

Revised 4/19/2013 200-UNC

FORMAT 1

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

TRIAL COURSE OR NEW COURSE PROPOSAL

SUBMITTED BY:

Department	JUSTICE	College/School	CLA
Prepared by	J. Robert Duke	Phone	907 474 6501
Email Contact	JRDUKE@ALASKA.EDU	Faculty Contact	Rob Duke

1. ACTION DESIRED (CHECK ONE):
 Trial Course New Course

2. COURSE IDENTIFICATION:
 Dept JUST Course # 403 No. of Credits 3

Justify upper/lower division status & number of credits:
 Junior or Senior class standing or permission of Instructor. 45 contact hours in the classroom. Requiring high level of interaction and learning.

3. PROPOSED COURSE TITLE:
 LAW AND SCIENCE OF ARBITRATION

4. To be CROSS LISTED?
 YES/NO NO If yes, Dept: Course #

5. To be STACKED?
 YES/NO NO If yes, Dept. Course #

6. FREQUENCY OF OFFERING:
 Spring Semester Yearly
 Fall, Spring, Summer (Every, or Even-numbered Years, or Odd-numbered Years) — or As Demand Warrants

7. SEMESTER & YEAR OF FIRST OFFERING
 (AY2011-12 if approved by 3/1/2012; otherwise AY2012-13) Spring 2012

8. COURSE FORMAT:
 NOTE: Course hours may not be compressed into fewer than three days per credit. Any course compressed into fewer than six weeks must be approved by the college or school's curriculum council. Furthermore, any core course compressed to less than six weeks must be approved by the core review committee.

COURSE FORMAT: (check all that apply)
 1 2 3 4 5 6 weeks to full semester

OTHER FORMAT (specify)
 Mode of delivery (specify lecture, field trips, labs, etc)
 Lecture/Group Discussion,/Role Play/ Structured Exercises

9. CONTACT HOURS PER WEEK:
 3 LECTURE hours/weeks LAB hours /week PRACTICUM hours /week

Note: # of credits are based on contact hours. 800 minutes of lecture=1 credit. 2400 minutes of lab in a science course=1 credit. 1600 minutes in non-science lab=1 credit. 2400-4800 minutes of practicum=1 credit. 2400-8000 minutes of internship=1 credit. This must match with the syllabus. See <http://www.uaf.edu/uafgov/faculty-senate/curriculum/course-degree-procedures-/guidelines-for-computing/> for more information on number of credits.

OTHER HOURS (specify type)

10. COMPLETE CATALOG DESCRIPTION including dept., number, title, credits, credit distribution, cross-listings and/or stacking (50 words or less if possible):

JUST F403 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. (Prerequisite JUST F302, and ENGL 211/213, 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

Will this course be used to fulfill a requirement for the baccalaureate core? If YES, attach form.

YES: NO:

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

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?

TIMES

If the course can be repeated for credit, what is the maximum number of credit hours that may be earned for this course?

CREDITS

If the course can be repeated with variable credit, what is the maximum number of credit hours that may be earned for this course?

CREDITS

13. GRADING SYSTEM: Specify only one. Note: Later changing the grading system for a course constitutes a Major Course Change.

LETTER: PASS/FAIL:

RESTRICTIONS ON ENROLLMENT (if any)

14. PREREQUISITES

JUST F302, and ENGL 211/213, 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

\$ N/A

Has a memo been submitted through your dean to the Provost for fee approval?

Yes/No

No

17. PREVIOUS HISTORY

Has the course been offered as special topics or trial course previously?

Yes/No

Yes

If yes, give semester, year, course #, etc.:

Spring 2012, Spring 2013

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.

19. LIBRARY COLLECTIONS

Have you contacted the library collection development officer (kljensen@alaska.edu, 474-6695) with regard to the adequacy of library/media collections, equipment, and services available for the proposed course? If so, give date of contact and resolution. If not, explain why not.

No

Yes

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	4/11/13
Signature, Chair, Program/Department of:	JUSTICE	

	Date	4-11-13
Signature, Chair, College/School Curriculum Council for:		

	Date	4/11/13
Signature, Dean, College/School of:	CLA	

	Date	
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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	
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Signature, Chair

Faculty Senate Review Committee: Curriculum Review GAAC

Core Review SADAC

ADDITIONAL SIGNATURES: (As needed for cross-listing and/or stacking)

	Date	
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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 missing or unclear, the proposed course (or changes to it) may be denied.

SYLLABUS CHECKLIST FOR ALL UAF COURSES

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:

Title, number, credits, prerequisites, location, 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 *strongly* 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 accommodation to students with disabilities.

6/30/2011

University of Alaska

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

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.

Course Description

JUST F403 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. (Prerequisite JUST F302, and ENGL 211/213, or permission of instructor) (3 + 0).

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 hands-on 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.

Instructional Methods:

This course is taught through a combination of lecture, discussion boards, Blogs/journals, group activities, reading assignments, and in-class (or electronic) presentations.

Class discussions, role-plays, lecture, multimedia presentations, and other experiential exercises will be used to reach course goal and objectives.

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 Calendar:

Tentative Course Schedule and Topical Outline – SUBJECT TO ANNOUNCED CHANGES

All weekly assignments due on the Sunday Evening ending the unit at 11:59 p.m.—Dates will be added to

syllabus given to students

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

Unconscionability

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

Journal 9

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

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

Tribal Court Arbitration

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)

Course Policies:

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. More than three unexcused absences will result in loss of entire participation grade. More than six unexcused absences will result in failure of the course. **BE SURE TO BRING A NOTE FROM YOUR DOCTOR IF YOU NEED TO TAKE TIME OFF DUE TO THE FLU OR OTHER MEDICAL CONDITION.**

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 MUST GIVE PRESENTATIONS DURING CLASS TO GAIN PARTICIPATION POINTS.
STUDENTS MUST ALSO RESPOND TO QUESTIONS POSED BY THE INSTRUCTOR DURING CLASS.**

You will automatically lose participation points if you engage in any of the following prohibited behaviors:

- Being late for Classes;
- Talking or texting on your cell phone in class;
- Leaving class early. In order to be marked present, you must be in the lecture room for the entire class period.
- Talking while the instructor is lecturing or another student is presenting.

The professor will ask you to leave the class and/or drop the course if you disrupt the class or engage in any of the above behaviors.

Late work will not be accepted. Special permission must be given prior and must be based upon a dire emergency and will not be given for procrastination.

Plagiarism and academic dishonesty will not be tolerated, and is subject to disciplinary action per the Student Code of Conduct, Board of Regents policy 09.02.01 (noted on p. 51 2011-12 UAF Catalog).

Grading Criteria

Grades will be assessed based on the following criteria:

Grading Requirements

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

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

A C- grade is the minimum grade that baccalaureate students may receive for courses to count toward the major or minor degree requirements, or as a prerequisite for another course.

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%
<input type="checkbox"/> Introduction and closing	<input type="checkbox"/> Clear thesis and argument support in intro/closing	<input type="checkbox"/> Clear topic conveyed in intro/closing	<input type="checkbox"/> Intro and closing present	<input type="checkbox"/> Disorganized intro/closing
Communication				
<input type="checkbox"/> Grammar/Word Choices	<input type="checkbox"/> Uses excellent grammar and appropriate word choices.	<input type="checkbox"/> Mostly uses correct Grammar/Word Choices	<input type="checkbox"/> Needs improvement	<input type="checkbox"/> Needs major improvements. <input type="checkbox"/> Errors distract from journal.
Content				
<input type="checkbox"/> Evidence of contemplation. <input type="checkbox"/> Length	<input type="checkbox"/> Clear objective analysis of progress <input type="checkbox"/> At least 3 full paragraphs	<input type="checkbox"/> Good analysis of progress <input type="checkbox"/> 1-2 full paragraphs	<input type="checkbox"/> Less than objective analysis of progress <input type="checkbox"/> 1 paragraph	<input type="checkbox"/> No analysis of progress. <input type="checkbox"/> 1 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. <http://www.uaf.edu/disability/>