SUBJECT DESCRIPTION FORM

Subject title: Dispute Resolution Project

Subject code: BRE548

Credit value: 3

Responsible staff and department:
Dr. Martyn Hills, Prof. Edwin Chan, Mr. Robert Morris and Mr. Anthony Wong (BRE)

Pre-requisite (Subject title and code no, if any): Nil

Recommended background knowledge:
Students are expected to possess background knowledge of the construction industry and of the law related to construction practices and dispute resolution.

Mutual exclusions: Nil

Learning approach:
Students will be expected to use a work related case study to develop a topic for the project, which is intended to combine the students’ knowledge of construction with the law related to dispute resolution. The project will span one semester and will be supervised by a team of tutors. After having received a briefing on the requirements of the Project during the first week of the semester, students will be required to present individual proposals to the tutors and other class members during a half-day workshop on week four. At this presentation workshop, students will divide into groups of three and, with advice from the tutors, choose one case study to use as the basis for their group project. A one-day seminar will be held during the last week of the semester in order that each teams completed project may be presented and discussed; at this time the projects will also be assessed by the tutors. Throughout the duration of the semester, each group will meet at regular intervals with the tutor assigned to their group.

The pedagogical philosophy for this subject is student centered learning. For the most part, students are required to work using their own initiative to find out information and discover ways in which to apply it to their project. The project tutors act principally as mentors, facilitators, and assessors.

- Workshops
- Small group tutorials
- One-day seminar for presentations
- Independent study
  - Individual and group project
  - Self-study

Assessment
Assessment is based on 100% coursework. Students will be assessed, individually and as a team, on their ability to analyse, critically evaluate, and synthesis knowledge gained from a variety of sources into their chosen project. The Project is divided into two distinct phases;
Phase A and Phase B. Phase A will be carried out individually, whilst Phase B will be carried out in teams with a maximum of three members. Each component (Phase A and Phase B) must receive at least a passing grade in order to gain the 3 credits associated with the subject (it is not possible to pass one component and fail the other and still gain an overall pass). To ensure equity, each subject will be assessed by all of the tutors, not just the tutor assigned to a particular team. The assessment of each phase, based on a presentation to peers and tutors, and a written report, will be in accordance with PolyU’s prevailing grading scheme.

Project Proposal (Phase A) is an individual piece of work which requires each student to develop a case study drawn from their present or past work situation and analyse the issues related to dispute resolution that it raises. This case will then be presented to the tutors and class as a proposal for further study. With advice from the tutors, each team of three students (assigned by the tutors) will evaluate the feasibility of each proposal and select one for their team to further develop. Development of the project (Phase B) requires each team to explore the issues associated with the chosen case study and suggests appropriate dispute resolution methods for tackling the problems involved. Although this phase is developed and presented as a team, each member will also be assessed on his or her individual contribution. The following shows the assessment weighting for the Project:

<table>
<thead>
<tr>
<th></th>
<th>Individual</th>
<th>Team</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase A - Project Proposal</td>
<td>25%</td>
<td>N/A</td>
</tr>
<tr>
<td>Phase B - Project Development</td>
<td>10%</td>
<td>65%</td>
</tr>
<tr>
<td>Total Weighting</td>
<td>35%</td>
<td>65%</td>
</tr>
</tbody>
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Objectives:

On completion of this subject students should be able to:

1. Differentiate the characteristics of the different dispute resolution methods.
2. Identify the substance and nature of a dispute, and match it with the appropriate dispute resolution method.
3. Communicate, using appropriate legal wording, findings such that a neutral third party to a dispute might arrive at when required to assist in its resolution.
4. Apply knowledge, reasoning and research skills to the resolution of disputes in the construction and real estate industries.

Outline syllabus:

The Project requires candidates to identify a real-life dispute resolution related problem and then, as part of a team, formulate a number of alternative solutions. This will involve exploring the whole range of dispute resolution activities involved in the problem. The intention is to improve students’ comprehension of dispute resolution techniques and provide them with an opportunity of applying them to practical situations.

Indicative reading list and references:


Hong Kong Construction Law (Periodical). Hong Kong: Butterworths Asia.


