

**THE REGULATIONS OF THE FACULTY OF LAW  
THOMPSON RIVERS UNIVERSITY**

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*Motions / Revisions*

*See Faculty Council Minutes*

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## **1. DEFINITIONS**

In these Regulations,

- a. "Academic Status Committee" means a committee of the Faculty Council of the Faculty of Law composed of all full-time faculty members and of those adjunct faculty members and sessional instructors responsible for the signing of grade collection sheets for the session in which their course is offered. The Academic Status Committee shall be chaired by the Associate Dean or by another member of the Academic Status Committee as selected by the Dean;
- b. "Assignment" means any form of evaluation other than a final examination, a 100% paper, or supplementary evaluation;
- c. "Final examination" means an examination held after the conclusion of classes in a course and includes take-home and oral examinations.
- d. "Part time student" means a student admitted to the regular part time program of the Faculty of Law and does not include a student who has obtained the discretionary approval of the academic status committee for a program of studies that does not conform to the regular full-time program.

## **2. CLASS RECORDS**

Each instructor shall cause an electronic record to be kept of the name and student number of each student registered in their course, together with all grades assigned to that student in the course. This record shall remain accessible for at least 6 months after the final grades in the course have been approved by the Dean.

## **3. GRADING SYSTEM**

### **a. Grading Point**

The evaluation process in the Faculty of Law comprises a range of tests of substantive knowledge, of the level and quality of students' critical capacities, and of skill development, including their ability in research, reasoning and problem-solving. The process has as its objective the sensitizing of students to their performance and to ways of improving it, as well as providing a measure of student progress for Faculty.

There are two separate grading patterns in the Faculty of Law. In some courses, the following grades, their grade point average equivalents and descriptions will be allotted:

GRADE	VALUE	DESCRIPTION
A+	4.33	Outstanding - exceptional performance,
A	4.0	Excellent - superior performance showing comprehensive understanding of subject matter.
A-	3.67	
B+	3.33	Good knowledge of subject matter generally complete.
B	3.0	
B-	2.67	
C+	2.33	Satisfactory - basic understanding of the subject matter.
C	2.0	
C-	1.67	
D+	1.33	Marginal
D	1.0	
F	0.0	Fail - unsatisfactory performance or failure to meet course requirements.
<b>GRADING POINT</b>		

In some courses, approved by the Faculty Council, the following grades and their descriptions will be allotted:

CR - Complete  
D - Marginal  
F - Fail

**b. Weighting of Final Grades**

- i. An instructor shall propose an evaluation scheme for approval by the Academic Planning Committee. The proposal shall provide a proposed weighting of final grades and a schedule for the different elements of the evaluation scheme other than the final examination (if any).
- ii. Should it become necessary to change an evaluation scheme for a course for any reason such as an unforeseen increase or decrease in enrolments, the instructor concerned shall seek the approval of the Associate Dean, who may approve the proposal and who shall then inform Faculty Council at its next meeting of any change that has been made. The instructor shall promptly communicate any changes that have been made to the students by way of an amended course outline.
- iii. In calculating the final grade in a course, no compulsory assignment or compulsory final examination shall count for more than 70% of the final grade unless prior approval is given by the Academic Planning Committee.<sup>1</sup>
- iv. Unless an exemption is granted by the Academic Planning Committee, in all second and third year courses the option of taking a single piece of evaluation weighted at 100% shall be offered to each student.<sup>2</sup>

<sup>1</sup> For the 2012/13 Academic Year, the Academic Planning Committee voted to approve divergence from this policy at the discretion of the instructor.

<sup>2</sup> For the 2012/13 Academic Year, the Academic Planning Committee voted to approve divergence from this policy at the discretion of the instructor.

- v. The weighting to be applied to term work and the final examination must be communicated to the students, in the course outline, within two weeks of the first day of classes in that course.
  
- vi.
  - (1) Where the Dean, after consultation with the instructor in a course, determines that evaluation or a segment of evaluation in a course may be invalid, he/she shall refer the matter to the Academic Status Committee for its advice.
  
  - (2) The Academic Status Committee shall hear representations, if any, from the Dean, the instructor, and student representatives from the course (admitted to the meeting for this purpose) and the Committee shall report its findings to the Dean.
  
  - (3) After receiving the advice of the Academic Status Committee, the Dean may
    - (a) find that there has been an invalidity in the evaluation or a segment of the evaluation;
  
    - (b) notwithstanding Regulation 3b, declare that the weighting of evaluation in a course be changed;
  
    - (c) make any other change or addition to the evaluation process described in the course outline that the Dean deems necessary to carry out the advice of the Committee.

**c. Weighting of Assignments**

- i. In this section,
  - (1) "test" means any test, quiz or other type of assessment conducted during a normal class period up to the last day of lectures;
  
  - (2) "the last two weeks of lectures" means the 14 days ending on the day designated as the last day of lectures in the academic schedule in the Calendar.
  
- ii. Any tests carried out in the last two weeks of lectures may not count in total for more than 10% of the final grade.
  
- iii. Subject to clause (iv), no student who is writing a final exam in a course may be required to submit assignments that count for more than 10% in total in that course during the last two weeks of lectures.

- iv. Assignments other than tests to be submitted during the last two weeks of lectures may count in total for more than 10% of the final grade if the students received the assignment at least six weeks before the last day of lectures.

**d. Method of Arriving at a Final Grade**

The method by which instructors arrive at the final course grades shall be left to their discretion but must be communicated to the students at the beginning of the session. The Faculty of Law grading system must be used to report final grades to the Registrar but need not be used for individual assignments and final examinations. However, an instructor shall provide the class, in the course outline, with an interpretation of the system being used, which will enable a student to determine his/her standing within the Faculty of Law system. It is at the instructor's discretion to round off either upward or downward to determine a final grade when the average of term work and examinations is between two letter grades. However, the Instructor shall communicate to students in the course outline the basis upon which this discretion shall be exercised.

**e. Course Outline**

Each instructor responsible for a course is required to make available to each member of the class and to the Associate Dean's secretary, within two weeks of the first day of classes in that course, a typed statement of the following information:

- i. Course number (and section) and the instructor's name and office number.
- ii. A statement of the objectives of the course and of the relationship of the methods of evaluation to those objectives.
- iii. A statement of the weights to be assigned to the various components, which are to be considered in determining the final grade.
- iv. A statement of how the instructor proposes to provide feedback to students on the different evaluation components of the course.
- v. Whether or not a passing grade on any particular component of a course is essential if a student is to pass the course as a whole.
- vi. Whether or not there will be a final examination; if an examination is held, whether the use of aids such as "open book" are permitted; if books or statutes etc. are permitted, whether or not they may be written upon or otherwise noted.
- vii. If applicable, a statement of the use of calculators and/or portable computing machines that will be allowed. In the absence of a written statement, the presumption is that the use of any calculators and/or portable computing machines during examinations will not be allowed.

- viii. If applicable, a statement which accounts for the rights of people in the conduct of University affairs both on and off campus. Students may be requested to serve, on a voluntary basis, as human research subjects for certain of their courses. In such instances, the course outlines prepared by instructors must describe the students' expected roles as subjects. Courses may also follow the pedagogical practice of assigning students to serve as apprentice researchers, e.g., interviewing community members. In all course work dealing with human studies, the usual ethical guidelines with respect to risks and benefits, informed consent, deception, privacy and confidentiality must be followed both by students and their instructors. Students should be referred to departmental ethics committees for information in regard to ethical safeguards. (Further details may be found in the University of Calgary publication entitled Ethics of Human Studies.)

**f. Responsibility for Assigning Final Grades**

- i. The Dean is responsible for designating the instructors responsible for signing the grade collection sheets in each course or section of a course offered by the Faculty of Law and that instructor may not delegate that responsibility. The Dean has ultimate responsibility for approving a set of grades but before doing so shall take into account the recommendations of the Academic Status Committee.
- ii. An instructor shall report a set of grades to the Faculty Student Services Officer prior to the Academic Status Committee meeting scheduled to consider that set of grades.
- iii. In providing its recommendations to the Dean the Academic Status Committee shall have regard to the current grading policy, including any relevant statement of the median grade, adopted by Faculty Council.
- iv. If the Academic Status Committee recommends that the Dean not approve a set of grades the Dean shall discuss the matter with the instructor concerned. If the matter cannot be resolved the Dean may change the grades.
- v. The Dean shall approve the grades as resolved or changed and the grades may then be made available to the students and a grade distribution for the course, and any sections thereof, posted.

**4. ACADEMIC STATUS**

**a. Supplementary Evaluations**

- i. In these Regulations,



a "supplementary evaluation" means a 100% examination unless the instructor, the student and the associate dean have agreed upon an alternative method of evaluation.

- ii. A supplementary evaluation shall ordinarily be conducted by the instructor in the original course. Where necessary the Dean may appoint a substitute.
- iii. Where a student has successfully completed a supplementary evaluation, both the original course grade and the grade achieved on the supplementary evaluation shall, if possible, appear on a transcript.
- iv. A student must achieve a satisfactory grade (C- or better) in any supplementary evaluation. Such programme or evaluation must be completed by a specific date no later than August 15th in the summer following the academic year in which the supplementary evaluation was imposed, unless decided otherwise by the Academic Status Committee. A student who fails to satisfactorily complete a supplementary evaluation will be considered as having failed that year. No second year student may complete a supplementary evaluation before the grades for the Winter Term have been posted and no third year student may complete a supplementary evaluation before the end of the examination period for the Winter Term and the instructor shall not report a grade for a supplementary evaluation until after the Winter Term marks meeting of the Academic Status Committee.

Exceptionally, a third year student entering the Winter Term with no grade from the Fall Term below C-, and for whom the instructor in Dispute Resolution III records and recommends a grade of less than satisfactory (i.e. D+ or below), shall be so informed as soon as possible after the completion of the course and shall be given the opportunity to take a form of supplementary evaluation during the Winter Term so that the results are available to the Academic Status Committee meeting called at the end of the Winter Term to approve the list of students entitled to graduate. The timing of the supplementary evaluation shall be determined by the Associate Dean in conjunction with the student and the instructor.

- v. For the purposes of Regulation 4, "original course grade" means the grade initially approved by the Dean, and includes that grade as changed by the result of any reappraisal or other appeal.

**b. First Year (Promotion to Second Year)**

- i. Any student with three or more less than satisfactory original course grades (less than C- or CR as the case may be) will be required to withdraw.
- ii. Any student with two or more original course grades of F will be required to withdraw.

- iii. No student shall be promoted to Second Year who has not obtained a grade of at least C- or CR as the case may be in all First Year courses, whether by virtue of an original course grade or a supplementary evaluation.
- iv. A student who fails to meet the requirements of paragraph iii above will be required to withdraw.
- v. No student shall be promoted to Second Year who has not successfully completed with a grade of CR the four compulsory exercises in LAWF 3060.
- vi. No student shall be promoted to Second Year who has not completed both the legislative drafting exercise in LAWF 3040 and the graded factum and moot assignment in the course in which it is set in any given year. In the case of part-time students, the Associate Dean shall, when necessary, have authority to permit completion of the graded factum and moot assignment otherwise than in a course in which it is set.
- vii. A student who fails to meet any of the requirements of paragraphs v and vi above will be required to withdraw.
- viii. Determination of the academic status of part-time students in the first year of the JD program shall occur at the conclusion of the first year part-time program.

**c. Second Year (Promotion to Third Year)**

- i. Any student with three or more less than satisfactory original course grades (less than C- or CR as the case may be) has failed the second year.
- ii. Any student with two or more grades of F in optional courses has failed the second year.
- iii. Any student with one grade of F in an optional course will be required to do a supplementary evaluation in such course.
- iv. Any student with one grade of F and one grade of D+ or D in optional courses will be required to do a supplementary evaluation in both courses.
- v. Any student with two grades of D+ or D in optional courses will ordinarily be required to do a supplementary evaluation in both courses.
- vi. No student shall be promoted to third year who has not obtained a grade of at least C- or CR as the case may be in all compulsory second year courses, whether by virtue of an original course grade or a supplementary evaluation.

- vii. Determination of the academic status of part-time students in the second year of the JD program shall occur at the conclusion of the second year part-time program.

**d. Third Year (Graduation)**

- i. Any student with three or more less than satisfactory original course grades (less than C- or CR as the case may be) has failed the third year.
- ii. Any student with two or more grades of F in optional courses has failed the third year.
- iii. Any student with one grade of F in an optional course will be required to do a supplementary evaluation in that course.
- iv. Any student with one grade of F and one grade of D+ or D in optional courses will be required to do a supplementary evaluation in both courses.
- v. Any student with two grades of D+ or D in optional courses will ordinarily be required to do a supplementary evaluation in both courses.
- vi. No student shall be approved to graduate unless they have obtained a grade of at least C- or CR as the case may be in all compulsory third year courses, whether by virtue of an original course grade or a supplementary evaluation.
- vii. No student shall be approved to graduate unless they have, in second or third year, completed the compulsory Legal Research course with a grade of at least C-, whether by virtue of an original course grade or a supplementary evaluation.
- viii. No student shall be approved to graduate unless they have, in second or third year, satisfied the major writing requirement with a grade of at least C- or CR as the case may be.
- ix. No student shall be approved to graduate unless they have, in second or third year, completed a course listed in the International Basket of Courses with a grade of at least C-, whether by virtue of an original course grade or a supplementary evaluation.
- x. Determination of the academic status of part-time students in the third year of the JD program shall occur at the conclusion of the third year part-time program.

**e. Students Required to Withdraw Because of Academic Failure or Considered as Having Failed the Second or Third Year**

- i. Any student who is required to withdraw from first year because of academic failure may not apply for re-admission for the academic year following the year of withdrawal. Any subsequent application for re-admission will be considered in competition with those students who are applying for entry to Law School for the first time. Where there are compassionate, medical or other similar grounds, a student who withdraws or who is required to withdraw from the first year of the Program may petition the Academic Status Committee to have it consider whether the petitioner should be guaranteed a place in the first year class.
- ii. Any student who is considered as having failed second or third year may repeat the failed year in the first or second academic year following unless they have been required to repeat a year by reason of academic failure on a prior occasion. In such case, the student may repeat the failed year only with the approval of the Dean as advised by the Academic Status Committee.

**5. ASSIGNMENTS AND EXAMINATIONS**

- a. Unless the nature of an examination or assignment makes it impossible, impractical, or pedagogically undesirable to ensure anonymity, all examinations, mid-term examinations, and non-examination assignments shall be graded anonymously. [Am. 2012/11/16]
- b. Students who must prove English language proficiency in order to be admitted to the Faculty of Law and students on International Exchanges whose first language is not English, shall on request by them receive extra time on all examinations. The appropriate accommodation will be determined by the Associate Dean, in consultation with the student and the instructor, and will normally be between 1.5 and 2 times the regular time for the examination.
- c. Students who must prove English language proficiency in order to be admitted to the Faculty of Law and students on International Exchanges whose first language is not English, shall be entitled to request an appropriate accommodation on all non-examination assignments. The Associate Dean, in consultation with the student and the instructor, shall determine what accommodation, if any, is appropriate and feasible. Both the student and the instructor shall comply with the Associate Dean's decision.

## **6. ASSIGNMENTS**

### **a. Presentation and Multiple Copies**

- i. In this clause, "professional document" includes factums, agreements, wills, legislative bills and other formal documents associated with the practice of law.
- ii. Except in the case of preparation of professional documents, instructors do not have authority to require that multiple copies be submitted.
- iii. A student who submits an illegible final examination or assignment may be allowed to transcribe the paper under supervision of the instructor.
- iv. It shall be presumed, unless otherwise stipulated in a course outline or assignment instructions, that all assignments and 100% papers shall be prepared using a typewriter or word processing facilities. This requirement may be waived by the instructor in a particular case.

### **b. Assignment Schedule**

For each Term, the Academic Planning Committee shall prepare and approve an Assignment Schedule which shall set out the dates for all Assignments. The Assignment Schedule shall be presented to the first Faculty Council meeting in each Term for information.

### **c. Assignment Deadlines**

All assignments shall specify the due date and should specify a penalty for non-compliance. In courses where there is more than one section the penalty for non-compliance shall be the same in each section. In the absence of a stipulation to the contrary, the penalty will be one point on the eleven band scale for any day or part thereof that the assignment is late. The instructor shall retain a discretion to waive the penalty in individual cases.

### **d. Return of Assignments**

Each instructor will normally return graded assignments within three weeks of the due date. Where graded assignments are not to be returned within the three-week period the instructor is required to discuss the assignment with the class.

## **7. FINAL EXAMINATIONS**

### **a. Scheduling of Final Examinations**

By delegation from the Registrar, the Assistant Dean shall schedule all final examinations. [Am. 2012/11/16]

**b. Examinations Timetable**

- i. The examinations timetable shall be prepared and posted by the date of commencement of classes for that term.
- ii. If sections of a specific course are to have a common paper, such examinations must be scheduled at the same time.
- iii. Examinations are to be held as scheduled unless the Dean rules that extraordinary circumstances justify the temporary postponement or cancellation of examinations.
- iv. Requests for pre-assignment of examinations to special dates and for changes in the dates of examinations will not be granted except in extraordinary circumstances, by the Associate Dean.
- v. Where it becomes necessary to schedule a final examination for a course for which no final examination had originally been scheduled, the Associate Dean may add the examination to the examination schedule. The students shall be informed as soon as possible by way of an amended course outline.

**c. Examination Papers**

- i. Instructors shall ensure that the utmost security is exercised in the matter of the preparation of examination papers.
- ii. Examination aids authorized by the examiner, such as "open-book", must be noted on the question paper.
- iii. A file copy of all final examinations shall be submitted to the Associate Dean.
- iv. Examination answer booklets with printed covers shall be used for final examinations unless the examination is written on a computer in a manner authorized by the Faculty.

**d. Conduct of Examinations**

- i. Except where it is impractical to do so, instructors should invigilate their own examinations. If, for any reason, the instructor cannot be present to invigilate, it will be the instructor's responsibility to name another academic staff member as a deputy and to advise the Associate Dean. [Am. 2012/11/16]
- ii. At the end of the examination period, the students must be told to stop writing and the instructor shall have the responsibility of enforcing that injunction.
- iii. The Assistant Dean shall make available to all instructors sufficient resources to allow an instructor to check to ensure that all examinations are

handed in and to check that the number of papers handed in corresponds with the statement on the cover sheet of the examination. [Am. 2012/11/16]

- iv. It is the responsibility of the student to ensure that all examination papers are handed in or saved and submitted electronically at the end of the examination.

**e. Return of Final Examinations**

- i. The answer booklets and/or electronic files in all final examinations shall be delivered to the Student Affairs Officer. A student is entitled to see his/her graded examination paper but is not entitled to retain it. He/she may obtain a copy of it at cost. The answer booklets and electronic files will be stored for six months only, then destroyed.
- ii. Each instructor shall provide appropriate feedback on final examination papers.

**8. DEFERRED FINAL EXAMINATIONS**

The authority to grant or deny a deferred final is vested with the Associate Dean.

**a. Application for a Deferred Final**

- i. If a student becomes ill or receives word of domestic affliction during the course of an examination, the student should report at once to the supervisor, hand in the unfinished paper and request that it be cancelled. If illness is the cause, the student must report at once to the Health Services – TRU Clinic so that subsequent application for a deferred examination is supported by a medical certificate. All requests for deferral of final examinations due to illness must be accompanied by a statement, from a medical doctor, which indicates the specific date and time that the student was attended to and that the nature of the illness supports deferment. In the event of intended absence due to a religious conviction, domestic affliction, or an illness or disability which makes it physically impossible to write an examination, an application accompanied by written evidence must be submitted to the Associate Dean prior to the date of the examination. The authority to grant or deny a deferred final examination is vested with the Associate Dean. Deferred final examinations will not be granted if it is determined that just cause is not shown by the student.
- ii. Students absent from a final examination due to unforeseen reasons must notify the Associate Dean within 48 hours of the missed examination and apply for the deferred final no later than five working days following the missed examination unless exceptional circumstances prevent the student from doing so. Students who are eligible but do not apply for a deferred final examination by the prescribed deadline shall automatically lose this privilege. Students who have been granted deferred finals, but who do not show just cause within 48

hours of the examination for not writing at the prescribed time, shall automatically lose the privilege of further deferral in that course.

**b. Loss of Privilege**

Students who are eligible but do not apply for a deferred final examination by the prescribed deadline shall automatically lose this privilege.

**c. Date of Writing**

Deferred final examinations in courses completed during the Fall term shall be written during the week beginning with the first Monday after the Block Week presently scheduled for students in the upper years and ending on the following Friday. Deferred final examinations in courses completed during the Winter term shall be written during the week beginning with the first Monday in June and ending on the following Friday.

**d. Grade Reporting**

Grades for deferred final and special deferred final examinations must be reported to the Student Affairs Officer within one week of the examination.

**e. Special Deferred Finals**

Special deferred final examinations may be granted by the Associate Dean to students who are prevented by illness (certified by a medical doctor), domestic affliction or other extreme circumstances, from writing at the scheduled time. Applications for a special deferred final examination must be received not later than one week after the scheduled deferred final examination.

**f. Deferred Supplementary Evaluations**

This section shall apply mutatis mutandis and to the extent relevant to applications for deferred supplementary evaluations.

**9. DEFERRAL OF TERM WORK**

- a. Instructors are free to administer their own policies regarding deadlines within the session for the completion of assignments. Students must be informed of these policies.
- b. Should an extension of time be sought for the completion of any assignment or assignments in a course beyond the deadline for return of final grades in a session, the request, supported by a medical certificate or by other appropriate evidence, must be submitted to the Associate Dean within one week after the deadline of the assignment or assignments sought to be deferred. Deferrals may be granted only at



the discretion of the Associate Dean, in consultation with the relevant instructor, and will not normally exceed 30 days.

## **10. OFF-CAMPUS EXAMINATIONS – STUDENTS' REQUESTS**

No student may write an examination paper at a location other than the University without the permission of the Associate Dean. Permission may be granted on the following grounds: illness, domestic affliction or religious conviction, or, in the case of a supplemental examination, on economic grounds. The Associate Dean may prescribe whatever conditions seem appropriate in the circumstances.

## **11. APPEALS ON SUBSTANTIVE GROUNDS**

### **a. Appeal by Way of Reappraisal**

- i. An appeal on substantive grounds will be dealt with by reappraisal.
- ii. A reappraisal is a review of the grading of an assignment, of a final examination, or of the work done in supplementary evaluation. The purpose of a reappraisal is to determine if the original grade given can be justified, not to determine if another grade is possible. Therefore, the reappraiser may receive the assignment or examination, or the work done in the remedial programme or the supplementary evaluation, with the grade and any comments attached.

### **b. Scope**

This Section shall apply to reappraisals of assignments, final examinations, 100% papers and supplementary final evaluations.

### **c. Procedure**

- i. Where a student wishes to have a reappraisal the student shall, where possible, and solely for the purposes of seeking further clarification and feedback, discuss the matter with the instructor concerned.
- ii. After having discussed the matter with the instructor concerned where possible, a student seeking a reappraisal shall deliver a written Request for Reappraisal Form to the Associate Dean's Office.
- iii. In the case of an assignment or supplementary evaluation, this notice shall be delivered within two weeks of the grades being made available to students. In the case of a Final Examination or a 100% paper this notice shall be delivered by February 15 for Fall term courses and by June 15 for Winter term courses.
- iv. The Associate Dean will arrange for another instructor to conduct the reappraisal. Whenever possible, the second instructor should be chosen from within the Faculty. The Associate Dean shall, whenever possible, include in

the package given to the reappraiser at least two examination papers of varying standards for purposes of comparison.

- v. The second instructor shall report the results of his/her reappraisal to the original instructor and to the Associate Dean. Where the second instructor believes that the original grade cannot be justified, s/he may recommend a lower or higher grade in her/his report. If the results of the reappraisal differ from the grade originally assigned, the two instructors shall attempt to reach agreement on the grade to be assigned. If agreement cannot be reached, the Dean shall make the final decision.
- vi. Where it is possible to do so without breaching the confidentiality of another student, the student seeking the reappraisal shall be provided with the written reasons of the reappraising instructor.
- vii. A grade may be lowered, raised or left the same as the result of a reappraisal. The student shall be informed by the Associate Dean of the results of the reappraisal in writing ordinarily within two weeks of the filing deadline for the request for reappraisal. A change in a final grade resulting from a formal Reappraisal of Final Grade is reported on the Reappraisal Form.
- viii. Where the instructor responsible for assigning the original grade becomes convinced that he or she made a procedural error in the assignment of the original grade, (e.g. a calculation error or failure to read a portion of an answer) he or she may so inform the Associate Dean and recommend a change of grade. Any such recommendation must be accompanied by written reasons for the change and by a statement to the effect that the instructor is convinced that the change will not result in any unfairness to other students registered in the course. This procedure is to be regarded as an exceptional procedure and may only be used to raise a grade. The recommendation of the instructor shall be considered by the Academic Status Committee, and, if approved, shall be recorded on a change of grade form in accordance with Regulation 14.
- ix. A student may request a reappraisal of a final grade only twice in one academic year.

## **12. APPEALS ON PROCEDURAL GROUNDS**

The principles governing the hearing of appeals by the Faculty of Law Appeals Committee are: (1) the application of fairness to all parties in procedures and decisions, (2) that sound academic decisions should not be overturned on the basis of non-academic technicalities and (3) that academic decisions should be made as closely as possible to the level on which the academic competence resides. Fairness includes, but is not limited to, such practices as all parties to the appeal having the opportunity to be heard, all parties to the appeal being made aware of the evidence considered by the Committee and no individual sitting in judgment on an appeal at a higher level who has already been a party to the decision at a lower level. It is recognized that unfairness can arise either from the misapplication of otherwise fair regulations or the strict application of regulations that are in themselves unfair.

### **a. Appeal Forum and Definition of Appeal**

- i. Appeals on procedural grounds shall be taken to the Faculty Appeals Committee.
- ii. An appeal on procedural grounds is not a review of the substance of the work done in a course, in a remedial programme or in a supplementary evaluation, but rather a check that the student has been treated fairly in the set up and implementation of the course, or the supplementary evaluation, and in the evaluation procedures.

### **b. Time Limits for Appeal on Procedural Grounds**

- i. A student wishing to appeal a grade received in an assignment shall, within two weeks of return of the work to the class or, if the work is not returned, within two weeks of the announcement of the grades, submit a statement in writing containing the grounds of appeal together with any other relevant documentation to the Chairperson of the Faculty Appeals Committee.
- ii. A student wishing to appeal a final grade shall, by February 15 in the case of a course completed in the Fall session and (except for first year students) by June 15 in the case of a course completed in the Winter session, submit a statement in writing containing the grounds of appeal together with any other relevant documentation to the Chairperson of the Faculty Appeals Committee. The deadline for appeal by a first year student in the case of a course completed in the Winter session shall be June 1.
- iii. A student wishing to appeal a grade received in a supplementary evaluation shall, within two weeks of receiving notification of the grade, submit a statement in writing containing the grounds of appeal together with any other relevant documentation to the Chairperson of the Faculty Appeals Committee.
- iv. Subject to subsection (ii) and (v), a student wishing to appeal on grounds arising out of the reappraisal process provided for in Regulation 11 shall, within 15 days of the reappraisal report, submit a statement in writing

containing the grounds of appeal together with any other relevant documentation to the Chairperson of the Faculty Appeals Committee.

- v. An application may be made to the Chairperson of the Faculty Appeals Committee to waive, on the ground of hardship, the time limits for appeal set out in this Regulation and to allow an appeal to proceed notwithstanding non-compliance with the time limits. The decision of the Chairperson to allow or to deny such an application shall be final.

**c. Rules for Faculty Appeals Committee**

- i. There shall be a Faculty Appeals Committee to hear student appeals.
- ii. The Committee on each appeal shall be composed of two student members, two faculty members and a chairperson who shall have a casting vote.
- iii. An alternate chairperson shall be elected each year by Faculty Council from among faculty members to sit on the committee for two academic years. For the first year, he/she shall substitute for the chairperson when the chairperson is unable to act. He/she shall become the chairperson in the second year. Chairpersons shall be elected by Faculty Council from among faculty members only when the alternate chairperson from the previous year is unable to take over the Chairperson's role.
- iv. Two faculty members in addition to the chairperson and alternate chairperson shall be elected by the teaching faculty to the Faculty Appeals Committee in each year. These two faculty members and, where he is not sitting as chairperson, the alternate chairperson, shall form a panel from which the chairman shall select the two faculty members to sit on each appeal. The chairperson of the Committee reserves the right to appoint a faculty member not ordinarily on the Faculty Appeals Committee to that Committee in order to expedite the hearing of an appeal.
- v. Four students shall be elected by the student body at the beginning of each year to serve on the student panel of the Faculty Appeals Committee from which the chairperson shall select the two students to sit on each appeal.
- vi. The person responsible for the decision under appeal shall be given the fully documented appeal submitted by the appellant. The person responsible for the decision under appeal may provide the Chairperson with a response to the appeal and documents supporting it. Both the response and documents supporting it shall be given to the appellant. No material may be used by the Committee in making its decision unless it is made available to both parties.
- vii. Both parties to the appeal shall be given reasonable notice of the time and place of the hearing and of the composition of the specific hearing committee.

- viii. Both parties have the right to challenge, for cause, any member of the hearing committee. The validity of a challenge shall be judged by the Chairperson. If the Chairperson is challenged, such challenge shall be judged by the remainder of the committee. If the committee is equally divided in its opinion on the validity of the challenge, such challenge shall not be upheld. Such cause may include evidence of bias or any other factor likely to prejudice a fair hearing. The party shall inform the Chairperson of his/her desire to challenge a member of the committee at least three days prior to the scheduled date of the appeal hearing.
- ix. (1) The conduct of the hearing shall be in the discretion of the Chairperson.  
  
(2) Subject to (1), the committee shall provide an opportunity for the appellant and the person responsible for the decision under appeal (or his/her designee) to appear before it to present evidence, to ask questions of the witnesses and to present a summary of his/her case at the conclusion of the hearing. The committee may also invite others to provide information at the hearing.
- x. Either party may be represented by another individual to assist with the presentation of the case.
- xi. To protect the confidentiality of student records, committee meetings shall not normally be open. The presence of observers shall be at the Chairperson's discretion following receipt of specific requests, in advance of the meeting, relating to a particular appeal case.
- xii. A verbatim recording of the proceedings will not normally be made.
- xiii. Only members shall be present when the committee considers its final decision. Three affirmative votes are required to allow an appeal.
- xiv. Through its Chairperson, the committee shall report its decision to the appellant, the Dean and the Registrar in writing without undue delay. Its report shall include a concise statement of the factors leading to the decision. A copy of the report, suitably edited to protect student confidentiality shall be placed on reserve in the Law Library.
- xv. If in a particular case the committee wishes to suggest that useful action might be taken to improve Faculty regulations or procedures or to avoid the recurrence of certain problem situations, appropriate recommendations or comments should be transmitted to the Dean in a separate memorandum.
- xvi. Bearing in mind the possibility of further appeal at the Thompson Rivers University Appeal Committee level, the Committee Chairperson should retain

adequate notes on the case in order to be able to respond to subsequent queries.

**d. Appeals to Thompson Rivers University Appeal Committee level**

- i. The student or faculty member has the right to appeal any decision made under this regulation to the Thompson Rivers University Appeal Committee in accordance with the rules set forth in Policy ED 4-0.
- ii. Where a student's appeal under this regulation has been received by the Faculty Appeals Committee or the Thompson Rivers University Appeal Committee and has not been ruled upon, or where a student has requested a reappraisal under Regulation 11, the student will be permitted to attend classes and participate fully in the courses he/she has selected. However, where the right of the student to register in a course depends on the successful outcome of the appeal, he/she will not be officially registered. If the appeal succeeds and the student is entitled to register, the student will be registered and assessed fees retroactively to the beginning of the session.
- iii. Where the Faculty Appeals Committee has ruled against the student and no appeal has been received by the Thompson Rivers University Appeal Committee within the prescribed time limit, a student whose right to register in a course depended on the successful outcome of the appeal will not be permitted to continue in that course.

**13. PETITION TO THE ACADEMIC STATUS COMMITTEE**

**Definitions**

“Associate Dean” with respect to a JD student or a visiting JD student means the Associate Dean (Students)

“Medical or compassionate grounds” means grounds that provide an explanation for a failure to meet academic requirements (e.g. that the petitioner was ill during the final examinations) and includes a claim for special consideration in a case not covered by the regulations. Medical or compassionate grounds does not include the ground that the application of the regulations to the petitioner will result in particular hardship (e.g. that there are financial consequences or that the petitioner will lose a promised articling position.)

**a. The Ad Hoc Petitions Sub-Committee of the Academic Status Committee**

There is hereby established a committee to be known as the ad hoc petitions sub-committee of the academic status committee. With the exception of the Dean, all Continuing, Limited Term, Contingent Term, and full-time Term Certain academic staff in the Faculty of Law are eligible to be selected as members of this committee.

**b. General**

- (1) A student may, through the Associate Dean, petition the ad hoc petitions sub-committee for relief from the regulations of the Faculty of Law on medical or compassionate grounds. A student may not petition the ad hoc petitions sub-committee with regard to a matter of academic or non-academic misconduct. The petition shall be commenced in a manner that is timely given all of the circumstances.
- (2) Upon receipt of a petition the Associate Dean shall select four eligible persons to serve as the ad hoc petitions committee, along with that Associate Dean as chair, to hear the petition of that student. The petitioner shall have the opportunity to provide grounds for objecting to a person sitting as a member of the ad hoc petitions sub-committee and the Associate Dean shall take any such objections into account in finalizing the composition of the ad hoc petitions sub-committee. The Associate Dean shall proceed to schedule a hearing of the petition in a timely way.
- (3) The ad hoc petitions sub-committee has general jurisdiction to consider a petition as described in clause (1). However, it has no jurisdiction to overturn a regulation and may not relieve a petitioner from the effect of a regulation except on medical or compassionate grounds. Moreover, it may not grant a petition for promotion or graduation unless the petitioner has successfully completed the requirements for the year in question.

**c. The Petition**

- (1) The petition shall take the form of a letter addressed to the Associate Dean which states,
  - i. The regulation or regulations from which the petitioner wishes relief (where applicable);
  - ii. The relief sought by the petitioner;
  - iii. The medical or compassionate grounds in support of the petition, including supporting documentation;
  - iv. The reasons that the petitioner was unable to deal with the situation when it arose; and
  - v. The reasons that the medical or compassionate grounds justify the granting of the relief sought in the petition.
- (2) A petitioner may petition the ad hoc petitions sub-committee only once on the same matter. The petitioner shall raise all possible grounds and remedies relating to that matter that could reasonably be raised at that time. The ad hoc

petitions sub-committee shall not consider grounds which the petitioner has not raised.

- (3) The petitioner shall provide the Associate Dean with the petition at least two working days before the scheduled meeting of the ad hoc petitions sub-committee meeting. The Associate Dean may waive this requirement if the circumstances require it.

**d. The Meeting**

- (1) The petitioner may appear before the ad hoc petitions sub-committee in support of the petition and may be accompanied by another individual who may assist with the presentation of the petition.
- (2) The Chair shall appoint a committee member to take minutes of the meeting including motions and vote counts.

**e. The Decision**

- (1) The ad hoc petitions sub-committee may determine what considerations are relevant to the petition, although the academic performance of the petitioner shall be a relevant consideration in all cases. The ad hoc petitions sub-committee shall first consider the relief that the petitioner has requested. After it has dealt with that relief, it may consider other forms of relief without consulting the petitioner. Subject to the limitations in clause b.(3), the ad hoc petitions sub-committee may grant the relief requested in the petition, or may grant any relief which the ad hoc petitions sub-committee considers appropriate in the circumstances. The petitioner has the right to refuse any unrequested relief that the ad hoc petitions sub-committee awards.
- (2) The Chair shall provide the decision of the ad hoc petitions sub-committee to the petitioner in writing.
- (3) A decision of the ad hoc petitions sub-committee is final and may not be appealed to the Faculty Appeals Committee or referred to the Committee of the whole of the Academic Status Committee for review or reconsideration.

**f. Notwithstanding Clause c.(2)**

The ad hoc petitions sub-committee may re-open a petition based on evidence that was not available to the petitioner through reasonable diligence at the time of the hearing of the petition. Every effort shall be made to maintain the same membership of the ad hoc petitions sub-committee but where this is not possible the ad hoc petitions sub-committee may proceed as long as any three (3) members of the original ad hoc petitions sub-committee are present.



#### **14. CHANGE OF GRADE FORM**

Once the official Grade Collection Sheet is approved by the instructor and the Dean and submitted to the Registrar, no changes are permitted except on a Change of Grade Form which must be approved by the instructor and the Dean. Grades will not be changed after six months from the date of issue of final grades.

#### **15. PLAGIARISM / CHEATING / OTHER ACADEMIC MISCONDUCT**

An instructor who identifies a suspected case of academic misconduct has a duty to report the matter to the Dean, who shall follow the following procedures.

a. The Dean shall inform the student by letter, delivered by hand, that an instructor has reported a suspected case of academic misconduct. Where personal delivery is impossible or impractical, the letter may be sent by a method by which delivery to a responsible adult at the student's residence is confirmed by signature. The letter shall:

- i. detail the nature of the suspected misconduct and provide the student with a copy of the assignment or final examination or 100% paper if relevant;
- ii. indicate that the student should contact the Dean's office to set up an appointment at which time a hearing will be held to consider the suspected misconduct and, if confirmed, to consider an appropriate penalty, which penalty may involve a failing grade, disciplinary probation or expulsion;
- iii. indicate that in addition to the student and the Dean there will be present at the hearing the Associate Dean or substitute and the instructor, and that the student may wish be accompanied by counsel or an associate;
- iv. a copy of the Regulations of the Faculty of Law. [Am. 2012/11/16]

b. The hearing into the suspected case of academic misconduct shall be chaired by the

Dean  
who shall:

- i. invite the instructor to further explain the reasons why s/he suspects a case of academic misconduct;
- ii. invite the student to respond;

Following each presentation, any person present shall have the opportunity to

ask questions. Following the last questions, the student shall be given the opportunity to sum up and make final submissions.

- c. Upon conclusion of the hearing, the Dean shall, after consultation with the Associate Dean or substitute, decide whether the student has committed academic misconduct, and decide an appropriate penalty in accordance with this regulation. In these circumstances the following penalties shall be available:

1. **Failing grade:** A student may be given a failing grade in either an exercise or course in which that student is found guilty of plagiarism, cheating or other academic misconduct. Except in circumstances in which leniency is warranted, this penalty will only be applied in conjunction with one or other of the other penalties mentioned in this section. A student may not avoid a failing grade by withdrawing from the course.

2. **Disciplinary probation:** When a student is placed on disciplinary probation, he or she is entitled to proceed with a degree or other academic program, but only on condition that the registration will be forfeited and the student suspended or expelled, if he or she is found guilty of a further academic offence. A student who is placed on disciplinary probation is eligible to continue in the faculty in the normal way after the satisfactory completion of his or her probationary period.

3. **Suspension:** Suspension takes place when a student is denied registration within a degree or other academic program for a specified period of time. A student who has been placed under suspension is conditionally eligible to reapply for admission or registration at either the end of a specified period of time or thereafter. Suspension does not imply automatic readmission; a student must satisfy the dean and/or the faculty concerned of his/her eligibility for readmission.

4. **Expulsion:** A student who is expelled from the faculty is dismissed permanently from the faculty with no right to apply for readmission to that faculty.

5. **Expulsion from the University:** If, upon suspending or expelling a student from a faculty, the dean and/or faculty determine that the severe sanction of expulsion from the University is warranted, such a recommendation may be made to the Vice-President (Academic), who may act to expel the student from the University.

In cases in which the dean and/or faculty is satisfied that a student is guilty of plagiarism, cheating or other academic misconduct in circumstances which suggest a clear intention to deceive or otherwise commit an academic offence, the normal penalty will be either suspension or expulsion from the faculty.

In cases in which the dean and/or faculty is satisfied that an offence has been committed, but doubt is left as to the existence of a clear intention to deceive or otherwise commit an academic offence, the normal penalty will be probation.

In cases where a student is found guilty of more than a single offence, the normal penalty will be expulsion from the faculty, and in the most serious cases, a recommendation of expulsion from the University.

- d. The student shall be provided with written notice of the Dean's decision, delivered by hand. Where personal delivery is impossible or impractical, the notice may be sent by

a method by which delivery to a responsible adult at the student's residence is confirmed by signature. [Am. 2011/11/16]

- e. The decision of the Dean may be appealed to the Faculty Appeals Committee within 15 days of receipt of the notice of decision on the following grounds only:
  - i. procedural error



- ii. misinterpretation of the regulations.
- f. An appeal to the Faculty Appeals Committee shall be in writing, addressed to the chairperson of the appropriate committee, and shall state specifically (a) the decision which is being appealed, (b) the grounds for the appeal, (c) the remedy being sought. A student must satisfy the Appeals Committee that there are sufficient grounds for appeal. The principles applicable to an appeal to a Faculty Committee are those of fairness.
- g. Where a student is unsuccessful in an appeal to a Faculty Appeals Committee, he/she may, within seven days, appeal that decision to the Thompson Rivers University Academic Integrity Committee. The Academic Integrity Committee will receive and review all relevant documents, together with written submissions from all parties and determine an appropriate resolution. The Academic Integrity Committee may, at its discretion, request a meeting with the student and the instructor. The Academic Integrity Committee will then administer one of the penalties and general principles contemplated in Regulation 15(c) above.

## **16. REGULATIONS RELATING TO COURSE REGISTRATION**

### **a. Course Selection Package**

A package of course selection materials will be prepared in the winter term each year and made available to all first and second year students. The package shall include a draft timetable and examination schedule for each term and indicate any courses for which there is an enrolment cap.

### **b. Pre-Registration Selection**

Students shall complete and return a registration form together with a \$50.00 registration deposit by the date fixed in the course selection package. Failure to preregister by the date fixed by an instruction in the selection package shall render a student ineligible to be considered for a limited enrolment course in the event that the enrolment cap has been reached. The date fixed in the registration package shall be no sooner than 30 days after the mail drop date for the package.

### **c. Cancellation of Courses**

In any course which has less than five registrants after pre-registration the Dean reserves the right to cancel the course for the ensuing academic year.

### **d. Limited Enrolment Courses**

- i. On the application of an instructor, made through the Associate Dean, the Academic Planning Committee shall determine whether or not to impose an enrolment cap for a course, and the level at which the cap should be imposed.

ii. The Associate Dean may impose an enrolment cap for administrative reasons.

**e. Instructor Evaluations**

One copy of instructor evaluations shall be compiled and placed in the reference section in the Library by June 25th.

**f. Registration Deadline**

All students in first and second year must register for the next academic year by August 15.

**g. Directed Research**

Proposals for Directed Research must be submitted for approval by the Associate Dean or the Graduate Program Director, as the case may be, in a form approved by Faculty Council, no later than one week before the Add/Drop deadline in a given Semester. This Regulation applies both to Graduate Students and to JD Students. [Am. 2012/11/16]

**h. Audits**

The approval of the instructor is required before any person may audit his/her course. For those students who have officially registered as auditors, the computer will print AU on the Grade Sheets; however, since regular attendance is required of an auditor, failure to comply should be noted on the Sheet and the course will be deleted from the student's record.

**i. Courses for Credit by Non-Law Students**

The approval of the course instructor and of Faculty Council is required before any person, not enrolled in the JD programme, will be permitted to take a course for credit in the Faculty of Law. Applicants are required to contact the course instructor to obtain his/her approval. Upon his/her approval, the course instructor shall refer the matter to Faculty Council for its approval.

**17. MAKE-UP CLASSES**

**a. Definition**

A make-up class means a class in substitution for a cancelled class, held outside of the scheduled times for classes in that course and additional to the number of class hours scheduled for that course in the week in which the make-up class is held. A

make-up class does not include a review class in which no new substantive material is covered, nor does it include a class in a first year course held in substitution for a class in another first year course with the agreement of the respective instructors.

**b. Scheduling of Make-Up Classes**

No make-up classes in any course shall be held during the last two weeks of classes in any session or during the three weeks preceding the final examination, if any, in that course. In exceptional circumstances, the Dean may waive this Regulation.

**18. DELEGATION**

- a. Any function accorded to the Dean by these regulations may be exercised by the Associate Dean except:
- i. the responsibility for appointing examiners;
  - ii. declaring an evaluation invalid;
  - iii. resolving any differences resulting from a reappraisal;
  - iv. matters relating to academic misconduct;
  - v. cancellation of a course;
  - vi. matters relating to the approval of grades except the signing of grade collection sheets.
- b. Any function accorded to Faculty Council by these Regulations may, by resolution, be delegated to the Associate Dean and shall then be added to Appendix A of these Regulations.
- c. Any function accorded to the Academic Status Committee by these Regulations may, by resolution, be delegated to the Associate Dean and shall thereupon be added to Appendix B of these Regulations.

**19. THE COMPOSITION OF FACULTY COUNCIL**

Faculty Council shall be composed of voting and non-voting members:

The Voting Members shall consist of:

- All Faculty members of the Faculty of Law;
- The President of student law society and two student representatives for each academic year of the program, which students shall cease to be members upon graduation or upon being replaced by elections held for that purpose;

- one representative of the Law Society of British Columbia; and
- The Law Librarian.

The Non Voting Members shall consist of:

- All Adjunct Faculty members of the Faculty of Law;
- The Assistant Dean. [Am. 2012/11/16]

## **20. RELATIONSHIP TO UNIVERSITY REGULATIONS**

- a. In the event of a conflict between these Regulations and the University Regulations of the University, the Faculty Regulations shall prevail.
- b. In the event a matter is dealt with in the University Regulations but not in these Regulations and is relevant to the Faculty, the University Regulations shall apply.