

**COURSE DATA****Data Subject**

<b>Code</b>	35073
<b>Name</b>	Mediation
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2021 - 2022

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
1302 - Degree in Criminology	Faculty of Law	3	Second term
1923 - D.D. in Law-Criminology	Faculty of Law	4	Second term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1302 - Degree in Criminology	13 - Alternative dispute resolution	Obligatory
1923 - D.D. in Law-Criminology	5 - Year 4 compulsory subjects	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
BLANCO GARCIA, ANA ISABEL	45 - Administrative and Procedural Law
CHAVES PEDRON, CESAR	72 - Criminal Law
MARCO FRANCISCO, MIRIAM	306 - Social Psychology

**SUMMARY**

Restorative justice. Mediation and conciliation. Penal consequences of the repair of the damage. Psychological techniques of conflict resolution.

**PREVIOUS KNOWLEDGE**



### **Relationship to other subjects of the same degree**

There are no specified enrollment restrictions with other subjects of the curriculum.

### **Other requirements**

No.

## **OUTCOMES**

### **1302 - Degree in Criminology**

- Saber aplicar técnicas y procedimientos para la resolución de problemas y la toma de decisiones.

## **LEARNING OUTCOMES**

Learn about the latest trends in RDA.

Be able to analyse the criminal consequences of conciliation and repair.

Learn to apply the techniques of conflict resolution.

Acquire skills to intervene in strategies of mediation.

Be able to design strategies to resolve specific conflicts in the criminal and criminological context.

## **DESCRIPTION OF CONTENTS**

### **1. Mediation in criminal justice**

The incorporation of the RDA (extra-jurisdictional conflict resolution system) to justice. The mediation as essential piece within the Restorative Justice movement.

### **2. Intra-Court criminal mediation**

1. Objective elements
2. Subjective elements
3. Essential content of the criminal mediation procedure
4. Types of criminal mediation procedures and consequences



### **3. Procedure**

1. Procedure
2. Principles
3. Guarantees
4. Agreement and enforcement in the criminal process.

### **4. Mediation, criminal law and criminological areas**

Mediation and ends of penalty. Crimes, victims and punitive claim of the State in criminal mediation.

### **5. Criminal responsibility and repair agreement**

The effects of the restful agreement in the adult criminal justice: attenuation, suspension and replacement of penalties.

### **6. Other areas relating to criminal mediation**

Preliminary mediation: community mediation, intercultural mediation, police mediation. Penitentiary mediation: mediation sentenced-victim and intra-penitentiary mediation. Mediation in juvenile criminal justice.

### **7. The conflict**

The conflict: elements, causes, variables, process, and conflict management styles.

### **8. Models of mediation**

Transformative model (Bush and Folger). Linear traditional model (Fisher and Ury). narrative-circle (Coob). Model Carnevale. Model of strategic contingencies.

### **9. Tactics and techniques of mediation**

Skills of the mediator. Mediation plan. Stages of the mediation process. Tactics and tactic against attack of mediation. The effectiveness of the mediation.



## WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Development of group work	5,00	0
Development of individual work	5,00	0
Study and independent work	20,00	0
Readings supplementary material	10,00	0
Preparation of evaluation activities	10,00	0
Preparing lectures	10,00	0
Preparation of practical classes and problem	10,00	0
Resolution of case studies	15,00	0
Resolution of online questionnaires	5,00	0
<b>TOTAL</b>	<b>150,00</b>	

## TEACHING METHODOLOGY

In face-to-face classes, teaching will be theoretical and practical, emphasized the continuous evaluation of the learning through activities in class, as demonstrated in the evaluation criteria. In the development of the sessions are they alternate, therefore, exhibitions of the Professor with different activities which demand active involvement by the student will serve to develop, Supplement and implement the various contents of the subject; These activities will be the subject of evaluation. Exemplificative title, will be proposed: applied assumptions, simulations and comments from text (analyzing theoretical contributions or news media), discussions on issues, projection of documentaries or feature films and discussion forums on these exhibition and discussion of targeted work...

The work of the student outside of school hours implies both a strictly individual work as cooperative activities, and will be evaluated through: 1) of evidence assessment, 2) activities in class, and 3) concrete results contributed to the teacher.

Common (such as round tables and workshops of simulation) complementary activities, which will form part of the training programme and may incorporate, where appropriate, tasks or work group or individual capable of evaluation will be proposed.

## EVALUATION

Competences shall be assessed by the following continuous sistem:



Evaluation of learning through the presentation of works, exhibition of presentations, seminars and workshops, and participation in activities in classroom, complementary activities and self-employment of the student: 4 points.

The students should certify the participation and assistance of a minimum of 80% of the hours of the activity to be evaluated of the complementary activity.

Written final test of character theoretical/practical: 6 points. The exam will be written, it may be a test, or contain some brief questions, or consist of a combination of both. It will be decided by the faculty of the subject.

It will be necessary to pass the written exam to add the grade corresponding to the evaluation of learning.

## REFERENCES

### Basic

- Barona Vilar, S. (2011): Mediación penal. Fundamento, fines y régimen jurídico, Valencia: Tirant lo Blanch.
- Barona Vilar, S. (2009): Mediación penal como pieza del sistema de tutela penal en el Siglo XXI. Un paso más hacia la resocialización y la justicia restaurativa, Revista de Derecho Penal, n. 26 (enero), pp. 11-54.
- De Diego, R. y Guillén, C. (2008): Mediación. Proceso, tácticas y técnicas. Madrid: Pirámide.
- Gordillo Santana, L.F. (2007): La justicia restaurativa y la mediación penal. Madrid: lustel.
- Ríos Martín, J.C. et al. (2008): La mediación penal y penitenciaria: experiencias de diálogo en el sistema penal para la reducción de la violencia y el sufrimiento humano. Madrid: Colex.
- Six, J.F. (1997): Dinámica de la mediación. Barcelona: Paidós.
- Cevelló Donderis, V. (coord.) (2016), Cuestiones prácticas para la aplicación de la mediación penal, Tirant lo Blanch.
- Cano Soler, M.A. (2015) La mediación penal. Ed. Aranzadi, Pamplona.
- De Diego, R. y Guillén, C. (2010) Mediación. Proceso, tácticas y técnicas. Madrid: Pirámide.
- Munduate, L. y Medina, F.J. (2013) Gestión del conflicto, negociación y mediación. Formato Digital. Madrid: Pirámide.

## ADDENDUM COVID-19

**This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council**



#### **BLENDED TEACHING MODEL:**

If academic authorities so state, this subject will be adapted to the blended teaching model established by the Faculty of Law, under which students will attend in-person theoretical-practical classes in alternate weeks. To this end, the Secretariat of the Faculty will divide the group into as many subgroups as necessary, and lectures will take place for a subgroup in the classroom at the schedule established for the subject according to the calendar established by the Faculty, whereas the others will attend the class, as a priority, through synchronous VIDEOCONFERENCE.

The contents, volume of work and assessment remain in the terms initially foreseen in the academic guide.

#### **NON-PRESENTIAL TEACHING MODEL:**

If academic authorities declare the change into non-presential teaching, this subject will be taught to all students under the same conditions as those indicated for the distance teaching of the blended system.

The contents, volume of work and evaluation remain in the terms initially foreseen in the academic guide.