact Centre Details:

Telephone 0800 MASSEY (0800 627 739)
Telephone (from outside NZ) +64 6 350 5701
Facsimile +64 6 350 5618
Text 5222
Email contact@massey.ac.nz
Internet chat chat.massey.ac.nz

Students with queries which relate to the content of the course, extensions for assignments etc. should contact their paper coordinator.
## Quick Reference Contact Information

If you have studied by Distance before, you will probably know whom to call if you have any Administration queries about your study. However, here are some common problems or queries and who to contact in each case:

<table>
<thead>
<tr>
<th>Issue</th>
<th>Contact</th>
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</thead>
<tbody>
<tr>
<td>Change of name or address contact details</td>
<td>National Contact Centre 0800 MASSEY [0800 627739]</td>
</tr>
<tr>
<td>Missing or incomplete postings</td>
<td>National Contact Centre 0800 MASSEY [0800 627739]</td>
</tr>
<tr>
<td>Missing or lost assignments</td>
<td>National Contact Centre 0800 MASSEY [0800 627739]</td>
</tr>
<tr>
<td>Contact Course inquiries</td>
<td>National Contact Centre 0800 MASSEY [0800 627739]</td>
</tr>
<tr>
<td>What papers should I take next?</td>
<td>Dispute Resolution staff or School Programme Support Administrator</td>
</tr>
<tr>
<td>I'll be overseas during my final exam.</td>
<td>National Contact Centre 0800 MASSEY [0800 627739]</td>
</tr>
<tr>
<td>I think I should withdraw</td>
<td>Paper coordinator</td>
</tr>
<tr>
<td>Sensitive personal matters impacting on your study.</td>
<td>Paper coordinator</td>
</tr>
<tr>
<td>I don't understand the assignment</td>
<td>Paper coordinator</td>
</tr>
</tbody>
</table>

The Massey University internet homepage is [www.massey.ac.nz](http://www.massey.ac.nz). You can gain access to the Library catalogue through the homepage.
Dispute Resolution Centre Staff

For profiles of staff in the Dispute Resolution Programme, please see the information on the website [www.massey.ac.nz/dispute-resolution](http://www.massey.ac.nz/dispute-resolution) that includes current full-time staff and those who kindly assist us in the delivery of various papers, particularly the Practicums.

Who Should Study Dispute Resolution?

There are two key groups of students of who study dispute resolution.

First, there are those who would like to practise as dispute resolution professionals. These students may also seek membership of the Arbitrators’ and Mediators’ Institute of New Zealand and therefore choose to enrol in at least the 153.210 practicum. Such students may already be working in the dispute resolution field but also want an academic qualification, or wish to add a professional strength to a field in which they already practise, for instance, law, construction or human resources.

Second, there are those students who recognise that the study of dispute resolution is increasingly seen as a core competency in business and/or social services, for instance, students wishing to work in business and organisations as managers, human resource staff or project consultants. Such students may well have a particular interest in our negotiation papers and prefer to add these to their programme of study rather than our practicum papers.

Both groups of students will be attracted to the professional affiliation of the Dispute Resolution Centre with the Arbitrators’ and Mediators’ Institute of New Zealand and the applied nature of much of the study.
Arbitrators’ and Mediators’ Institute of New Zealand Inc.

AMINZ is the professional body for dispute resolution in New Zealand.

The Centre and the Institute work closely together to ensure that the dispute resolution diploma course papers that are recognised by AMINZ meet the required academic and professional standards. The Joint Advisory Committee, consisting of representatives from Massey University and AMINZ, monitors the Centre’s programmes.

The Centre’s students are welcome to apply for membership with AMINZ during their time of study. Affiliate membership is the relevant membership level for 200-level students. Affiliate membership is a non-qualified status.

When students have passed papers 153.200, 153.202, 153.314, and 153.330 of the Graduate Diploma in Business Studies (Dispute Resolution), they are eligible to apply for admission as Associates. Associate members receive a Certificate of Membership and are entitled to use the designatory letters, AAMINZ.

AMINZ members are able to access the Institute’s resources and up to date information about dispute resolution process and practice. Members are backed with professional support and can participate in the continuing professional development programme of the Institute, such as the specialist seminars, symposiums and workshops held across a range of industry and occupational sectors. Student members also have the opportunity to network with experienced and qualified dispute resolution professionals. AMINZ circulates a regular email newsletter and members can access the members section of the website where articles and materials are available for use by members in their study and practice work.

The Institute maintains a range of practitioner lists and panels, including panels of mediators and arbitrators, lists of construction adjudicators and rural specialists. Only experienced associate and fellow members are eligible to apply for admission to the panels and lists.

Application forms for membership with AMINZ are available from the Institute’s office or on the website at www.aminz.org.nz .
Further information about membership of the Institute and its activities can be obtained from:

Arbitrators’ and Mediators’ Institute of New Zealand Inc.  
Level 3, Hallenstein House, 276 – 278 Lambton Quay  
PO Box 1477, Wellington, New Zealand

<table>
<thead>
<tr>
<th>Telephone:</th>
<th>(04) 4999 384</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freephone:</td>
<td>0800 4AMINZ (0800 426 469)</td>
</tr>
</tbody>
</table>

Facsimile: (04) 499 9387  
Email: institute@aminz.org.nz  
Website: www.aminz.org.nz
A key focus of the graduate diploma is on the professional aspects of Dispute Resolution.

If you wish to cover the spectrum of DR options, as either a student wishing to practice in the field or as a member of the wider business or professional community, then the graduate diploma is an appropriate qualification.

It will assist you as either practitioner or user of DR services to understand the range of processes available, and the context/s in which these should be employed. For those who are seeking to develop a career in the practice of DR, eligibility for graded membership of The Arbitrators’ and Mediators’ Institute of New Zealand will be obtained following the successful completion of 153.200, 153.202, 153.314 and 153.330. It is important to note that students who wish to meet the educational requirements for eligibility for Associate Membership of the professional body, the Arbitrators’ and Mediators’ Institute of New Zealand Inc (AMINZ), will still need to pass the 300-level Practicum 153.330. The passing of the diploma course does not guarantee that the graduate will be granted membership of the professional body. See information on earlier pages regarding AMINZ.
The Learning Environment

These are university courses. There are no ‘how-to’ instruction books. As with all university courses we are trying to teach you to think and develop your analytical and critical faculties.

There is a lot of positive support for you including;

a. The Massey library, including the library research databases.

b. Online learning and discussion opportunities through the use of Stream, in our papers.

c. Learning support for improving academic skills, through the Learning Support Centres on each campus (available to internal and Distance students).

Semesters

Massey University’s year is divided into semesters that are separated by a vacation at the end of June. The Dispute Resolution team does not currently teach during the Semester Three Summer School.

Student Weekly Workloads

For Distance students, paper credits are an *indication of the number of hours you should apply to a paper per week.*

15 credit paper indicative of 12 hours study required per week.

Maximum Student Yearly Workload

Maximum student workload is governed by the University and Ministry of Education ruling which is:

a. The maximum credits students may take in the College of Business per semester is 60. In the unlikely event you wish to exceed this, you should first seek academic advice.

b. Credits for double semester papers are assigned in equal parts per semester.

c. Candidates shall not enter in the same year for more than two distinct courses for degrees and diplomas.
Contact Courses

Voluntary Contact Courses are conducted in Palmerston North only for the following papers in 2017:

153.200 Introduction to Dispute Resolution
153.204 Negotiation Principles
153.302 Mediation Process
153.314 Dispute Resolution Advocacy
153.320 Employment Dispute Resolution

These provide an opportunity for students to meet each other and to discuss particular subjects directly with paper coordinators and lecturers.

Although attendance is not compulsory for the above papers, we highly recommend that you come. This is your opportunity to discuss any problems you may have and to join in the learning that will take place during the course. Contact courses will be held at the Manawatu Campus.

The dates for contact courses are set out in the Distance Handbook, enrolment information and the administration guides.

When attending a contact course PLEASE BRING your study guide(s) and any textbook(s) and statutes required for the course with you.

Practicum

A practicum is an intensive 5+ day (9am to 9pm) block course, beginning on Sunday afternoon. Four to six weeks prior to the practicum, approved students will receive a practicum handbook to assist with pre-practicum preparation.

Note: The 2017 Practicum will be offered from 2nd to 7th July 2017.

Practicum Selection

In the event that applications for the practicum of your choice exceed the number of places available, the director will apply a selection procedure. Preference will be given to those students who are proceeding through the course without interruption and/or for whom this is a final paper to complete the qualification. Other than the above, students will be allotted places on the basis of the order of receipt of their application.

NB: The University reserves the right to withdraw a Practicum or other block course from offer when it becomes apparent that there are insufficient enrolments. Where this occurs, any payments made will be refunded.
Block Courses

A Block Course is a 5-day course which runs Monday to Friday (9am to 5pm) of an advertised week. Four to six weeks prior to the block course, students will receive a Block Course Study Guide which often contains requirements for pre-block course work and block course event preparation. Post-block course work is required and this may include a test but no university examination will be set.

Block Course Selection

Block course selection will be based on the date of your enrolment and eligibility to attend the block course.

Student Cancellations

Once you have confirmed your attendance at a Block Course (including the Practicum) and received a study guide you are committed to the Block Course and subsequent fees. The refund of University fees will be dealt with in the usual way.

Please contact the Dispute Resolution Centre promptly in relation to any difficulties over attendance.

NB: The University reserves the right to withdraw a Practicum or Block Course from offer when it becomes apparent that there are insufficient enrolments. Where this occurs, any payments made to the University will be refunded.

Car Parking

For courses held at Massey’s Manawatu Campus, parking is available at the Bourke Road and Orchard Road car parks (see Campus Map).

Help

Help is available from a number of people. Your paper coordinator, lecturer or marker will give help as needed, as will the administrative staff.

The Dispute Resolution Centre usually has an academic on duty to deal with enquiries. They may not be able to respond instantly, but if you leave a message and a daytime contact phone number they will ring you back. The contact details for Dispute Resolution staff appear on pages 2 and 3.
Research material can be obtained from the library. The library has extensive electronic services. If you are too distant to get to the library in person, the university has a system of copying or sending material to you. Details are sent to you when you enrol.

Distance (distance learning) students have contact with consultants at the university as well as local Regional Advisers off-Campus. They will help with study skills training, setting up study groups and providing Examination Centres near you at exam time.

**Enrolment Information**

**Massey University Distance Enrolment 2017**

Students who would like information about other papers offered by Distance by the University should go to: [http://study.massey.ac.nz](http://study.massey.ac.nz)

**Practicum Enrolment Online**

This is a pre-enrolment only – it does not guarantee you a place at the practicum. Until formally approved by the Head of School your application will remain at ‘applied’ status. A selection process will be applied to ensure candidates meet all criteria. You will be notified of your acceptance in due course.
Year 2017 Fees

You will find the fees via the Massey University web site (http://fees.massey.ac.nz) or by contacting the National Contact Centre.

Please note that block courses (including practicum) incur an additional fee on top of the paper fees. The block course fee covers the venue costs, meals, extra teaching requirements and the study disbursements.

Students may choose to seek detailed fees information before sending in their enrolment and remit the correct amount or may opt to include the specified deposit (if applicable) and wait to be invoiced for the balance.

For information regarding Student Loans and Allowances students should contact StudyLink directly on 0800 889900.

myMASSEY website

The myMassey website has been built to assist students and staff to access a variety of information within the University.

You can access myMassey through:

https://secure.mymassey.com

Enrolled students have access to the following elements:

- Enrol online (WebEnrol)
- Request an enrolment pack
- Exam results
- Apply for aegrotat / reconsideration
- View timetable
- Financial statements
- Lab Budget and payments
- Classified ads
- Webmail
- Access to Stream
- Pay fees online
- Apply to graduate online
- Change contact and personal details
Set Text Purchasing

Set texts are available from Bennetts Bookshop who offer students a 10% Student Discount off quoted prices. You can contact Bennetts Bookshop on:

Bennetts Bookshop Website: www.bennetts.co.nz

Palmerston North Campus Branch: Phone: (06) 354 6020
Email: massey@bennetts.co.nz

Albany Campus Branch: Phone: (09) 443 9707
Email: aku@bennetts.co.nz

Wellington Campus Branch: Phone: (04) 384 1407
Email: wgp@bennetts.co.nz

Other publication suppliers are:

LexisNexis Butterworths (0800) 800 986
15% student discount off quoted price may be offered.

Law Commission 04 473 3453

Brookers Ltd 04 499 8178
Graduate Diploma in Business Studies (Dispute Resolution)

For new students in 2017, the graduate diploma consists of eight papers, three of which are at second year university level and five at third year university level.

Overview of the Graduate Diploma

The Graduate Diploma in Business Studies (Dispute Resolution) is made up of 120 credits of approved papers at 200 and 300-level. No 100-level papers and not more than 45 credits at 200-level may be included. Some of the 200-level papers under the GradDipBusStuds (Dispute Resolution) have direct entry, but others may require prerequisite papers to be completed.

A prerequisite is a paper that must be completed before you can proceed to another paper. In addition to having prerequisites, some papers are restricted against each other because they are similar in content. Therefore, you cannot credit them both to the diploma, but can study one or the other.

The Graduate Diploma in Business Studies (Dispute Resolution) offers students a choice of obtaining the qualification with or without practicum study.

The Graduate Diploma, since 2011, requires a maximum of 3 papers to be passed at 200-level and a minimum of 5 papers to be passed at 300-level.

Successful completion of 153.200, 153.202, 153.314 (or 153.201 prior to 2011) and 153.330 (previously 153.210) will enable you to meet the educational requirements for eligibility for Associate Membership of the Arbitrators’ and Mediators’ Institute of New Zealand Inc.
GradDipBusStuds (Dispute Resolution) Programme Length

The graduate diploma is a part-time course. The programme is designed to be completed in 2 to 2 ½ years. However, you may elect to take longer to complete the diploma.

Exemptions

Applications for exemption from individual papers are subject to the following conditions:

a A candidate who has passed a substantially similar examination may be exempted from taking a prescribed paper for the diploma.

b Exemptions are not credits, so if you are exempted from a paper you will need to complete an acceptable substitute. You should talk to staff about your choice. Myles Stilwell’s extension number is 83227, and email is M.F.Stilwell@massey.ac.nz

c Other exemptions will be considered on their merits.
### Graduate Diploma in Business Studies (Dispute Resolution)

#### Paper Prescriptions

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>Description</th>
<th>Pre-requisites</th>
<th>Credit</th>
<th>Format</th>
</tr>
</thead>
<tbody>
<tr>
<td>153.200</td>
<td>Introduction to Dispute Resolution</td>
<td>An introduction to the modes of dispute resolution including negotiation, mediation and arbitration and the relevant law.</td>
<td>P any 100 level paper</td>
<td>15 credit</td>
<td>Distance paper</td>
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<td></td>
<td></td>
<td>(also offered as Block Course in Auckland)</td>
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<tr>
<td>153.202</td>
<td>Law and Mediation</td>
<td>The legal framework for mediation and an introduction to the law of contract and tort.</td>
<td>P any 100 level paper</td>
<td>15 credit</td>
<td>Distance paper</td>
</tr>
<tr>
<td>153.204</td>
<td>Negotiation Principles</td>
<td>Negotiation principles as applied to avoiding and resolving disputes.</td>
<td>R 153.307</td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>P any 100 level paper</td>
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<td></td>
<td></td>
<td>15 credit Distance paper</td>
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<tr>
<td>153.302</td>
<td>Mediation Process</td>
<td>An examination of the nature of disputes, negotiation, mediation and other non-adjudicative dispute resolution processes.</td>
<td>P 153.200</td>
<td>15 credit</td>
<td>Distance paper</td>
</tr>
<tr>
<td>153.306</td>
<td>Negotiation Practice</td>
<td>Application of the theory of the negotiation process.</td>
<td>P any 200 level paper</td>
<td>15 credit</td>
<td>block course</td>
</tr>
<tr>
<td>153.310</td>
<td>Arbitration Practicum (Not offered in 2017)</td>
<td>A practical paper on practice, procedure and award writing.</td>
<td>PHOS</td>
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<td></td>
<td>15 credit block course paper</td>
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153.311  Mediation Practicum  
A practical paper on the practice and procedure of non-adjudicative dispute resolution including settlement agreements.  
P 153.330  
15 credit block course paper

153.314  Dispute Resolution Advocacy  
A study of advocacy practice and the application of the Evidence Act 2006 in the management of dispute resolution processes.  
P Any 200 level paper.  
R 153.201  
15 credit Distance paper

153.315  Adjudicative Processes (Not offered in 2017)  
P 153.200  
15 credit Distance paper

153.320  Employment Dispute Resolution  
The theory and practice of solving employment disputes.  
P Any 200-level paper  
R 153.708  
15 credit Distance paper

153.330  Dispute Resolution Practicum (formerly 153.210)  
A practicum covering negotiation, mediation and arbitration and other dispute resolution techniques.  
P 153.200 and 153.314  
15 credit block course paper

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**KEY**

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<tr>
<td>P</td>
<td>Prerequisite paper(s) required</td>
</tr>
<tr>
<td>R</td>
<td>Restriction(s)</td>
</tr>
<tr>
<td>PHOS</td>
<td>Permission Head of School.</td>
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</table>
Programme Planning

The formal Graduate Diploma requirements are:

153.200, 153.202 and 153.204, and at least three other 153 prefix papers at 300-level. To complete the requirements of eight papers for the endorsed graduate diploma, the candidate may include up to 30 credits from any 300 level School of Management papers, which may include additional dispute resolution papers. Other elective papers may be included by special application.

IMPORTANT NOTE:

Paper 153.330 Dispute Resolution Practicum (previously 153.210) is compulsory for those students wishing to satisfy the educational requirements for eligibility for graded membership of the Arbitrators’ and Mediators’ Institute of New Zealand Inc. The other papers required for associate-level membership are 153.200, 153.202, and 153.314 (See page 9 for details).

The passing of the diploma course does not guarantee that the graduate will be granted membership of the professional body.

You need to bear in mind the above requirements when planning your course.

Practicums

The Practicum papers 153.330 and 153.311 are taught in the same week for both papers in an integrated course. It is not possible to enrol in 153.330 and 153.311 in the same year, and 153.330 must be completed before 153.311.

Assessment

The general pattern of assessment for Distance papers is two written assignments, each worth 20% of the total grade, with one final examination of three hours, worth 60% of the total grade. Paper 153.320 does not have a final examination.

The 153.330 Dispute Resolution Practicum and 153.311 Mediation Practicum are assessed throughout the intensive five day course.
Recommended Order of Study for Those Commencing the Graduate Diploma in 2017

The Graduate Diploma consists of 8 papers, at least 5 of which need to be at 300-level. The programme of study outlined below is for those intending to complete the qualification in the minimum time of two to two and a half years.

**Year One  Semester One**

153.200  Introduction to Dispute Resolution  
153.314  Dispute Resolution Advocacy  

**Year One  Semester Two**

153.202  Law and Mediation  
153.330  Dispute Resolution Practicum  

**Year Two  Semester One**

153.204  Negotiation Principles  
153.302  Mediation Process  

**Year Two  Semester Two**

Two courses from the following:

153.306  Negotiation Practice  
153.310  Arbitration Practicum (Not offered in 2017)  
153.311  Mediation Practicum  
153.315  Adjudicative Processes (Not offered in 2017)  
153.320  Employment Dispute Resolution
153.200 Introduction to Dispute Resolution

Semester: One

Prerequisite: Any 100-level paper

Mode: Distance (also offered in Block mode in Albany)

Paper coordinator: Myles Stilwell

Prescription
An introduction to the models of dispute resolution including negotiation, mediation and arbitration, and the relevant law.

Learning Outcomes
On successful completion of this paper, students should be able to:

• Compare the characteristics of different modes of dispute resolution.
• Explain and evaluate the fundamentals of negotiation and mediation processes.
• Explain and evaluate the fundamentals of the processes of arbitration and adjudication.
• Demonstrate an understanding of how dispute resolution theory informs practice

Assessment
Two 20% Assignments 40%
Final Examination 60%

Block Course Dates (Both compulsory, if the paper is taken in Block mode)
Wednesday 8 March 2017 – Friday 10 March 2017, and
Thursday 4 May 2017 – 5 May 2017

Set Text
Arbitration Act 1996 (and amendments) – available free, online.

**Set Video**


**Recommended Text**


153.202 Law and Mediation

Semester Two
Prerequisite Any 100-level paper
Mode Distance
Paper Coordinator Jeremy Hubbard

Prescription
The legal framework for mediation and an introduction to the law of contract and tort.

Learning Outcomes
At the successful completion of this paper, students should be able to:

- Demonstrate an understanding of the law of contract & tort as it relates to mediation process.
- Critically evaluate legal issues as they relate to mediation practice.
- Assess the suitability of mediation as an alternative to adversarial approaches.

Assessment
Two 20% Assignments 40%
Final Examination 60%

Set Text

153.204 Negotiation Principles

Semester    One
Prerequisite Any 100-level paper
Restriction 153.307
Mode        Distance
Paper coordinator Frieder Lempp

Prescription
Negotiation principles as applied to avoiding and resolving disputes.

Learning Outcomes
At the successful completion of this paper, students should be able to:

- Identify and understand a range of negotiation models.
- Consider the use of the range of negotiation styles to assist in dispute management.
- Identify and understand the factors that lead to a durable negotiated agreement.

Assessment

Two 20% assignments  40%
Final examination      60%

Set Text


Recommended Text

153.330 Dispute Resolution Practicum

Semester Two

Prerequisite 153.200 and 153.314
Restriction 153.210

Mode Block

Dates 2 – 7 July 2017

Paper Coordinator Myles Stilwell

Prescription

A practicum covering negotiation, mediation and arbitration and other dispute resolution techniques.

Learning Outcomes

At the successful completion of this paper, students should be able to:

- Analyse and apply concepts of facilitative communication in negotiation situations.
- Integrate theory with practice in mediation and arbitration settings.
- Interpret and apply the principles of advocacy in a formal arbitration hearing.
- Critically evaluate legal issues in hearing settings and formulate appropriate responses.

Assessment

Internally assessed at the practicum – details provided in study guide

Competence in the practical application of the 153.200, 153.202 and 153.314* papers is demonstrated in 153.330 Dispute Resolution Practicum.

* Students who have previously passed 153.201 can substitute this paper for 153.314.
## 153.302 Mediation Process

<table>
<thead>
<tr>
<th>Semester</th>
<th>One</th>
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<tbody>
<tr>
<td>Prerequisite</td>
<td>153.200</td>
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<tr>
<td>Mode</td>
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<tr>
<td>Paper Coordinator</td>
<td>Megan Gordon</td>
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</tbody>
</table>

### Prescription

An examination of the nature of disputes, negotiation, mediation, and other non-adjudicative dispute resolution processes.

### Learning Outcomes

On successful completion of this paper, students should be able to:

- Critically evaluate the features of the mediation process.
- Analyse the different models of mediation and the areas in which they may be used.
- Analyse the obligations and duties of the mediator.
- Demonstrate an understanding of the characteristics of agreements to mediate and mediated outcomes.
- Analyse current legal and ethical issues in mediation.
- Demonstrate an understanding of how mediation theory informs practice.

### Assessment

- Two 20% Assignments: 40%
- Final Examination: 60%

### Set Text


### Recommended Text

153.306 Negotiation Practice

Semester Two
Prerequisite Any 200-level paper
Mode Block
Dates 25 – 29 September 2017
Paper Coordinator Phil Ramsey

Prescription

Application of the theory of the negotiation process.

Learning Outcomes

On successful completion of this paper, students should be able to:

- Analyse and apply concepts of facilitative communication in negotiation situations.
- Develop and implement negotiation strategies to manage the resolution of disputes.
- Interpret and apply negotiation approaches in defined negotiation situations.

Assessment

Pre Block Course Assignment 20%
Block Course Activities 30%
Block Course Test 20%
Post Block Course Assignment 30%

Set Text


153.310 Arbitration Practicum

Paper not offered in 2017

Semester Two

Prerequisite Permission Head of School

Mode Block

Paper Coordinator

Prescription

A practical paper on practice, procedure and award writing.

Learning Outcomes

On successful completion of this paper, students should be able to:

- Critically reflect on current legal and ethical issues in arbitration.
- Critically evaluate arbitral awards under the Arbitration Act 1996.
- Analyse professional issues and their application to arbitration practice.
- Integrate theory with practice in the arbitral process.

Assessment

Internally assessed at the practicum – details provided in study guide

Set Text

Arbitration Act 1996 (and amendments)

Recommended Reading


153.311 Mediation Practicum

Semester  Two
Prerequisite  153.330
Mode  Block
Dates  2 – 7 July 2017
Paper Coordinator  Frieder Lempp

Prescription
A practical paper on the practice and procedure of non-adjudicative dispute resolution including settlement agreements.

Learning Outcomes
On successful completion of this course, students should be able to:

• Critically reflect on current legal and ethical issues in mediation.
• Critically evaluate agreements to mediate and mediated outcomes.
• Analyse professional issues and their application to mediation practice.
• Integrate theory with practice in the mediation process.

Assessment

Internally assessed at the practicum – details provided in study guide

Set Text

153.314 Dispute Resolution Advocacy

Prerequisite
Any 200-level paper

Restriction
153.201

Semester
One

Mode
Distance

Paper Coordinator
Myles Stilwell

Prescription

A study of advocacy practice and the application of the Evidence Act 2006 in the management of dispute resolution processes.

Learning Outcomes

On successful completion of this paper, students should be able to:

- Critically examine the role of effective communication for an advocate in dispute resolution processes.
- Analyse the role of advocates in negotiation, mediation and arbitration processes.
- Critically evaluate the application of the Evidence Act 2006 with respect to the roles of advocates in dispute resolution processes.

Assessment

Two 20% Assignments 40%

Final Examination 60%

Set Text

*Arbitration Act 1996* (and amendments) and *Evidence Act 2006* (and amendments)

Justice J.B. Robertson, (Editor in Chief Hon.), (2009). Introduction to Advocacy, Wellington, New Zealand Law Society

Set Video/DVD

153.315 Adjudicative Processes

Paper not offered in 2017

Semester Two
Prerequisite: 153.200
Mode Distance

Paper Coordinator

Prescription

Learning Outcomes
On successful completion of this paper, students should be able to;
- Analyse the implications of the Arbitration Act 1996 for arbitration practice.
- Analyse the implications of the Construction Contracts Act 2002 for adjudication practice.
- Analyse the theory related to the adjudicative processes employed in current law and practice.

Assessment
Two 20% Assignments 40%
Final Examination 60%

Set Text


Recommended Text:


Arbitration Video/DVD (1998) The Digger Dispute, Dispute Resolution Centre, Palmerston North, Massey University.(Available free, online)
153.320 Employment Dispute Resolution

Semester Two

Prerequisite Any 200-level paper
Restriction 153.708

Mode Distance

Paper Coordinator Myles Stilwell

Prescription

The theory and practice of solving employment disputes.

Learning Outcomes

At the successful completion of this paper students should be able to;

- Demonstrate a critical understanding of the statutory dispute resolution processes available to parties in an employment relationship.
- Critically evaluate the non-statutory dispute resolution processes available to parties in an employment relationship.
- Analyse specific issues in employment dispute resolution.

Assessment

Two 30% Assignments 60%
One 40% Assignment 40%

Set Text:


Recommended Text:

*(Strongly recommended if no prior Dispute Resolution study)*