Submit original with signatures + 1 copy + electronic copy to Faculty Senate (Box 7500). See <a href="http://www.uaf.edu/uafgov/faculty-senate/curriculum/course-degree-procedures-/">http://www.uaf.edu/uafgov/faculty-senate/curriculum/course-degree-procedures-/</a> for a complete description of the rules governing curriculum & course changes.

	TK	IAL COURS	E OR N	EW CO	URSE PROI	POSAL			
UBMITTED BY:									
Department	JUSTICE				/School	CLA	CLA		
Prepared by	BRIAN JARR	ETT	ETT			907 474 (	907 474 6790		
Email Contact	BNJARRETT@AL	ASKA.EDU			Contact	BRIAN JARRETT			
				•				······································	
1. ACTION DE	SIRED (CHECK ONE)	. Tria	l Course			New Cour	se XX		
2. COURSE ID	ENTIFICATION:	Dept	JU	ST	Course #	<b>403</b> N	o. of Credits	3	
	/lower division ber of credits:	Junior or S contact hou interaction	ırs in t	he clas	sroom. Re	ermission of quiring high	of Instruct h level of	or. 45	
3. PROPOSED	COURSE TITLE:		LAW	AND	SCIENCE	OF ARBIT	RATION		
4. To be CROSS YES/NO (Requires appr	CLISTED?	NO		es, Dept:	nd of form for s	Course #			
5. To be STACK YES/NO		NO		es, Dept.		Course #		]	
6. FREQUENC	Y OF OFFERING:		Semester g, Summ		or Even-number Demand	red Years, or Odd Warrants	-numbered Ye	ears) — or As	
	& YEAR OF FIRST y 3/1/2012; otherwise		Y2011-	S	pring 2012	2			
approved by the cothe core review concourse FOR (check all that a	urs may not be compres ollege or school's curric ommittee.  RMAT: pply)	sed into fewer the	nn three d thermore	ays per cre, any core	edit. Any course course compres	compressed into sed to less than si	xx 6 we	weeks must be be approved by eeks to full ester	
OTHER FORM					<del>-</del> 1 - 1 - 1	10:	<del></del> .		
Mode of delive lecture, field to	ery (specify rips, labs, etc)	Lecture/Gro	up Dis	cussio	n,/Role Pla	y/ Structure	d Exercis	es 	
	IOURS PER WEEK		hour	TURE s/weeks	h	.AB ours /week	ho	RACTICUM urs /week	
in non-science l	ts are based on contact I ab=1 credit. 2400-4800 p://www.uaf.cdu/uafgo edits.	minutes of pract	icum=1 c	redit. 240	0-8000 minutes	of internship=1	credit. This m	ust match with t	
OTHER HOUR	S (specify type)								
stacking (50	ATALOG DESCRIE	sible):							
This cours	e covers the law	, social scie	nce, p	olicy, a	nd practice	es relating to	) arbitration	on as it is	
utilized in	both the private	and public	sector.	. Stude	nts will le	arn me mst	ny or aror	uauvii, iis	

This course covers the law, social science, policy, and practices relating to arbitration as it is utilized in both the private and public sector. Students will learn the history of arbitration, its applications, its rules of evidence, administering institutions and their rules, arbitral remedies and awards, grounds for judicial review, and its hybrid-use with other processes including mediation, fact-finding, and early neutral evaluation. Students will be encouraged to take on the role of the arbitrator as well as advocate appearing before the arbitrator. This course is

particularly useful to those planning to go to law school as well as those interested in other dispute-resolution related careers. (Prerequisites: Junior or Senior Standing or permission of Instructor.) (3 + 0).
11. COURSE CLASSIFICATIONS: Undergraduate courses only. Consult with CLA Curriculum Council to apply S or H classification appropriately; otherwise leave fields blank.  H = Humanities S = Social Sciences x
H = Humanities [ ] 3 = Social Sciences   A
Will this course be used to fulfill a requirement for the baccalaureate core? If YES, attach form.  YES: NO: x
IF YES, check which core requirements it could be used to fulfill:  O = Oral Intensive, Format 6  W = Writing Intensive, Format 7  Natural Science, Format 8
12. COURSE REPEATABILITY:  Is this course repeatable for credit?  YES  NO x
Justification: Indicate why the course can be repeated (for example, the course follows a different theme each time).
How many times may the course be repeated for credit?
If the course can be repeated for credit, what is the maximum number of credit hours that may be earned for this course?
If the course can be repeated with <u>variable</u> credit, what is the maximum number of credit hours that may be earned for this course?
13. GRADING SYSTEM: Specify only one. Note: Later changing the grading system for a course constitutes a Major Course Change.
LETTER: x PASS/FAIL:
RESTRICTIONS ON ENROLLMENT (if any)  14. PREREQUISITES  Junior or Senior Standing or permission of Instructor.
These will be required before the student is allowed to enroll in the course.
15. SPECIAL RESTRICTIONS, CONDITIONS None
16. PROPOSED COURSE FEES S N/A  Has a memo been submitted through your dean to the Provost for fee approval?  Yes/No
17. PREVIOUS HISTORY  Has the course been offered as special topics or trial course previously?  Yes  Yes
If yes, give semester, year, course #, etc.: Spring 2012
18. ESTIMATED IMPACT WHAT IMPACT, IF ANY, WILL THIS HAVE ON BUDGET, FACILITIES/SPACE, FACULTY, ETC.
The course will be instructed as part of Dr. Jarrett's normal workload and will not have any budget ramifications. Because the course will be offered as part of the Justice Department's normal instructional load it will not require more facilities/space than ordinarily required for the delivery of the Justice curriculum.

	nedia c	ollection	ıs, equ	ipm	ction development officer (kljensen@alaska.edu, 474-6695) with regard to the adequacy ent, and services available for the proposed course? If so, give date of contact and
No		Yes	x		Both relevant paper and electronic journals are available.

#### 20. IMPACTS ON PROGRAMS/DEPTS

What programs/departments will be affected by this proposed action? Include information on the Programs/Departments contacted (e.g., email, memo)

The course will be part of the suite of courses created for the new Justice minor in Dispute Resolution. This course is one of several that expands choices for Justice majors and other students interested in Alternative Dispute Resolution practices. The impact on the Justice Department itself will be positive in that more students will be attracted to the Justice Major because of the availability of ADR coursework which is in increasing use in a variety of criminal and civil contexts. We foresee no negative impacts on other courses, programs or departments.

### 21. POSITIVE AND NEGATIVE IMPACTS

Please specify positive and negative impacts on other courses, programs and departments resulting from the proposed action.

The Justice Department does not perceive this course as negatively impacting any departments or programs. The course is part of curriculum changes being proposed for the Bachelor of Arts in Justice, and a proposed minor in Dispute Resolution Systems. The course and the proposed minor are likely to be beneficial for Social Work, Psychology and Sociology majors.

The course, proposed minor and curriculum changes to the Justice major reflect the Department's effort to create a dispute resolution emphasis in its undergraduate program. Dispute Resolution and Restorative justice has been adopted as the operational paradigm for Alaska's Division of Juvenile Justice, and consequently, the Department believes it is important to adopt a restorative justice emphasis in its undergraduate program.

## JUSTIFICATION FOR ACTION REQUESTED

The purpose of the department and campus-wide curriculum committees is to scrutinize course change and new course applications to make sure that the quality of UAF education is not lowered as a result of the proposed change. Please address this in your response. This section needs to be self-explanatory. Use as much space as needed to fully justify the proposed course.

The course represents one of the elective choices in the proposed new Minor in Dispute Resolution. The course will focus on the theory and practice of arbitration. The Justice Department is evolving to develop curriculum in Dispute Resolution in order to better prepare future Justice students for the workplace.

APPROVALS: Add additional signature lines as needed. Date Signature, Chair, Program/Department of: JUS TICE Date Signature, Chair, College/School Curriculum Council for: Date Signature, Dean, College/School of: CLA Date Signature of Provost (if applicable) Offerings above the level of approved programs must be approved in advance by the Provost. ALL SIGNATURES MUST BE OBTAINED PRIOR TO SUBMISSION TO THE GOVERNANCE OFFICE Date Signature, Chair Faculty Senate Review Committee: Curriculum Review GAAC Core Review SADAC ADDITIONAL SIGNATURES: (As needed for cross-listing and/or stacking) Date Signature, Chair, Program/Department of: Date Signature, Chair, College/School Curriculum Council for: Date Signature, Dean, College/School of:

# ATTACH COMPLETE SYLLABUS (as part of this application). Note: The guidelines are online:

http://www.uaf.edu/uafgov/faculty-senate/curriculum/course-degree-procedures-/uaf-syllabus-requirements/

The Faculty Senate curriculum committees will review the syllabus to ensure that each of the items listed below are included. If items are mis unclear, the proposed course (or changes to it) may be <u>denied</u>.

### SYLLABUS CHECKLIST FOR ALL UAF COURSES

accommodation to students with disabilities.

During the first week of class, instructors will distribute a course syllabus. Although modifications may be made throughout the semester, this document will contain the following information (as applicable to the discipline):
1. Course information:
$\Box$ Title, $\Box$ number, $\Box$ credits, $\Box$ prerequisites, $\Box$ location, $\Box$ meeting time (make sure that contact hours are in line with credits).
2. Instructor (and if applicable, Teaching Assistant) information:  □ Name, □ office location, □ office hours, □ telephone, □ email address.
3. Course readings/materials:
☐ Course textbook title, ☐ author, ☐ edition/publisher.
☐ Supplementary readings (indicate whether ☐ required or ☐ recommended) and
any supplies required.
4. Course description:
☐ Content of the course and how it fits into the broader curriculum;
☐ Expected proficiencies required to undertake the course, if applicable.
☐ Inclusion of catalog description is <i>strongly</i> recommended, and
☐ Description in syllabus must be consistent with catalog course description.
5. Course Goals (general), and (see #6)
6.   Student Learning Outcomes (more specific)
7. Instructional methods:  Describe the teaching techniques (eg: lecture, case study, small group discussion, private instruction, studio instruction, values clarification, games, journal writing, use of Blackboard, audio/video conferencing, etc.).
8. Course calendar:
☐ A schedule of class topics and assignments must be included. Be specific so that it is clear that the instructor has thought this through and will not be making it up on the fly (e.g. it is not adequate to say "lab". Instead, give each lab a title that describes its content). You may call the outline Tentative or Work in Progress to allow for modifications during the semester.
9. Course policies:
☐ Specify course rules, including your policies on attendance, tardiness, class participation, make-up exams, and plagiarism/academic integrity.
10. Evaluation:
☐ Specify how students will be evaluated, ☐ what factors will be included, ☐ their relative value, and ☐ how they will be
tabulated into grades (on a curve, absolute scores, etc.)   Publicize UAF regulations with regard to the grades of "C" and below as applicable to this course. (Not required in the syllabus, but may be a convenient way to publicize this.) Faculty Senate Meeting #171:  http://www.uaf.edu/uafgov/faculty-senate/meetings/2010-2011-meetings/#171
11. Support Services:   Describe the student support services such as tutoring (local and/or regional) appropriate for the course.
12. Disabilities Services:  The Office of Disability Services implements the Americans with Disabilities Act (ADA), and insures that UAF students have equal access to the campus and course materials.
☐ State that you will work with the Office of Disabilities Services (208 WHITAKER BLDG, 474-5655)to provide reasonable

University of Alaska

6/30/2011

**Justice Department** 

### JUST 403 - The Law and Science of Arbitration

Professor: Dr. Brian Jarrett

Day/Time: Tuesday and Thursday at 9:45 to 11:15 am

Place: 201 Gruening Building

Office: 501 Gruening Building

Office Hours Tuesdays and Thursdays at noon to 3 pm or by appointment

Phone: 907 474 6790

E-mail: bnjarrett@alaska.edu

### **Course Description**

## JUST F493 - The Law and Science of Arbitration

3 Credits

Offered Spring

This course covers the law, social science, policy, and practices relating to arbitration as it is utilized in both the private and public sector. Students will learn the history of arbitration, its applications, its rules of evidence, administering institutions and their rules, arbitral remedies and awards, grounds for judicial review, and its hybrid-use with other processes including mediation, fact-finding, and early neutral evaluation. Students will be encouraged to take on the role of the arbitrator as well as advocate appearing before the arbitrator. This course is particularly useful to those planning to go to law school as well as those interested in other dispute-resolution related careers. (Prerequisite: Junior or Senior Standing or permission of instructor)(3).

## Pre-requisites

Junior or Senior Standing or permission of Instructor.

## Required Blackboard Applications

This course will be supplemented by the Blackboard online learning platform. You will be asked to take quizzes, post journals and other work and receive announcements on the Blackboard course website. You will also be able to Blackboard mail the instructor and each other and check your scores on the site, as soon as they are posted. You can gain access to Blackboard through any one of the computer labs on campus or on your home computer.

### **Course Goals**

- 1. The course will introduce students to arbitration, its theoretical stances, doctrines, practices, and history.
- 2. Students will be given the opportunity to personally explore the various fields of arbitration, through handson practice with case scenarios.
- 3. Students will also learn to apply arbitration techniques to disputes in a host of sectors, including family, labor, employment, civil rights, and international disputes.
- 4. Students will leave the class with basic conflict resolution and arbitration skills. Final projects will give students the opportunity to apply their new understandings and skills to real life conflicts.
- 5. Students will apply theories in social psychology and sociology to arbitration.

### **Student Learning Outcomes**

- 1. Students will leave the course with basic arbitral skills and knowledge sufficient to run their own arbitration.
- 2. Students will leave the course with a basic grounding in arbitration theory and practice.
- 3. Students will leave the course with the ability to apply arbitration techniques to disputes in a host of sectors, including family, labor, employment, civil rights, and international disputes.
- 4. Students will leave the class with basic conflict-resolution skills applicable in arbitration.
- 5. Students will leave the course being able to recognize rules of evidence relevant to the arbitration process.
- 6. Students will leave the course with an appreciation of social psychological and sociological theories applicable to arbitration.

### Required Texts

Dennis R. Nolan LABOR AND EMPLOYMENT ARBITRATION (Thomson/West: St. Paul, MN) 2007.

Thomas Carbonneau ARBITRATION (Thomson/West: St. Paul, MN) 2007.

Reading Supplement, as assigned.

## Class Attendance and Participation

This class brings theory to practice. Participation is absolutely necessary and a major requirement of the course. There are, of course, legitimate reasons for excused absences, in which case a formal note or documentation will be necessary.

You can gain participation points in the class through active participation and genuine interest. Be advised that this is a demanding class, in terms of participation requirements.

STUDENTS WILL BE ASKED TO RESPOND TO QUESTIONS ON THE READINGS DURING CLASS SESSIONS, BOTH INDIVIDUALLY AND IN SMALL GROUP.

You will automatically lose participation points if engage in any of the following strictly prohibited behaviors.

You may NOT talk on your cell phone in class.

You may NOT leave class early nor leave during group any class work. In order to be marked present, you must be in the lecture room for the entire class period.

You may NOT side-talk while the instructor is lecturing or another student is presenting.

## **Grading Criteria**

Grades will be assessed based on the following

Informed, Meaningful, 20% and Active Participation
Journals 10%
Quizzes 30%
Final Paper 20%
Final Exam 20%

criteria: Grading Requirements

### **Grading Scale:**

The instructor will use the +/- grading system. Note the following.

97-100 = A+ 93-96 = A 90-92 = A-87-90 = B+ 83-86 = B 80-82 = B-77-80 = C+ 73-76 = C 70-72 = C-67-70 = D+ 63-66 = D 60-62 = D-59 or below = F

# Class Attendance and Participation

This class brings theory to practice. Participation is absolutely necessary and a major requirement of the course. There are, of course, legitimate reasons for excused absences, in which case a formal note or documentation will be necessary.

# Informed, Meaningful, and Active Participation

Each unit you will be asked to participate in discussion exercises, role-plays, and to give responses to questions based on the readings during class sessions. You will be asked to do any of the preceding both in the larger class setting and in small group structured exercises. You will be evaluated on how well you demonstrate your knowledge of the arbitral concepts, rules, policy, and practices.

### **Journals**

You will be asked to write a paragraph or two about how you are doing in the course and where you are building strengths. You will also be asked to assess where you need to build skills.

33.33% each	Excellent	Good	Satisfactory	Unacceptable	
Organization	90-100%	80-89%	60-79%	Less than 59%	
☐ Introduction and closing	☐ Clear thesis and argument support in intro/closing	Clear topic conveyed in intro/closing	Intro and closing present	Disorganized intro/closing	
Communication					
Grammar/Word Choices	Uses excellent grammar and appropriate word choices.	Mostly uses correct Grammar/Word Choices	☐ Needs improvement	☐ Needs major improvements.☐ Errors distract from journal.	
Content					
☐ Evidence of contemplation. ☐ Length	☐ Clear objective analysis of progress ☐ At least 3 full paragraphs	Good analysis of progress 1-2 full paragraphs	☐ Less than objective analysis of progress ☐ I paragraph	□ No analysis of progress. □ I short paragraph	

## Quizzes

You will be asked to take three multiple choice/true-false quizzes. They will be available in Blackboard.

### **Final Examination**

You will be asked to take a final multiple choice/true-false exam which will also be available in Blackboard.

## Final Paper

The final project is a 10 page paper that will focus on a particular application of arbitration. The paper project is your opportunity to explore arbitration in an in-depth way. I want to encourage you to be creative and will give you a good deal of latitude to explore the application that most interests you. Feel free to approach me with your ideas about a topic. We will discuss final paper topics in class.

# **Writing Criteria**

Correct grammar

Concise and logical writing style

Intro - body - conclusion format

At least three credible references

Use any citation style eg. MLA, APA, ASA etc, but be sure to be consistent.

Students are encouraged to use the services of the following:

### The Writing Center

Gruening Building, Room 801 Phone: (907) 474-5314

http://www.alaska.edu/english/studentresources/writing/

Regular Fall/Spring Semester Hours: 10:00 a.m. - 4:00 p.m. Monday - Thursday 7:00 p.m. - 10:00 p.m. Monday - Thursday

10:00 a.m. - 1:00 p.m. Friday 1:00 p.m. - 6:00 p.m. Sunday

Summer hours limited, but the Rasmussen Library also provides some resources to assist with writing at: http://sled.alaska.edu/homework

### The Speaking Center

Gruening Building, Room 507 Phone: (907) 474-5470 fyspeak@gmail.com www.uaf.edu/comm/

## **Developing Writing Skills**

At the University Writing trained consultants are ready to help you at any stage of the writing process. It is often helpful for writers to share their work with an attentive reader, and consultations allow writers to test and refine their ideas before having to hand papers in or to release documents to the public. In addition to the important writing instruction that occurs in the classroom and during teachers' office hours, the center offers another site for learning about writing. All undergraduates are encouraged to make use of this important student service. For more information about the writing center's hours and policies, visit the writing center.

Students with Disabilities – Please note Disability Services provide a variety of services to assure equal access for all students. Interpreting services, educational assistants, note taking, and exam accommodations for students are the most frequently provided accommodations. The staff of Disability Services works with faculty and students in arranging appropriate services in the classroom. Questions should be directed to the Director of Disability Services at (907)-474-5655. <a href="http://www.uaf.edu/disability/">http://www.uaf.edu/disability/</a>

## **Academic Dishonesty**

The Justice Department refers its students to the UAF <u>Student Handbook</u> concerning plagiarism and other acts of academic dishonesty. The <u>unacknowledged</u> use of the ideas of others is a serious offense that can result in failure.

Each of the following constitutes plagiarism:

- 1. Turning in as your own work a paper or part of a paper that anyone other than you wrote. This would include but is not limited to work taken from another student, from a published author or from an Internet contributor.
- 2. Turning in a paper that includes unquoted and/or undocumented passages someone else wrote.
- 3. Including in a paper someone else's original ideas, opinions, or research results without attribution.
- 4. Paraphrasing without attribution.
- 5. Turning the same paper in for credit in more than one class.

If it's not your original idea, cite the source. Moreover, if you have gone to the trouble to investigate secondary sources, you should give yourself credit for having done so by citing those sources. Papers that are not entirely original (unlike creative writing) also require a references list at the at the conclusion of the paper, including all sources from class (as you didn't create those, either).

Cheating in any form is also cause for failure.

# Tentative Course Schedule and Topical Outline - SUBJECT TO ANNOUNCED CHANGES

Unit 1 Introduction to Arbitration (January 18)

Review Syllabus & Class Expectations

Introductions

History of Arbitration

Arbitration, fact-finding, and early neutral evaluation

Med-Arb & Arb-Med

Journal 1 - Introductions

Reading Assignment: Chapter 1 Carbonneau; pp. 13-24 Goodman; Intro and Chapter 1 & 2 Nolan

Unit 2 Freedom to Contract (Jan 23-25)

Freedom to Contract

Rise of Arbitration

**Principles and Cases** 

Journal 2

Reading Assignment: Chapter 2 Carbonneau

Unit 3 Science of Decision Making (Jan 30-Feb 1)

**Anchoring Bias** 

**Judgement Bias** 

**Availability Bias** 

Ego-centric Bias

Overconfidence Bias

Journal 3

Reading Assignment: Read Supplement

Unit 4 Arbitration Procedure (Feb 6-8)

**Arbitrator Selection** 

**Arbitration Advocates** 

Preparation for Arbitration

The Arbitration Hearing

Post-Hearing Procedures
Quiz 1
Reading Assignment: Chapter 1 Nolan; pp. 24-56 Goodman
Unit 5 Arbitration and Federalism (Feb 13-15)
Federal Arbitration Act
FAA Preemption
Uniform Arbitration Act
Case Law
Journal 4
Reading Assignment: Chapter 3, 4, and Appendices Carbonneau
Unit 6 The "Common Law" of the Arbitration Process and
Evidentiary Issues (Feb 20-22)
Due Process and Individual Rights
The Burden of Proof
Some Problems of Evidence
Journal 5
Reading Assignment: Chapter 7 Carbonneau; pp. 74-93 Goodman
Unit 7 Arbitral Remedies, Awards, and Contractual Interpretation (Feb 26-28)
Opinions
Awards
Remedies
Contractual Interpretation
Cases
Quiz 2
Reading Assignment: Chapters 7 and 8 Nolan; pp. 94-108 Goodman
Unit 8 Enforcement and Judicial Review of Arbitral Awards (Mar 5-7)
Enforcement of Arbitral Awards
Public Policy
Grounds for Review
Lack of Jurisdiction

Party Misconduct Journal 6 Reading Assignment: Chapter 8 Carbonneau; Chapter 6 Nolan Spring Break - March 12 through 16 Unit 9 Labor Arbitration (Mar 19-21) Traditional Labor Arbitration and Variants Legal Status of Labor Arbitration Relationship between the NLRB, Arbitrators, and The Courts Journal 7 Reading Assignment: Chap 7 Carbonneau; Chapters 2, 4, and 9 Nolan Unit 10 Workplace, Civil Rights, and Other Statutory Claims (Mar 26-28) Gilmer Wright Title VII Erisa **Enforcing Individual Agreements** Unconsciounability Journal 8 Reading Assignment: Chapters 10. 11, and 12 Nolan; Chapter 5 and 7 Carbonneau Unit 11 Sports Arbitration (Apr 2-4) **Baseball Arbitration NFL** Arbitration **NHL** Arbitration **NBA** Arbitration **Court of Sports Arbitration** Cycling

Unit 12 Family Arbitration and Arbitration in Specialized Courts (Apr 9-11)

Reading Assignment: Chapter 3 Nolan; Chapter 2 Nolan; Supplement

Tribal Court Arbitration

Journal 9

Controversy over Sharia Law Arbitration

**Christian Arbitration** 

**Talmudic Arbitration** 

Religious versus secular approaches

Quiz 3

Reading Assignment: Read Supplement

Unit 13 Securities, Consumer, and Commercial Arbitration (Apr 16-18)

Securities Arbitration

**Consumer Arbitration** 

Commercial Arbitration

Journal 10

Reading Assignment: Chapter 6 Carbonneau

Unit 14 International Commercial Arbitration (Apr 23-25)

The New York Convention

The Supreme Court on ICA

ICA in the World Community

Work on Final Paper

Reading Assignment: Chapter 9 and Conclusions Carbonneau

### 15. Review (April 30-May 2)

### - Final Paper due April 30, 2012.

# - Final Exam - Take anytime in Blackboard May 3-9)

Students with Disabilities – Please note Disability Services provide a variety of services to assure equal access for all students. Interpreting services, educational assistants, note taking, and exam accommodations for students are the most frequently provided accommodations. The staff of Disability Services works with faculty and students in arranging appropriate services in the classroom. Questions should be directed to the Director of Disability Services at (907)-474-5655. <a href="http://www.uaf.edu/disability/">http://www.uaf.edu/disability/</a>