

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Prakse, tehnike in veščine reševanja sporov
Course title:	Practices, Techniques and Skills of Dispute Settlement

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Alternativno reševanje sporov - 2. stopnja		1	2
Alternative Dispute Resolution - 2nd degree		1	2

Vrsta predmeta / Course typeObvezni/
Compulsory**Univerzitetna koda predmeta / University course code:**

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
40	0	0	0	0	160	8

Nosilec predmeta / Lecturer:

izr. prof. dr. Nana Weber / Assoc. Prof. Nana Weber, PhD

**Jeziki/
Languages****Predavanja
Lectures:****Vaje / Tutorial:**

/ Slovenski jezik/Slovenian/Angleški jezik/English

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:**Prerequisites:**

Vpis v prvi letnik.

Enrollment in first year.

Vsaj 80% prisotnost na predavanjih.

At least 80% attendance at lectures.

Vsebina:

- Kaj so tehnike in kaj veščine pri reševanju sporov (od dialoga do pogajanj)
- Emocije v sporu (sovraštvo, jeza, kljubovanje, užaljenost, prezir, ponižanje, zavračanje)
- Kako ravnati s svojimi čustvi in reagirati na močna čustva drugih
- Dialog in aktivno poslušanje
- Kako vzpostaviti dialog po dolgotrajnem konfliktu, kjer so bili mnogi ljudje prizadeti in so izgubili svoje
- Vedenjski vzorci
- ravnovesje moči (kakšne moči poznamo, kako se to kaže v sporih, kako zagotoviti ravnovesje moči in kaj storiti, če to ni mogoče)
- Tehnike, ki so pomembne za reševanje vseh sporov: aktivno poslušanje, postavljanje pravih vprašanj, reframing, zablada ničelne vsote
- Tehnike, ko je več strank v sporu (priprave, določiti pravila pogovora, čas govora, kdo vodi pogovor, cilji pogovora, sklepno po sestanku)
- Pogajanja (»ena na ena«)
- Ločiti osebo od spora (razlika med being in doing)
- Iskanje skupnih interesov
- Objektivizacija pomembnih dejstev v sporu
- Razlika med reševanjem spora brez nevtralne tretje osebe in s pomočjo nevtralne tretje osebe

Content (Syllabus outline):

- Techniques and skills in dispute resolution (from dialogue to negotiation)
- Emotions in conflicts (hatred, anger, defiance, piqued, contempt, humiliation, rejection)
- How to deal with emotions and reacting to strong feelings of others
- Dialogue and active listening
- How to set up a dialogue after a long conflict, where many people have been affected and have lost loved ones
- Behavioral patterns
- Balance of power
- Techniques that are important for the settlement of all disputes: active listening, asking the right questions, reframing, delusion,
- Techniques, when more parties are involved in the dispute (preparation, to lay down the rules of conversation, who leads the conversation)
- Negotiations ("one on one")
- Separate the person from the dispute (difference between being and doing)
- Search for common interests
- Objectification the essential facts in the dispute
- The difference between resolving the dispute without a neutral third party and with the help of a neutral third party

Temeljna literatura in viri / Readings:**Obvezna:**

1. Ristin G., Hajtnik Z. in soavtorji (2021): (Mediacija v teoriji in praksi, DMS, Ljubljana.
2. Colatrella, M., T. (2012). A "Lawyer for All Seasons": The Lawyer as Conflict Manager. Pacific Mc George School of Law. [Pridobljeno na spletu, dne 11.1.2022: <https://scholarlycommons.pacific.edu/cgi/viewcontent.cgi?article=1114&context=facultyarticles>].
3. Kos. P. (2015). Alternativne metode reševanja sporov. Revija odvetnik, št. 4, (72), str.

69-71. [Pridobljeno na spletu, dne 11.1.2022: <http://www.odvzb.si/upload/revija/ODVETNIK%20st%2072.pdf>].

4. Možina, S. (2005). Konflikti v organizaciji. V: 6. znanstveno posvetovanje o Organizaciji: Konflikti v in med organizacijami, Univerza v Mariboru, Fakulteta za organizacijske vede Kranj.

5. Rahim, M., A. (2002). Toward a Theory of Managing Organizational Conflict. The International Journal of Conflict Management, vol. 13 (3), 206-235. [Pridobljeno na spletu, dne 24.5.2020: <https://www.international-arbitration-attorney.com/wp-content/uploads/arbitrationOrganizational-Conflict.pdf>].

Cilji in kompetence:

- Spoznati kaj je dialog, pravila reševanja sporov brez tretje osebe,
- Spoznati razliko med reševanjem sporov med posameznikoma, med več posamezniki in skupinami
- Spoznati tehnike reševanja sporov, ki veljajo za vse spore
- Spoznati nekaj osnovnih tehnik in veščin

Objectives and competences:

- What is dialogue, dispute settlement rules,
- the difference between a dispute of individuals and groups
- the techniques of dispute resolution applicable to all disputes
- some of the basic techniques and skills.

Predvideni študijski rezultati:

Znanje in razumevanje:

Študent (tka) bo razumel, kaj tehnike so in katere tehnike lahko vsak uporablja pri reševanju sporov.

Udeleženci bodo znali tudi praktično uporabiti tehnike in z vajo bodo občutili, kako se ljudje počutimo v sporu in ko ga skušamo sami reševati.

Razumeli bodo razliko med sporom med dvema osebama, med več osebami, med skupinami, med narodi in med državami.

Intended learning outcomes:

Knowledge and understanding:

Students will be able to use the techniques in role plays and will practice how people feel in the dispute. Students will understand how and when to apply techniques in real disputes, and will get the knowledge to manage disputes.

Students will understand the difference between disputes among two individuals, among groups and nations.

Metode poučevanja in učenja:**Oblike dela:**

- Frontalna oblika poučevanja
 Delo v manjših skupinah oz. v dvojicah
 Samostojno delo študentov
 e-učenje
 drugo (vpišite) _____

Metode (načini) dela:

- Razlaga
 Razgovor/ diskusija/debata
 Delo z besedilom
 Proučevanje primera
 Igra vlog
 Druge vrste nastopov študentov
 Reševanje nalog
 Študijski obiski podjetij ipd.)
 Vključevanje gostov iz prakse
 Udeležba na okrogli mizi, na konferenci

Learning and teaching methods:**Types of learning/teaching:**

- Frontal teaching
 Work in smaller groups or pair work
 Independent students work
 e-learning
 other _____

Teaching methods:

- Explanation
 Conversation/discussion/debate
 Work with texts
 Case studies
 Role-play
 Different presentation
 Solving exercises
 Field work (e.g. company visits)
 Inviting guests from companies
 Attending round table and conference

Načini ocenjevanja:	Delež (v %) / Weight (in %)	Assessment:
Način: Pisni ali ustni izpit	100%	Type: - Writtten or oral exam

Reference nosilca / Lecturer's references:

Nana Weber je izredna profesorica za civilno in gospodarsko pravo na Evropski pravni fakulteti, docentka za delovno pravo na MLC Fakulteti za management in pravo Ljubljana in docentka za poslovne vede na B2 Visoki šoli za poslovne vede. Leta 2003 je diplomirala na Pravni fakulteti v Ljubljani. Tam je s podiplomskim študijem nadaljevala in leta 2010 magistrirala na področju civilnega in gospodarskega in leta 2013 doktorirala na področju civilnega prava. Leta 2010 je diplomirala še na Akademiji za glasbo (profesorica glasbe).

Poklicno pot v pravo je začela v sodstvu in na različnih stopnjah sodišč, nato je delala na državnem pravobranilstvu, v odvetniški pisarni in v kabinetu ministra za javno upravo. Leta 2016 je začela samostojno pot in do nedavnega delovala kot odvetnica. Sedaj vodi družbo Weber N., pravna svetovanja, analize in mediacije, d.o.o.

Izkušnje mediatorke v Mediacijskem centru Ljubljana, pri Odvetniški zbornici Slovenije in Ministrstvu za delo družino, socialne zadeve in enake možnosti ter izvajalke izvensodnega reševanja

potrošniških sporov pri Ministrstvu za gospodarski razvoj in tehnologijo so botrovale odločitvi, da pomaga reševati spore na neformalen način v okviru lastnega podjetja.

Je tudi članica državne izpitne komisije za pravniški državni izpit (področje civilnega materialnega in procesnega prava) in zborovodja Mešanega pevskega zbora Nove Univerze.

Na redni bazi piše strokovne in znanstvene članke iz različnih pravnih področij. Med drugim je ena od avtoric Družinskega zakonika (Uradni list, 2019), avtorica uvodnih pojasnil Družinskega zakonika (GV Založba, Lexpera, 2018), in avtorica zbirke Vprašanja in odgovori iz delovnega prava (GV Založba, Lexpera), v okviru katere so doslej izšle knjige Prenehanje pogodbe o zaposlitvi (2020), Ko delavca ni na delu (Dopust, regres in druge odsotnosti z dela (2021)) in Prejemki iz delovnega razmerja (2023). Je tudi avtorica uvodnih pojasnil k Zakonu o sodnih taksah (ZST-1); Odvetniška tarifa; Notarska tarifa: (neuradna prečiščena besedila) - Uradni list Republike Slovenije 2022, in avtorica Zakona o sodnih taksah (ZST-1) z uvodnimi pojasnili - Lexpera, GV založba, 2023.

* * *

Nana Weber is associate professor for civil and corporate law at the European Faculty of Law New University, assistant professor for labour law and assistant professor for business sciences at Ljubljana School of Business. She graduated from the University of Ljubljana Faculty of Law, in 2003. She continued her postgraduate course in the same University and received a Master's degree of Science in 2010 (Civil and Commercial Law), and Doctor's degree of Science in 2013 (Civil Law). In 2010 she graduated in Music Pedagogy at the Musical Arts in 2010 (Professor of Music).

Her professional legal career began at different levels of the court, then she worked at the State's Attorney Office, at lawyer and at Ministry of Public Administration. She went freelance in 2016 and until recently worked as a lawyer. She now runs Weber N., Legal Consulting, Analysis and Mediation, d.o.o.

Her experience as a mediator at the Ljubljana Mediation Centre, the Bar Association of Slovenia and the Ministry of Labour, Family, Social Affairs and Equal Opportunities, and as a provider of out-of-court dispute resolution for consumer disputes at the Ministry of Economic Development and Technology, led to her decision to help resolve disputes in an informal way within her own company.

She is also a member of the State Examination Board for the State Lawyers' Examination (civil substantive and procedural law) and choirmaster of the mixed choir at New University.

On regular basis she writes professional and scientific articles. Among other things, she is one of the authors of the Family code (Uradni list 2019), the author of the introductory explanations of the Family Code (GV Založba, Lexpera, 2018) and author of professional collection Labour Law Questions and Answers (GV Založba, Lexpera), in which so books Termination of employment contract (2020), When the worker is not at work (Annual leave, payment for annual leave, and other absences from work) (2021)) and Employment Benefits (2023) were published. She is also the author of the Introductory Explanatory Notes to the Law on Court Fees (ZST-1); Lawyer's Tariff;

Notary's Tariff: (Unofficial Consolidated Texts) - Official Gazette of the Republic of Slovenia 2022, and the author of the Law on Court Fees (ZST-1) with Introductory Explanatory Notes - Lexpera, GV založba, 2023.