UNIVERSITY OF GEORGIA

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University Council

March 11, 2022

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Dear Colleagues:

The attached proposal from the School of Law to offer a new Graduate Certificate in Alternative Dispute Resolution in both face-to-face and online formats will be an agenda item for the March 18, 2022, Full University Curriculum Committee meeting.

Sincerely,

Susan Sanchez, Chair
University Curriculum Committee

cc: Provost S. Jack Hu
Dr. Marisa Pagnattaro

PROPOSAL FOR A CERTIFICATE PROGRAM

Date: January 19, 2022

School/College/Unit: School of Law

Department/Division: School of Law

Certificate Title: Graduate Certificate in Alternative Dispute Resolution

Effective Term: Fall 2022

CIP: 30280100

Which campus(es) will offer this certificate? Athens, Buckhead, Online

Level: Graduate

Program Abstract: This proposed certificate is a four course, 12-hour program focusing on alternative dispute resolution (ADR) and is designed for working professionals and law students. Courses include ADR in the 21st Century, Negotiations, Mediation, and ADR in the Workplace. Courses will integrate theoretical understandings of dispute resolution principles with practical, experiential skills training. The curriculum incorporates Georgia Office of Dispute Resolution training requirements, qualifying students to register with GODR as neutrals in the categories of mediation and arbitration.

Purpose and Educational Objectives

State the purpose and educational objectives of the program. How does this program complement the mission of the institution?

Competency in dispute resolution has become an integral part of legal education. Law students demand dispute resolution classes. Employers in law firms, businesses, and government value familiarity with dispute resolution processes and skills. Market analysis commissioned by the University indicates that demand for freestanding dispute resolution certificate programs is growing among working professionals in fields such as human resources, management, government, and health care.

This certificate affords law students and professionals in various fields and industries a course of study concentrating on theoretical and practical aspects of dispute resolution. Experiential training will impart working knowledge of various dispute resolution models and processes, and will instill skills that are utilized in workplaces, communities, civic organizations, courts, and elsewhere.

Need for the Program

Explain why this program is necessary.

The certificate serves the needs of two communities. First, the certificate serves working professionals who increasingly find that "many occupations require dispute resolution skills on top

of other formal education".[1] Second, it gives law students an opportunity to acquire proficiency in the knowledge, art, and practice of dispute resolution, and allows them to demonstrate to employers a focused interest in, and commitment to, creative problem solving and alternative settlement of conflicts.

Additional program information:

a. **Semester/Year of Program Initiation:** Fall 2022
b. **Semester/Year of Full Implementation of Program:** Fall 2022
c. **Semester/Year First Certificates will be awarded:** Spring 2023
d. **Annual Number of Graduates expected (once the program is established):** Initially, the program will serve 20+ students, but aims to grow in subsequent years.
e. **Projected Future Trends for number of students enrolled in the program:** Demand for dispute resolution certificate programs is growing along with occupations in dispute resolution. Completion of alternative dispute resolution (ADR) certificate programs grew at an adjusted, annualized rate of 13.2% from 2014 to 2019.[2] Employment growth in dispute resolution occupations is projected at 10% between 2020 and 2030.[3]

Student Demand

a. Provide documentation of evidence of student demand for this program, which may include a student survey.

Please see the attached market analysis, cited herein. As noted in the analysis, demand for dispute resolution certificate programs is growing. Of particular import, unmet demand for this program exists in this state and region, as there are few programs offered in the region and few online programs offered nationally.[4] Growing demand for such programs is also reflected in student demand for ADR courses at UGA's School of Law. More ADR classes are offered than ever before at the School of Law, yet they are routinely oversubscribed due to student demand.

b. Provide evidence that demand will be sufficient to sustain reasonable enrollment.

Growth in utilization of dispute resolution processes is long-term. For over forty years, the civil justice system has encouraged settlement of legal disputes through recourse to various ADR processes. Innovations have included formal changes to rules of procedure and court sponsored ADR programs, as well as changes to law school curricula, the establishment of ADR sections in fraternal bar associations like the American Bar Association, and the introduction of ADR trade publication and academic journals.

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[1] Hanover Research, "Market analysis: certificate in dispute resolution." P.3. Prepared for the University of Georgia, April 2021.

[2] Id., 4-5.

[3] U.S. Bureau of Labor Statistics, Employment Projections program, https://www.bls.gov/ooh/legal/arbitrators-mediators-and- conciliators.htm#tab-6.

[4] Hanover, "Market analysis" 4, 10.

"Jobs that specialize in dispute resolution are expected to grow faster than average in the United States."[5] Employment in dispute resolution positions, such as arbitrators, mediators, and conciliators, is expected to grow by 10% nationally[6] and by 13% in Georgia[7] over the next decade. Outside of law, "many other occupations require dispute resolution skills . . . and the certificate is likely to be attractive in these sectors as a means of professional development and career advancement."[8] Since the middle of the 20th century, businesses have increasingly looked to internal mechanisms for dispute resolution, such as arbitration, shop stewards, ombudspersons, customer/patient advocates, and the USPS mediation program, especially as the cost of litigation has risen.

c. To what extent will minority student enrollments be greater than, less than, or equivalent to the proportion of minority students in the total student body?

Previous online courses offered by the School of Law have attracted greater minority enrollment relative to the proportion of minority students in the student body. Minority student enrollment will not be diminished, and may be enhanced, by the proposed program.

Program of Study

Provide a detailed program of study for the certificate program.

This proposal is for a four course, 12-hour certificate program designed for working professionals and law students. Courses include ADR in the 21st Century, Negotiations, Mediation, and ADR in the Workplace. Courses will integrate theoretical understandings of dispute resolution principles with practical, experiential skills training. The curriculum incorporates Georgia Office of Dispute Resolution training requirements, qualifying students to register with GODR as neutrals in the categories of mediation and arbitration.

a. Specify course prefixes, numbers, and titles

Required Courses:

JURI 5735/7735 or JURI 5735E/7735E, ADR in the 21st Century (variable 2-3 hours; 3 hours required)

JURI 5975/7975 or JURI 5975E/7975E, Mediation Practicum (variable 2-3 hours; 3 hours required)

JURI XXXX or XXXXE, ADR in the Workplace (3 hours) – NEW

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[5] Id., 4.

[6] U.S. BLS, Employment Projections, https://www.bls.gov/ooh/legal/arbitrators-mediators-and-conciliators.htm#tab-6

[7] Career One Stop, "Arbitrators, Mediators, and Conciliators", https://www.careeronestop.org/Toolkit/Careers/Occupations/occupation-profile.aspx?keyword=Arbitrators,%20Mediators,%20and%20Conciliators&onetcode=23102200&location=georgia.

[8] Hanover, "Market analysis" 4.

Elective Courses:

JURI 4211/6211 or 4211E/6211E Business Negotiations (variable 2-3 hours; 3 hours required)

JURI 4213/6213 or JURI 4213E/6213E, Legal Negotiation and Settlement (variable 2-3 hours; 3 hours required)

JURI XXXX or XXXXE, Negotiations (3 hours) - NEW

Curriculum, Certificate in Alternative Dispute Resolution 12 semester hours required	
Core courses (9 hours)	
JURI 5735/7735 or JURI 5735E/7735E	ADR in the 21st Century (3 hours)
JURI 5975/7975 or JURI 5975E/7975E	Mediation Practicum (3 hours)
JURI XXXX or JURI XXXXE- New	ADR in the Workplace (3 hours)
Negotiation elective (Choose 3 hours from the following)	
JURI 4211/6211 or JURI 4211E/6211E	Business Negotiations (3 hours)
JURI 4213/6213 or JURI 4213E/6213E	Legal Negotiation and Settlement (3 hours)
JURI XXXX or JURI XXXXE - New	Negotiations (3 hours)

b. Identify any new courses created for this program

JURI XXXX, ADR in the Workplace: This course will cover skills and systems for conflict management in the workplace and will prepare participants to use dispute resolution skills and design dispute resolution systems within the workplace. It will teach participants how to prevent conflict when appropriate, manage conflict when it arises, empower stakeholders, and channel interpersonal interactions in constructive directions. Recognizing that conflict arises in different kinds of workplaces and industries, it would include material focused on medicine, education, religious life, and other fields. It will also explore how organizations, individuals, professions, and industries can develop partnerships with the field of ADR and introduce participants to co-mediation models.

JURI XXXXE, Negotiations: The School of Law offers practical skills courses in Business Negotiations (JURI 4211/6211) and Legal Negotiation and Settlement (JURI 4213/6213). The School of Law would offer one of those or this new course online. Through in-class simulations and through the study of negotiation theory, participants in the Negotiations course will develop negotiation skills for use in counseling parties in deals and disputes.

Participants will compare collaborative and competitive techniques, considering the risks and rewards of each in various contexts. Topics may include game theory, strategy, persuasion, conflict coaching, cognitive bias, behavioral economics, active listening, and professional responsibility.

Model Program and Accreditation

a. Identify any model programs, accepted disciplinary standards, and accepted curricular practices against which the proposed program could be judged. Evaluate the extent to which the proposed curriculum is consistent with these external points of reference and provide a rationale for significant inconsistencies and differences that may exist.

Faculty have identified dispute resolution programs offered at 39 law schools. Eleven of those programs open enrollment to persons not already enrolled in law school degree programs. Reviewing these programs has guided the structure of this program, particularly with respect to the number of courses, the credit hours required, and the content of the curriculum. The curriculum proposed here is consistent with offerings in analogous programs[9] and the recommendations of the market analysis.[10]

b. If program accreditation is available, provide an analysis of the ability of the program to satisfy the curricular standards of such specialized accreditation.

Accreditation is not available for this program. Some courses, however, incorporate certified training requirements promulgated by the Georgia Office of Dispute Resolution. For example, JURI 5975/7975, Mediation Practice, meets the requirements for registration with GODR as a neutral in the general, civil mediation category. The School of Law has offered this course in various formats, and in each format has delivered content as approved by GODR, thereby enabling students to register.

Student Learning Outcomes

Describe the proposed learning outcomes for the certificate program.

Students will be able to:

- Identify and understand the defining features of various ADR processes, and the advantages and limitations of each;
- Match the appropriate ADR process to particular conflicts and the contexts in which those conflicts arise;
- Demonstrate familiarity with theoretical frameworks that aid understanding of negotiation behaviors and undergird processes such as mediation and arbitration;
- Employ the tools, skills, and strategies of negotiators and mediators in resolving disputes;
- Identify ethical issues in dispute resolution and apply appropriate ethical guidelines;
- Improve their practice through use of self-assessment and self-reflection; and
- Register as a neutrals with the Georgia Office of Dispute Resolution in the categories of mediation and arbitration.

Assessment and Admissions

A needs assessment demonstrating a sufficient pool of qualified applicants. Describe how the learning outcomes for the program will be assessed. Describe the process and criteria for how students will be admitted to and retained in the program.

The program serves the needs of two communities. First, the program serves the needs of working professionals who increasingly find that "many occupations require dispute resolution skills on top of other formal education." A market analysis commissioned by UGA recommends that the School

[9] See "ADR Certificate Program" attached.

[10] Hanover, "Market analysis" 3, 11-14.

of Law offer the program online.[11] Second, it gives law students an opportunity to acquire proficiency in the knowledge, art, and practice of dispute resolution, and allows them to demonstrate to employers a focused interest in and commitment to creative problem solving and alternative settlement of conflicts. ADR offerings are routinely oversubscribed at the School of Law. The certificate will afford J.D., M.S.L., and L.L.M. students more opportunities to enroll in ADR courses.

The primary means of assessment will be direct observation of student performance as they utilize various skills and implement various dispute resolution processes and techniques. Also, students will be required to reflect thoughtfully and intelligently on their performance. The experiential courses entail classroom exercises and discussion of case studies that allow for embedded assessment. Finally, some assessment may involve objective measures such as tests.

For students enrolled in the J.D., M.S.L., or L.L.M. programs, there are no additional admission requirements. For non-degree seeking students, admission requires (1) completion of a bachelor's degree from an accredited institution AND (2) a score from a standardized test, such as GRE, LSAT, GMAT, MCAT, demonstrating ability to perform graduate level work OR relevant work experience. These requirements are similar or identical to the admissions requirements for M.S.L. students.

Student Support Services

Describe how students will have access to appropriate learning and student support services to ensure full participation in the learning experience. Services to be considered include academic advising or an advisory committee, technology support, financial aid advising, career planning, and disability services. Any special accommodations made for distance education students must be described.

J.D., M.S.L., and L.L.M. students will be advised by their regular School of Law advisor as well as the Director of the Certificate in Alternative Dispute Resolution. Non-degree seeking students will be advised by the director of the program. The director will teach courses in the certificate and will be available for meetings online and at the Buckhead campus. The director will identify and address any needs specific to distance education, but at present it is anticipated that capacity already exists within the School of Law to meet those needs.

Resident Requirements

Residence requirements will be identical to those established for the authorized degree program with residence at the approved location serving to meet that requirement.

Program Management

Each proposal must contain a specified plan for program maintenance and program quality. This plan will provide contact persons at cooperating units, a detailed timetable, and

[11] Hanover Research, "Market analysis: certificate in dispute resolution." P.3. Prepared for the University of Georgia, April 2021.

complete plans for application and matriculation of students. In addition, specific plans should be provided concerning the schedule of courses, the duration of the program, program review, and possible duplication with other programs in the immediate area.

The program will be administered by the Director of the Certificate in Alternative Dispute Resolution. Admissions will be managed on a rolling basis. Two or more certificate courses will be open for enrollment in each semester of the academic year. Courses will be scheduled such that the certificate can be completed in two semesters, regardless of the semester in which the student enters the program. The certificate can be completed at the learner's pace, provided that it is completed within the graduate school's timeline requirements.

The courses can be successfully delivered online. Three courses in the certificate are offered in online or hybrid formats, or were successfully delivered in an online or hybrid format during the 2020-2021 academic year. The Georgia Office of Dispute Resolution has approved online mediation training, the requirements of which are embedded in the certificate's mediation course.

The Director will have primary oversight of student enrollment and counseling, and will ensure quality instruction. The Director will ensure that Student Learning Objectives are being met. Learning objectives include:

- Identify and understand the defining features of various ADR processes, and the advantages and limitations of each;
- Match the appropriate ADR process to particular conflicts and the contexts in which those conflicts arise;
- Demonstrate familiarity with theoretical frameworks that aid understanding of negotiation behaviors and undergird processes such as mediation and arbitration;
- Employ the tools, skills, and strategies of negotiators and mediators in resolving disputes;
- Identify ethical issues in dispute resolution and apply appropriate ethical guidelines;
- Improve their practice through use of self-assessment and self-reflection; and
- Register as neutrals with the Georgia Office of Dispute Resolution in the categories of mediation and arbitration.

The curriculum is modeled on existing comparable programs. Thirty-nine ADR certificate programs were identified and assessed (see attached chart). Benchmarking conducted by Hanover Research (see attached Market Analysis) shows that this certificate does not duplicate those programs. The analysis recommends that the School of Law offer this program. There is no duplication of University programming. Raye Rawls, who offers mediation training with the Fanning Institute, was apprised of the proposal and indicated that she saw "no conflict" between the proposal and offerings at Fanning. Alex Reed, Associate Director of the Legal Studies Program at the Terry College of Business, was contacted, as the College offers negotiation courses. Concerning the proposal and the interests of the College of Business, he responded, "I do not foresee any conflicts".

<u>Library and Laboratory Resources</u>
The proposal must include a review of existing library and laboratory resources (or other specialized resources) at the host location. If deficiencies exist, the proposal must include a plan, including timetable and budget, for alleviating the deficiencies.

Admitted students will be required to possess the basic technology necessary to access eLC or other online resources, and to attend classes remotely, as instruction will be delivered in face-to-face, online, or blended formats. All students in the program will have access to existing library resources. It is not anticipated that any additional resources will be necessary. Extensive library resources in alternative dispute resolution are available online and at the Athens campus.

Budget

The budget must provide a realistic estimate of the costs of developing and implementing a quality program. Consequently, each program budget must contain detailed estimates—specified separately for authorized and cooperating units—concerning faculty and staff positions, library, laboratory, and other specialized facility resource requirements, travel and other significant operating expenses. If the support for the program is the result of an internal reallocation of resources, explicit details should be included in the proposal. The budget must reflect the start-up costs of the program, projected costs for completion of the first cycle of students, and additional costs associated with any future cycles of students.

Please see the attached budget projection. Enrollment projections are based, in part, on a market study conducted by Hanover Research, which was commissioned by the University and recommended that the School of Law offer this program online. The market analysis measured projected job growth in ADR positions, such as arbitrators, mediators, and facilitators. The proposed certificate also appeals to working professionals for whom ADR skills are desirable in their current jobs. A director is needed to run the program as the School of Law does not have sufficient resources among existing faculty to establish the program.

Program Costs Assessed to Students

Any costs beyond those normally associated with the program on campus must be spelled out and justified.

The regular School of Law tuition rate will be assessed. There are no costs not normally associated with a comparable program on campus, other than the e-rate requested.

E-Rate

If an e-rate will be charged, an approved e-rate form must be submitted to the Office of Instruction with the proposal form.

An e-rate will be charged. The requested e-rate is $400. An e-rate request form is submitted with this proposal.

Documentation of Approval and Notification

Proposal: Graduate Certificate in Alternative Dispute Resolution

College: School of Law

Department: School of Law

Proposed Effective Term: Fall 2022

School/College:

- School of Law Dean, Mr. Peter Rutledge

Graduate School:

- Graduate School Associate Dean, Dr. Anne Shaffer, 2/10/22