



MANDELA INSTITUTE

MEDIATION AND CONCILIATION

Postgraduate
Certificate Course

R12 500
INCLUDING VAT

7
DAYS

DAILY
LECTURES
08:30 – 16:30

20 – 27 MARCH
OR
18 – 25 SEPTEMBER

UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG



WITS
SCHOOL OF LAW

MEDIATION AND CONCILIATION

Description The **Mediation and Conciliation** postgraduate certificate course examines alternative dispute resolution mechanisms with a particular focus on conciliation. Conciliation within various sectors is reflected on within a global context, the Constitution and relevant legislation. The course covers the most recent policy and jurisprudential developments in dispute resolution. The course concludes by affording students the opportunity to learn how conciliation works in practice through simulation exercises. This course can be taken on its own or as part of the Labour Dispute Resolution practice certificate course.

- Outcomes**
- At the end of the course students should be able to:
- Discuss the different dispute resolution processes
 - Define the conciliation processes
 - Explain conciliation within the global context, the Constitution and the legislative framework
 - Differentiate between rights verses interest disputes, and rights verses position
 - Discuss, analyse and evaluate the principles of ethics involved in conciliation
 - Conduct an effective conciliation process and draft settlement agreements, and
 - Prepare the necessary reports and settlement agreements.

- Content**
- The course consists of the following modules:
- Defining dispute resolution
 - Defining conciliation and an overview of its various models
 - Conciliation compared to facilitation, mediation, arbitration and litigation
 - Conciliation within a global context
 - Conciliation, the Constitution and access to justice
 - Conciliation and the legislative framework
 - Distinguishing between conflicts and disputes
 - Rights verses interests disputes
 - Interest verses positions (getting to 'yes' negotiation skills)
 - Ethics in conciliation (conflicts of interest, confidentiality, mediator liability)
 - Social justice
 - Diversity and multiculturalism
 - Conducting an effective conciliation process
 - Closure of the process
 - Drafting certificate and outcome reports
 - Drafting settlement agreements, and
 - Each participant will be individually coached in the role of conciliator through simulated exercises by an experienced CCMA commissioner.

Assessment Research assignment, examination and simulated assessments (practical and oral sessions that are assessed by experienced mediators/ arbitrators/ commissioners).

- Certificate Criteria**
- The following certificates can be obtained:
- *Certificate of Competence*: To obtain a certificate of competence, students are required to attend and participate in 75% of the lectures and to complete the assessments as required in the course.
 - Please note that a Certificate of Attendance is not available for this course.

Accreditation This course is regarded as NQF Level 8 equivalent and may be credited, subject to university policies, towards the PG Dip in Law or LLM degrees.

Course Dates This is a block release course where participants attend daily lectures from 08:30 to 16:30 during the period 20 to 27 March 2021 **OR** 18 to 25 September 2021.

Venue Chalsty Teaching and Conference Centre, Oliver Schreiner School of Law, University of the Witwatersrand, Johannesburg, West Campus, Wits.

Cost R12 500 including VAT

Covid-19 Arrangements Courses will be delivered through online lecturing should lockdown regulations prevent contact classes. Students are required to have basic computer skills and stable internet connection.

Detail	Information
Entry Requirements	<ul style="list-style-type: none"> • A relevant <i>Bachelor of Laws</i> or <i>Bachelor of Commerce in Law</i> or <i>Bachelor of Arts in Law</i> or equivalent qualification is a prerequisite for admission to the postgraduate certificate courses; OR • Applicants with any other undergraduate qualifications must complete the bridging course <i>Introduction to Law for Non-Lawyers</i> or equivalent courses first as well as have relevant legal work experience in the specific legal field before they would be considered for other courses. <p>You will be required to submit a copy of your Bachelors Degree, academic record as well as a copy of your identity document or passport. NB: ONLY applicants with an LLB qualification may apply for credit for MI short courses towards the Postgraduate Diploma or LLM degrees. Kindly note that all foreign qualifications must be submitted with a SAQA Evaluation Letter.</p> <p>Applications for the <i>Labour Dispute Resolution Practice</i> courses and applications based on <i>other undergraduate qualifications and work experience</i> need to include the following documents with the completed application form:</p> <ul style="list-style-type: none"> • A detailed motivation on why the applicant wants to enrol for the courses • A detailed Curriculum Vitae highlighting • Certified copies of Qualifications and Academic Records • Certified copy of Identity Document or Passport.
How to Apply	<ul style="list-style-type: none"> • Complete the Online Application Form on the website. • Kindly ensure that you provide all the correct details on the online application form and should your employer be responsible for the payment please complete the relevant section before submitting, as invoices cannot be amended afterwards for employer details. • Please also submit all supporting documents as stipulated in the entry requirements with application form.
Application Dates	<p>1st Semester courses: 5 September 2020 to 5 December 2020</p> <p>2nd Semester courses: 1 April 2021 to 30 June 2021</p> <p>No late applications will be accepted</p>
Payment of Fees	<ul style="list-style-type: none"> • ALL fees must be paid <u>10 days before</u> the start of the semester course or the start of the block release course. Registration is conditional on payment of full tuition fees. • The tuition fees are the responsibility of the individual attending the course. For sponsored students, the individual need to ensure that the sponsor or sponsor organisation have enough time to process the payment. After the payment has been made, please ensure that the proof of payment is send.
Cancellation of Courses	<ul style="list-style-type: none"> • Cancellation by registrant less than 10 calendar days before the start of the semester/course will result in liability for full payment of the fees. • Cancellation by registrant more than 30 calendar days before commencement of the semester/course will result in an administration fee of 15% of the total course fee. • Cancellation by registrant after commencement of the semester/course will result in liability for the full amount and forfeiture of all fees paid. • The Mandela Institute from the School of Law, University of the Witwatersrand reserves the right to postpone or cancel a course due to lack of demand. • In the event of cancellation, or reasonable postponement time, all fees paid will be refunded to the person/entity that made the original payment. • Cancellation of Registration can only be done on a Cancellation of Registration Form. Please e-mail us on Mandela.Institute@wits.ac.za to request a Cancellation of Registration Form.
Registration and Enquiries	<p>Senteni Nsibande E mandela.institute@wits.ac.za</p> <p>T +27 11 717 8435 w www.wits.ac.za/mandelainstitute/short-courses/</p>