**Syllabus**

*Conflict and Cyberspace: Online Dispute Resolution (Legal Studies 491O) – Spring 2006*

Professor: Alan Gaitenby, 106 Gordon Hall, gaitenby@legal.umass.edu

Offline Office Hours: TuTh 11 – 12, by appt.

Online Office Hours: Email anytime (though don’t expect instantaneous replies). I can also be in the course chat room as needed (again, within reason of course).

TA: Dan Maltzman, dmaltzma@student.umass.edu

**General Description:** This hybrid distance education course introduces students to the evolving field of online dispute resolution (ODR). This course will focus on the history / evolution of ODR, nature of online practices / interactions / disputes, ODR systems and applications, and the future of information technology to conflict avoidance and/or management in various contexts.

**Structure:** Course will consist primarily of online content and activities—however we will have periodic class meetings here on campus during our allotted Weds. 2.30 – 5.00 time slot (approx. 70% Online / 30 % Offline). Online content will be in the form of readings (Files or URL’s to be provided), audio lectures (MP3 or other files), chats and threaded discussions with the professor and various guest lecturers, and participation in simulations or other ODR exercises. Offline content will be reading and some face to face lecturing / discussion / activities in class.

**Evaluation:** 1) Weekly submitted written work / quizzes / participation in discussions, chats, and exercises / simulations (50%); 2) two exams (the latter may be replaced by a project) (50%)

**How does a hybrid online/offline class work?** The online coursesite (https://webct.oit.umass.edu/) is the backbone for this course. Students will get assignments, announcements, etc. there and will submit all work there unless otherwise noted. Students will be expected to have internet access and be moderately comfortable with web interfaces and downloading / uploading files. We will have an as yet undetermined number of regular class meetings during the course of the semester (will be posted / announced in due course). Course is divided into weekly sessions (see syllabus outline), each is represented by an icon on the homepage of the coursesite. The coursesite is a dynamic entity, growing throughout the semester, students will need to get used to regularly accessing it for upcoming events, work, assignments, etc. We will do our best to keep you posted and on track using the emailing and other communication utilities.
**Materials:** We will be using two primary texts: Colin Rule’s *ODR for Business* and Ethan Katsh and Janet Rifkin’s *Online Dispute Resolution: Resolving Conflicts in Cyberspace*. Both are available from Amazon.com or other online sources. However, I will put digital versions of readings from each online as well as putting them physically on reserve in the library – bottom line, you shouldn’t need to buy them unless you want to. Additional readings will be online or photocopied handouts.

**Platform:** The course will be facilitated using UMass WebCT distance education platform ([https://webct.oit.umass.edu/](https://webct.oit.umass.edu/))

**Class / Sessions**

Note: Readings for a given week go along with the lecture for that week – students will be quizzed or asked to submit a response paper on these materials the subsequent week. So, materials that appear in week 1 below will be the subject of assignments and/or quizzes during week 2 and so on.

1. **Introduction (Week of Jan 30 – Feb. 3): Offline Meeting:** Course introduction and review of basic ADR components, practices, history, applications. What is Conflict? What is Conflict Resolution? Is it the same as Dispute Resolution? What do we know already about dispute resolution? Why is it important to have a multitude of means for resolving conflict? Place of power in conflict and conflict resolution? From that, can we imagine the use of IT in dispute resolution writ large? Movement from conflict to politics and the place for identity? **Readings (to be completed by the subsequent class):** Ch. 1 from Rule’s *ODR for Business*, [http://www.citdr.org/ODR_Rule_Chapter 1.doc](http://www.citdr.org/ODR_Rule_Chapter 1.doc), “Some reflections on conflicts management in Cyberspace,” Karim Benyekhlef, [http://www.disputes.net/cyberweek2000/ohiostate/CyberjusENGLISH.htm](http://www.disputes.net/cyberweek2000/ohiostate/CyberjusENGLISH.htm) (read Introduction and Section A); “Five Surprising Lessons,” Lawrence Susskind, [http://www.cbuilding.org/publications/cbireports/Spring2003/Article_1/index.html](http://www.cbuilding.org/publications/cbireports/Spring2003/Article_1/index.html); and an “Introduction: ADR in Cyberspace,” by Stephen Ware and Sarah Cole in Ohio State Journal on Dispute Resolution, Vol. 15, 2000 (Available from Lexis/Nexis through the Umass Library Database links). **Assignment:** Do the online tutorial available on the homepage of our Webct coursesite – with submitted quiz, discussion post(s), and very short response essay due by next Weds. Feb 8 by 5.00 pm

2. **ADR / ODR Basics – Primer (Week of Feb. 6 - 10): Offline Meeting:** Introduce ODR, contexts where ODR might apply / might not, so-called proffered advantages / disadvantages of ODR, acronyms of ODR, types of ODR – go over reading from week 1. **Online Assignment(s):** Listen to first set of lectures – view attendant powerpoints (both available on coursesite under the module for week of Feb. 6). **Readings:** Intro and Chapter 1 to [Online](#)
3. ODR History and Context (Week of Feb. 13 - 17): No Offline Meeting:
General overview of ODR’s development, review the early experiments, non-profit and academic, Internet boom/revolution, integration, standards efforts, evolving applications. **Online Assignment:** Process second set of audio lectures and powerpoints (See appropriate module on Course Homepage) **Quiz:** on readings from week 2; **Reading(s):** Katsh and Rifkin’s Ch. 3, 4, http://www.citdr.org/ODR_Katsh_Rifkin_Chapter3and4.doc; Rule’s Ch. 2, 3, 4, http://www.citdr.org/colin_ch2_3_4.doc; “Technical Aspects of ODR: Challenges and Opportunities,” Ernest Thiessen and John Zeleznikow, http://www.odr.info/unforum2004/thiessen_zeleznikow.htm; **Quiz:** on materials from previous week; **Other Assignment:** Submit pictures and biographies for next week’s identity exercise (details TBA)

4. ODR Applications (Week of Feb. 20 - 24): No Offline Meeting – However, **ID Exercise during class time 2/22 - Online:** A look at Ecommerce (B2B, B2C), Insurance, Workplace, Multiparty public disputes, International, other ODR applications. **Online Assignment:** Listen to 3rd set of audio / powerpoint lectures; **Reading(s):** Chapters 5, 6, 8 in ODR for Business, Rule, http://www.citdr.org/ODR_Rule_Ch5_6_8.doc; **Online Discussion / Chats:** The Identity Exercise (details TBA); **Quiz:** on materials from previous week. **NOTE:** There will be some kind of written assignment to go along w/ the ID exercise that will be due next week (March 1) – Details TBA.

5. ODR Applications (Week of Feb. 27 – March 3): No Offline Meeting:
From ADR to ODR, Online Communication, New Challenges and Skills, Online Processes and Standards, Mastering the Technology, Designing ODR Systems. **Online Assignment:** Process 4th lecture set AND possibly online chat during class time (details TBA) **Reading(s):** Ch. 12, 13, 15 from Rule’s ODR for Business, http://www.citdr.org/colin_ch12_13_15.doc; **Quiz:** on materials from previous week.. **NOTE:** Maybe some optional online chatting this week – or maybe engage w/ Colin Rule in a chat or other ??

6. ODR and Issues of Culture (Week of March 6 - 10): No Offline Meeting; **Online Assignment:** Audio and PowerPoint lecture by Daniel Rainey, Director of Alternative Dispute Resolution Services, The National Mediation Board – (To be available in the Module on Homepage for Week of Oct. 10); **Reading(s):** “Culture, Language and Online Dispute Resolution,” Siew Fang Law and David Peter Leonard, RMIT University and Dispute Settlement Centre Victoria – Australia, Dept. of Justice; “The Cultural Vacuum in Online Dispute Resolution,” Sharanya Rao, Associate Director of Programs, Envision
EMI Inc. Quiz: on materials from previous week; NOTE: There should be somekind of assignment for the platform survey activity to come next week.

7. ODR and Issues of Culture – continued (Week of March 13 - 17) – Offline Meeting: Review Colin’s and Dan’s stuff and other materials in lieu of upcoming exam (a basic debrief so far). Before we go much further we should spend some time looking at “what’s out there; Online Assignment: Second set of lectures/powerpoints by Dan Rainey on Culture and ODR Reading(s) – for after the break: “115 and Counting: The State of ODR 2004,” Melissa Conley Tyler, http://www.odr.info/unforum2004/Conley%20Tyler.htm; Quiz: on materials from previous week;

8. SPRING BREAK (Week of March 20 – 24)

9. Mid Term (Week of March 27 -31) (Details to be determined – though this will be online)

10. TENTATIVE!!! LAB / Testing of Umass / NMB ODR Brainstorming Tool (Week of April 3 - 7) – No Offline Meeting: Class will meet online using new Umass brainstorming tool to participate in simulated mediation activities; Online Lecture: NONE; Online Reading: Daring to Dream - Sanjana's article on groupware and peacebuilding (See Module for Week of Oct. 31 on coursesite); Quiz: TBD

11. TENTATIVE!!! Other Applications of IT and ODR (Week of April 10 - 14) – Not sure of Offline Meeting need – may want it to show video below: Sanjana Hattotuwa, Head, Research Unit, Info Share and Editor of the Peace Library (http://www.peacelibrary.org); Online Lecture(s): Audio and PowerPoint lectures by Sanjana Hattotuwa of Info-Share.org: (i) Overview of Sri Lanka; (ii) Overview of technology and tsunami relief efforts; (iii) Overview of Info Share, its work and vision; (iv) Info Share's virtual One-Text process. NOTE: please see the module for week of October 24 for the files. Online Reading: (i) On Technology and Disasters; (ii) Charting new ground in ODR: Going beyond the PC; (iii) PowerPoint presentation on taking ODR to the villages; (iv) Info Share's Peace Library; Assignment: Participate in Threaded Asynch. Discussion in course discussion area (Details TBA); Quiz or Written Assignment: On last week’s lab and first reading for Sanjana (TBA) NOTE: Maybe show the Frontline video about Katrina, and have a project / assignment from that – they can do some design work – make websites or powerpoints in response.

12. TENTATIVE!!! Other Applications of IT and ODR (Week of April 17 - 21) – No Offline Meeting – No Online Meeting due to Patriot’s Day Holiday 4/19 – University is observing a Monday schedule: Finish with Sanjana materials; Online Reading: Finish materials from Week 10 / International Apps. And ODR; Quiz: On Week 10 materials during normal quiz window.

13. TENTATIVE!! Practicum (Week of April 24 - 28) – Offline Meeting: Use the “Fire next time” POV video as basis for the case / simulation. After showing the video, have some discussion and break into groups. Groups will research their relative positions, and others, during the week. We come together next week online to do a Conflict Assessment. NOTE: Could you get Leah to do something f2f with them?
14. **TENTATIVE!! Practicum cont. (Week of May 1 - 5) – No Offline Meeting**
   – Real time F2F Conflict Assessment during class-time using virtual collaboration platform – Webex is the likely tool for Spring ’06 - **URL and Details to be announced.**
   **NOTE:** need an exercise / assignment to go along w/ the Practicum – a similar design / analysis type exercise as w/ previous course section.

15. **TENTATIVE!! NEED SOMETHING! (Week of May 8 - 12)**

16. Second Exam (Week of May 15 - 19), details TBD