

Dispute Resolution Methods

A Lesson Plan for Law 12

Overview

Students watch a series of video vignettes and develop written summaries of case studies in order to compare the process by which the Office of the Ombudsman investigates and resolves disputes with other dispute resolution methods.

Note: Check with students to see if they have taken the Social Studies 11 lesson plan, [The People vs. Public Agencies](#). The social studies lesson also uses the video, *Fairness for BC*, and may be redundant for students. Accordingly, you may choose to have students do the Law 12 lesson [The Ombudsman and the Law: A Lesson Plan for Law 12](#) instead of this one.

Curriculum Match

Law, British Columbia, Grade 12

It is expected students will:

- ◆ describe the processes involved in resolving disputes, including:
 - litigation
 - hearings before tribunal
 - arbitration
 - mediation
 - negotiation (Foundations of Law—Structures and Processes of the Legal System)
- ◆ use appropriate vocabulary to communicate legal information (Foundations of Law—Structures and Processes of the Legal System)

Suggested Time

1-2 hours

Materials and Resources

The following resources are used in this lesson:

- ◆ video: [Fairness for BC](#) a 15-minute video describing the role and responsibilities of the Ombudsman and two specific cases recently resolved by the Ombudsman's Office.
- ◆ student resources:
 - [Dispute Resolution Methods—Guiding Questions](#)
 - [Resolution Methods—A Self-Assessment Tool](#)
- ◆ teacher resources:
 - [The Jurisdiction of the Ombudsman's Office](#)
 - [Resolution Methods—An Assessment Tool](#)

Preparation

- ◆ Preview the video in order to familiarize yourself with the information and scenarios depicted and to prepare for any questions that might arise in the course of the lesson.
- ◆ Print single copies of the following teacher resources to be used in the course of the lesson:
 - [The Jurisdiction of the Ombudsman's Office](#)
 - [Resolution Methods—An Assessment Tool](#)
- ◆ Print copies of the following student resources to distribute to the class:
 - [Dispute Resolution Methods—Guiding Questions](#)
 - [Resolution Methods—A Self-Assessment Tool](#)

Procedure

1. Begin with a brief discussion exploring the difference between the concepts of “litigation,” “arbitration,” “mediation,” and “negotiation.” Have students cite examples of each method of resolution. Write useful examples on the board.
2. Have students watch the first vignette on the video: [Fairness for BC](#). Pause at the end of it and have students discuss the process used by the Ombudsman to resolve disputes. What skills and techniques are used by the Ombudsman that are also used in the resolution techniques mentioned in procedure step one? Which of the resolution methods in procedure step 1 have the most in common with the process used by the Ombudsman's Office?

Please note: The Office of Ombudsman investigates complaints then makes recommendations based on its findings. The Ombudsman's process involves consultation and investigation and can also be seen as drawing on the skills and techniques used in mediation and negotiation.

3. Play the second vignette. Pause the video after the dispute has been described but before the resolution has been mentioned. Briefly discuss the dispute. Have students describe what they think a fair and reasonable solution to the dispute would be. Ask them to consider what the outcome might be if the dispute would be resolved through litigation. Discuss briefly.
4. Fast-forward the video to the third vignette. Play the third vignette, pausing the video after the dispute has been clearly described but before the resolution has been mentioned. Briefly discuss the dispute. Have students describe what they think a fair and reasonable solution to the dispute would be. Ask them to consider what the outcome might be if the dispute would be resolved through litigation. Discuss briefly.
5. Have students pick one of the two cases featured in the video. Instruct them to use the case as the basis of a written summary that compares the Ombudsman's style of dispute resolution with the processes of litigation, hearings before tribunals, arbitration, mediation, and/or negotiation. Distribute [Dispute Resolution Methods—Guiding Questions](#) to students and instruct them to use the guiding questions on the handout to help them prepare their summaries.
6. When students have completed their summaries, show them the second and third vignettes on the video. This time show the whole vignettes without pausing. To debrief this activity, engage the class in a discussion on how their resolutions compare to the actual resolutions of the two cases. Ask them if their predictions on how the Ombudsman would resolve the two cases were correct, and whether they think the actual resolutions were fair and equitable. Which process do they think is most useful in resolving complaints such as these?

Assessment

Collect students' written summaries. Distribute [Resolution Methods—A Self-Assessment Tool](#). Collect the self-assessments when finished and use the [Resolution Methods—An Assessment Tool](#) to assess student work during this lesson.

Adaptations

- ◆ If teaching this lesson to ESL students: while previewing the video, you may want to create a vocabulary list of words that may be challenging to students. Introduce these words to the students before showing them the video. You may want to have them write the words in a sentence to demonstrate they understand the meaning of the words. You may also want to show the video twice to students, once to ensure understanding of the terms being used and again to consider the cases being discussed.
- ◆ If you are aware of a case in which a local citizen of your community has registered a complaint with the Ombudsman's Office, you may want to have students focus on that case for their comparative summaries instead of one of the vignettes in the video. In this case, show the second and third vignettes in their entirety without pausing.

Extensions

- ◆ Have students learn more about the types of complaints investigated by the Ombudsman's Office by completing the game, "Be the Ombudsman!" A Role-Play Activity, located in the resources section of the Social Studies 11 lesson, [People vs. Public Agencies](#), which encourages students to discuss cases that have gone before the Ombudsman and determine how to resolve the cases fairly and equitably.
- ◆ For further exploration of the legal aspects of cases brought before the Ombudsman, have students complete [The Ombudsman and the Law: A Lesson for Law 12](#).
- ◆ Have students nominate one of their classmates to be the official class Ombudsman. Encourage students to present the Ombudsman with any complaints they may have about a school policy.
- ◆ If your school has a student Ombudsman, invite him or her to speak to your class about the role and responsibilities of his or her office.

Student and Teacher Resources

student resource

Dispute Resolution Methods—Guiding Questions

The following questions will help you prepare your comparative summary:

- ◆ Based on what you've learned about the resolution methods employed by the Office of the Ombudsman, how do you think this case was resolved? Do you think the Ombudsman was able to come up with a fair and equitable solution to this case?
- ◆ Choose three of the five following dispute resolutions methods:
 - litigation
 - hearings before tribunal
 - arbitration
 - mediation
 - negotiation

Write $\frac{1}{4}$ - to $\frac{1}{2}$ -page descriptions of how the case might be resolved using the three methods you've chosen. Be sure to outline the advantages as well as the disadvantages of using each particular dispute resolution method.

- ◆ Of the three methods you just described, which do you think would be most useful in resolving the dispute? Why?
- ◆ Based on what you've learned, do you think this case would be better resolved through the Ombudsman's Office or through another dispute resolution process? Why?

student resource

Resolution Methods—A Self-Assessment Tool

Complete the following table to assess what you've learned in this lesson.

	Briefly describe:	Record your answers below.	What mark would you give yourself for this answer? / 4
1.	the process of litigation		
2.	the process of a hearing before a tribunal		
3.	the process of arbitration		
4.	the process of mediation		
5.	the process of negotiation		
self-assessment total:			/ 20
Briefly record anything else you learned during this lesson:			

teacher resource

The Jurisdiction of the Ombudsman's Office

The Ombudsman receives inquiries and complaints from citizens about the practices and services provided by public agencies. In the course of dealing with a complaint, the Ombudsman can conduct investigations to determine whether a public agency has acted unfairly. Based on the findings of the investigation, the Ombudsman can make recommendations to the public agency on how to resolve the case in a fair and equitable manner.

Who can the Ombudsman investigate?

The Ombudsman has jurisdiction over a wide range of public agencies, including:

- ◆ provincial government ministries, such as the Ministry of Human Resources or the Ministry of Children and Family Development
- ◆ crown corporations such as ICBC and BC Hydro
- ◆ government boards such as WCB and the BC Human Rights Tribunal
- ◆ hospitals, regional and local health agencies, and health-related government agencies such as the Medical Services Plan and Pharmacare
- ◆ schools and school districts
- ◆ universities and colleges
- ◆ municipal and regional governments
- ◆ self-regulating professions such as the Law Society and the College of Physicians and Surgeons

Who can the Ombudsman not investigate?

The Ombudsman does not have jurisdiction to investigate certain complaints. Some examples are listed below:

- ◆ banks
- ◆ consumer inquiries
- ◆ courts
- ◆ doctors
- ◆ employment issues involving private companies
- ◆ federal programs
- ◆ home and property insurance
- ◆ lawyers
- ◆ municipal police
- ◆ private life and health insurance
- ◆ private schools
- ◆ the RCMP

teacher resource

Resolution Methods—An Assessment Tool

Student work demonstrates comprehensive understanding of:	1 does not meet expectations	2 meets expectations	3 fully meets expectations	4 exceeds expectations
◆ the process of litigation				
◆ the process of hearings before tribunal				
◆ the process of arbitration				
◆ the process of mediation				
◆ the process of negotiation				
◆ the vocabulary used to communicate legal information and how to use it appropriately				
Teacher comments:				

Does not meet expectations = 1
Meets expectations = 2
Fully meets expectations = 3
Exceeds expectations = 4

TOTAL SCORE = _____ / 20