

Queen's | LAW



2022-2023

# Queen's Law JD Academic Calendar



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## General Information

The Academic Calendar is a comprehensive publication of Faculty and relevant Senate approved regulations and policies pertaining to the Juris Doctor, the combined programs and the Civil Law-Common Law degree programs. It provides information relevant to law students about the structure of faculty governance, contact information for faculty members and staff, admission requirements, academic regulations, information about programs and courses of study, degree requirements and policies pertaining to the determination of academic standing in the degree programs and processes for seeking permission to study on a letter of permission.

The Senate and Board of Trustees of Queen's University reserve the right to make changes in courses, programs and regulations published in this Calendar, without prior notice.

## 2022-2023 Sessional Dates

Fall Term	
Fall Term begins	September 1, 2022
Fall Term classes begin	September 6, 2022
Last date to add Fall Term and multi- term classes	September 19, 2022
<i>National Day of Truth and Reconciliation. Afternoon classes cancelled.</i>	September 30, 2022
Last date to drop Fall Term and multi- term classes	October 7, 2022
Fall mid-term break	November 7-11, 2022
<i>Remembrance Day Service. Classes cancelled 10:30am-11:30am.</i>	November 11, 2022
Fall Term classes end	December 5, 2022
Commemoration Day	December 6, 2022
Fall Term pre-examination study period	December 6 & 7, 2022
Final examinations Fall Term	December 8-22, 2022
Fall Term ends	December 31, 2022

Winter Term	
Winter Term begins	January 1, 2023
Winter Term classes begin	January 9, 2023
Last date to add Winter Term classes	January 20, 2023
Last date to drop Winter Term classes	February 3, 2023
Winter-term Reading Week	February 20-24, 2023
Good Friday	April 7, 2023
Winter Term classes end	April 10, 2023
Winter-Term pre-examination study period	April 11-13, 2023

Final examinations Winter Term	April 14-28, 2023
Winter Term ends	April 30, 2023

Summer Term - International Law Programs (BISC)	
Summer Term begins	May 1, 2023
Summer Term classes begin	May 8, 2023
Summer Term classes end	June 23, 2023
Final examinations Summer Term	June 26-28, 2023
Summer Term ends	August 31, 2023

## Admissions

Full information regarding the admissions process is available on the Faculty of Law website at: <https://law.queensu.ca/admissions/jd/admissions-process>.

### Admissions Philosophy

Queen's Faculty of Law believes that the geographic, ethnic, cultural, racial and socio-economic diversity of the Canadian population should be reflected in the ranks of those granted access to legal education.

The academic rigour of the JD degree program requires that students who are admitted have a strong aptitude for legal reasoning, demonstrated academic ability, and good potential for success in studies at this level. The Admissions Committee takes a holistic approach to assessing applications. In addition to undergraduate grades and LSAT scores, the Committee considers other attributes such as intellectual curiosity, avid interest in law, social commitment, reasonable judgment and insight, leadership potential, teamwork skills, creative ability and innovative endeavours, self-discipline, time management skills and maturity. The Admissions Committee reviews personal statements, letters of reference and the autobiographical sketch to obtain information about these attributes.

Our Faculty is enriched by the skills, knowledge and experience of students who have been community leaders, excelled in extracurricular activities and enjoyed success in careers prior to the pursuit of a legal education as much as we benefit from students with inquiring minds who have excelled consistently in a broad range of academic disciplines. Such outstanding applicants are encouraged to apply to the relevant category of admission.

## Admissions Policies

### *Non-Discrimination*

It is the policy of Queen's University that no applicant will be denied admission to any program on the basis of age, ancestry, colour, creed, marital status, place of origin, race, sex or sexual orientation.

In addition, the Queen's University Code of Conduct defines and prohibits certain infringements upon the rights of members of the university community. These infringements include discrimination or harassment based, among other grounds, on ethnicity, gender, disability, national origin, race, religion or sexual orientation.

Further, the Faculty of Law has adopted a Commitment of Principle Relating to Equality Issues to identify and address historic and current inequalities among groups of persons in our society.

### *Personal Information and File Retention*

Applicant files are kept for one year after the initial application in the event that an applicant should re-apply. Thereafter, the files of applicants who do not register are destroyed, unless information regarding misconduct in the application process is received. Applicant information provided in electronic format and remitted by OLSAS is collected in our admissions database. This information will be saved in our admissions database for 10 years to permit longitudinal or statistical studies, reports or queries pertinent to recruitment, admissions, diversity of the applicant pool and registrant populations, enrolment management, retention and academic progress. Information pertaining to admitted applicants who register at Queen's may be used for the purpose of participating in correlation studies conducted by the Law School Admission Council to assess the predictive value of the LSAT score and grades at the time of admission in relation to performance in first-year law. The application documentation submitted on admission is retained as part of the electronic student file for students who are admitted and register at Queen's Faculty of Law.

### *Misrepresentation*

Provision of false or misleading information or failure to provide material information will invalidate the application and will result in immediate rejection or in the revocation of admission and/or registration.

## Admission Categories

### 1. *JD First Year*

There are four major categories of admission into the JD program: the General category, the Indigenous category, the Black student category and the Access category. The first-year class consists of about 200 students. Most students are admitted in the General category.

#### a. General Category

All applicants in the General category must have successfully completed three full years of coursework in a degree program at a postsecondary institution. See the Senate Policy on the Basis of Admission for Advanced Study: <https://www.queensu.ca/secretariat/policies/senate/basis-admission-advanced-study>.

The Admissions Committee reviews the nature and content of the undergraduate and graduate programs undertaken. Full-time enrolment, scholarships and awards received, consistency and improvement in academic performance, and successful completion of graduate work are weighed positively.

The applicant's academic record and LSAT score are weighed most heavily in this category. The other Admissions Philosophy criteria are weighed carefully in making distinctions between applicants who are equally competitive on these bases:

- Competitive applicants should have at least an "A-" average (GPA 3.7) in their best two years of their undergraduate degree program at a full course load along with an LSAT score of at least 157.
- For a student who does not have two years at full course load (i.e., at part-time load), more emphasis will be placed on their CGPA, as calculated by OLSAS, which should be at least a 3.3.

An applicant who meets the minimum criteria for admission is eligible for consideration but is not guaranteed admission.

#### b. Indigenous Peoples Category

Queen's Faculty of Law is committed to upholding its obligations to respond in a meaningful way to the calls to action from the Truth and Reconciliation Commission. With a goal of increasing Indigenous representation within the legal profession and enhancing our collective understanding of Indigenous law and legal traditions, Queen's Law has established a separate admissions category for Canadian Indigenous Peoples.

Applications will be considered based on the applicant's interest in and identification with his or her Indigenous community as well as other factors including academic performance, results of the LSAT,



employment history, letters of reference and a personal statement. The personal statement submitted in support of the application should explain the applicant's interest in, and identification with, his or her Indigenous community. A copy of the applicant's status card can be submitted to establish the applicant's identification with and connection to an Indigenous community. Alternatively, a non-academic letter of reference may be provided to corroborate the basis of the claim to Aboriginal status. In addition, applicants are required to provide an academic letter of reference.

Applicants under this category should have successfully completed at least three years of postsecondary education at a degree-granting institution that provides an academic environment and education that prepares students for potential success in advanced study. If there is strong evidence of academic ability in the application, an exception might be made to the standard requirement of three years of full-time academic work.

An applicant who meets the minimum standards is eligible for consideration but is not guaranteed admission.

The Admissions Committee will endeavour to make decisions on completed applications for this category early in the admissions cycle.

### c. Black Student Applicant Category

Queen's Faculty of Law is committed to increasing the representation of Black persons within the legal profession and supporting Black students who choose Queen's.

Applications will be considered based on any personal or professional experiences that may allow an applicant to contribute to the law school community and further the law school's goal of building a representative and diverse class cohort, as well as other factors including academic performance, results of the LSAT, employment history, letters of reference and a Personal Statement. This material will form the basis upon which the Admissions Committee will judge whether an applicant is able to undertake the JD degree program successfully.

To be competitive in the admissions process, an applicant should have at least a "B+" average (GPA of 3.5) in the top 2 years of their undergraduate degree program at a full course load, along with an LSAT score of at least 155. Other evidence of academic ability in the application may be considered holistically alongside these academic standards.

The Admissions Committee will endeavour to make decisions on completed applications for this category early in the admissions cycle.

An applicant who meets the minimum criteria for admission under this category is eligible for consideration but is not guaranteed admission.

d. Access Category

Queen's Faculty of Law is committed to enhancing diversity in legal education and the legal profession. To this end, the Faculty encourages applications from candidates whose backgrounds, qualities or experiences allow them to make unique contributions to the law school community, the legal profession and society in general.

The Admissions Committee will consider these factors:

- disability
- educational and financial disadvantage
- membership in a historically disadvantaged group
- age
- life experience
- any other factor relating either to educational barriers you faced, or to your ability to enrich the diversity of the law school community and the legal profession

You must demonstrate the following capabilities:

- that you have strong potential to complete the JD program
- that you have the ability to reason and analyze
- that you can express yourself effectively orally and in writing, and
- that you possess the skills and attributes necessary to cope with the demands of law school

Traditional measures of academic performance and LSAT scores may be given comparatively less weight in this category, while non-academic experience and personal factors confirming your special circumstances or unique qualities may be given comparatively more weight.

Competitive applicants should have at least a "B+" average (GPA 3.3) in their best two years of their undergraduate degree program at a full course load along with an LSAT score of at least 154.

For a student who does not have two years at full course load (i.e. at part-time load), more emphasis will be placed on their CGPA, as calculated by OLSAS, which should be at least a 3.0.

An applicant who meets the minimum criteria for admission in this category is eligible for consideration but is not guaranteed admission.

### *Law School Admission Test (LSAT)*

All first-year applicants are required to take the Law School Admission Test (LSAT). LSAT scores for the past five years may be used. The Faculty engages in a rolling admissions process commencing after the OLSAS admissions deadline at the beginning of November. The February test score is the latest score

accepted for admission in the current admission cycle. The Admissions Committee will rely on the highest score achieved at the time of the admission decision.

### *Language Proficiency and TOEFL*

An excellent command of spoken and written English is essential for success in law school. A TOEFL (Test of English as a Foreign Language) score is required for applicants who are not fluent in English. Applicants in any category who have completed at least three years of full-time study at a recognized university, taking courses for which English is the official language of instruction, may request exemption from the TOEFL requirement. Such a request for exemption must be supported by an academic letter of reference attesting to the applicant's fluency in written and spoken English.

Test results from the new iBT TOEFL are preferred. Under the old TOEFL scoring system, no applicant with a TOEFL score of less than 600/250 and a TWE of less than 5.0 was considered. Standards for the new TOEFL iBT are a minimum total score of no less than 100, with a minimum of 24 on the Writing section, no less than 22 on the Speaking section, no less than 24 on the Reading section and no less than 20 on the Listening section.

For further information, please see the TOEFL website at [www.ets.org/toefl/](http://www.ets.org/toefl/).

### *Part Time Studies*

A maximum of five persons may be admitted on a part-time basis to the first-year JD degree program in each admissions cycle. Such applicants must meet the admissions standards required of applicants for full-time study and are assessed for admission using the same criteria. The Admissions Committee will consider the reasons provided for studying on a part-time basis and the competitive strength of the application in the category of admission claimed. Applicants accepted as part-time students are expected to complete the JD degree program within six years. The JD program is not offered by distance education and it is not recommended for students who would be commuting long distances on a regular basis to attend class.

Following registration, it is possible for a 1L student to seek a change in registration status to full-time, if classes have not started. Since most 1L courses are a full academic year long, it may not be advisable to change to full-time status after classes have started. However, it would be possible for an upper-year student to be permitted to drop to part-time status on documented grounds, by decision of the ASPC. It would be possible for a full-time 1L to seek permission on documented grounds to drop mandatory courses and change to part-time status, with permission of the ASPC or from the Assistant Dean JD and Graduate Studies as delegate.

## 2. *JD Upper Year*

Each year, Queen's Law accepts a small number of Students who have been enrolled in a common law LLB or JD degree at other Canadian or foreign law schools, or have completed a law degree in a foreign jurisdiction. The process of Upper Year admissions is very competitive, with only a small number of positions generally available. All upper-year applicants are required to have demonstrated strong academic performance and show good personal or academic reasons for wanting to study at the Faculty of Law of Queen's University.

### *Categories of Upper-Year Admission*

#### 1. Transfer

- From a common law LLB or JD program at a Canadian Law School: An applicant who has completed the first year of a common law LL.B. or JD degree program at a Canadian law school may apply to transfer into the second year of the JD degree program at the Faculty of Law of Queen's University. If accepted, such students will be expected to satisfy the JD degree requirements after two years of full-time coursework. Upon successful completion of the degree requirements and adherence to all academic regulations, students will be eligible to receive a Queen's University JD degree. Such students will have transfer credits recognized for first-year courses that are substantially similar to the first-year curriculum of the JD degree program at Queen's University, but will be required to complete any first-year courses that were not part of the first-year curriculum of the degree program of the current law school from which they seek to transfer.
- From a common law LLB or JD degree program at a law school outside Canada: Applicants must outline in the personal statement the courses for which they are seeking recognition for transfer credit and the reasons for that claim. Transfer credit will be recognized for first-year courses that are substantially similar to the first-year curriculum of the JD degree program at Queen's University but transferees will be required to complete any first-year courses that were not part of the first-year curriculum of the degree program at the home law school from which they seek to transfer. The Admissions Office will determine if previously earned credits will be recognized for transfer to the Queen's University JD degree. Upon admission, students will be expected to satisfy the JD degree requirements after successful completion of at least two years of full-time coursework. Upon successful completion of the degree requirements and adherence to all academic regulations, students will be eligible to receive the JD degree from Queen's University.

#### 2. Letter of Permission:

An upper-year law student may apply to study as a visiting student at the Faculty of Law for a single term or, in exceptional cases, for one academic year on a letter of permission basis. Students admitted on a letter of permission are not eligible for transfer into the Queen's JD degree program. Academic work

completed at Queen's Faculty of Law will be credited toward satisfaction of the degree requirements of the home law school. The home law school will reserve the right to approve course load and course selections. A letter of permission student will be subject to the academic policies and regulations of Queen's University Faculty of Law, and those of the host university for the duration of the registration as a visiting student.

### 3. National Committee on Accreditation (NCA):

The NCA was established by the Canadian Council of Law Deans and the Federation of Law Societies of Canada to conduct assessments of the equivalency of legal credentials and experience. For further details and contact information, please see the Working in Ontario and Federation of Law Societies of Canada websites. Applications for admission in the NCA category must be supported by a letter of recommendation from the NCA concerning the conditions upon which a Certificate of Qualification would be issued by the Committee. The Certificate of Qualification is needed for entry into a provincial licensing process. NCA applicants should note that interviews for articling placement in Ontario generally take place during the summer, one full year prior to the start of the placement. Applicants are advised to contact the Law Society of Upper Canada to confirm the procedures and deadlines for the licensing process. A letter of recommendation and any subsequent correspondence relating to completion or attempts of required courses must be received by Queen's Faculty of Law by June 30. A Queen's University JD degree is not conferred upon applicants admitted under the NCA category.

### *Admissions Standards*

Applicants who have attained at least a "B" average in their previous years of study in law will be considered for admission in all upper-year categories. An applicant who has failed one or more courses in law school or in the NCA process will not be considered for admission. At least one academic letter of reference must be provided from a law professor who can comment on the applicant's academic abilities.

For transfer and letter of permission applicants, a letter is required from the Dean or Associate Dean Academic of the current law school attesting that the applicant is in good standing and has not been the subject of any disciplinary sanction on academic or non-academic grounds nor otherwise been found to have engaged in misconduct.

Provided that the application is competitive on academic factors, priority will be given to the admission of transfer or letter of permission applicants who are seeking to return to their home province from a Canadian law school outside Ontario and to applicants seeking to transfer between Ontario law schools.

Curriculum-related grounds and career-path reasons supporting the application will be considered. Consideration will be given to compelling compassionate or personal grounds supporting the application. Documentation corroborating the grounds should be provided to support the application.

## *Language Proficiency and TOEFL*

See JD First Year Requirements.

## Combined Degrees

The admissions policies and procedures for the JD apply to admissions to the JD portion of all combined degrees, except for the Civil-Law Common Law Combined degree.

## *Civil Law-Common Law*

Full information about admission to the Civil Law-Common Law program is posted on the Faculty of Law website at <https://law.queensu.ca/programs/combined-degrees/civil-common>.

The application deadline is May 1 for civil law students and graduates from other Quebec law schools.

Students in their final year and graduates of the civil law degree program at University of Sherbrooke may apply to take an intensive fourth year of studies at full course-load following graduation to obtain a common law JD degree conferred by Queen's University. Applicants from University of Sherbrooke are encouraged to apply before March 1st.

If space is available, students in their final year and graduates from other Quebec civil law degree programs may be considered for admission to the combined degree program in accordance with the admissions standards applied to the Sherbrooke applicants.

## Degree Programs

### Juris Doctor (JD) Program

The Juris Doctor (JD) is a second-entry professional degree in common law. It is normally completed in three academic years of full-time study<sup>1</sup>. It is the basis of admission for registration into the licensing process to practice law for each province of Canada, except Quebec, which practices civil law. Through partnership with the Faculty of Law at the University of Sherbrooke, it is possible for Queen's students to obtain a civil law degree in a single academic year, following graduation with the JD at Queen's University.

Each student is responsible for becoming informed about all Faculty rules and regulations pertaining to degree requirements and determination of standing, regulations and policies regarding examinations and written course work, and course selection.

### *Degree Requirements*

#### First Years

Mandatory Course Requirements (36 credits)

LAW-135AB Introduction to Legal Skills (4 credits)

LAW-14\* Public Law (4 credits)

LAW-15\* Constitutional Law (4 credits)

LAW-16\*AB Contracts (6 credits)

LAW-17\*AB Criminal Law (6 credits)

LAW-18\*AB Property (6 credits)

LAW-19\*AB Torts (6 credits)

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<sup>1</sup> The Queen's University Senate approved a change to the designation from the Bachelor of Laws degree to the Juris Doctor (JD) degree on February 28, 2008.

## Upper Years

Each upper-year student is required to successfully complete all of the degree requirements: Credit Requirement, Overall Residency Requirement, Mandatory Course Requirement, Substantial Term Paper Requirement, Practice Skills Requirement and Advocacy Requirement.

### 1 (a) Credit Requirement

A student must successfully complete a minimum of 59 upper-year credits to satisfy the course credit requirement for graduation. Details of the courses offered and their credit value are posted on the [Faculty of Law](#) website. Students cannot take courses in the Undergraduate Certificate in Law Program.

### 1 (b) Overall Residency Requirement

A Queen's JD degree will be granted to a student who successfully completes all first-year law courses and a minimum of 59 upper-year credits. The first-year courses and a minimum of 28 upper-year credits must be taken as Queen's JD courses in residence at Queen's Faculty of Law. The BISC Summer Program in International Law is considered in residence at Queen's Faculty of Law.

Any combination of exchange credits, letter of permission credits or non-law courses cannot exceed the equivalent of one year of study (28-34 upper year credits).

Students who transfer into the Queen's Law program after successfully completing first year at another Canadian university must complete a minimum of 59 upper-year credits in residence at the Faculty of Law at Queen's.

### 1 (c) Mandatory Course Requirements

Students are required to complete LAW-225 Civil Procedure and LAW-440 Business Associations in their second year and LAW-334 Legal Ethics and Professionalism in one of their upper-years.

### 1 (d) Substantial Term Paper Requirement

During their upper years, students must write a substantial term paper that demonstrates their ability: 1) to conduct advanced legal research; 2) to write clearly and concisely; 3) to articulate and develop a thesis; and 4) to engage in sustained analysis of the law in a particular area. A substantial term paper should be 25-30 pages in length and written in a course taught by a full-time faculty member or graded by a full-time faculty member. Upon completion of the paper, the student should notify the supervising faculty member of their intent to fulfill the requirement. The faculty member will confirm completion with Student Services. Satisfaction of the Substantial Term Paper Requirement will be indicated on a student's official academic record by a P (pass) notation in respect to LAW-299 Substantial Term Paper. This course number carries neither a credit value nor a credit weight.



*Individual Supervised Projects (LAW-490):* An Individual Supervised Project (ISP) must be supervised by a full-time faculty member with a research appointment. An ISP involves a student writing a research paper on a topic to be agreed upon with the faculty member. ISPs should be reserved for topics that are not otherwise offered as a course. Students must ensure the project and supervision are approved through the process set by the Associate Dean (Faculty Relations). As a rough guide, ISP papers are expected to be approximately 25-30 pages in length, and should involve comparable student workload input to the student taking a traditional 2 credit course (though exact page length and project expectations are to be worked out between the supervisor and student). An ISP typically counts for 2 credits. In exceptional circumstances, more ambitious projects for 3 credits may be approved by the Associate Dean (Academic). Other than in the case of exceptional circumstances, students will be limited to one ISP during their JD studies. Any request for a second ISP must be approved by the Associate Dean (Academic). An ISP may satisfy the Substantial Term Paper Requirement, although this should be discussed by the student and faculty member when the arrangements are initially being made for an ISP. ISPs should not be earned or stacked in conjunction with other, different credit-earning activities (i.e. other courses, moots, journals or experiential activities). They are expected to be standalone research projects.

#### 1 (e) Practice Skills Requirement

Students are required to successfully complete at least three credits in courses designated as Practice Skills courses. A Practice Skills course gives students significant opportunity to undertake legal research and to develop skills of drafting, client interaction, negotiation or mediation, or offers students a clinical legal experience. Examples include Negotiations, Alternative Dispute Resolution, Advanced Legal Research, Law Journals and Clinical Courses. Other courses may be designated by the instructor. A student may not satisfy both the Advocacy Requirement and Practice Skills Requirement in one course. Please check the [Queen's Law Website](#) for the most up to date information.

#### 1 (f) Advocacy Requirement

Students are required to successfully complete at least three credits in advocacy or a substantive course which involves participation in oral advocacy or mootings as certified by the instructor. Examples include Trial Advocacy, Estate Litigation, Appellate Advocacy and Clinical Courses. Other courses may be designated by the instructor. A student may not satisfy both the Advocacy Requirement and Practice Skills Requirement in one course. Please check the [Queen's Law Website](#) for the most up to date information.

### *Experiential Learning Policy*

1. During their upper year studies, JD students are required to successfully complete at least three credits in courses designated as Practice Skills courses and at least three credits in courses that satisfy the Advocacy requirement. The original policy setting out practice skills requirements for

students was established by Faculty Board on 5 March 1998. Since the adoption of this policy, Queen's Law has seen a significant increase in the number and types of practice skills and other learning opportunities that fall outside of the traditional lecture/seminar framework for legal education. In response to the growing interest and demand for experiential learning, Faculty Board modified the original policy on 25 March 2022, setting out limits for experiential learning as reflected in the matrix below. This policy is reviewed by the Associate Dean (Academic Policy) and Assistant Dean JD and Graduate Studies on an annual basis.

Course	Concurrent EL Courses Permitted?	Remarks
<b>Clinics</b>		
LAW 418 - QPLC	No	Student may participate in only one of Law 418 (Prison Law Clinic), Law 438 (Business Law Clinic), Law 527 (Family Law Clinic), Law 590 (Clinical Litigation Practice) and Law 695 (Elder Law Clinic). No other EL opportunities permitted. No course overload (more than 17 credits per term) permitted.
LAW 419 - Prison Law Clinic (Advanced)	At the discretion of the instructor.	Enrolment by invitation only.
LAW 438 - QBLC	No	Student may participate in only one of Law 418 (Prison Law Clinic), Law 438 (Business Law Clinic), Law 527 (Family Law Clinic), Law 590 (Clinical Litigation Practice) and Law 695 (Elder Law Clinic). No other EL opportunities permitted. No course overload (more than 17 credits per term) permitted.
LAW 527 - QFLC	No	Student may participate in only one of Law 418 (Prison Law Clinic), Law 438 (Business Law Clinic), Law 527 (Family Law Clinic), Law 590 (Clinical Litigation Practice) and Law 695 (Elder Law Clinic). No other EL opportunities permitted. No course overload (more than 17 credits per term) permitted.
LAW 590 - QLA	No	Student may participate in only one of Law 418 (Prison Law Clinic), Law 438 (Business Law Clinic), Law 527 (Family Law Clinic), Law 590 (Clinical Litigation Practice) and Law 695 (Elder Law Clinic). No other EL opportunities permitted. No course overload (more than 17 credits per term) permitted.

LAW 592 - QLA Advanced Casework	Yes	Enrolment by invitation only.
LAW 593 - QLC Student Leadership	Yes	Enrolment by invitation only.
LAW 594 – QLA Group Leader	Yes	Enrolment by invitation only.
LAW 695 - QELC	No	Student may participate in only one of Law 418 (Prison Law Clinic), Law 438 (Business Law Clinic), Law 527 (Family Law Clinic), Law 590 (Clinical Litigation Practice) and Law 695 (Elder Law Clinic). No other EL opportunities permitted. No course overload (more than 17 credits per term) permitted.
<b>Moots</b>		
LAW 473/474 - Competitive Moot Oralist (3 credits)	Yes	
LAW 475 – Competitive Moot Oralist (6 credits)	Yes	
LAW 480 - Competitive Moot Researcher (3 credits)	Yes	
LAW 484 - Competitive Moot Researcher (6 credits)	Yes	
<b>Journals</b>		
LAW 578/579 - CICA	Yes	
LAW 581 - CLELJ Editor	Yes	
LAW 582 - CLELJ Senior Editor	Yes*	*Except for positions requiring a commitment of more than 15 hours per week.
LAW 587 - QLJ Associates	Yes	
LAW 589 - QLJ Senior Board/EICs	Yes*	*Except for positions requiring a commitment of more than 15 hours per week.
<b>Other</b>		
LAW 457 – International Trade Law Practicum	Yes*	*Students should consult with supervisor before considering a second EL opportunity.
LAW 521 - (Family Law Placement Course)	No	No Queen's Law Clinic positions permitted.

LAW 551 - (Conflicts Analytics Lab)	Yes	
LAW 696 - Family Law Placements	Yes*	*No Queen's Law Clinic positions permitted (including volunteer positions).
LAW 696 – Summer Externship	No	Full time summer position.
LAW 696 - Summer QLC	No	Full time summer position.
LAW 696 - Appellate Criminal Litigation Externship	Yes*	*No Queen's Law Clinic positions permitted (including volunteer positions).
LAW 697 - Judicial Placements	Yes*	*No Queen's Law Clinic positions permitted (including volunteer positions). No Appellate Criminal Litigation Externship.
LAW 698 - CALC (Belleville); and NCLC (Cobourg)	Yes*	*No senior editors from journals.
LAW 699 - Government of Canada DoJ placements	Yes*	*No senior editors from journals.

\* See remarks.

## *Part-Time JD Program*

### **Part-Time Program**

Part-time students are expected to adhere to all the rules and regulations of the JD degree program in addition to the following rules and procedure that pertain specifically to part-time status in the JD degree or combined J D. program. Part-time students are expected to complete the JD program within six years. In exceptional circumstances, the Academic Standing and Policies Committee may waive this requirement.

Part-time JD or combined JD students will be subject to the same grading policy and minimum academic standing requirements as full-time students.

Part-time students may request a change in status to full-time prior to the commencement of any academic term and may thereafter a return to part-time for any subsequent term or terms.

During the first year, part-time law students will be assigned to a small section and be expected to complete the legal skills and Legal Foundations Program.

In following years, part-time students are required to arrange their course registrations in the first-year courses required to complete the mandatory first-year curriculum with the JD Program Coordinator. Once the first-year courses are manually processed, registration in upper-year courses will be done electronically during the regular course registration times and open enrollment periods

### **Part-time Performance Requirement**

Part-time students will be expected to register in 7 to 13 units of credit per term to preserve eligibility for merit-based awards not requiring full-time status. Permission may be sought to register in a course under-load from the Academic Standing and Policies Committee or from the Assistant Dean JD and Graduate Studies as delegate of the Academic Standing and Policies Committee. A part-time student normally will not be permitted to register in fewer than 7 credits in a term unless fewer than 7 credits are required to complete degree requirements. Difficult issues pertaining to course-load or registration status will be decided by the Academic Standing and Policies Committee.

Students must have completed the pre-requisite courses in order to obtain registration in certain upper-year courses.

Part-time students may not register in courses satisfying the Advocacy degree requirement until after they have completed the first-year compulsory curriculum and completed any pre-requisite courses.

## Combined Degree Programs

The Faculty offers six unique combined degree programs providing cross-disciplinary legal education. These programs offer students the specialized and interdisciplinary instruction needed in today's knowledge-based economies.

### Master of Arts (Economics) – Juris Doctor (MA (Econ)-JD)

Queen's University's Faculty of Law and Department of Economics have partnered to offer a combined program that allows students to obtain both a JD and an MA degree in three years.<sup>2</sup> The program provides highly-focused interdisciplinary training for students interested in the many areas where law and economic analysis intersect. Combined MA (Econ)-JD students will receive excellent training and gain a strong comparative advantage to pursue careers in specialized legal work that requires knowledge of economic theory and social science methods, high-level policy work and academia.

*Program Requirements and Structure:* <https://law.queensu.ca/programs/combined-degrees/econ>

### Master of Public Administration - JD Combined Degree Program (JD/MPA)

Partnered with the School of Policy Studies, the Faculty of Law offers this three and one-half academic year combined degree program to facilitate closer integration of studies in law and public policy.<sup>3</sup> The MPA curriculum offers students training in policy analysis and development, while the JD curriculum offers students the substantive knowledge necessary for successful policy implementation and interpretation. The School of Policy Studies has a strong reputation for advanced education in policy studies in the areas of health policy, global governance, social and public policy in the voluntary sector of not-for-profit, community-based, non-governmental organizations. Students enrolled in this program are subject to the regulations and policies of both the Faculty of Law and the School of Policy Studies.

An option to complete the combined degrees in three years is available to combined degree program students who are selected to and successfully complete an International Law Program at the Bader International Study Centre in the summer term following the first year in the JD program. Following graduation, students complete the articling requirement and licensing process for the Law Society of Ontario or the comparable bar admission program in the other Canadian common law provinces.

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<sup>2</sup> Approved by Queen's University Senate on November 27, 2008.

<sup>3</sup> Approved by Queen's University Senate on March 1, 2001.

*Program Requirements and Structure:* <https://law.queensu.ca/programs/combined-degrees/mpa>

## Master of Industrial Relations - JD Combined Degree Program (JD/MIR)

The JD/MIR combined degree program merges graduate training in human resource management, labour and employment policy with a professional degree in law.<sup>4</sup> An option to complete the combined degrees in three years is available to combined degree program students who successfully complete an International Law Program at the Bader International Study Centre in the summer term following the first year in the JD program. Students enrolled in this program are subject to the regulations and policies of both the Faculty of Law and the School of Graduate Studies in respect to the MIR degree. Following graduation, students complete the articling requirement and licensing process for the Law Society of Ontario or the comparable bar admission program in the other Canadian common law provinces.

*Program Requirements and Structure:* <https://law.queensu.ca/programs/combined-degrees/mir>

## Juris Doctor – Master of Business Administration (JD/MBA)

This four-year combined program capitalizes on the strength of the internationally acclaimed, intensive twelve-month Master of Business Administration degree offered by Queen's School of Business and the rich program in business law offered by Queen's Faculty of Law.<sup>5</sup> Students admitted to the combined program have an option to complete the combined program in three and a half years upon successful completion of an International Law Program at the Bader International Study Centre.

Students who complete the Graduate Diploma in Business are granted five upper-year JD credits.

*Program Requirements and Structure:* <https://law.queensu.ca/programs/combined-degrees/mba>

## Civil Law-Common Law Degree Program

Université de Sherbrooke and other Quebec Civil Law Students and Graduates Applying to Queen's.<sup>6</sup>

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<sup>4</sup> Approved by Queen's University Senate on November 21, 1996.

<sup>5</sup> Approved by Queen's University Senate on April 27, 2006.

<sup>6</sup> 1997 Agreement between Queen's Faculty of Law and the University of Sherbrooke.

Registrants in the Civil Law-Common Law combined program must be in compliance with the [National Requirement](#) pertaining to approved common law degree programs. See <http://flsc.ca/national-initiatives/national-admission-standards/>.

Students are not permitted to enroll simultaneously in the combined degree program and another full-time program such as the Barreau du Québec program.

Students will be required to register in 30-32 credits through the academic year, which must include the following courses: Contracts, Torts, Property and Civil Procedure. Students must also complete or be able to demonstrate prior successful completion of courses covering the required competencies. Students must also demonstrate successful completion of courses which pertain to fiduciary relationships in a commercial context, legal ethics and professional responsibility. The onus rests upon the applicant to demonstrate through official transcripts, course descriptions and course syllabi that they have completed the competencies outlined in the [National Requirement](#) in order to be exempted from additional courses, including Law-440 Business Associations and Law-334 Legal Ethics and Professionalism.

Queen's Law Students Applying to University of Sherbrooke

See this website:

<http://www.usherbrooke.ca/droit/international/etudiants/etudiants-internationaux/droit-civil-queen-s/>

Bachelor of Commerce - JD Combined Degree Program (BCom-JD)

This six-year combined program capitalizes on the strength of the Bachelor of Commerce (BCom) degree offered by Queen's School of Business and the rich business law program offered by Queen's Law.<sup>7</sup>

The BCom/JD degree reduces completion time and tuition by one year for undergraduate students admitted to the BCom degree program at Queen's. Students entering the third year of the Queen's BCom program are eligible to apply through an internal application process at Queen's.

*Program Requirements and Structure:* <https://law.queensu.ca/programs/combined-degrees/bcom>

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<sup>7</sup> Approved by Queen's University Senate on April 28, 2015.



## Regulations & Policies

### University Policies

The Faculty of Law is subject to academic policies approved by the University Senate. For a full listing of Senate Policies, see <https://www.queensu.ca/secretariat/policies/student-policy-index>

### Tuition & Fees

*The Board of Trustees reserves the right to make changes in the scale of fees if, in its opinion, circumstances so warrant.*

Full details regarding tuition, ancillary, residence and administrative fees are here:

<http://www.queensu.ca/registrar/financials/tuition-fees>

### Faculty of Law Policies and Regulations

#### *Academic Integrity<sup>s</sup>*

The full policy and procedures form part of this academic calendar. They are posted here: [Academic Integrity Policy, Procedures and Forms](#). Questions may be directed to the Faculty of Law Academic Integrity Coordinator at [lawacintegrity@queensu.ca](mailto:lawacintegrity@queensu.ca).

#### *Access and Privacy*

Queen's University collects, maintains, uses, and discloses students' personal information in accordance with the Ontario Freedom of Information and Protection of Privacy Act. As secondary custodians of student personal information faculties, schools and departments are subject to the Office of the University Registrar's Policy available at: <http://www.queensu.ca/registrar/resources/policies/accessprivacy>. Further information is available at: <http://www.queensu.ca/accessandprivacy>.

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<sup>s</sup> Approved September 15, 2017, amended November 19, 2018.

## *Assessment and Grading*

### Grading System

The grading system for the Faculty of Law is as follows:<sup>9</sup>

A	4.0	Exceptional
A-	3.7	Excellent
B+	3.3	Very Good
B	3.0	Good
B-	2.7	Satisfactory
C+	2.3	Fair
C	2.0	Adequate
D <sup>10</sup>	1.0	Marginal
F	0.0	Failure
P		Pass

Non-Evaluative Grades: IN (Incomplete): assigned when outstanding work is not completed. The IN to lapse to F if the work is not completed by the end of the following term; GD (Grade Deferred): similar to IN, but has no lapse rule; NG (Not Graded): Courses that span multiple terms are assigned a notation of NG until the course is completed; AU: audit; TR: transfer credit and DR: course dropped.

### *Mandatory Grading Policy*

The Faculty has approved the following grading policies:<sup>11</sup>

In lecture courses (i.e. courses other than seminars and small sections), B is the median grade, no more than 20% of students are awarded grades of A or A-, and no more than 20% of students are awarded grades of C+ or lower;

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<sup>9</sup> Approved November 18, 2010.

<sup>10</sup> Lowest passing grade for a course in law (exception is for a failed course, for which supplemental exam privileges are granted by the Academic Standing and Policies Committee – minimum grade is C).

<sup>11</sup> Approved November 10, 2000.

In first year small section courses and upper year seminar courses, B or B+ is the median grade, no more than 30% of students are awarded grades of A or A-, and no more than 20% of students are awarded grades of C+ or lower.

These policies are subject to the following terms:<sup>12</sup>

- The maximum percentages allowed for A/A- grades and C+ or lower are subject to a deviation of 5%;
- The median requirements are mandatory subject to the discretion to go above or below the median, provided this affects no more than 5% of the class; and

The enforcement mechanism is as follows:

Where instructors do not comply with the above requirements, they are required to identify the number of students involved and to rank those students;

The matter will be referred to the Associate Dean (Academic), who will attempt an informal resolution; and

If the matter is not resolved, the grades will be adjusted to comply with the guidelines. The adjustment will be in accordance with the instructor's ranking and will be reported to the Marks Committee. The instructor may appeal the adjustment to the Marks Committee, which may confirm the adjusted grades or the instructor's nonconforming marks.

Exception:<sup>13</sup> Instructors are encouraged to comply with the mandatory grading policy, even in low enrolment courses. However, courses in which enrolment is less than ten may allow more grades of A and A minus, and a higher median.

### *Anonymous Grading Policy*

In order to maintain anonymity in the evaluation of student work<sup>14</sup>:

- Whenever possible, students should be evaluated and graded on an anonymous basis;

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<sup>12</sup> Approved October 17, 2003.

<sup>13</sup> Approved January 30, 2015.

<sup>14</sup> Approved October 20, 2004.

- Written tests and examinations, assignments and journal work, for which anonymous grading is feasible, shall be graded and recorded by the instructor on an anonymous basis;
- If available, recommendations for course prizes will be made anonymously by submitting the student number of the student with the highest grade in the class;
- This policy will apply to all classes; and
- This policy is not to be interpreted or applied in a way that discourages the use of individualized assignments or the giving of individualized guidance to students in the preparation of essays or other assignments.

## Deadline for Submission of Course Work

Written course work is due on the last day of classes each term. Faculty members have discretion to extend the deadline for submission of such work until the last day of examinations for the term. All other extensions must be approved by the Academic Standing and Policies Committee.

A student seeking an extension must, in the absence of exceptional circumstances, submit a request to the Committee prior to the applicable deadline. When a faculty member will not grant an extension within the period of discretion, a student may apply to the Academic Standing and Policies Committee for assistance. Information provided by faculty members will be relevant where a student seeks an extension. However, an agreement between a faculty member and a student will not bind the Committee in the exercise of discretion.

The Committee may grant an extension for the submission of written coursework beyond the last day of examinations for the term in which the written work was originally due if there are documented medical, personal or compassionate grounds supporting the request and the student made reasonable efforts to complete the work in a timely fashion. In the absence of documented medical, personal or compassionate grounds, if the Committee is satisfied that the student exercised reasonable diligence in attempting to complete the coursework in a timely fashion and there are no inequities that would arise as a consequence.

## Failure to Complete Course Requirements

If a student fails to complete the requirements for any course within one year after the last day of classes for that course, no further extensions will be granted. The student will fail the course.

## Grade Appeals Process

### *Access and Retention of Final Examination Papers and Written Course Work*

Instructors may informally review the final examination paper with a student who requests it and are encouraged to do so. However, access may not be granted before the final marks are released. Further, exams cannot be shared until all students have written the exam, including deferred exams.

Instructors have an obligation to retain any original hardcopy of final exams for a period of 12 months. Exams written on a computer will be retained by the Student Services Office for the same period. Instructors should not give original hardcopy exams to students. Instructors may allow a student to review their own exam while meeting with the teacher or may provide the student with a photocopy or electronic copy of their own exam. Exam questions will only be shared with the student by request from the instructor and only if the exam has not been marked confidential. Term papers or other assignments graded D or F that form a major portion of the final grade should be treated in the same way as final exams.

Instructors may wish to show a student the exam or paper of another student, perhaps as an example of excellent work. The permission of the student should be obtained before the paper is circulated. All identifying information should be removed from the exam or paper. If the exam was written by hand then it should be typed before distribution.

#### Informal Review Process

Students are encouraged to meet with their teacher to discuss their performance on assignments and examinations. The goal of such discussion is to provide the student with feedback on performance and to provide the student with an explanation of the grading criteria and evaluation. Instructors may want to clarify that grade discussions are an opportunity to explain to students why they obtained a particular grade and to give advice and assistance on how to improve. It is unusual for a teacher to change a grade as a result of a grade discussion, except in unusual circumstances, such as a calculation error. An instructor who wishes to change a final course grade must first submit a grade change form to the Student Services Office.

Grade discussions may take place in person or by phone, email, or letter. If a student requests an opportunity to discuss a grade, the teacher should arrange to do so within a reasonable time. If a teacher will not be in Kingston at the relevant time, the teacher should provide contact information so that students may contact him or her with a request. An informal review must be sought within a reasonable time after the general release of grades for the term in which the grade was received.

#### Formal Grade Appeals Process

A student may appeal a final grade of D or F on any examination or assignment worth 50% or more of the final grade in the course. Final grades in courses in which evaluation is based on skills-based exercises and /or scaffolded assessments such as advocacy trials, moots, negotiation exercises, advanced legal research, or clinical placements are excluded from this appeal process because it is not possible to replicate or reassess the exercises on which the evaluation was based.

This appeal process is not intended for those students whose academic performance was adversely affected by documented medical, personal or compassionate grounds. Relief sought on this basis is

described in the sections on Special Examination privileges and in the provisions for requesting extensions for submission of written coursework.

Allegations of bias or discrimination may not form the basis of a grade appeal under this policy; such complaints should be made directly to the Queen's Human Rights Office, under the Harassment/Discrimination Complaint Policy and Procedure at <http://www.queensu.ca/secretariat/policies/senateandtrustees/harassment.html>.

- Students who wish to appeal a grade must notify the Assistant Dean JD and Graduate Studies by filing a formal Grade Appeal Application within 2 months of the release of grades. Students are encouraged to seek an informal review with the instructor prior to launching a formal appeal. No formal grade appeal shall be initiated after the expiry of the 12-month period for retention of formal examination papers and major papers and assignments for the course in which an appeal of the final grade is sought.
- The Assistant Dean JD and Graduate Studies will notify the Associate Dean (Academic Policy) of the filing of the grade appeal. The Associate Dean (Academic Policy) will then assign another faculty member with expertise in the relevant area to review the assignment or examination under appeal.
- The reviewer shall provide the Assistant Dean JD and Graduate Studies with their assessment of the appropriate grade within 30 days. The grade assigned by the reviewer will govern and will replace the grade initially assigned by the instructor of the course. The reviewer may either raise or confirm the original grade.

## *Examinations and Assessment*

### University Examination Regulations

### Academic Integrity

Academic integrity is fundamental to all scholarly activities, including the examination process. Queen's University adheres to the definition articulated by the Centre for Academic Integrity, that academic integrity is made up of the five core values of honesty, trust, fairness, respect and responsibility. This overview is adopted from the Fundamental Values of Academic Integrity. The Queen's University Policy on Academic Integrity is intended to supplement the policy on Academic Dishonesty presently found in University calendars and posted on the web at Academic Integrity @ Queen's.

Breaches of academic integrity are considered entirely unacceptable within the University community and the student who commits such an offence runs the risk of a range of sanctions including a failure in the course or a requirement to withdraw from the University.

### *Prohibited Activity in Exams*

The following are some examples of activities that are prohibited during an exam:

- impersonating another student,
- copying from another student,
- making information available to another student,
- communicating with another student, or
- using unauthorized material.

All breaches of academic integrity will be reported in writing by the Proctor on an examination incident report to the instructor of the course via the Exams Office. A breach of academic integrity in Faculty of Law computer examinations will be reported in an incident report. The Instructor will receive the incident report and a copy will be provided to the Associate Dean (Academic Policy).

The Faculty of Law Academic Integrity Policy and Procedures form part of this calendar of academic regulations and is appended as [Appendix 1](#).

## *Conduct During Exams<sup>15</sup>*

- Any candidate arriving at an exam hall after the beginning of the exam will receive only the remaining time in which to write the exam. The late candidate's paper will be marked only at the discretion of the Faculty.
- No candidate will be allowed to leave the exam hall within thirty minutes of the start time of the exam.
- No articles such as textbooks, notes, books of tables, data sheets, graphs, paper, written material, calculators, etc., may be taken into the exam hall unless authorized by the instructor in writing at least 3 days before the exam.
- A candidate shall not remove any material issued for the examination from the examination hall. Each candidate must submit all issued materials before leaving the exam hall.
- Food, drinks (except water - see below), recording or playback devices, and other electronic communication devices such as cell phones and other mobile devices are not permitted in the exam hall. Likewise, handbags, purses, and book bags are not permitted in an exam hall. Students should bring only essential items to the exam. The University assumes no responsibility for personal property lost in or near any examination hall.
- Students may bring (transparent recommended) bottled water into the examination hall.
- Candidates who have not left their exam table prior to the final fifteen minutes of the exam will be required to remain at their exam table until dismissed by the Chief Proctor.
- Students must submit information about illness or other circumstances affecting their work to the relevant Faculty within twenty-four hours of the exam in the course concerned.

Failure to comply with the regulations listed above or with the instructions of an exam proctor may result in a written report by the Chief Proctor which will be distributed to the instructor of the course, the Dean of the relevant Faculty, and the Exams Office.

## *Missing Queen's Student Photo ID*

If a student does not have a Queen's Student Photo ID Card at an official exam, the procedure in the following section will apply.

Students writing an exam without a Queen's Student Photo ID card will be assessed a fine of \$50.00 per exam.

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<sup>15</sup> Revised March 27, 2006.



In April 2000, the Senate Committee on Academic Procedures, Sub-committee on Exams changed the procedure to identify students at exams. If a student does not have a Queen's Student Photo ID Card at an exam, the following procedure will apply:

- The student's attendance card will be stamped "NO QUEEN'S PHOTO ID".
- The student will be directed by a proctor to the Chief Proctor or Associate Proctor who will take a photograph of the student. The student will be asked to put their name, student number, course and number of the exam on a form. The personal information on the form is collected under the Royal Charter of 1841, as amended. The information collected will be used by the Office of the University Registrar to verify the identity of exam candidates who did not bring their Queen's Student Photo ID to a mid-year or final examination.
- The Exams Office will have the photo checked against the University's Photo Identification computer picture to verify that the student is actively registered in the course. If any discrepancies are found, the Exams Office will notify the professor of the course.
- A fine of \$50.00 per exam will be charged and added as a debt the following working day after the exam(s) is written. The Senate Policy on Student Debtors applies.

## Examination Accommodations and Extenuating Circumstances

Information may be obtained here: <https://law.queensu.ca/programs/jd/student-support/education-equity/academic-consideration-academic-accommodation>. Arrangements for examination accommodations should be made through [Queen's Student Accessibility Services](#). The deadlines for arrangements are 15 November for December examinations and 15 March for April examinations. Law students should contact the Equity and Academic Success Coordinator for assistance in ensuring that accommodations are arranged before the relevant deadlines. Students with short-term medical conditions or extenuating circumstances may contact the Manager of Education & Equity Services for assistance. Students will be required to provide medical documentation evidencing the need for accommodation.

## Examination Disruptions: Cancellations or Evacuations

### Evacuation

Students should not depart from the official examination hall; students should evacuate as ordered, but not depart from the designated site pending further direction from their instructor, the instructor's designate or Campus Security. It may be possible to resume the examination at the official site or an alternative site following an evacuation caused by a disruption.

### Cancellation for Inclement Weather

If adverse weather conditions cause a closure of the University, then an announcement of the official decision to close will be posted on the University website at [www.queensu.ca](http://www.queensu.ca). A posted official announcement of the closure means that all examinations scheduled for that particular day (or part

thereof) are also cancelled. If an examination is cancelled, the instructor of the course will have the authority to decide how to deal with the cancellation of the exam and its effect on the course. Information will be posted on the Faculty website as soon as possible after the cancellation.

## Use of Calculators in Examinations

The Faculty of Law and the Exams Office have approved the CASIO 991 calculator for use, provided that the model does not allow for access to the internet nor has storage capabilities for unauthorized information.

## Faculty of Law Assessment Policies

### *Policy on Changing Academic Assessments*

#### (Faculty Policy)

Course Assessment schemes are a fundamental component of legal education. They not only map both formative and summative assessments against your learning objectives, they also provide students with information which is key to their planning for academic success. From time to time Faculty members may wish to change their assessment schemes, or may face requests from students to change their methods and/or weighting of assessments.

The integrity of the Queen's Law assessment scheme requires that all students be aware of the assessment scheme for each course before they engage in the course selection process, and that no favour be shown to any individual student by changing a course assessment scheme to meet their individual preferences.

This policy is guided by the following principles:

- a. The course instructor is responsible for determining the assessment scheme in a course.
- b. Assessment schemes should reflect course objectives and comply with the Faculty and University policies in place from time to time.
- c. Students should be assessed on the basis of criteria that are clearly set out before the term commences.
- d. Students are responsible for ensuring that they understand and comply with the requirements for assessment.
- e. Assessment is to be carried out anonymously where possible.
- f. All students must be assessed equally.
- g. Absent an approved Academic Accommodation issued by QSAS, the means and methods of course Assessment must not be changed or modified to suite an individual student.

## *Suggested Best Practice*

Many students factor assessment schemes into their course selection decisions when balloting for upper year courses. Therefore, it is preferable that course assessment schemes for courses be available to students before course selection occurs.

Within the first two weeks of a course, the lecturer should discuss and explain the scheme and timing of course assessment. Ideally, no changes to the assessment scheme for a course should occur after this point.

Any proposed change to assessment after the add/drop date for the term must be discussed with students. Where the proposed change does not have the agreement of the whole class, it must be approved by the Associate Dean (Academic Policy). Any change to an assessment scheme should be discussed in class and posted on the course onQ page.

Any student who requests a change to the assessment scheme in order to suit an individual requirement or preference should be referred to the Law Accommodations and Academic Support Services Office, [law.accommodations@queensu.ca](mailto:law.accommodations@queensu.ca).

## Supplemental Examination Privileges

(Faculty Policy)

When a first year student obtains a grade of F in not more than two courses, or a second or third year student obtains a grade of F in one course, and the balance of the student's grades are satisfactory, the Faculty Board, through the Academic Standing and Policies Committee (the Committee), may grant the student supplemental examination privileges. The minimum passing grade for a supplemental examination is C.

Supplemental examination privileges are available only for courses in which the final examination is worth at least 50% of the final grade. Supplemental examinations are not available in courses in which there is no final examination option or in courses in which evaluation is based on skills-based exercises such as advocacy trials, moots, negotiation exercises or clinical placements.

## SCHEDULING OF SUPPLEMENTAL EXAMINATION PRIVILEGES

The Faculty Board has established designated time periods for writing supplemental examinations. For fall term courses, this period is the second week of February. For winter term courses this period is the last full week of July. If a student who has been granted supplemental examination privileges fails to write the examination without prior notice of inability to write on the scheduled date, a grade of F shall be recorded for the examination. No further supplemental examination privileges will be granted for that attempt of the course. If a student who is granted supplemental examination privileges provides notice of

inability to write the examination on the scheduled date but the reason for the inability to write the examination is not adequate, no further deferral of the supplemental examination will be granted and a grade of F shall be recorded for that attempt of the course. The adequacy of the notice is a matter that can be decided by the Academic Standing & Policies Committee.

## TRANSCRIPT NOTATION WHEN SUPPLEMENTAL EXAMINATION PRIVILEGES ARE GRANTED

The original grade of F assigned to the student by the instructor in the course remains on the student's official academic record. Once the supplemental examination is written and the final grade of the course is received taking into account the results of the supplemental examination, and this grade is approved by Faculty Board, the supplemental grade for the course replaces the F, with a supplemental exam ruler on the student's official academic record.

## Special Examination Privileges

(Faculty Policy)

Special examination privileges are available only for courses in which the final examination is worth at least 50% of the final grade. Special examinations are not available in courses in which there is no final examination option or in courses in which evaluation is based on skills-based exercises such as advocacy trials, moots, negotiation exercises or clinical placements.

The Academic Standing and Policies Committee may grant special examination privileges on documented medical or documented personal or compassionate grounds in the following circumstances:

- Where the student's performance has been adversely affected on a required examination.
- Where the student was unable to write or complete a required examination.

Any student seeking such relief must submit an application for special examination privileges to the Academic Standing and Policies Committee within one week of the date of the examination for which special examination privileges will be sought. If the extent of the impairment of performance was not apparent until the grades for the term are released, then the student must submit an application for special examination privileges to the Academic Standing and Policies Committee within one week of the release of grades for the term in which the course for which the student intends to bring a request for special examination privileges was offered. These deadlines may be extended by the Committee in exceptional circumstances. The student should make submissions to the Committee through the Equity and Academic Success Coordinator, [law.accommodations@queensu.ca](mailto:law.accommodations@queensu.ca). Students must complete and submit the Application to Academic Standing and Policies Committee form which is available in room 200 and on-line on the Queen's Law Portal under student forms.

The student must also provide documentation of the medical, personal or compassionate grounds supporting the request. The Committee also has discretion to grant special examination privileges in exceptional circumstances.

Notes:

- In considering requests for special examination privileges or other special consideration, the Committee requires supporting evidence of adverse medical or personal circumstances affecting performance. This information is kept confidential to the Committee. Applicants are strongly advised to document the claim as closely as possible to the date of the claimed special circumstances and with as specific information as possible. Such documentation should be issued by a doctor who was treating the student at the relevant time or other appropriate health professional from the Student Health, Counselling and Disability Services Office.
- "Compassionate grounds" for a special examination will generally arise only where a serious family crisis or illness would have a direct and foreseeable impact on the student's ability to write their examinations as scheduled. If a student misses an exam for reasons of personal exigency that do not meet this threshold for compassionate grounds, the student may be permitted to write a special examination with penalty, and the grade received will be lowered by one grade point, with or without academic penalty.

### *Scheduling of Special Examinations*

The Faculty Board has established designated time periods for writing special examinations. For fall term courses, this period is the second week of February. For winter term courses this period is the last full week of July. If a student, who has been granted special examination privileges, fails to write the examination without adequate notice of inability to write on the scheduled date, a grade of F shall be recorded for the examination. No further deferral of special examination privileges will be granted in respect to that attempt of the course. The adequacy of the notice and of the reasons given for inability to write the exam are matters for the Committee to decide. If the failure to give adequate notice is justified by the underlying medical, personal or compassionate grounds that support the need for special examination privileges, then a further deferral of the special examination privileges would be granted by the Committee upon written request from the student. As a general rule, if the Committee grants a further deferral, such exams will be deferred to the next official or designated examination period. If the student fails to write special examination privileges after two deferrals, the student may be required by the Committee to withdraw from the course without academic penalty.

### *Examination Undertakings for Special Examinations*

Students who are granted special examination privileges by the Academic Standing and Policies Committee are required to complete and sign an examination undertaking. The examination undertaking expresses that the student has not, or will not discuss, or in any way attempt to ascertain the contents of

the examination for which special privileges have been granted as it is possible that some of the questions may overlap with those on the special examination. Failure to comply with the conditions of a signed undertaking constitutes a breach of professional ethics, and is considered a form of academic dishonesty that is subject to disciplinary action.

## TRANSCRIPT NOTATION WHEN SPECIAL EXAMINATION PRIVILEGES ARE GRANTED

For all courses in which special examination privileges are granted and not lost by failure to write the examination on the scheduled date without notice or with notice, but without adequate reason for failure to write, the official transcript will reflect a grade deferred notation (GD) until such time as the final course grade is received and approved by Faculty Board.

## Supplemental and Special Examinations and Failure to Complete Course Requirements

(Faculty Policy)

If a student fails to complete the requirements for any course within one year after the last day of classes for that course, no further deferrals or special examination privileges will be granted and the student will be required to withdraw from the course.

## Supplemental and Special Examinations and Failure to Satisfy Course Pre-requisites or Co-requisites

(Faculty Policy)

If a student does not have a finalized grade in a course because of the grant of special or supplemental examination privileges, and this course is either a prerequisite or co-requisite to another course in which the student is pre-registered or obtained through the add/drop process, the student may be required to withdraw from registration in the course for which the prerequisite or co-requisite has not been satisfied. Similarly the student may be refused registration in a course for which the pre-requisite or co-requisite has not been satisfied. The student may apply to the Committee for permission to be exempted from this rule. The Committee may grant an exemption if the instructor waives the requirement, the Committee is satisfied that the student has sufficient background and/or experience in the subject matter and no other inequities arise by reason of such exemption.

## Conflicts and Timing

### Examination Conflicts

The Office of the University Registrar - Exams Office is responsible for all administrative matters regarding examinations under the policies and procedures of the University. The Faculty of Law administers all computer examinations and hand-written examinations. Accommodated examinations are administered by the Exams Office. Individual arrangements are made for each accommodated student. It

is imperative that students notify the appropriate Faculty contacts as soon as they are aware of a conflict to allow time to make special arrangements.

If a conflict arises from the Faculty of Law Computer Exams schedule, arrangements to address such conflicts must be made by the Academic Standing and Policies Committee.

The Faculty of Law adopts the University Policy concerning what constitutes an [examination conflict](#). An Exam Conflict is defined by a student's exam timetable containing any of the following:

- two (2) exams at the same time;
- an exam at the same time as a religious observance; or,
- an exam in three (3) consecutive exam slots within 24 hours.

#### Exam Timing<sup>16</sup>

There shall be no exams or tests worth more than 25% scheduled during the last week of classes, and no exams or tests shall be scheduled between the last week of classes and the beginning of the official exam period.

#### Take Home Examinations<sup>17</sup>

- Centrally scheduled official examinations and computer examinations administered by the Faculty of Law at the law school should be no longer than three hours in duration.
- An examination longer than three hours may be administered as a take-home examination.
- A take-home examination is an examination that students are permitted to write at a location of their choosing. A take-home examination is neither held nor supervised (proctored) at the law school.
- Take-home examinations should not exceed eight hours in length.
- Take-home examinations may be administered electronically to students at the discretion of the instructor. Instructors planning to hold a take-home examination should submit this information to the Director of Student Records and Enrolment for inclusion in the course information spreadsheet.
- Take-home examinations will be scheduled on the date assigned on the examination schedule for the course. Take-home examinations must be held within regular business hours from 8:30 a.m.

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<sup>16</sup> Approved November 10, 2000.

<sup>17</sup> Approved October 18, 2013.

to 4:30 p.m. from Monday to Friday. An exception may be permitted to allow Saturday scheduling for examinations in short-credit courses that end part way through the term.

This policy does not apply to examinations that are privately administered by the instructor. Instructors who elect to administer their own examinations should take into consideration when setting such examinations the effects on the centrally administered examinations. As in the case of centrally administered examinations, instructors holding private examinations should include all relevant information regarding these examinations at the appropriate times.

## Confidentiality, Reuse and Records Retention

### Confidential Examinations

All final law examinations are classified “confidential”. Students will be required to submit their examination questions with their answer booklets before leaving the examination hall.

### Reutilization of Examination Questions<sup>18</sup>

- The reutilization of questions used on a previous law examination is strongly discouraged as it may cause unfairness or problems of academic integrity.
- Once a final examination has been administered, its confidentiality can no longer be guaranteed. Each academic year, after a course is fully graded and provided that the instructor gives permission for this release, the final examination will be released to the Law Library examination bank to facilitate exam preparation by students.

### Retention Period for Examination Question Papers in the Law Library Exam Bank<sup>19</sup>

Final examination question papers which have been authorized for release to the Law Library Exam Bank will be published online for a period of 10 years from the date of publication. Following the retention period, the electronic copy of the examination question paper will be removed from the Law Library Exam Bank.

If there is sufficient space in the Law Library, a hard copy version of each law examination will be retained by the Law Library. The Law Library holds examination question papers dating back to the establishment of the Faculty of Law in 1957.

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<sup>18</sup> Approved March 14, 2014.

<sup>19</sup> Approved February 3, 2017.



## Language-Based Requests for Additional Examination Time

All exchange students whose first language is not English and who will not be receiving a degree from Queen's University can apply to the Central Exams Office for an extra half hour of time in which to write final examinations and permission to bring one language translation dictionary to the examination room. The [request form](#) must be filed before November 15 for fall term exams and before March 15 for winter term examinations.

Language-based requests for additional time in examinations by Queen's JD degree program students, including students in the Civil Law-Common Law combined program who are not fluent in English should be submitted to the Faculty's Academic Standing and Policies Committee as early as possible. The same deadlines apply to these requests. Such requests must be renewed each year.

## First Year Examinations and Non-Examination Assessments

The Faculty of Law administers first-year practice examinations as computer examinations. Proctors are arranged by the Faculty of Law.

- a) Mid-Term Examinations for All First-year, Year Long Courses<sup>20</sup>: The Faculty of Law recognizes the importance of encouraging multiple opportunities for assessment and feedback to enhance student learning. All first year, year-long courses shall have an examination at the mid-point of the course that shall count for 10% of the student's final grade. Instructors in these courses may choose to permit this examination to count for up to an additional 15% of the student's final grade, the additional weight (above 10%) counting only if it would benefit the student.
- b) Non-Exam Assessment in First-year Small Section Courses<sup>21</sup>: Each small section shall offer students at least one mandatory non-examination assignment, and that assignment or those assignments shall be worth at least 25% of the final grade.
- c) Non-Exam Assessment in All Other First-year Courses: First-year courses other than those taught as small sections shall offer students at least one optional non-examination assignment, and that assignment or those assignments shall be worth at least 15% of the final grade. (Instructors may choose to make the assignments or assignments count toward the final grade only if it is better than the final examination).

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<sup>20</sup> Approved March 23, 2018.

<sup>21</sup> Approved January 30, 2015.

The number and weight of assignments only apply to multi-term courses. Instructors in first-year courses in Public Law and Constitutional Law should be guided by these rules in setting assignments for the full year.

## Academic Standing<sup>22</sup>

All students must obtain a grade of at least D in each course. Students must also achieve a grade point average (GPA) of at least 2.0 determined at the end of the winter term on the basis of law course registrations in the fall and winter terms. Students who have attended BISC will also have their grades included in the calculation.

### *Registration/Status Requirements*

#### **Registration Status and Performance Requirements in the JD and Combined JD Degree Programs**

- Determination of Registration Status as Full-time or Part-time

Registration status as full-time or part-time will be determined at the point of admission by the Assistant Dean JD and Graduate Studies in accordance with the admitted student's approved offer at the time of admission or in accordance with an approved request for a change in status prior to registration. After registration, changes in registration status will be determined by the Academic Standing and Policies Committee or delegated to the Assistant Dean JD and Graduate Studies.

- Full-time Status in the JD Program or Combined JD, Programs

Full-time students will be expected to register within 14 to 17 units of credit per term to preserve eligibility for merit-based awards. Permission must be obtained for a course over-load or course-underload from the Assistant Dean JD and Graduate Studies as delegate of the Academic Standing and Policies Committee. Difficult issues pertaining to course-load or registration status will be decided by the Academic Standing and Policies Committee.

- Part-Time Status

Part-time students are expected to adhere to all the rules and regulations of the JD degree program in addition to the rules and procedures that pertain specifically to part-time status in the JD degree or combined JD program. Part-time students are expected to complete the JD program within six years.

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<sup>22</sup> Approved March 11, 2011.

In exceptional circumstances, the Academic Standing and Policies Committee may waive this requirement

Part-time JD or combined JD students will be subject to the same grading policy and promotion requirements as full-time students.

Part-time JD or combined JD students must have completed the pre-requisite courses in order to obtain registration in certain upper-year courses.

Part-time students may request a change in status to full-time prior to the commencement of any academic term and may thereafter return to part-time for any subsequent term or terms.

New incoming first-year part-time students are required to arrange their registrations in first-year courses with the Assistant Dean JD and Graduate Studies. During the first year, part-time law students will be assigned to a small section and be expected to complete the legal skills and Legal Foundations Program.

In following years, part-time students are required to arrange their course registrations in the first-year courses required to complete the mandatory first-year curriculum with the JD Assistant Dean JD and Graduate Studies

## *Academic Performance*<sup>23</sup>

### Probationary Status

- Failure to achieve a grade point average of 2.0 at the end of any term will result in academic probation for the following term of registration and may result in conditions on progression in the program, including a requirement to withdraw. Conditions of academic probation will be set by the Academic Standing and Policies Committee.
- Any student who is on academic probation is not eligible for exchange, letters of permission or overloads for the duration of the period on probation.

### Requirement to Withdraw

- A student who fails more than one course or fails to achieve a grade point average of 2.0 over the fall and winter terms, may be required to withdraw for a term or an academic year. At the expiry of the period of withdrawal, application for reinstatement must be made to the Academic Standing and Policies Committee.

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<sup>23</sup> Approved March 11, 2011; amended November 20, 2015.

- A decision requiring withdrawal would be made after any academic relief has been provided such as extensions for written coursework, supplementary examinations or special examinations. If the student refuses academic relief or has been unable to complete the coursework by the extended deadline or has not been able to sit the special or supplemental examinations granted are matters that will be taken into account in making a decision to require withdrawal.
- If the student contests the decision of the Academic Standing and Policies Committee to require withdrawal, then an appeal may be made to Faculty Board. The appeal would be listed on the Agenda as an individual student matter. Student and staff faculty board representatives would not participate in voting on such a matter unless the student appellant expressly consents.

## Academic Honours

### *Dean's Honour List*

Each academic year, JD degree program students whose grade point average (GPA) in Queen's law courses places them within the top 10 per cent of their class in each of the three years of study will be named to the Dean's Honour List.

Grade point averages are calculated after the end of each academic year for all law courses taken by JD degree program students during that academic year at Queen's University and the preceding summer term in the International Law Summer Program at Queen's International Study Centre.

Letter grades are converted to the four-point GPA scale, and the GPA for each student is then calculated after accounting for credit weights assigned to each course.

Consideration for the Dean's Honour List in an academic year is subject to the following conditions:

- Full-time students in first year must have completed all of the seven compulsory courses for a total of 36 credits. Full-time students in each of the upper years must have completed a minimum total of 14 credits per term and 28 credits for the academic year.
- Part-time students in first year must have completed four of the seven compulsory courses for a minimum total of 20 credits. Part-time students in each of the upper years must have completed a minimum total of 7 credits per term and 14 credits for the academic year.
- Students who attend another university on an exchange or a letter of permission for one term will be considered on the basis of their GPA for law courses completed during the term at Queen's University.
- Students who attend another university on an exchange or a letter of permission for an academic year will not be considered for that academic year.
- Students registered in a combined degree program will be considered for the Dean's Honour List on the basis of grades for Law courses obtained in their respective year.
- Students who are granted paper or examination deferrals by the Academic Standing and Policies Committee will be added to the Dean's Honour List after receipt of all their final grades if their

GPA is greater than or equal to that of the student with the lowest GPA who was named to the Dean's Honour List at the end of the academic year.

- Students who are placed on the Dean's Honour List will receive a notation on their transcripts.

Full-time students in first, second and third year who obtain the top three GPAs in their classes will be recognized with awards as follows:

- Dean's Gold Scholar Award: A plaque is awarded annually to the students obtaining the highest average in first, second and third year of the JD degree program.
- Dean's Silver Scholar Award: A plaque is awarded annually to the students obtaining the second highest average in first, second and third year of the JD degree program.
- Dean's Bronze Scholar Award: A plaque is awarded annually to the students obtaining the third highest average in first, second and third year of the JD degree program.

Any tie in students' GPAs for a Dean's Scholar Award at the end of the academic year will be dealt with by the Faculty's Awards Committee at its discretion. Students who are granted paper or examination deferrals by the Academic Standing and Policies Committee will be awarded a Dean's Scholar Award after receipt of all their final grades if their GPA is equal to that of the student who received that Dean's Scholar Award at the end of the academic year.

## Medal List

Each year, the graduating students obtaining the top three cumulative GPAs will be awarded medals as follows:

- Medal in Law: Awarded to the candidate graduating with the highest cumulative average in the JD program.
- Medal in Law-Second Highest Standing: Awarded to the candidate graduating with the second-highest cumulative average in the JD program.
- Medal in Law-Third Highest Standing: Awarded to the candidate graduating with the third-highest cumulative average in the JD program in the Faculty of Law.

In addition to the conditions for the Dean's Honour List, to be considered for a graduation medal, students must have completed 36 first year credits and a minimum of 42 upper year credits in law courses at Queen's University.

Students who will not be graduating until the Fall Convocation in any year will be considered for medals awarded for the subsequent academic year in competition with students graduating in the Summer Convocation of that year.

Note: GPA calculations are used for the purposes of determining students named to the Dean's Honour List, and recipients of the Dean's Scholar Awards and medals only. Queen's Faculty of Law does not otherwise rank its students.

## Bader College International Law Programs

The International Law Programs (ILP) in International Business Law (IBL) and Public International Law (PIL) are offered each May and June by the Queen's University Faculty of Law at Bader College.

### Admissions

- The ILP are open to students in good standing who have completed at least one year in a JD, LLB or equivalent law program at an accredited Canadian or American university or a university with which Queen's is an exchange partner. Other applicants with a suitable academic or professional background in a related area may be admitted at the discretion of the Academic Director.
- Applicants must provide a transcript showing results in any completed law school courses. Applicants, depending on their circumstances, may also be asked to provide other transcripts, a letter of permission, academic references, and/or proof of fluency in English.

### Enrolment

#### *Courses in the IBL program:*

Law 673 Introduction to International Business Law (3 credits)

Law 454 International Economic Law (3 credits)

Law 666 International Commercial Law (3 credits)

#### *Courses in the PIL program:*

Law 670 Introduction to International Law and Institutions (3 credits)

Law 664 The Law of Armed Conflict and International Crimes (3 credits)

Law 665 International Protection of Human Rights and Refugees (3 credits)

Students must enroll in all three of the IBL or PIL courses in a single year except with permission of the Academic Director and may not take in a single year a combination of courses from the two programs.

Law 670 and Law 673 are taken in the first two weeks of the ILP, and portions of those courses may be taught jointly.

Law 673 is a prerequisite for Law 454 and Law 666 and Law 670 is a prerequisite for Law 664 and Law 665, except with permission of the Academic Director. There are no other prerequisites for the ILP courses.

Students may enroll in any of the ILP courses after taking any upper-year JD courses at Queen's and may take any JD courses at Queen's after completing any of the ILP courses.

Students who have completed the IBL or PIL program may apply to enroll in the other program in a subsequent year, except that students may only receive credit for both Law 670 and Law 673 with permission of the Academic Director.

## Academic Credit

Queen's JD students must complete a minimum of 59 upper-year credits, and usually do so with 14-17 credits in each of four terms. Students may not use ILP credits to reduce to part-time status but may seek permission from the Faculty to take 12 or 13 credits as a full-time load in 1 or more upper-year terms. Students enrolled in fewer than 14 credits are ineligible for certain honours and awards.

## Grading Policies and Accommodations

Faculty of Law academic policies, including those with respect to anonymous grading, the grading system, mandatory grading, and course prizes, apply with any necessary modifications to the ILP.

The Faculty of Law's Academic Standing and Policies Committee determines issues in the ILP such as accommodations, late course drops, examination deferrals, and special or supplemental examination privileges.

Extensions for the submission of written coursework during the period of the ILP may be granted by an instructor after consultation with the Academic Director. Longer extension requests must be referred to the Academic Standing and Policies Committee.

## Certificates of Completion

Students who successfully complete all courses in the IBL or PIL program are awarded a Certificate of Completion. The certificates of the students with the three highest averages in each of the programs each year will indicate that the students completed their program "With Merit".



## Letters of Permission

### Domestic Letter of Permission

A limited number of students are permitted to study at another law school in Canada for one term or academic year in their second or third year of law. A Queen's JD student may apply for a letter of permission to study at another Canadian law faculty subject to the condition that the student has or will complete first-year law together with a minimum of 28 upper-year credits in residence at Queen's Faculty of Law. Personal and academic factors provided by the applicant are weighed in determining whether they will be granted a letter of permission. The student granted a letter of permission must ensure that they complete all other Queen's JD degree requirements. A letter of permission from Queen's Faculty of Law serves as official recognition that upon conditions set forth in the letter, courses successfully completed in the specified Canadian law school will be accepted for credit towards the Queen's JD degree. Students are strongly encouraged to complete the Mandatory Course Requirement (LAW-225 Civil Procedure), the Practice Skills Requirement and the Advocacy Requirement at Queen's. Any student wishing to complete a degree requirement while on a letter of permission must seek the approval of the Assistant Dean JD and Graduate Studies.

### International Letter of Permission

Law students may apply to the Academic Standing and Policies Committee for a Letter of Permission for International Study to study for one term at a law school with which Queen's Law does not have an official exchange agreement. A letter of permission from Queen's Faculty of Law serves as official recognition that upon conditions set forth in the letter, courses successfully completed in the specified Canadian law school will be accepted for credit towards the Queen's JD degree. The student must satisfy the Faculty of Law's Residency Requirement: a minimum of 28 upper-year credits must be taken in residence at Queen's Law. The student must complete the Substantial Term Paper and the Practice Skills and Advocacy Requirements and the course in Civil Procedure at Queen's Law.

### Registration in Courses at Queen's Outside the Faculty of Law

In recognition of the nexus between law and other disciplines, especially the social sciences, the Faculty of Law may allow upper-year students to enroll for credit in final-year honours and graduate courses in other non-law Faculties. Students may normally enroll in outside courses for a maximum total of 12 credits in their upper years of law studies as long as such courses are taken as part of a registered JD term. The amount of credit for each course will be determined by the Academic Standing and Policies Committee. In order to enroll in an outside course, interested students should first seek the permission of the instructor concerned, and then apply to the Academic Standing and Policies Committee for permission to take the course. In considering such applications, the Committee may take into account among other things, i) whether the course is likely to improve the student's legal education, and ii)

whether the course overlaps excessively with work which the student has done previously. No credit will be given for courses offered by other non-law Faculties taken in summer and summer terms.

## Faculty of Law Commitment to Equality

The Faculty of Law recognizes the right of all persons to equality and the fact that the fundamental principles of equality are not well enough served by a legal community which remains disproportionately male and white. The Faculty has demonstrated a commitment to ameliorating the historic and current inequalities between women and men. It has also demonstrated a similar commitment to rectifying the inequities faced by various minorities in our society, particularly visible minorities. The members of the Faculty of Law will continue to expand their efforts in this direction, and in particular employ the following measures:

### 1. Materials Used in the Law Faculty

a) Casebooks and Materials Produced by Faculty Members - efforts will be made to ensure that all materials and manuals produced by faculty members are written so that female and male pronouns appear alternatively or conjointly, so that members of minority groups are included and so that the materials reflect a sensitivity to issues affecting women and members of minority groups. In no event is a gender or minority group to be needlessly portrayed in stereotypical, pejorative or derogatory terms.

b) Published Materials - The guidelines set out above should be followed when faculty members select externally published materials. When the materials are perceived by the instructor to omit significant legal issues relevant to the historic or current unequal treatment accorded to women and members of minority groups, or to inadequately represent them or their interests, the instructor should endeavour to compensate for such omissions or inadequacies in his or her discussion and presentation of the published materials or through the use of supplementary materials. Efforts to this end might include:

- i. classroom discussion of any perceived omissions in or inadequacies of the materials;
- ii. circulation and discussion of supplementary materials that, for example, describe the legal history underlying any discriminatory aspects of the law, analyze any discriminatory aspects of the law, and/or include proposals for reform of discriminatory aspects of the law;
- iii. assignment of topics for independent or group research that encourage students to supplement perceived gaps in the materials through undertaking original research on issues such as those described above;

iv. use of guest speakers from within the student body, the Faculty, the University, the local community and elsewhere to facilitate and promote discussion of topics related to equality that are not addressed in the materials; and

v. encouragement of students to point out any further perceived omissions in or inadequacies of the materials.

2. Language in the Classroom, in Assignments and in Examinations - Where possible and appropriate, language in the classroom, in assignments, in moot problems and in examinations should be such that women and men appear in roles alternatively or conjointly and members of minority groups are included. In no event is a gender or minority group to be needlessly portrayed in stereotypical, pejorative or derogatory terms.

3. General Awareness Faculty members should be conscious of and encourage any student effort to develop thoughts and theories concerning the relationship between discrimination and the law

Academic Standing & Policies Committee

### *Academic Issues*

The Academic Standing and Policies Committee is responsible for dealing with issues of academic standing and progress, and problems with academic work. Applications from students are presented to the Committee for consideration and decisions of the Committee are issued in writing. Decisions on applications to the Committee are emailed to the appropriate persons.

Typically, the Academic Standing and Policies Committee deals with the following sorts of issues:

- Requests for special examination privileges where performance on an exam was affected adversely by documented medical or compassionate grounds.
- Requests for supplemental examination privileges for a course in which the student has failed the course.
- Requests for language-based examination accommodations.
- Requests for extensions for the late submission of coursework such as papers.
- Requests for late add or late drop of courses after the designated period has expired.
- Requests to change status from part-time to full-time or from full-time to part-time.
- Requests to take a course overload in a term.
- Requests for approval of an international study abroad program on a letter of permission when transfer credits are sought to the Queen's JD degree.

To make a request, please submit the appropriate application form to the Academic Standing and Policies Committee. Applicants can request that the student members of the Committee participate in the hearing of the matter or that the matter be heard without the student members present.

## *Appeals from Decisions of the ASPC*

If a student is not satisfied with a decision of the Academic Standing and Policies Committee, the student may appeal to Faculty Board. The student is advised to initially seek an interview with the Assistant Dean, the Chair of the Academic Standing and Policies Committee or the Associate Dean (Academic Policy) to attempt an informal resolution. If the student does not wish to seek such an interview or is not satisfied with the result of such an interview, the student may appeal to Faculty Board. The appeal should be submitted in writing to the Chair of Faculty Board within three weeks of receiving the decision of the Academic Standing and Policies Committee. The Chair of Faculty Board shall advise the student to consult a Faculty Advisor and of the right to seek other counsel. Prior to the hearing of the appeal, the Chair of the Academic Standing and Policies Committee shall provide to the Chair of Faculty Board a written document that includes information on the nature of the initial request by the student, supporting documentation submitted by the student, any other material used by the Committee in reaching its decision, and the reasons for turning down the request by the student. The Chair of Faculty Board will provide a copy of this document to the student and to the student's Advisor or counsel. The Chair of the Academic Standing and Policies Committee and the student or the student's Advisor or counsel may meet informally to reach a negotiated resolution. At the hearing of the appeal, the Chair of Faculty Board may request that the Chair of the Academic Standing and Policies Committee outline for Faculty Board the nature of the initial request by the student, the supporting documentation submitted by the student, any other material used by the Committee in reaching its decision, and the reasons for turning down the request by the student, and respond to questions. The Chair of Faculty Board may request the student's Advisor or counsel to present the appeal of the student. The Chair of Faculty Board shall grant permission to the student to appear in person before Faculty Board on the appeal where the student requests such permission. After the presentation of the appeal and prior to the deliberations of Faculty Board, all members of the Academic Standing and Policies Committee, the student and the student's Advisor or counsel shall withdraw. No member of the Academic Standing and Policies Committee shall participate in the deliberations of Faculty Board or vote. If the Associate Dean has been involved in informal attempts at negotiation or mediation, he or she should not participate in the deliberations of Faculty Board or vote. Student appeals from decisions of the Academic Standing and Policies Committee are to be de novo hearings, with the Board having the discretion to substitute its judgment for that of the committee. The decision of Faculty Board shall be final, except that any matters not pertaining to the academic substance of the decision of Faculty Board may be appealed to the Grievance Board.

## Faculty Board Constitution

Composition, Functions, and Rules of Procedure of the Faculty Board<sup>24</sup>

### I COMPOSITION

The Faculty Board of the Faculty of Law consists of:

- the Dean,
- faculty members (including those who have Continuing Adjunct status under the Collective Agreement but not including retired faculty members, professors emeriti, or those holding Term Adjunct appointments under the Collective Agreement,
- the Assistant Dean JD and Graduate Studies,
- the Executive Director, Administration and Finance,
- the Executive Director of the Queen's Law Clinics,
- the Head of the Law Library,
- the Reference and Technical Services Librarian,
- three elected staff members and,
- ten student members.

The ten student members and three elected staff members are elected by students and staff, respectively, in the law school. They have full membership status and voting rights except on matters concerning individual students wherein the student involved does not give his or her express consent to their participation and on matters concerning the awarding of grades.

The Board has the authority to administer the affairs of the Faculty under such regulations as the Board of Trustees may prescribe. The Principal is an ex officio member of Faculty Board.

The student members of the Faculty Board shall be:

- the President of the Law Students' Society,
- one member of the Executive of the Law Students' Society to be elected by and from the Executive,
- the student senator,
- two members of the third-year class to be elected in the year elections in their second year,
- two members of the second-year class to be elected in the year elections in their first year,

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<sup>24</sup> Amended September 15, 2017.

- two members of the first-year class to be elected by the first-year class in the year elections in the fall of their first year,
- one graduate student to be elected each fall from and by the incoming class of graduate students,
- An indigenous law student representative elected at annual core elections<sup>25</sup>.

The students elected to the Faculty Board shall become members of the Faculty Board from the time of their election. A student member who is unable to attend a meeting of the Faculty Board may appoint as alternate another member of the Law Students' Society executive or a member of the Law Students Society Year Executive, by notifying the Chair in writing at least 24 hours before the meeting.

In the event that the graduate student member is unable to attend a meeting of the Faculty Board, the person elected as the graduate student member of the Graduate Studies Committee will appear as the alternate member. Alternatively, the graduate student may appoint an alternative graduate student by notifying the Chair in writing at least 24 hours before the meeting.

The responsibilities of the student members of the Faculty Board shall be as follows:

Student representatives on the Faculty Board will be responsible to the Law Students' Society Executive or to the student body as a whole, depending on their method of obtaining a seat on the Board. Representatives should be encouraged to keep current with student problems and concerns and be diligent in ensuring that student opinion (not just the student's own opinion) is brought before the Board. To this end, student representatives will be required to report to the Law Students' Society Executive periodically as required by the Law Students' Society Executive. In addition, each representative should be required to submit a written report containing comments, opinions and recommendations before 1 September of the year in which the student relinquishes his/her position (or each year if the position is held for more than one year). There will be no restrictions or directions as to how student representatives should vote on any issue. All representatives will be individually responsible to the student body for their performance on the Faculty Board. A student member of the Faculty Board may be impeached and removed from that position by the same procedure that may be used to remove a member of the Law Students' Society Executive.

## II FUNCTIONS

The functions of the Faculty Board are:

- To recommend to the Senate courses of study leading to a degree and the conditions of admission;
- To decide upon applications for admission or for change of course subject to the regulations of the Senate;

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<sup>25</sup> Approved October 19, 2018.

- To submit to the Senate names for both ordinary and honorary degrees;
- To revise the Faculty Calendar, subject to the approval of the Senate;
- To control registrations subject to the regulations of the Senate;
- To deal with class failures;
- To exercise academic supervision over students;
- To make such recommendations to the Senate as may be deemed expedient for promoting the efficiency of the University;
- To recommend the award of scholarships;
- To pass such regulations and by-laws as may be necessary for the exercise of the functions of the Faculty.

### III RULES OF PROCEDURE

#### *Meetings*

##### Regular Meetings

The regular meetings of the Faculty Board shall be held at 1:00 p.m. on the third Friday of September, October, November, and January, as well as on the first Friday in February and the second and fourth Friday in March, unless otherwise ordered by a special motion or by the Dean of the Faculty.

##### Special Meetings

The Dean of the Faculty (or her or his delegate) may at any time summon a special meeting and shall do so within three days of receiving a request in writing by at least 10 members.

##### Virtual meetings

The Chair of Faculty Board may circulate electronically for approval a motion pertaining to a matter or matters that may appropriately be dealt with by virtual meeting. All such motions must contain the names of the mover and seconder, and indicate clearly a deadline for responses, by which time a majority of the requisite quorum must have responded in the affirmative for the motion to carry. The virtual meeting must be minuted and the virtual meeting minutes must be submitted normally to the next regular meeting for approval. If at any point in the process of a virtual meeting the Chair of Faculty Board determines that the matter should be dealt with at a regular meeting of Faculty Board, the Chair may stop the virtual meeting and put the matter on the agenda for the next meeting of Faculty Board.

##### Chair

The chair shall be elected in March. He or she shall hold office for one year from July 1 in the year in which he or she is elected until the following September. In the absence of the chair, an alternate chair shall be elected.

## Secretary

The Dean shall appoint the Secretary who need not be a member of the Faculty Board. The Secretary shall record the proceedings of the Faculty Board and shall circulate its minutes, reports and resolutions.

## Attendance

- Members of Faculty Board Committees who are not members of the Faculty Board may attend meetings of the Faculty Board at which business of the Committee is on the agenda, and may speak, but they shall not vote.
- The Chair may invite to meetings of the Faculty Board any other person whose presence would be useful to the deliberations. Such invited persons may speak but they shall not vote.

## Quorum

Twenty-three members shall constitute a quorum of the Faculty Board at meetings which student members are entitled to attend except those held out of term time. At all other meetings the quorum of the Faculty Board shall be twelve members.

## Order of Business

At each regular meeting, the business shall be presented in the following order:

- Adoption of Agenda
- Adoption of Minutes
- Business arising from the minutes (questions only)
- Dean's Report
- Question Period (no more than 10 minutes)
- Matters requiring Board action
- Matters for information
- Individual matters where student members normally not required

At each special meeting, the business shall be confined to the agenda.

## Dean's Report

The Dean shall report to the Faculty Board at each regular meeting matters which are of interest to members. This report shall include a report on the meetings of the Committee of Deans of the Law Faculties of Ontario. Matters requiring Faculty Board action shall be identified as separate items on the agenda.



## Question Period

The question period shall not exceed ten minutes. Questions shall be of such a character as to elicit information about the operations of the Faculty of Law on matters of sufficient importance to claim the attention of the Faculty Board.

## Duration of Meetings

No meeting of the Faculty Board shall continue more than one hour and thirty minutes unless two-thirds of the members present agree to continue with the business of the meeting.

## Rules of Order

- The Chair may speak on points of order in preference to other members.
- The Chair shall decide on all questions of order and shall, if requested by any member of the Board, state the rule applicable to the case.
- The Chair's ruling may be appealed by motion regularly seconded.
- No rule governing the procedure of the Faculty Board shall be suspended without the consent of two-thirds of the members present.
- No rule governing the procedure of the Faculty Board shall be repealed or amended except by a motion preceded by a notice of motion and approved by two-thirds of the members present.
- For the purposes of ordinary motions, a motion is decided by a simple majority, which means more votes cast for the motion than against the motion.

Unless otherwise specified in these rules of procedure, Bourinot's Rules of Order, in its most recent edition, shall govern.

## MOTIONS

### Notice of Motions

All motions except those dealing with individual students or their records shall be preceded by a notice of motion which is to be given in writing at a previous meeting of the Faculty Board or appear on the written agenda circulated by the Chair. Only motions which have been preceded by notice and motions concerned with the same subject matter shall be proceeded with unless the requirement of notice is waived by two-thirds of the members present.

Where the question is raised of whether an issue falls within the scope of the topic on the agenda of which notice has been given, the chair shall initially rule on the question. If a vote is called on the chair's ruling, a majority of two-thirds of the members present and voting will be required to sustain the view that discussion of the issue is within the scope of the topic of which notice has been given. If there is not a

two-thirds majority for that view, the Chair shall declare discussion of that issue out of order and that will be final.

## Reconsideration of Motions

Any matter dealt with and disposed of by motion of the Faculty Board shall not be reconsidered within ten months of the date of the decision, unless notice of a proposed new motion is delivered to members one full week before the date of the meeting at which the motion is to be considered.

## Procedure Governing Motions

- All motions of substance shall be in writing.
- No question or motion shall be debated or put unless it has been seconded.
- When the motion is seconded, it shall be stated by the Chair before debate.
- Except when another member is speaking, a member may require the motion under discussion to be read at any time.
- When a motion is under debate, no motion shall be received unless to amend, to refer to committee, to postpone or to adjourn.
- Ordinarily no member shall speak more than once to the same motion until after all the members who choose to speak have spoken.
- A member may at any time, with the permission of the Chair, explain a material part of his or her remarks which may have been misunderstood.
- A member may request that a question be divided for the purpose of debate. The chair in his or her discretion may divide the question for the purpose of debate if he or she thinks it will clarify the issues or expedite the debate.

## Record of Voting

When a vote is taken in the Faculty Board, any member may require that his or her vote or the numbers be recorded in the minutes.

## Voting by Chair

The Chair has a deliberative vote and in the event of an equality of votes he or she has also a casting vote.

## COMMITTEE OF THE WHOLE

### Appointment of the Committee of the Whole

The Faculty Board may at any time form itself into a committee of the whole body to consider a matter which is properly before the Board. A committee of the whole is ordinarily appointed by a motion, "That this Faculty reconstitute itself as a committee of the whole to consider a certain proposed resolution

respecting [a specified subject]". When the matters referred to a committee of the whole have been considered, the Faculty Board is re-established and receives a report from the Chair who shall then accept a motion arising from her or his report.

## Procedure

Motions made in committee of the whole shall not be seconded and are not governed by the procedure governing motions made in the Faculty Board except that no member shall speak more than once to any question until every other member choosing to speak shall have spoken.

## AGENDA, MINUTES, REPORTS

### Agenda

The agenda for each meeting shall be prepared by the Chair in consultation with the Dean and the Secretary.

The Chair shall cause a notice of meeting together with a request for items for the agenda to be given to members of the Faculty Board at least one week before each regular meeting.

The Chair shall cause a copy of the agenda to be circulated to students and to member of the Faculty Board at least twenty-four hours before each meeting.

### Minutes

The Secretary shall keep on file a copy of all minutes of the Faculty Board.

The minutes shall include as appendices all reports considered by the Faculty Board.

The minutes of all Faculty Board meetings not yet approved shall be circulated to all members of the Faculty Board before the next regular Faculty Board meeting.

All non-confidential parts of the minutes shall be circulated to students at the time they are circulated to members.

### Reports

The Secretary shall keep on file copies of all reports, working papers or memoranda prepared for the use of the Faculty Board or one of its committees. Committee chair shall provide the Secretary with copies of such documents prepared for their committees.

All non-confidential reports prepared for the use of the Faculty Board shall be circulated to students at the time they are placed on the agenda of a Faculty Board meeting.

## Methods of Giving Notice

Wherever procedures of the Faculty Board require notice to be given to members of the Faculty Board, it shall be adequate to circulate notice on the Faculty Board listserv not later than 3:00 p.m. the preceding day.

Where notices, reports, minutes or agendas are required to be publicly circulated, it shall be adequate to circulate them on the Faculty Board, faculty, and student listservs.

## IV STANDING COMMITTEES

### Terms of Reference

Faculty Board Standing Committees are bound by their terms of reference. If a Standing Committee finds it desirable to extend or reduce an enquiry beyond its terms of reference, it shall obtain authority from the Faculty Board to do so.

### Membership

- The faculty members of the Faculty Board Standing Committees shall be elected by the faculty members of Faculty Board in March.
- The student members of Faculty Board Standing Committees shall be elected to serve on standing committees in March on a date fixed by the Law Students' Society, except that the student members of the Orientation Review Committee shall be appointed in November in accordance with the procedure developed by the Law Students' Society. As soon as possible after the student members are appointed their names shall be given to the Chair of the Faculty Board who shall communicate them to the appropriate committee and announce them at the next regular Faculty Board meeting.
- Members of Faculty Board Standing Committees other than those committees for which a different term of office is specified, shall hold office for one year from July 1 of the year in which they are elected or appointed.
- The Associate Dean (Faculty) shall solicit the views of each faculty member about which of the Standing Committees he or she wishes to serve on and shall ensure that nominations for all Standing Committees, including nominations for the Chair of each Standing Committee, are on the agenda for a Faculty Board meeting in March of each year. The Chair shall call for further nominations from the floor.
- The Dean shall be an ex officio member of all Faculty Board Standing Committees.

### Standing Committees, their Composition and Terms of Reference

The following shall be the Faculty Board Standing Committees, their composition and their terms of reference:

## Academic Standing and Policies Committee

### Membership

Two faculty members (one of whom shall be Chair); the Assistant Dean JD and Graduate Studies; the Equity and Academic Success Coordinator (who acts as a non-voting Administrator to the committee); and two students. Student alternates will be selected by the LSS (for faculty board approval in March), if necessary, for the summer period from the end of the Winter examination period to the start of the fall term.

### Terms of Reference

- to consider and make recommendations upon matters relating to academic standing and policies;
- to deal with student problems and requests as they affect academic work and standing in accordance with the policies of the Faculty;
- to deal with academic standing generally at term and year end;
- to make decisions on supplemental and special privileges in accordance with the policies of the Faculty.

## Admissions Committee

### Membership

- Four faculty members (one of whom shall be Chair); the Assistant Dean JD and Graduate Studies; one staff member; six students

### Terms of Reference

- to consider and make recommendations on matters relating to admissions;
- to make decisions on the files of applicants under the life experience categories, and special admissions to the JD program.

## Curriculum Committee

### Membership

- Three faculty members (one of whom shall be Chair); and two students.

### Terms of Reference

- to consider and make recommendations on matters relating to the JD program;
- to examine and make recommendations on the Faculty's methods of instruction;
- to consider and make recommendations on proposals for new JD courses

- to approve changes to existing courses and to report this action to the Faculty Board for ratification;
- to examine and advise upon the academic implications of programs and regulations initiated outside the University.

## Visitors Committee

### Membership

- Two faculty members and the Manager of Academic Programs.

### Terms of Reference

- To co-ordinate visitors to the Faculty

## Competitive Moot Court Committee

### Membership

- Two faculty members, one of who will serve as Chair and coordinator of the competitive moots; one staff member; and two students.

### Terms of Reference

- to consider and make recommendations on matters relating to the competitive moot court program.

## Orientation Review Committee

### Membership

- The Associate Dean (Academic Policy) (Chair); the Assistant Dean JD and Graduate Studies; four students.

### Terms of Reference

- to ensure that the planning, organization and conduct of the Faculty's Orientation adhere to Senate Orientation policy and objectives;
- the student members shall report to the Chair of the Committee in October;
- the Chair of the Committee shall report to the Senate Orientation Review Board in October on its review of the Orientation just past and on its recommendations for the next year.

## Writing Prizes Committee

### Membership

- Two faculty members (one of whom shall be Chair).

### Terms of Reference

- to invite nominations from instructors annually;
- to assess nominations and make decisions on student writing awards.

## Marks Committee

### Membership

- The Associate Dean (Academic Policy), Assistant Dean JD and Graduate Studies and one faculty member.

### Terms of Reference

- Has the jurisdiction to accept grades.

## Student Participation

- The student members of Faculty Board Standing Committees shall not participate in any discussion concerning individual students or their records without the consent of the individual student.
- Notwithstanding (1), the student members of the Admissions Committee may participate fully in the selection of the first-year class, and may, during Committee meetings, examine the files of applicants for admission to first year, for that purpose.

## Quorum

One half of the members constitutes a quorum of each committee.

## Direct Referral to Committees by Dean

The Dean may refer any matter to a Faculty Board Standing Committee without motion of the Faculty Board where he or she feels such a referral will expedite Faculty Board business by, for example, clarifying issues or producing a suggested course of action.

## Direct Referral to Committees by Law Faculty Members

Any member of the Faculty of Law may bring matters to the attention of any Standing Committee.

## V SPECIALLY ELECTED COMMITTEES

### Faculty Appointments Advisory Committee

#### Membership

- the Dean (Chair); four faculty members (members of the bargaining unit under the Collective Agreement); two students (one JD student and one Law graduate student, either LL.M. or Ph.D., or if no graduate student is able or willing to serve, two J.D. students);
- vacancies on the Committee shall be filled by election of Faculty Board in March;
- faculty members of the Committee shall be elected for a term of three years;
- the three-year terms of faculty members shall be staggered so that normally no more than two are elected each year;
- the Committee shall where practicable be reflective of the Faculty in terms of rank and gender;
- faculty members of the Committee may not serve two consecutive three-year terms;
- student members of the Committee shall be elected by Faculty Board for a term of one year from the student members of Faculty Board and shall exercise their responsibilities in a confidential capacity and arrive at any judgement at their own discretion.

#### Terms of Reference

- to recommend the academic or professional qualification and experience required for filling a position;
- to recommend on the content and placement of advertisements for the position;
- to review and assess all materials submitted by applicants;
- to prepare a short list of candidates;
- to interview candidates;
- to make written recommendations on appointments;
- to perform all functions in accordance with the Collective Agreement.

### Renewals, Tenure/Continuing Appointments and Promotion Committee

#### Membership

- four faculty members and one faculty member from another Queen's Faculty (members of the bargaining unit under the Collective Agreement); two students;
- one of four faculty members from the Faculty of Law shall be elected as Chair by the other members of the Committee and the election of the Chair shall take place by 1 May of each year;
- vacancies on the Committee shall be filled by election of Faculty Board in March;
- faculty members of the Committee shall be elected for a term of two years;



- the two-year terms of faculty members normally shall be staggered;
- the Committee shall where practicable be reflective of the Faculty in terms of rank and gender;
- student members of the Committee shall be elected by Faculty Board for a term of one year.

#### Terms of reference

- to carry out all functions relating to applications for renewal, tenure and promotion in accordance with the Collective Agreement and to make recommendations to the Dean on such applications.

#### Specially Elected Adjunct Appointments Committee

##### Membership

- The Associate Dean (Faculty) (chair); two faculty members; the Executive Director, Administration and Finance; the Manager of Academic Programs; one student

##### Terms of Reference

- to carry out all functions relating to applications for adjunct appointments in accordance with the Collective Agreement and to make recommendations to the Dean on such applications

Appendix 1 to: Academic Calendar 2022-23

Academic Integrity Policy

Approved by Faculty Board, September 15, 2017, Amended November 2018,

Revised March 11, 2022

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Academic Integrity Policy

(Approved by Faculty Board, September 15, 2017; Revised March 11, 2022)

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Academic Integrity Regulations Queen’s University Faculty of Law is dedicated to creating a scholarly community free to explore a range of ideas, to build and advance knowledge, and to share the ideas and knowledge that emerge from a range of intellectual pursuits. Queen’s students, faculty, administrators and staff therefore all have responsibilities for supporting and upholding the fundamental values of academic integrity: honesty, trust, fairness, respect, responsibility and courage. The policy and regulations pertaining to academic integrity are derived from and subject to the Senate Policy on

Academic Integrity and the Senate Policy on Academic Integrity Procedures-Requirements of Faculties and Schools.

## 1. Definition of Academic Integrity

1.1 Queen's University is dedicated to creating a scholarly community free to explore a range of ideas, to build and advance knowledge, and to share the ideas and knowledge that emerge from a range of intellectual pursuits. Queen's students, faculty, administrators and staff therefore all have responsibilities for supporting and upholding the fundamental values of academic integrity: honesty, trust, fairness, respect, responsibility and courage. 1.2 Academic integrity is constituted by the six core fundamental values of honesty, trust, fairness, respect, responsibility and courage. These values and qualities are central to the building, nurturing and sustaining of an academic community in which all members of the community will thrive. Adherence to the values expressed through academic integrity forms a foundation for the "freedom of inquiry and exchange of ideas" essential to the intellectual life of the University.

1.3 The following statements from "The Fundamental Values of Academic Integrity" (2nd edition), developed by the International Center for Academic Integrity (ICAI), contextualize these values and qualities:

1.3.1 Honesty: Academic communities of integrity advance the quest for truth and knowledge by requiring intellectual and personal honesty in learning, teaching, research, and service. 1.3.2 Trust: Academic communities of integrity both foster and rely upon climates of mutual trust. Climates of trust encourage and support the free exchange of ideas, which in turn allows scholarly enquiry to reach its fullest potential. 1.3.3 Fairness: Academic communities of integrity establish clear and transparent expectations, standards, and practices to support fairness in the interactions of students, faculty, and administrators. 1.3.4 Respect: Academic communities of integrity recognizes the interactive, cooperative, and participatory nature of learning. They honour, value, and consider diverse opinions and ideas.

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1.3.5 Responsibility: Academic communities of integrity rest upon foundations of personal accountability coupled with the willingness of individuals and groups to lead by example, uphold mutually agreed-upon standards, and take action when they encounter wrongdoing. 1.3.6 Courage: To develop and sustain communities of integrity, it takes more than simply believing in the fundamental values. Translating these values from talking points into action – standing up for them in the face of pressure and adversity – requires determination, commitment and courage. 1.4 Students are responsible for familiarizing themselves with and adhering to the regulations concerning academic integrity. General information on academic integrity is available at the Academic Integrity @ Queens website.

## 2. Types of Departures from Academic Integrity

2.1 Integrity in Action: The Core Values Queen's University is dedicated to creating a scholarly community free to explore a range of ideas, to build and advance knowledge and to share the ideas and knowledge that emerge from a range of intellectual pursuits. Each core value of academic integrity, as defined in the Senate Academic Integrity Policy, gives rise to and supports the next. Honesty appears in presenting one's own academic work, whether in the context of an examination, written assignment, laboratory or seminar presentation. It is in researching one's own work for course assignments. It is also present in faithfully reporting laboratory results even when they do not conform to an original hypothesis. Further, honesty is present in acknowledging dependence on the ideas or words of another and in distinguishing one's own ideas and thoughts from other sources. Trust exists in an environment in which one's own ideas can be expressed without fear of ridicule or fear that someone else will take credit for them. Fairness appears in the proper and full acknowledgement of the contributions of collaborators in group projects and in the full participation of partners in collaborative projects. Respect, in a general sense, is part of an intellectual community that recognizes the participatory nature of the learning process and honours and respects a wide range of opinions and ideas. However, "respect" appears in a very particular sense when students attend class, pay attention, contribute to discussion and submit papers on time; instructors "show respect by taking students' ideas seriously, by recognizing them as individuals, helping them develop their ideas, providing full and honest feedback on their work, and valuing their perspectives and their goals" ("The Fundamental Values of Academic Integrity", 3rd Edition, p. 8). Ultimately, responsibility is both personal and collective and engages students, administrators, faculty and staff in creating and maintaining a learning environment supported by and supporting academic integrity.

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Courage differs from the preceding values by being more a quality or capacity of character – the capacity to act in accordance with one's values despite fear" ("The Fundamental Values of Academic Integrity", 3rd edition, p. 10). Courage is displayed by students who make choices and integrous decisions that are followed by action, even in the face of peer pressure to cheat, copy another's material, provide their own work to others to facilitate cheating, or otherwise represent themselves dishonestly. Students also display courage by acknowledging prior wrongdoing and taking proactive measures to rectify any associated negative impact. All of these values are not merely abstract but are expressed in and reinforced by the University's policies and practices.

2.2 Departures from Academic Integrity As outlined in "Integrity in Action: The Core Values" (section 2.1), the six fundamental values of honesty, trust, fairness, respect, responsibility, and courage support the entire educational experience of the University. Adhering to these values in all academic work ensures the value of the degree, the integrity of the institution and the integrity of individual achievement. Contravening any of these values compromises the integrity of the student's experience in completing academic work, working with peers, and interacting with instructors. Some examples of specific conduct and actions that may constitute departures from academic integrity are listed below. The list is not exhaustive, as other conduct and actions may also be found to be departures. "Conduct" may include any actions or oral or written statements that may give rise to concerns about a possible

departure from academic integrity or taking steps in furtherance of a plan to engage in a departure from academic integrity. "Work" may include essays, papers, assignments, journal entries, tests, examinations, laboratory reports or results, or any other product of academic work. In addition to the specific types of departures from academic integrity listed below, "Departure from the Core Values of Academic Integrity" encompasses a range of conduct and infractions. Any acts that deviate from the core values of academic integrity (section 2.1) that do not fall under the specific categories listed below may be categorized under this broader heading. In the educational context, there is, for instance, trust that students will abide by the core values of academic integrity and not violate these values or attempt to violate this trust. Therefore, attempts at plagiarism, facilitation, and other departures are as much a threat to academic integrity as submitting a plagiarized paper or working with a peer to undermine integrity. Honesty plays a role in exchanges with instructors and peers, especially in a professionalized setting, where authentic self-representation and truthfulness are essential.

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Investigations and findings under this broad category will cite one or more of these six values and indicate how the activity contravenes these values and compromises the integrity of the educational experience. "The Fundamental Values of Academic Integrity" (3rd edition) developed by the International Centre for Academic Integrity provides guidance on the meaning of these six values in relation to the educational experience. Academic Integrity concerns refer to issues that may involve a departure from those fundamental values. These are termed "Departures from Academic Integrity (DFAI)". The following list is not intended to be exhaustive. Departures from Academic Integrity Include, but are not limited to, the following:

2.2.1 Plagiarism Plagiarism involves presenting another's ideas, words, or work as one's own. Examples: copying and pasting from the internet, a printed source, or other resource without proper acknowledgement; copying from another student; using direct quotations or paraphrased material in an assignment without appropriate acknowledgement; submitting the same piece of work in more than one course without the permission of the instructor(s).

2.2.2 Use of unauthorized materials Examples: possessing or using unauthorized study materials, technology or aids during a test; copying from another's test paper; using an unauthorized calculator or other aids during a test; unauthorized removal of materials from the library, or deliberate concealment of library materials.

2.2.3 Unauthorized Use of Intellectual Property Using the intellectual property of another for academic, personal, or professional advantage without the authorization of the owner. Examples: uploading course materials to a note-sharing website without the instructor's permission; providing course materials to a commercial study-prep service not sanctioned by the University; distributing, publicly posting, selling or otherwise disseminating an instructor's course materials or providing an instructor's course materials to anyone else for distribution, posting, sale or other means of dissemination, without the instructor's express consent

2.2.4 Facilitation Facilitation involves enabling another's breach of academic integrity. Examples: allowing academic work to be copied by another student for submission as that student's work; selling academic work; making information available to another student about the exam questions or possible answers during an online or take-home exam window.

2.2.5 Unauthorized collaboration – involves working with others, without the specific permission of the instructor, on assignments that will be submitted for a grade. This

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Applies to in-class or take-home tests, papers, or homework assignments. Examples: working with others on in-class or take-home tests, papers, or homework assignments that are meant to be completed individually; communicating with another person during an exam or about an exam during the exam window 2.2.6 Forgery/Use of Forged Materials Submitting counterfeit documents or statements. Examples: creating a transcript or other official document; creating or submitting a medical note; altering any information on documentation provided by a third party (such as a date). 2.2.7 Falsification Misrepresentation of one's self, one's work or one's relation to the University. Examples: altering transcripts or other official documents relating to student records; making false statements in applications, impersonating someone in an examination or test; submitting a take-home examination written, in whole or in part, by someone else; fabricating or falsifying laboratory or research data. 2.2.8 Failure to Abide by Academic Rules Failing to abide by Faculty/School or University academic rules and regulations. Examples: failing to follow rules imposed by course instructors, or others (for example, teaching assistants, guest or substitute instructors), regarding the preparation, writing, and submission of academic work; failing to follow rules set out by instructors or the Exams Office in the writing of tests and examinations; failing to follow regulations governing ethics reviews; failing to comply with assigned remedies and sanctions resulting from a departure from academic integrity.

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3. Jurisdiction 3.1 This policy applies to academic integrity concerns arising in a Juris Doctor (JD) course, or a course offered in the undergraduate Certificate in Law offered by the Faculty of Law. Visiting students studying on exchange or letter of permission registered in JD courses or Certificate in Law courses are also subject to this policy. 3.1.1 Graduate students and students registered in the Graduate Diploma in Citizenship and Immigration Law are subject to the Academic Integrity Policy and Procedures of the School of Graduate Studies. 3.2 Departures from academic integrity, other than a course-related issue (e.g. falsifying a transcript), are dealt with by the home Faculty in which the student is registered.

3.3 If academic integrity concerns arise in an undergraduate course in which a JD student is enrolled offered by a Faculty or School outside the Faculty of Law at Queen's, the Faculty of Law will be kept informed of the proceedings and outcome of the case. The procedures pertaining to Cross-Faculty Jurisdiction stated in Appendix B of the Senate Policy on Academic Procedures-Requirements of Faculties & Schools apply to JD students registered in undergraduate courses offered outside the Faculty of Law at Queen's University. The designate for consultation with the Faculty of Law will be the Assistant Dean JD and Graduate Studies for students registered in JD and combined JD programs, and the Certificate in Law Program.

3.4 Academic integrity concerns arising in respect to a JD student registered in a graduate course offered by another Faculty or School at Queen's are subject to the provisions of Part 11 of Appendix B to the Senate Policy on Academic Procedures-Requirements of Faculties & Schools. The designate for consultation with the Faculty of Law will be the Assistant Dean JD and Graduate Studies for students registered in JD or combined JD programs who are registered in a graduate course outside the Faculty of Law at Queen's.

3.5 Academic integrity concerns arising in respect to graduate law students are governed by the academic integrity policy set forth in the academic calendar of the School of Graduate Studies and part 11 of Appendix B to the Senate Policy on Academic Procedures-Requirements of Faculties & Schools. 3.6 If the case pertaining to a graduate law student has been referred to the School of Graduate Studies, then an Associate Dean, School of Graduate Studies (SGS) will take on responsibility for investigating the matter. If a finding is made by an Associate Dean in the School of Graduate Studies, the Associate Dean (SGS) will consult the Associate Dean Graduate Studies & Research in the Faculty of Law before a sanction is imposed and will notify the student, instructor and the Faculty of Law of the finding and the sanction.

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4. Records of Departure from Academic Integrity 4.1 The Faculty of Law's Coordinator for Academic Integrity is the Assistant Dean JD and Graduate Studies. The Coordinator is responsible for the maintenance of records of DAI, and is the person who should be contacted for questions about policies, procedures, forms, general advice and assistance to instructors and students regarding academic integrity concerns. 4.2 The Faculty of Law maintains a record of all cases in which a departure from academic integrity is found involving a student or students registered in the Juris Doctor or a combined Juris Doctor degree program (e.g. JD/MA(Econ), JD/MIR, JD/MPA, JD/MBA, BCom-JD, GDB-JD, Civil Law-Common Law combined programs). These Records will be stored in a secure electronic format. 4.3 Access to the electronic academic integrity records will be allocated on the basis of role-based duties and responsibilities. Those with access include the Dean of Law, the Assistant to the Dean, the Associate Dean (Academic Policy), the Associate Dean (Graduate Studies & Research), the Assistant Dean JD and Graduate Studies, and the Chair of the Academic Standing and Policies Committee in the Faculty of Law.

4.4 Instructors seeking confirmation of whether a law student has a previous finding of departure may be obtained through the Assistant Dean JD and Graduate Studies

4.5 Questions regarding policies, procedures, forms and general advice pertaining to academic integrity issues arising from courses offered in the undergraduate Certificate in Law (CiL), the Graduate Diploma in Immigration and Citizenship Law (GDipICL) and joint programs should be addressed to the Assistant Dean JD and Graduate Studies, who will in turn coordinate with the applicable Academic Integrity Coordinator(s) from involved faculties/schools.

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## 5. Guidelines for investigation, decision making, referral and notification

5.1 Instructor Procedures: The course Instructor has the responsibility to initiate the investigation of a potential departure from academic integrity in a course. For courses in which teaching assistants or academic assistants are used, the instructor carries responsibility for managing all aspects of academic integrity.

5.1.1 In most cases, the course instructor investigates a possible departure from academic integrity and decides the finding. However, when an instructor is unable to investigate and/or decide the finding, the Dean may delegate the responsibility to another individual with appropriate subject matter expertise. In these Procedures, all references to an "instructor" include such a delegate.

5.2 Preliminary Investigation: Collection of Initial Information To begin investigating a possible departure from academic integrity, the instructor should assemble all evidence related to the case. Illustrative examples of relevant evidence include: 5.2.1.1 The work submitted by the student for academic credit which is relevant to the alleged departure; 5.2.1.1.1 The unacknowledged or poorly attributed sources from which the work submitted by the student is apparently derived; 5.2.1.1.2 The instructions describing the nature of the work to be done and any restrictions relevant to the alleged departure; 5.2.1.1.3 Any communications between the instructor and the student relating to the work which are relevant to the alleged departure; 5.2.1.1.4 Any other evidence that is relevant to the alleged departure; 5.2.1.1.5 Any documents or materials used by the instructor or his/her Program or the Faculty of Law communicating policies on departures from academic integrity; 5.2.1.1.6 Written statements from witnesses and any other materials related to the alleged departure. 5.2.1.2 When discussing possible departures from academic integrity, the instructor should ensure that the student's identity remains confidential, pending a finding of a departure from academic integrity. 5.2.1.3 While the case is under investigation, the instructor should address all matters to the student as "possible" or "potential" departures from academic integrity.

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5.2.1.4 Should the instructor decide that the evidence is insufficient to proceed with further investigation, all documents related to the allegation should be destroyed. 5.2.1.5 Should the instructor decide that the evidence merits further investigation, he or she should continue with the processes outlined below. 5.3 Notice of Investigation, Investigation and Meeting 5.3.1 If, after their initial collection of evidence, the instructor determines that there is sufficient evidence to continue with the investigation of a possible departure from academic integrity, the instructor must, the instructor must notify the student of the alleged departure from academic integrity using the "Notice of Investigation of a Possible Departure from Academic Integrity" form ("the NOI") and ensure that the student receives all documents relevant to the investigation (i.e. those gathered in 5.1.1. above). 5.3.2 Instructors must complete the Notice and email it to the student as a password protected attachment or provide a hardcopy to the student. The Notice provides the student with all of the information required by the Senate's Academic Integrity Policy. Timelines indicated below are meant to ensure that the notification is made expeditiously and that there is reasonable time granted to respond. The instructor and student can agree mutually to reasonable

time extensions as circumstances or the timing within the academic year require. The Notice of Investigation must include the following information:

(i) a space where the instructor must insert a summary of the allegations and the instructor's basis for them.

(ii) the evidence upon which the alleged departure is based, including, if relevant, a copy of the student's work in question.

(iii) to ensure that the student receives the Notice and additional relevant materials in a timely manner, the instructor should email the student, using the student's queensu email address with all the materials attached as password protected documents or provide a direction to pick up the materials in person.

(iv) a statement about the student's right to respond to the allegation in writing or in person. The notice will invite the student to attend an investigative meeting with the instructor, which will be scheduled within 10 working days of the date on which the Notice is emailed to the student. If possible, the Notice should state the date and time of the meeting.

(v) a statement that if the student does not wish to respond to the Notice by attending the investigative meeting, he/she may provide a written response to the instructor and that the written response must be received by the instructor within 10 working days of the date on which the Notice was emailed to the student.

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(vi) a statement about the student's right to be accompanied by one person for support and/or advice if he/she chooses to attend the investigative meeting and information about the availability of advice and support from the Office of the University Ombudsman. a note that the student must inform the instructor not less than 2 working days before the meeting if he/she intends to bring an advisor to the meeting, who the advisor will be, and the advisor's relationship to the student (e.g. friend, parent, dispute resolution advisor from the Ombudsman's Office, etc.)

(vii) If the student does not respond to the invitation to a meeting, and does not make a written submission within the time period, the process will continue without the student's input.

(viii) A statement about the fact that the student cannot drop the course nor withdraw from the program once he/she has received a Notice of Investigation.

(ix) A list of possible sanctions if a finding of a departure from academic integrity is made.

5.4 Initial meeting between instructor and student: 5.4.1 The initial meeting, while investigatory, is not intended to be a legal proceeding. The meeting may be convened by telephone, or by tele- or video

conference, if necessary. The instructor should ask a faculty colleague or assistant to attend to take notes of the meeting. 5.4.2 At the meeting, the instructor and student will discuss the allegation(s), the basis for the allegation(s), and the instructor's supporting evidence. This meeting is the student's opportunity to respond and state his/her position with respect to the allegation(s) and the supporting evidence. For students who are not resident locally, the meeting may take the form of a tele-or video conference. 5.4.3 Although a student is permitted to bring one advisor or support person to the meeting, the student is expected to respond directly to the instructor concerning the allegation(s) of a departure from academic integrity. An advisor/support person is not permitted to respond on the student's behalf at the meeting. Legal counsel is not normally permitted to attend the meeting. 5.4.4 The student may provide additional information/documents to the instructor in advance of the meeting or may present such information at the meeting. If the student's response (written or oral) includes new information that could, if validated, clear the student of wrongdoing, the instructor must follow-up on that information before making a decision.

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5.4.5 During the meeting the instructor will review with the student the possible sanctions if a finding of departure from academic integrity is made. 5.5 Implications of an Academic Integrity Investigation for the student 5.5.1 The student may not drop the course nor withdraw from the program once a Notice of Investigation has been delivered, regardless of the drop deadline. If an instructor becomes aware that a student under investigation has dropped the course or withdrawn from the program, the instructor should alert the Assistant Dean of Students who will ensure the registration of the student in the course and program pending the outcome of the case. Otherwise, if a finding is made, then the registration status will be reinstated at that time, as necessary. 5.5.2 If an investigation is initiated near the end of the course or otherwise cannot be resolved prior to the grade submission deadline, the instructor should assign an IN (incomplete) grade notation to hold the final grade in abeyance until the investigative process has been concluded. Once the investigation is concluded, the instructor must submit a change of grade. 5.5.3 While an academic integrity investigation is ongoing, the student involved cannot graduate, even if academic credit for the course(s) under investigation is not required to complete a degree. In cases where an investigation is initiated during the student's final year of study or involves a course required to graduate, the Faculty of Law will make reasonable attempts to expedite the investigation process before the expected convocation date. 5.5.4 No student who has been required to withdraw due to a departure from academic integrity may apply to graduate nor be approved to graduate during the period of the sanction. 5.6 Instructor decision possibilities: 5.6.1 Following the conclusion of the investigation, the instructor can make one of the following decisions:

(i) a decision that there has been no departure from academic integrity. If this is the case, all documents related to the investigation, including the Notice of Investigation and all email correspondence between the student and instructor related to the investigation, will be destroyed. The student will be informed of the decision in writing (See Section 6.9 below). A notice of file closure will be made to the Associate Dean Academic or delegate to facilitate the annual tracking of incidents and investigations.

(ii) a decision that there has been a departure from academic integrity. If after the investigation of the evidence and consideration of the response by the student, the instructor determines that there is sufficient and persuasive evidence on which to make a finding of a departure from academic integrity, the instructor must then

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proceed to establish the appropriate sanction. The student should receive the instructor's written decision on the finding as per section 6.9 below, subject to any referral as to sanction. 5.7 Notification of Faculty of Law's Coordinator for Academic Integrity; Check of Departures Record 5.7.1 If the instructor makes a finding that a departure from academic integrity has occurred, prior to making a decision about the appropriate sanction, the instructor must contact the Faculty of Law's Coordinator for Academic Integrity or delegate to determine if there have been any previous finding (s) of departure from academic integrity in respect to the student. 5.7.2 If no such previous departure finding(s) has been made against the student, the instructor has the authority to determine the sanction. The student and Faculty of Law's Coordinator for Academic Integrity are to be notified of the instructor's decision through the reporting mechanism outlined in Section 6.9 below. 5.7.3 If a previous departure finding has been made against the student, the sanctioning process must be referred by the instructor to the Associate Dean (Academic Policy) in the Faculty of Law. (see Section 7 below). 5.7.4 Similarly, if after the instructor considers all the factors above in assessing the gravity of the departure, they believe that a more serious sanction than those that may be imposed by an instructor (see section 3.4.2) is warranted, the sanctioning process must be referred to the Associate Dean (Academic Policy). 5.8 Sanctions an Instructor may assign: 5.8.1 The instructor should consult Section 5.8 below which outlines the Factors to Consider When Assigning a Sanction before making a decision about the appropriate sanction. 5.8.2 If the case arose in a course, offered by the Faculty of Law, but this is not the student's home Faculty, the instructor must consult with the student's home Faculty Office about the appropriate sanction before deciding on a sanction (See Senate Policy, Appendix B). 5.8.3 The instructor has the authority to impose the following sanctions:

- (i) an oral or written warning; and/or,
- (ii) a requirement that the student attend and complete an educational program/workshop; and/or,
- (iii) a requirement that the student submit a revised or new piece of work; and/or,
- (iv) a partial or total loss of marks for the originally submitted piece of work; and/or,

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(v) a reduction of the final grade in the course, which may include failure of the course. If the penalty amounts to a failure in the course, the student may not drop the course, regardless of the deadlines to drop a course.

## 5.9 Factors to Consider When Assigning a Sanction

5.9.1 Any sanction should reflect the extent and severity of the departure from academic integrity, and precedents for dealing with such issues in the Faculty of Law, taking into account mitigating circumstances (see 6.8.3. below).

5.9.2 Factors that should be considered in assigning a remedy or sanction include:

(i) Evidence of a deliberate attempt to gain advantage; (ii) The seriousness of the departure having regard to its actual or potential consequences; (iii) The extent to which the work or conduct in question forms a significant portion of the final grade and whether the extent of the departure is substantial as demonstrated by the work or conduct in question; (iv) Injury to another student or to the institution;

(v) Multiple departures within a single incident or multiple departures discovered at one time, rather than an isolated aberration;

(vi) Whether the departure has been committed by a student who ought to be familiar with the expectations for academic integrity in the study of law or as adopted by the Faculty of Law for application to undergraduate courses in law;

(vii) Conduct that intimidates others or provokes misconduct by others.

5.9.3 Mitigating Circumstances:

Mitigating circumstances do not exonerate or excuse the finding of a departure from academic integrity, but these factors may be taken into account to ensure that the imposed sanction is fair, reasonable and proportionate to the gravity of the departure found. The decision must outline the evidence supporting reliance on the mitigating circumstances. The onus is on the student to adduce evidence of mitigating circumstances, which may include the following:

(i) Documented evidence from an appropriate health professional of factors directly compromising the student's capacity to adhere to the standards of academic integrity at the relevant time;

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(ii) Prompt admission by the student to the departure from academic integrity, and the expression of contrition and willingness to undertake educative programs and/or complete remedial work;

(iii) Evidence that reasonable steps were not taken in the circumstances to bring the standards and expectations regarding academic integrity to the attention of the student at the relevant time.

5.10 Completing the Decision and Reporting Form which notifies the student of the decision: The instructor must report the result of the investigation, and the sanction(s) (if any) on the Finding of a

Departure from Academic Integrity (“Reporting Form”). The completed form supplies the student with the following information: • the details of the finding of a departure from academic integrity; • the reasons for the finding and the evidence upon which the finding is based; • whether the departure is categorized as Level I or Level II and the applicable provisions in with respect to the retention and release of records; • the remedy(ies) or sanction(s); • the reasons for the remedy(ies) or sanction(s), including any mitigating or aggravating circumstances; • the student’s right to appeal the finding and/or the remedy or sanction to the Faculty/School; • the deadline for appealing to the Faculty/School; • the Faculty/School resources available for consultation and the information on the website of the Office of the University Ombudsperson about student rights and responsibilities and University policies and procedures; and • if the student is studying at Queen’s on an exchange program or on a Letter of Permission and the departure is categorized as Level II, or if the student is in a collaborative degree program offered jointly with another post-secondary institution (the “partner institution”), that the student’s home university or the partner institution, as applicable, will be notified of the finding and remedy or sanction if the finding is confirmed after all avenues of appeal have expired or been exhausted.

5.10.1 This form is to be completed within 14 days, or as soon as reasonably possible given the complexity of the case, following the conclusion of the instructor’s investigation and decision on the sanction, if the decision on sanction has not been referred. The Reporting Form must be emailed to the student’s @queensu.ca email address, as a password protected attachment, or must be provided in hardcopy to the student.

5.10.2 The Reporting Form will be placed in the student’s Faculty file.

5.10.3 If the instructor made a finding of a departure from academic integrity then a copy of the Reporting Form, as well as the original Notice, must also be provided to the Coordinator of Academic Integrity.

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## 6 Faculty of Law Guidelines for Cases Referred to the Associate Dean (Academic Policy)

### 6.1 Reasons for referring a case to the Associate Dean (Academic Policy):

6.1.1 Cases of departure are to be referred to the Associate Dean (Academic Policy) as follows:

- (i) A previous finding of departure from academic integrity has been made in respect to the student; or
- (ii) The appropriate sanction would be more severe than the sanctions that can be imposed by the instructor.

6.1.2 If the Associate Dean Academic is the instructor in the course in which the case arose and there is a previous finding of departure from academic integrity in respect to the student, then the Dean may

appoint the Associate Dean (Graduate Studies & Research) or the Associate Dean (Faculty Relations) to complete the process of sanctioning.

## 6.2 Informing the student:

The student must be notified in writing (“Referral Notice”) that the case has been referred to the Associate Dean (Academic Policy). This should normally be done within 10 working days of the date on which the instructor decided to make the referral and must include the reason for making the referral (See Section 7.1 above).

## 6.3 Referral because of previous finding of Departure from Academic Integrity

6.3.1 When a case has been referred to the Associate Dean (Academic Policy)<sup>1</sup> because the instructor made a finding of departure and the student’s record contains a previous finding of departure, the Associate Dean’s role is limited to determining the appropriate sanction in the matter. This will require the Associate Dean (Academic Policy) to familiarize him/herself with the instructor’s findings and reasons, but does not include investigation by the Associate Dean (Academic Policy).

6.3.2 If the case arose in a Faculty of Law course, but this is not the Student’s home Faculty, the Associate Dean must consult with the student’s home Faculty Office about the appropriate sanction before making any decision with respect to sanction (See Senate Policy, Appendix B).

6.3.3 The Associate Dean (Academic Policy) has the authority to issue a decision regarding sanction in accordance with the range of sanctions outlined in Section 6.7 above. The Associate Dean (Academic Policy) will issue a decision regarding sanction in

1 All references to the Associate Dean (Academic) include a reference to the Dean or an alternate Associate Dean as appointed by the Dean, as applicable.

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accordance with Section 6.8 above.

## 6.4 Investigation meeting with the student:

Normally within 10 working days after concluding the meeting(s) with the instructor and any witnesses, the Associate Dean (Academic Policy) will provide the student with written notice of the investigation, which shall contain all information required in Section 6.2 above.

## 6.5 Decision of Associate Dean (Academic Policy):

Following the conclusion of the investigation the Associate Dean (Academic Policy) can make one of the decisions described in Section 6.5 above.

## 6.6 Possible sanctions imposed by Associate Dean (Academic Policy):

6.6.1 The Associate Dean (Academic Policy) should take into account the relevant factors and evidence of mitigating circumstances as per Section 6.8 above before making a decision about the appropriate sanction. If the case arose in a Faculty of Law course, but this is not the student's home Faculty, the Associate Dean must consult with the student's home Faculty Office about the appropriate sanction before making any decision with respect to sanction (See Senate Policy, Appendix B). 6.6.2 The Associate Dean (Academic Policy) has the authority, without consulting SCAP, to impose the sanctions listed in Section 6.7 above. 6.6.3 Finding of Departure from Academic Integrity - Serious penalty warranted: In severe or egregious cases, the Associate Dean (Academic Policy) may make one of the following recommendations to the Senate Committee of Academic Procedures ("SCAP"). 6.6.4 If the Associate Dean (Academic Policy) determines that a requirement to withdraw from the University or the rescinding of a degree is the appropriate sanction, the Associate Dean must consult with the Chair of the Academic Integrity Subcommittee to ensure that such sanctions are imposed consistently across the University.

6.6.5 If the Chair of the Academic Integrity Subcommittee is satisfied that the proposed sanction is in accordance with University standards, the AI Lead shall notify the student in writing of the sanction and include the reasons for the decision (see section 3.5).

6.6.6 If the Chair of the Academic Integrity Subcommittee is not satisfied that the proposed sanction is in accordance with University standards, the AI Lead shall re-consider and adjust the proposed sanction.

6.6.7 Following the deadline to appeal the sanction, or after all avenues of appeal have been exhausted and the requirement to withdraw or rescinding of a degree is confirmed, the

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Faculty/School AI Lead shall forward the requirement to withdraw from the University, or the rescinding of the degree, to: 6.6.7.1 the Office of the University Registrar for the notation to be added to the student's transcript; and 6.6.7.2 the University Secretariat, who will notify the student of the final decision.

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## 7. Appeals:

7.1 The student has the right to appeal a finding that he/she engaged in a departure from academic integrity and the sanction imposed. The appeals process is governed by Section 4.4 of the Senate Policy on Academic Integrity Procedures – Requirements of Faculties & Schools.

For law students registered in the Faculty of Law:



(i) an appeal from an instructor's decision will be heard by an Associate Dean in the Faculty who was not involved with the investigation or the decision; this will normally be the Associate Dean (Academic Policy), except in circumstances described in Section 7 above.

(ii) An appeal from the decision of an Associate Dean (Academic Policy) or other Associate Dean delegated by the Dean to make the decision on departure or sanction will be heard by the non-student members of the Academic Standing and Policies Committee in the Faculty of Law who had no prior involvement with the case.

7.1.1 Any subsequent appeal will be to the University Student Appeal Board and will take the form of a review of the prior decision of the faculty level appeal. (it will not be a hearing de novo).

7.2 Grounds for Appeal The grounds are limited to those listed in Section 4.4 of the Senate Policy on Academic Integrity Procedures – Requirements of Faculties and Schools as follows:

7.2.1 The decision-maker whose decision is being appealed failed to act in accordance with the rules of procedural fairness. A breach of procedural fairness includes failing to:

- permit a student to be heard by an unbiased decision-maker;
- follow applicable rules, regulations, or University policy, in a way that adversely affected a student's right to a fair process;
- make a reasonable decision. A "reasonable" decision is one that is rational in that its findings are based on evidence, thought out and supported by facts and logical inferences from findings of fact. To be reasonable, the decision must contain adequate reasons for the conclusions. A decision should not be overturned if it falls within a range of possible, acceptable outcomes. If the decision is "reasonable", the decision-maker deciding the appeal is not permitted to substitute their opinion for that of the decision-maker whose decision is under appeal.

ii. The decision-maker whose decision is being appealed acted without, or exceeded their, jurisdiction.

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### 7.3 Levels of Appeal

7.3.1 First Level of Appeal: A student may appeal an instructor's finding of a departure from academic integrity, the remedy or sanction, or both, to the Associate Dean (Academic Policy)

7.3.1.1 Appeals must be submitted to the Associate Dean (Academic Policy) within 10 business days of the date that the Finding form was emailed to the student by the instructor.

7.3.1.2 The student's appeal submission must clearly state whether the student is appealing the finding, the remedy or sanction, or both.

7.3.1.3 The student must explain the reason(s) for their appeal, based on one or more of the Grounds for Appeal set out in section 8.3. The submission must include the Finding form, the remedy or sanction decision (if separate from the Finding form) and any other documents necessary to establish the grounds

for the appeal. If the student does not wish to meet with the appeal decision-maker and the instructor, the student must so indicate in their appeal submission, and the appeal shall then proceed based on the written submissions.

7.3.1.4 The Associate Dean shall review the student's appeal submission and determine if it contains new evidence that, through no fault or omission of the student, was not known by or available to the student when the prior decision was made. No other new evidence shall be permitted.

7.3.1.4.1 If a student's appeal contains new evidence that is permitted, the appeal decision-maker shall have no jurisdiction over the appeal and shall send the matter back to the previous decision-maker for reconsideration, unless: • the delay of sending the matter to the prior decision-maker would be unduly prejudicial to the student; or • the student's new evidence clearly demonstrates bias in the prior proceeding that otherwise cannot be remedied.

7.3.1.4.2 If the student's appeal contains no new or permitted evidence, the appeal decision-maker shall provide the instructor with a copy of the student's appeal submission and the instructor shall have an opportunity to provide a written response to the student's appeal within 10 business days. The student must be provided with any response material from the instructor and shall have at least 5 business days to review this material before a meeting is held, or, if the student indicated that they do not want to meet, they shall have 5 business days after receiving the instructor's response material to make additional written submissions to the appeal decision-maker.

7.3.1.5 Meeting with the Student: In most cases the appeal decision-maker will convene a meeting with the student, the instructor, and any witnesses, to conduct a thorough review of the evidence. If a meeting will be held, the AI Administrator shall schedule it as soon as reasonably possible. The student and the instructor may have a support person (see section

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3.2.3) or an advisor present at the meeting. The AI Administrator shall ask who, if anyone, will be present with the student, and advise the student whether anyone will be present with the instructor. The AI Administrator shall also advise the student what material will be considered at the meeting. The student and instructor shall have the opportunity to respond to the evidence orally at the meeting.

7.3.1.6 Deciding the Appeal: After a careful review of the evidence, the appeal decision-maker, can: • maintain or overturn the instructor's finding, if the student appealed the finding; and/or • maintain or modify the remedy or sanction, if the student appealed the remedy or sanction.

7.3.1.7 In making decisions, the appeal decision-maker should recognize that primary responsibility for making decisions about individual students rests with those who are closest to them, who can fairly compare students to other students in similar positions, and who have knowledge of the context in which the decision is made. As such, if a finding of a departure from academic integrity is upheld on appeal, the

judgment of the academic unit regarding the appropriate remedy or sanction should be respected by the appeal decision-maker unless the remedy or sanction is unreasonable in the circumstances.

7.3.1.8 Informing the Student and Instructor: Within 20 business days of the date upon which the appeal is considered complete, the appeal decision-maker must provide the student with a written decision, which shall include: • a statement of the issues under review; • a summary of the arguments and evidence presented; • whether the finding will be maintained or overturned and/or whether the remedy or sanction will be maintained or modified; • the reasons for the decision; • if necessary, a statement of how the decision will be implemented; • the student's right to appeal the decision, with an explanation of the next level of appeal and information or resources to consult about the process for filing an appeal; and • the information on the website of the Office of the University Ombudsperson about student rights and responsibilities and University policies and procedures.

7.3.1.9 When the appeal decision-maker determines that a modification to a requirement to withdraw from the University or the rescinding of a degree is appropriate, the appeal decision-maker shall provide the Chair of the Academic Integrity Subcommittee with a copy of the decision, and inform the instructor of the outcome of the appeal and provide the instructor with a copy of the decision.

7.3.1.10 All relevant documents related to the appeal including the submitted work, correspondence, the Notice of Investigation and Finding forms, and the decision, must be forwarded to the AI Administrator to be placed in the appropriate Faculty/School Office file, and maintained

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and released in accordance with these Procedures and the University's authorized Records Retention Schedules (see section 4.2).

7.3.2 Second Level of Appeal – Academic Standing and Policies Committee: a student may appeal the decision of the first-level appeal decision-maker to the Academic Standing and Policies Committee within 10 business days of the date that the first appeal decision was emailed to the student, using the process set out in section 7.3.1.

7.3.2.1 The Chair of the Academic Standing and Policies Committee will review the written appeal and then convene a meeting with the student (and his or her representative), the Associate Dean (and his or her representative) and other parties as required to consider the merits of the appeal. For students who are not resident locally, the meeting may take the form of a tele- or video-conference. The investigation may involve written submissions and/or oral evidence or presented by witnesses to the alleged departure from academic integrity.

7.3.2.2 The Notice of Appeal will require the student to outline the grounds of the appeal, the evidence relied upon in support of the grounds and the reasons for challenging the Associate Dean's decision.

7.3.2.3 Such an appeal will be heard by the non-student members of the Academic Standing and Policies Committee, with no prior involvement.

7.3.2.4 The student and the instructor must be notified in writing, of any meeting to be convened on the case, invited to appear at the meeting, and be advised of the right to have representation at the meeting.

7.3.2.5 If any new or other material additional to the evidence that was considered by the Associate Dean is to be considered on appeal, then the student and the Associate Dean have the right to see this material at least 10 working days prior to the meeting.

7.3.2.6 After the meeting and deliberation upon the merits of the appeal, the Chair of the Academic Standing and Policies Committee will inform the student and the Associate Dean (Academic Policy) in writing of the decision to uphold or deny the Appeal, including the reasons for this decision. Normally the decision on the appeal should be rendered within 10 working days of the meeting, or within a reasonable period of time, as demanded by the complexity of the case.

7.3.2.6.1 If the decision on appeal is to deny the appeal, the student must be informed of the opportunity to appeal to the University Student Appeals Board (USAB) according to the grounds for appeal set out in the Senate's Policy on Student Appeals, Rights and Discipline. The student must also be informed of the date by which a notice of appeal must be filed and the student's right to utilize the services provided by the University Ombudsman.

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7.3.2.7 The student and the instructor must be notified in writing, of any meeting to be convened on the case, invited to appear at the meeting, and be advised of the right to have representation at the meeting.

7.3.2.8 If any new or other material additional to the evidence that was considered by the Instructor is to be considered on appeal, then the student has the right to see this material at least 10 working days prior to the meeting.

7.3.2.9 After the meeting and review of the evidence, the Associate Dean (Academic Policy) must inform the student and the instructor in writing of the decision to uphold or deny the Appeal, including the reasons for this decision. Normally the decision on the appeal should be rendered within 10 working days of the meeting, or within a reasonable period of time as demanded by the complexity of the case.

7.3.2.10 If the decision on appeal is to deny the appeal, the student must be informed of the opportunity to appeal to the University Student Appeals Board (USAB) according to the grounds for appeal set out in the Senate's Policy on Student Appeals, Rights and Discipline. The student must also be informed of the date by which a notice of appeal must be filed and the student's right to utilize the services provided by the University Ombudsperson.

7.3.3 Third Level of Appeal - Appeal of Faculty Decision to the University Student Appeals Board (USAB): A student may appeal the final appeal decision from the Faculty to the USAB. The student can appeal a finding of a departure from academic integrity, a sanction, or both.

7.3.3.1 Appeals must be submitted to the USAB within two weeks after the date that the last decision of the Faculty/School was emailed to the student. During exam or holiday periods the Chair of the USAB will normally grant an extension of time for filing an appeal but only if the student submitted a written extension request to the Chair of the USAB within the original time limit for filing an appeal.

7.3.3.2 The student may appeal to the USAB based on one or more of the Grounds for Appeal to USAB stipulated in the Senate Student Academic Appeals Policy. The student must follow the Starting an Appeal procedure set out in the Rules of Procedure for the University Student Appeal Board.

7.3.3.3 The Office of the University Ombudsperson can provide guidance to the student with respect to the appeal process for the USAB.

7.3.3.4 The instructor or appeal decision-maker may consult with the University's Legal Counsel about responding to an appeal to the USAB.