



EFFECTUS
University of Applied
Sciences

DESCRIPTION OF THE COURSE

GENERAL INFORMATION		
Course Holder	Dr.sc. Jelena Uzelac	
The name of the college	Alternative dispute resolution	
Study program	Professional Graduate Study – Business Management - MBA	
Status of the College	Elective course	
Year	2 nd Year	
Point value and method of teaching	ECTS coefficient of student workload	4
	Number of hours (P+V+S)	28+14+0

DESCRIPTION OF THE COURSE
1.1. <i>Objectives of the course</i>
The aim of this course is to enable students to master the basics and possibilities of out-of-court dispute resolution, while considering the advantages that exist in out-of-court dispute resolution in relation to court proceedings.
1.2. <i>Requirements for enrolment in the course</i>
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1.3. <i>Expected learning outcomes for the course</i>
Students should be able to:
1. Explain the basic principles and role of civil litigation in the Republic of Croatia

2. Explain the legal nature, types and jurisdiction of arbitration and the basic principles of arbitration proceedings
3. Describe the course of the arbitration proceedings
4. Define the concept of arbitration judgment and means against the arbitrator
5. Explain the course of the conciliation procedure and the difference between an arbitration ruling and a settlement
6. Conduct a conciliation procedure on a specific case in practice

1.4. Course content

Introduction - role and objectives of the course, main objects of study, ways of resolving disputes
 Basic principles of civil procedure, activities of procedural entities and the course of civil proceedings
 Introductory Arbitration and Conciliation, Comparison with Civil Procedure, Pros and Cons of Alternative Methods
 Legal Nature of Arbitration, Derogation of the Jurisdiction of State Courts, Types of Arbitration and Types of Arbitration in the Republic of Croatia
 Arbitration Agreement
 Appointment of Arbitrators, Their Rights and Obligations, Exemption, Rules of Arbitration Procedure
 Revision of material and tasks, preparation for the intermediate exam
 Award as a Way to End Arbitration Proceedings
 Remedies Against Arbitral Award and Enforcement
 Basic characteristics of the mediation procedure, types of mediation and initiation of the procedure
 The course of the mediation process, settlement
 Mediation Exercise on a Concrete Dispute from Practice - Theoretical Preparation
 Mediation exercise on a specific dispute from practice - presentation in class

1.5. Types of teaching (put X)

- | | |
|---|---|
| <input checked="" type="checkbox"/> lectures | <input type="checkbox"/> Independent tasks |
| <input type="checkbox"/> seminars and workshops | <input type="checkbox"/> Multimedia & Network |
| <input checked="" type="checkbox"/> exercises | <input type="checkbox"/> laboratory |
| <input type="checkbox"/> Distance education | <input type="checkbox"/> Mentoring work |
| <input type="checkbox"/> Field Teaching | <input type="checkbox"/> Other _____ |

1.6. Student obligations



The obligations of students are prescribed in detail by the Statute, Study Regulations, and Student Obligations Guidelines. The key obligations of students are:

ATTENDANCE AT CLASSES: students are obliged to attend classes, actively follow lectures and exercises, and participate constructively in classes, and in order to acquire the right to take the exam, it is necessary to attend classes in the percentages prescribed by the Study Regulations. For each student, their presence in class is recorded through the Infoeduka digital office system. The minimum obligations are;

- *Full-time students must attend at least 70% of the total number of classes to be eligible to sign.*
- *Part-time students need to attend at least 50% of the total number of classes to be eligible to sign.*

PASSING EXAMS: in order to achieve a positive grade in the subject, it is necessary to achieve at least 54 points in the subject, but also at least 50% of points for each learning outcome. The method of taking the exam is described in more detail in the item Assessment and evaluation of students' work during classes and at the final exam.

**FINAL EXAM – a student who has not met the conditions for passing the exam during the continuous examination of knowledge (has achieved a total of at least 54 points in the course and has met the lower point threshold of adoption of each learning outcome, i.e. a minimum of 50% of the points of each learning outcome), may take the learning outcomes of the course at the final exam.*

WRITTEN EXAM: *the student is obliged to take a written exam that verifies the acquisition of theoretical knowledge related to the course. The questions also test the ability to identify, explain and relate key concepts and to make appropriate arguments. The written exam also includes tasks that check the student's acquisition of the material through analytical frameworks.*

**CONTINUOUS EXAMINATION: In order to make students progress more efficiently in class, continuous examinations are carried out (2 intermediate exams). In this way, students acquire smaller teaching units and master the subject material more easily.*

1.7. Student Work Tracking (Add X to the appropriate tracking format)

Attending classes	x	Teaching activity		Seminar paper		Experimental work	
Written exam	x	Oral exam		Essay		Research	
Project		Continuous Assessment*		Report		Practical work	
Portfolio							



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1.8. Assessment and evaluation of students' work during classes and at the final exam

Evaluation and evaluation of students' work during classes and at the final exam is carried out on the basis of the Regulations on Studying of the EFFECTUS University of Applied Sciences. Allocation of points according to the forms of student work monitoring:

	Attending classes	Written exam	Project	Seminar paper	Practical work	Altogether
I1		16				16
I2		16				16
I3		16				16
I4		16				16
I5		16				16
I6		16				16
OUT OF OUTCOME	4					4
ALTOGETHER	4	96				100



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Linking learning outcomes, teaching methods and knowledge assessment methods:

FORMS OF TRACKING	NAME OF LEARNING OUTCOMES	TEACHING METHOD	KNOWLEDGE ASSESSMENT METHOD	Maximum number of points
<i>Written exam</i>	<i>OUTCOME 1</i> Explain the basic principles and role of civil litigation in the Republic of Croatia	<i>lecture</i>	Simple recall tasks to which an answer is sought, demonstrating the identification and definition of key terms, their connection and appropriate argumentation. They may include problem questions and tasks that need to be argued.	48
		<i>Asking questions discussion</i>		
	<i>OUTCOME 2</i> Explain the legal nature, types and jurisdiction of arbitration and the basic principles of arbitration proceedings	<i>lecture</i>	Simple recall tasks to which an answer is sought, demonstrating the identification and definition of key terms, their connection and appropriate argumentation. They may include problem questions and tasks that need to be argued.	
		<i>Asking questions discussion</i>		
	<i>OUTCOME 3</i>	<i>lecture</i>	Simple recall tasks to which an answer	



	Describe the course of arbitration proceedings	<i>Asking questions discussion</i>	is sought, demonstrating the identification and definition of key terms, their connection and appropriate argumentation. They may include problem questions and tasks that need to be argued.	
<i>Written exam</i>	<i>OUTCOME 4</i> <i>Define the Concept of Arbitration Judgment and Means Against Arbitration</i>	<i>lecture</i>	Simple recall tasks to which an answer is sought, demonstrating the identification and definition of key concepts, their connection and corresponding arguments of a higher degree of complexity. They may include problem questions and tasks that need to be argued.	48
		<i>Asking questions discussion</i>		
	<i>OUTCOME 5</i> Explain the course of the mediation procedure and the difference between arbitration and settlement	<i>lectures</i>	Simple recall tasks to which an answer is sought, demonstrating the identification and definition of key terms, their connection and appropriate argumentation. They may include problem questions and tasks that need to be argued.	
		<i>Asking questions discussion</i>		
<i>OUTCOME 6</i> Carry out a conciliation procedure on a specific case in practice	<i>lecture</i>	Essay-problem questions to which an answer is sought, which demonstrates the identification and definition of key terms, their connection and		



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		<i>Asking questions discussion</i>	appropriate argumentation of a higher degree of complexity. They may include problem questions and tasks that need to be argued.	
<i>Attending classes</i>	<i>All outcomes</i>	<i>Lectures and exercises</i>	<i>Attendance records</i>	<i>4</i>
	TOTAL POINTS			100

Type of student workload	Student Load Hours	ECTS credits
Attending contact classes	42	1,5
Field Trips/Visits Outside the College		
Independent study/research	30	1
Out-of-classroom preparation and preparation of seminars/presentations		
Work on an out-of-classroom project assignment		
Independent preparation for exams and exam time	45	1,5
Consultation activities		
Other		
TOTAL ECTS credits	117	4



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RATING:

In order to achieve a positive grade in the course, the student must cumulatively meet two conditions: achieve a total of at least 54 (fifty-four) points in the course and meet the lower point threshold for the adoption of each individual learning outcome, which is 50% of the total points of the learning outcomes. A student may receive an additional four points if (i) attends classes more than 80% for full-time students and (ii) attends classes more than 55% for part-time students.

Grades are calculated based on the following distribution of points:

SCORE	RATING
0,00 – 53,90	Insufficient (1)
54,00 – 64,90	Sufficient (2)
65,00 – 79,90	Good (3)
80,00 – 89,90	Very good (4)
90.00 and more	Excellent (5)

Grading is carried out in a transparent manner by collecting points. The course is evaluated with 100.00 points (with the possibility of achieving an additional 8 points on the Challenge learning outcome).

CHALLENGE LEARNING OUTCOME - the student has the opportunity to earn an additional maximum of 8 points through the Challenge learning outcome; The student independently chooses one of the activities proposed in the first lesson, and has the opportunity to independently propose an activity with which he wants to increase the number of points and, with the consent of the course holder, achieves them according to the criteria of the course. Points for the Challenge learning outcome are not distributed according to the learning outcomes, but the number achieved makes an additional number of



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points to the total number of points achieved according to the learning outcomes.

Before taking the final written exam, each student must meet the prescribed conditions, which primarily means that they have attended the % of classes determined by the Study Regulations and that they have received an electronically encrypted permission to take the exam.

1.9. Required reading and number of copies in relation to the number of students currently attending classes in the course

<i>Title</i>	<i>Number of copies</i>	<i>Number of students</i>
1. Lecture materials		
2. Arbitration Law;		
3. Law on Peaceful Settlement of Disputes;	-	-
4. Code of Civil Procedure		

1.10. Supplementary literature

- Triva, S., Dika, M., Civil Civil Procedural Law, VII. amended and supplemented edition, Official Gazette, Zagreb, 2005.
- Dika, Mihajlo; Potočnjak, Željko, Arbitration Resolution of Labour Disputes // Establishment and Termination of Employment Relationships; Labour Dispute Resolution / Grubić, Vesna (ed.), Zagreb : Narodne novine, 2004. pp. 237-269.
- Dika, Mihajlo; Maganić, Aleksandra, Expedited Arbitration Proceedings. Law in the economy. 50 (2011) ; 803-830
- Giunio, M. A., Possibilities of Challenging an Arbitral Award, PFZ Proceedings, 56 (2-3) 771-799 (2006).
- Šimac, S., Mediation - Alternative Way of Resolving Disputes, Proceedings of the Faculty of Law of the University of Rijeka (1991) v. 27, no. 1, 611-632 (2006)
- Triva, S., Uzelac, A., Croatian Arbitration Law, Official Gazette, Zagreb, April 2007;
- Uzelac, A., Gotovac, V., Blažević, B., Šimac, S., Sever, K., Grba, K., Tuškan, B., Mediation in Civil, Commercial and Labour Disputes, TIM press, Zagreb, March 2004;
- Uzelac, A., The Form of the Arbitration Agreement in Croatian Law: New Regulation, Its Origins and Perspectives of Further Development, PFZ Proceedings, 56 (2-3) 549-582 (2006);
- Uzelac, A., et al., Current Trends in Peaceful Dispute Resolution in Croatia: Achievements and Limitations, PFZ Proceedings. 60, (3) 1265-1308



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1.11. *Ways of quality monitoring that ensure the acquisition of output knowledge, skills and competencies*

- *statistical processing and analysis of exam results (checking the Gaussian curve – normal distribution of success, comparing and monitoring the results of exams of different generations, analysis of understanding of individual modules/questions on the exam, etc.),*
- *conducting a survey among students,*
- *evaluation and self-evaluation of teachers,*
- *achieved results, level of understanding and knowledge during the preparation of the seminar paper,*
- *achieved results and level of knowledge presented during the preparation and defense of the final thesis (students who choose a graduate thesis in this course),*
- *analysis of the report of the Head of the Quality Centre, and*
- *Feedback from students who have already graduated on the usefulness of the content of this course in the performance of the work they do.*