

**A COURSE SYLLABUS – DOCTORAL SCHOOL**  
**REGARDING THE QUALIFICATION CYCLE FROM 2019 TO 2023**  
**REGARDING THE QUALIFICATION CYCLE FROM 2020 TO 2024**

<b>GENERAL INFORMATION ABOUT COURSE</b>				
Course title	<b>Alternative Dispute Resolution</b>			
Name of the unit running the course	Doctoral School at University of Rzeszów			
Type of course ( <i>obligatory, optional</i> )	A compulsory, optional (specialist) subject to choose from			
Year and semester of studies	Year - II and III; sem. winter			
Discipline	Legal sciences			
Language of Course	Polish			
Name of Course coordinator	Dr hab. Aneta Arkuszewska, prof. UR			
Name of Course lecturer	Dr hab. Aneta Arkuszewska, prof. UR			
Prerequisites	Basic knowledge in the field of establishing, operation, functioning, interpreting and applying of the applicable Polish law, corresponding to the teaching content of the module Jurisprudence as well as basic knowledge of the content of education in the modules: Basics of Civil Law and Basics of Civil Procedure and knowledge of interpersonal skills.			
<b>BRIEF DESCRIPTION OF COURSE</b> (100-200 words)				
Learning about the legal regulations regarding alternative (out-of-court) dispute resolution methods in civil cases in Polish law; getting to know the concept, characteristics and functions of ADR and theoretical models of conflict resolution; obtaining knowledge in the field of initiation, course and termination of mediation and proceedings before an arbitration court. Discussing the rights and obligations as well as the requirements for the mediator and arbitrator. Presenting the functioning of online dispute resolution.				
<b>COURSE LEARNING OUTCOMES AND METHODS OF EVALUATING LEARNING OUTCOMES</b>				
Learning outcome	The description of the learning outcome defined for the course	Relation to the degree programme outcomes (symbol)	Learning Format (Lectures, classes,...)	Method of assessment of learning outcomes (e.g. test, oral exam, written exam, project,...)
<b>Knowledge (no.)</b>				
1.	Knows and understands, to the extent that it is possible to revise, the existing paradigms, scientific achievements, including theoretical foundations as well as general issues and selected specific issues regarding alternative methods of dispute resolution	P8S-WG/1	L, Cl.	Paper
2.	Knows and understands the main development trends for ADR in Poland	P8S-WG/2	L, cl.	Paper
3.	Knows and understands ADR research methods and description tools	P8S-WG/3	L, cl.	Paper
<b>Skills (no.)</b>				
1.	Can use the knowledge of alternative dispute resolution for creative identification and innovative solving of complex problems or performing	P8S-UW/1	L, cl.	Paper

	research tasks, in particular: define the purpose and subject of ADR, develop methods, techniques, research tools including ADR and use them creatively; make conclusions on the basis of research					
2.	Can initiate a debate on the main types of ADR, i.e. mediation and arbitration	P8S- UK/3	L, cl.		Paper	
3.	Can participate in the scientific discourse on ADR, with particular emphasis on mediation and arbitration	P8S-UK/1 P8S-UK/4 P8S-UK/5	L, cl.		Paper	
4.	Can make a critical analysis and evaluation of research results and expert activities in the development of knowledge involving ADR	P8S-UW/2	L, cl.		Paper	
<b>Social competence (no.)</b>						
1.	Is ready to recognize the importance of knowledge in solving cognitive and practical problems involving various ADR methods, with particular emphasis on mediation and arbitration	P8S-KK/3	L, cl.		Paper	
2.	Is ready to critically evaluate the achievements of the discipline	P8S-KK/1	L, cl.		Paper	
3.	Is ready to initiate activities in the public interest	P8S-KO/2	L, cl.		Paper	
<b>LEARNING FORMAT – NUMBER OF HOURS</b>						
Semester (no.)	Lectures	Seminars	Lab classes	Internships	others	ECTS
III i V	5	10	-----	-----	-----	0
<b>METHODS OF INSTRUCTION</b>						
<p><i>E.G, LECTURE: A PROBLEM-SOLVING LECTURE/A LECTURE SUPPORTED BY A MULTIMEDIA PRESENTATION/ DISTANCE LEARNING CLASSES: TEXT ANALYSIS AND DISCUSSION/PROJECT WORK (RESEARCH PROJECT, IMPLEMENTATION PROJECT, PRACTICAL PROJECT)/ GROUP WORK (PROBLEM SOLVING, CASE STUDY, DISCUSSION)/DIDACTIC GAMES/ DISTANCE LEARNING LABORATORY CLASSES: DESIGNING AND CONDUCTING EXPERIMENTS)</i></p> <p>Problem- solving lecture supported by a multimedia presentation (or distance learning methods). An activating method, encouraging students to independently present theoretical issues, and independently draw conclusions and assess the legal status. Provoking talks and discussions during which the participants of the classes express opinions supported by their knowledge. Case study method. Case study solving - working in groups.</p>						
<b>COURSE CONTENT</b>						
<p><b>1. Lectures/ Seminars:</b></p> <ol style="list-style-type: none"> <li>1. The concept and functions of ADR.</li> <li>2. Kinds of basic and derivative forms of dispute resolution.</li> <li>3. Mediation: the legal basis of mediation in Poland.</li> <li>4. Mediation in civil matters: <ol style="list-style-type: none"> <li>a) the concept, types, form and content of the mediation agreement,</li> <li>b) out-of-court and judicial mediation,</li> <li>c) the legal status as well as the rights and obligations of the mediator,</li> </ol> </li> <li>5. Proceedings before the arbitration court: <ol style="list-style-type: none"> <li>a) normative basis,</li> <li>b) the concept, types and form of the arbitration clause,</li> </ol> </li> </ol>						

- c) position of the arbitrator of the arbitration court, rules for selecting arbitrators,
- d) summons to arbitration,
- e) commencement of arbitration proceedings,
- f) measures to revoke it (in particular a petition to set aside an arbitration award).

**2. Seminars / Lab classes/ others:**

- 1. The course of mediation,
- 2. The legal nature of the settlement concluded before the mediator,
- 3. Recognition of the settlement concluded before the mediator by the court, the settlement concluded before the mediator as an enforcement title.
- 4. The course of the proceedings before the arbitration court,
- 5. Evidence in arbitration proceedings,
- 6. Rulings of the arbitration court
- 7. Online Dispute Resolution - Dispute resolution through new technologies

**COURSE ASSESSMENT CRITERIA**

Lecture - credit depends on passing the exercises.

Exercises –test-based passing- 20 single-choice questions or writing a paper on a topic assigned by the teacher.

The purpose of obtaining a pass on the basis of the test is the following scoring:

20-19 - 5

18-17 - grade 4.5

16-15 - grade 4

14-13 –grade 3.5

12-11- grade 3

10 and less - grade 2

The purpose of obtaining a pass on the basis of the paper is to obtain a positive assessment of the work.

**PHD STUDENT WORKLOAD REQUIRED TO ACHIEVE THE INTENDED LEARNING OUTCOMES  
– NUMBER OF HOURS AND ECTS CREDITS**

Activity	Number of hours
Scheduled course contact hours	15
Other contact hours involving the teacher (consultation hours, examinations)	-----
Non-contact hours – student`s own work (preparation for classes or examinations, project, etc.)	10
<b>Total number of hours</b>	25
<b>Total number of ECTS credits</b>	-----

**INSTRUCTIONAL MATERIALS**

Compulsory literature:	1) Jakubiak – Mirończuk A., Alternatywne a sądowe rozstrzygnięcie sporów sądowych, Warszawa 2008 2) Białecki M., Mediacja w postępowaniu cywilnym, Warszawa 2012 3) Ereciński T., Weitz K., Sąd arbitrażowy, Warszawa 2008 4) Gmurzyńska E., Morek R., Mediacja. Teoria i praktyka, Warszawa 2018
Complementary literature:	1) Kalisz A., Zienkiewicz A., Mediacja sądowa i pozasądowa. Zarys wykładu, Warszawa 2014 2) Korybski A., Alternatywne rozwiązywanie sporów w USA. Studium teoretycznoprawne, Lublin 1993

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|  | <p>3) Moore Ch. W., Mediacje. Praktyczne strategie rozwiązywania konfliktów, Warszawa 2009</p> <p>4) Morek R., Komentarz do przepisów regulujących mediację i arbitraż (art. 183<sup>1</sup>–183<sup>15</sup>, 1154–1217 KPC), Warszawa 2006</p> <p>5) Olszewski J (red.), Sądy polubowne i mediacja, Warszawa 2008</p> <p>6) Arkuszewska A., Informatyzacja postępowania arbitrażowego, Warszawa 2019</p> |
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