

Academic Year: ( 2020 / 2021 )

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Department assigned to the subject: Criminal Law, Procedural Law and History Law Department

Coordinating teacher: CARRETERO MORALES, EMILIANO

Type: Compulsory ECTS Credits : 3.0

Year : 1 Semester : 2

## REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Conflict  
Communication  
Negotiation  
Mediation: features, process, techniques and areas

## OBJECTIVES

### BASIC SKILLS

- That the students can apply the broader (or multidisciplinary) acquired knowledge and ability to solve problems in new or unfamiliar environments within contexts related to their field of study
- Students can communicate their conclusions and the knowledge and rationale underpinning to specialists and non-specialists in a clear and unambiguous
- Students must possess the learning skills that enable them to continue studying in a way that will be largely self-directed or autonomous.

### GENERAL SKILLS

- That the students can identify the conflict and the specialties of it and its dynamics
- Students learn to detect within the spectrum of conflict resolution, which is the most appropriate mechanism to deal with them and how to use it
- Students know how to develop a mediation procedure and know their principles, purposes, characteristics and areas
- Students know what the limits of mediation are, and their uses, nationally and internationally
- Students can apply in practice the different techniques and tools used in the management and resolution of conflicts
- Students learn to identify the concepts and elements used in the various forms of conflict resolution
- That the students can correctly identify and develop the various stages of negotiation and mediation, as well as general tools and techniques applied thereto

### SPECIFIC SKILLS

- Management of basic communication skills
- Practical application of different techniques and tools used in mediation
- Understand the theoretical and ideological development of the concept of restorative justice and the importance of mediation in criminal matters
- Acquire theoretical knowledge of civil and commercial mediation and procedural and general tools applied to this type of mediation
- Learning concepts used in the various methods discussed
- Synthesise acquired under Title knowledge as basis for the preparation of the Master's Thesis on a specific and concrete

### LEARNING OUTCOMES

- The student at the end of the matter will have acquired the necessary knowledge and fluency in the use and control of the various mediation techniques, as well as the different communication tools.
- There will be applied the knowledge gained so far to study the subject of Restorative Justice and will have acquired sufficient theoretical and practical basis to be able to cope with unfair mediation in criminal, civil and commercial matters based on the specificities of these

## DESCRIPTION OF CONTENTS: PROGRAMME

Common topics:

- Mediation: Process and elements
- The communication
- Mediation models
- Fields of mediation

Specific topics:

- The conflict in the field of business
- Strategy and mediation in the field of business
- Mediation in organizations
- Conflict mediation in banking
- Conflicts and mediation in the field of family business
- Labor disputes
- Mediation in civil and commercial matters. Directive EC / 52/2008. The Spanish legislation: Law 5/2012, of July 6, of Spanish mediation in civil and commercial and Royal Decree 980/2013 affairs of December 13, implementing certain aspects of Law 5/2012 are developed
- Practices civil and commercial mediation

## LEARNING ACTIVITIES AND METHODOLOGY

### TRAINING ACTIVITIES

- Theoretical classes
- Practical classes
- Individual student work

### TEACHING METHODOLOGIES

- Presentations in class with computing and audiovisual media support, which develop the main concepts of the subject and provides the bibliography to complement the learning of the students.
- Role play.
- Viewing and analysis of mediation recordings.
- Resolution of practical cases, problems, etc. raised by professor individually or in group.
- Presentation and discussion in class, under the moderation of professor of topics related to the content of the matter, as well as case studies.
- Elaboration of works and reports individually or ingroup.
- Critical reading of recommended texts of the subject studied: press articles, reports, manuals and/or academic articles, well for its subsequent discussion in class, either to expand and consolidate the knowledge of the subject.

The health emergency caused by the incidence of COVID-19 has had to transform all its teachings to teaching in synchronous online mode since mid-March 2020. This time interval until the pandemic is overcome, of unknown duration, requires a new teaching model that meets sanitary conditions and that takes into account a possible different scenario. The possibility of a new outbreak in the spread of the virus that forces the temporary suspension of all university activities for its containment must also be considered.

During the academic year 2020-21, the possibility of combining two scenarios is considered, depending on the epidemiological and health situation. The first of these, defined as New Normality, would allow teaching activities to be carried out in person, but limited due to the sanitary restrictions necessary to prevent the spread of the virus. The second scenario or new Containment Period would be produced by a re-emergence of the virus that would compel the competent authorities to decree a period of confinement in which any type of classroom activity on campus was not possible.

If there is a period of population confinement or very severe restrictions on the mobility and gathering of people, UC3M, as it did in the 2019-20 academic year, would close all face-to-face activity on campus. In this situation, teaching will be carried out synchronously online at the times established by the centers, through the Blackboard Collaborate tool supported on the UC3M Virtual Classroom platform.

In this context, for the 2020-2021 academic year, a face-to-face teaching model has been adopted, although, due to the limitations in the capacity of the classrooms in the next academic year, it is not possible to guarantee the possibility of attending to the face-to-face class to all the students in the masters with more than 30 students enrolled. In this case, the program will establish a rotation system for its students for face-to-face attendance based on the maximum number of classroom positions, and

the rest must follow the class synchronously online at home, providing a rotation system for attendance. thereof.

#### ASSESSMENT SYSTEM

<b>% end-of-term-examination/test:</b>	40
<b>% of continuous assessment (assignments, laboratory, practicals...):</b>	60

- Individual or group work during the course: 40%
- Practical skills: 20%
- Final exam: 40% (TEST)

If the student does not pass the subject in the ordinary call, you must take an exam in the resit will have a value of 100% of the final grade.

#### BASIC BIBLIOGRAPHY

- CARRETERO MORALES, E. LA MEDIACIÓN CIVIL Y MERCANTIL EN E SISTEMA DE JUSTICIA, DYKINSON, 2016
- SOLETO MUÑOZ, H. La mediación concursal, especialidad de la mediación civil y mercantil, Revista cuatrimestral de Derecho y Ciencias Económicas y Empresariales, 2016. nº98 mayo-agosto
- SOLETO MUÑOZ, H. (DIR.) MEDIACIÓN Y RESOLUCIÓN DE CONFLICTOS: TÉCNICAS Y ÁMBITOS, TECNOS, 2013
- SOLETO MUÑOZ, H. y FANDIÑO CASTRO, M. MANUAL DE MEDIACIÓN CIVIL, CEJA, 2017

#### ADDITIONAL BIBLIOGRAPHY

- BLANCO GARCIA, A.I. TRATADOS DE MEDIACIÓN EN ASUNTOS CIVILES Y MERCANTILES, TIRANT LO BLANCH, 2017
- BONET, A. PROCESO CIVIL Y MEDIACIÓN. SU ANÁLISIS EN LA LEY 5/2012, DE MEDIACIÓN EN ASUNTOS CIVILES Y MERCANTILES, THOMSON REUTERS ARANZADI, 2013
- CARRETERO MORALES, E. Comentarios al anteproyecto de ley de mediación en asuntos civiles y mercantiles, Revista Internacional de Estudios de Derecho Procesal y Arbitraje, 2011
- MARTÍN DÍAZ, F. LA MEDIACIÓN EN MATERIA DE FAMILIA Y DERECHO PENAL: ESTUDIO Y ANÁLISIS, TÓRCULO, 2011