SCHOOL REGULATIONS:
Schools of Law
Fremantle and Sydney

Purpose: These School Regulations apply to all students in the programs and courses offered by the Schools of Law at The University of Notre Dame Australia.

Responsible Owner: Dean
Responsible Office: Schools of Law
Contact Officer: Senior Administrative Officer
Effective Date: 1 January 2020
1. INTRODUCTION AND INTERPRETATION

1.1 School Regulations
These Schools of Law Regulations apply to all students enrolled in the programs offered by the Schools of Law in the Fremantle and Sydney Campuses (together the 'School'), and, as far as is appropriate, to all students enrolled in courses which are offered through the School. These Regulations should be read in conjunction with the General Regulations and specific Program Regulations.

1.2 Program Regulations
In addition to these School Regulations, all of the programs in the School have specific regulations which apply to all students enrolled in these programs.

1.3 Interaction of Regulations and Formal Documents
In the event of inconsistencies between different sets of regulations, the order of priority of enforceability is as follows:

1. General Regulations
2. Research Degree Regulations
3. School Regulations
4. Program Regulations
5. Course Outline

1.4 Interpretation
The words and phrases contained in this provision are to be interpreted in the following way throughout the School Regulations, unless otherwise provided:

Academic Staff
The fulltime and fractional academic staff of the relevant School.

Program
A program offered by the School.

Program Coordinator
The Dean of the School or that person designated by the Dean to be the person in charge of a Program and who shall be responsible to the Dean for the overall coordination of the Program.

School Committee
Has the same meaning as that given to it in the University Statutes.

Course Coordinator
The person designated by the Dean to be the lecturer in charge of a course and who shall be responsible to the Dean for the overall coordination of teaching and assessment in the course.

University Statutes
The instruments referred to by that name made from time to time in accordance with the provisions of the University of Notre Dame Australia Act 1989 (WA).

Working Day
A day in which the University is open for business but does not include public holidays or weekends.
1.5 Amendment of Regulations

1.5.1 All proposals for amending these School Regulations must be forwarded by the Dean to the University Program and Course Accreditation Committee for consideration and to the Vice Chancellor for approval.

1.5.2 Unless otherwise specified, amendments to these School Regulations are deemed to be binding on all students enrolled in programs or courses offered by the School as soon as they are approved by the Vice Chancellor.

1.5.3 Where the Dean is satisfied that any amendments to these School Regulations will affect an existing student(s) of the School in an unreasonable, prejudicial or discriminatory manner, the Dean may take such steps as are reasonably necessary to avoid or minimize the impact of the unreasonable, prejudicial or discriminatory consequences on the existing student(s).

2. GOVERNANCE OF THE SCHOOL OF LAW

2.1 Dean of a School

2.1.1 Subject to the University Statutes, the Dean of the School on the Fremantle Campus is the senior executive and academic officer primarily responsible for the welfare of the School on that Campus.

2.1.2 Subject to the University Statutes, the Dean of the School on the Sydney Campus is the senior executive and academic officer primarily responsible for the welfare of the School on that Campus.

2.2 Associate/Assistant Dean of a School

Subject to the University Statutes, the Associate Dean/Assistant Dean of a School assists the Dean with the day-to-day operations of the School with particular responsibility for the oversight of academic programs and student care.

2.3 School Committee

2.3.1 In accordance with the University Statutes, there shall be a School Committee on the Fremantle Campus and a School Committee on the Sydney Campus (the School Committees).

2.3.2 The School Committees shall each hold a minimum of two meetings per year, at which meetings the following rules apply:

(a) The Dean of the School (or nominee) chairs the meeting and has both a deliberative and casting vote on any matter requiring determination by the School Committee.

(b) 50 per cent of Academic Staff of that School must be present for there to be a quorum.

(c) Members of the School Committee must be given notice that a meeting is to be held five working days before it is held.

(d) If a meeting is to be cancelled, a minimum of 24 hours' notice must be given unless it is impracticable to do so.

(e) Members must be notified of meeting details prior to the meeting. Such notice may be given in writing, orally or electronically.

(f) The Dean of the School shall appoint a person to record and retain minutes of each meeting.

2.3.3 The Dean must take into consideration the views and determinations of the School Committee; however, the role of the School Committee is advisory to the Dean only and the Dean may act contrary to the advice of the School Committee if the Dean considers it reasonably necessary or practicable in the circumstances to do so.

2.3.4 Where the Dean of the School chooses not to follow the advice of the School Committee, the Dean
must advise the Head of Campus and/or Pro Vice Chancellor of the issues involved.

3. ADMISSIONS

3.1 Special Requirements for Admission
3.1.1 Special requirements for admission (if any) to a program offered by the School must be detailed in specific Program Regulations and/or in any relevant policy of the University.

3.1.2 All prospective students applying to study a Bachelor of Laws program, either on its own or as part of a Double Degree Award, will be interviewed by the Dean or another Academic Staff member. Where a staff member other than the Dean conducts the interview their recommendation will be documented and forwarded to the Dean of the School (or delegate) for approval and submission to the Admissions Office.

3.2 Programs and Quotas
3.2.1 The programs of the School are set out in the Program Regulations.

3.2.2 Pursuant to the General Regulations, the total intake of first year students admitted to a program on a particular Campus may be limited.

3.3 Specific Conditions of Enrolment in Courses of a Program
3.3.1 Special conditions of enrolment (if any) in courses of a program offered by the School must be detailed in specific Program Regulations and/or in any relevant policy of the University.

3.3.2 The Dean of the School (or delegate) may impose enrolment conditions on a student based on specific program or course requirements.

3.3.3 The conditions that may be imposed on a student include, but are not limited to:

(a) the meeting of special requirements of admission;

(b) achievement of a passing grade in a prerequisite course;

(c) that a student may enrol in a particular course only if:

(i) the student also enrols in a co-requisite course at the same time, should a co-requisite course be specified; or

(ii) the student previously achieved a passing grade in the co-requisite course.

3.3.4 The Dean of the School (or delegate) may give approval for a student to enrol in a course without having satisfied the conditions listed in Regulation 3.3.3 if satisfied that the student has demonstrated sufficient knowledge to undertake the course concerned.

3.4 Enrolment Deadlines
3.4.1 Enrolment deadlines for undergraduate and postgraduate courses are those proclaimed by the Campus Registrar.

3.4.2 Enrolment deadlines for non-standard courses are determined by the Dean and advised to the Campus Registrar for publishing on the University’s website.

4. ACADEMIC PROGRESS

4.1 Student Progress
4.1.1 A student who fails to complete all of a particular year of her or his prescribed program may receive approval, at the discretion of the Dean (or delegate) of the School, to proceed to the next year of the program provided that the appropriate prerequisites are met and agreement is reached on how the missing requirements will be completed.
4.1.2 A Dean may recommend to the Head of Campus for approval any change to a Program Regulation for an individual student.

4.2 Graduation
Eligibility for graduation in the programs offered by the School requires successful completion of all required units of credit and program conditions as detailed in the Program Regulations.

5. ASSESSMENT AND EXAMINATIONS

5.1 Course Outline
A student will be provided with a Course Outline at the commencement of a course in which he/she is enrolled in a particular semester/term. The Course Outline will provide the details of the course including specified learning outcomes, content, assessment schedule, readings and required texts (if any). It is the responsibility of the student to review the Course Outline and be familiar with the content and requirements.

5.2 Assessment
Assessment structure and weighting are contained in the Course Outline for each course. Assessment details and criteria are provided either in the Course Outline or in separate documents on the online Blackboard Management System.

5.3 Conceded Pass
In accordance with General Regulations, the grade of Conceded Pass (CP) may not be awarded to any student enrolled in a course offered by the School or in any award or degree offered by the School.

5.4 Extensions on Continuous Assessment Items (excluding examinations)
5.4.1 A student may apply in writing to the Dean (or delegate) before the due date for an extension of time within which to submit a piece of continuous assessment without penalty, setting out the grounds for the application.

5.4.2 All applications are to be made on the prescribed form with supporting documentation (if appropriate) and submitted to the Law School Administrative Staff at the Law School Reception.

5.4.3 An extension of time will only be granted in exceptional circumstances.

5.4.4 The Dean (or delegate) has absolute discretion to approve or dismiss the application for extension.

5.4.5 If the Dean (or delegate) approves the application for extension, the Dean (or delegate) must set a new due date, “the extended due date”.

5.4.6 If the Dean (or delegate) does not approve the application for extension, the Dean (or delegate) must impose the penalty for late submission or non-submission of continuous assessment.

5.4.7 A Course Coordinator cannot grant an extension and must not grant special consideration amounting to an extension. Students seeking either of these must apply to the Dean (or delegate) in accordance with Regulation 5.4.2.

5.5 Special Consideration
5.5.1 Applications for Special Consideration on Continuous Assessment will be assessed by the Course Coordinator, in accordance with General Regulations. This excludes applications for Special Consideration amounting to an extension in accordance with Regulation 5.4.7.

5.5.2 Applications for Special Consideration on the final Invigilated Exam will be assessed by the Dean of the School, in accordance with General Regulations.

5.6 Penalties for Late Submission or Non-submission of Continuous Assessment Items (excluding examinations)
5.6.1 If a student has not submitted the piece of assessment on or before the due date (or on or before
the extended due date, in accordance with Regulation 5.4), the following rules apply:

(a) The piece of assessment is assessed as if it were submitted on the due date (or extended due date if applicable) but 10% of the total marks available for the piece of assessment will be deducted from the final mark obtained for the assessment for every calendar day that the submission of the assessment exceeds the due date (or the extended due date if applicable). Further details of the penalties are included in the relevant Course Outline.

(b) No piece of assessment will be marked or awarded a grade if the piece of assessment is submitted more than five days after the due date and the student will be awarded a mark of zero (0) and Fail (F) grade for that piece of assessment.

5.6.2 The Dean of the School (or delegate) retains absolute discretion to waive or modify the penalties imposed as listed above if the student can establish to the satisfaction of the Dean (or delegate) that there are compelling and legitimate reasons for the late submission, non-submission of assessment, or the failure to participate in a prescribed activity pertaining to the assessment.

5.6.3 The decision of the Dean (or delegate) with respect to the request for extension or penalty for late submission is final.

5.7 Re-marking Pieces of Continuous Assessment (excluding examinations)
A student seeking to request a piece of assessment to be re-marked must do so in accordance with General Regulations.

5.8 Supplementary Assessment
5.8.1 Supplementary assessment is provided to facilitate program completion.

5.8.2 Supplementary assessment is not a reassessment of the student's overall grade or the mark for an individual assessment item. It is a new item of assessment designed to assist students to complete requirements for their qualification, and is thus available for courses which will not be offered in the following academic year or which are undertaken in the final year of study only.

5.8.3 The Dean (or delegate) is responsible for determining eligibility for supplementary assessment guided by advice from the Course Coordinator (if any) as to whether, given the student's marks for the course and the nature of the course, it is possible for the student to achieve a passing standard through supplementary assessment.

5.8.4 The form and type of supplementary assessment is at the absolute discretion of the Dean (or delegate), who will ensure that academic standards are maintained.

5.9 Referencing
In the absence of any notification to the contrary, a student enrolled in courses offered by the School must use the current edition of the Australian Guide to Legal Citation (University of Melbourne Law Review Association Inc in collaboration with the Melbourne Journal of International Law Inc) for referencing and footnoting continuous assessments.

5.10 Assessment Coversheets
A student is required to attach a School of Law Cover Sheet to every piece of continuous assessment on which they must declare that the work is all their own, that they have retained an electronic copy of the work, that the work has not been previously submitted for any other course or at any other tertiary institution, and the total word count (excluding footnotes and bibliography) of the assessment.

5.11 Examinations
In accordance with General Regulations, all School courses at an undergraduate level must normally include a final invigilated examination of no less than 50% of the final grade of the course.

5.12 CORE1040/LAWS1040 Ethics and the Law – Additional requirement (Fremantle students only)
5.12.1 The CORE1040/LAWS1040 Ethics and the Law course (which is the core curriculum course in ethics completed by students studying in Fremantle) has two modules:
(a) an Ethics module taught and assessed by the School of Philosophy and Theology; and

(b) a Legal Ethics module taught and assessed by the School of Law.

5.12.2 Students are required to achieve a pass mark in each of these modules to attain a pass mark for the course.

5.12.3 Any student who is awarded a mark of less than 50% for either the Ethics or Legal Ethics module will be awarded a Fail grade for the CORE1040/LAWS1040 Ethics and the Law course. In this instance, the maximum numerical mark that the student may be awarded for the course is 49.

5.12.4 For the avoidance of doubt, Regulations 5.12.1 to 5.12.4 do not apply to students completing the CORE1002 Logos II course (which is the core curriculum course in ethics completed by students studying in Sydney).

6. ETHICAL OBLIGATIONS OF STUDENTS

6.1 All students are obligated to act in accordance with their ethical and academic obligations under the University Code of Conduct: Students.

6.2 The University Policy: Student Academic Integrity guides and informs students about the University’s expectations and processes in relation to Student Academic Integrity.

6.3 In accordance with General Regulations, the University may take disciplinary action against a Student who:

(a) engages in misconduct as defined in the General Regulations; or

(b) breaches Academic Integrity as defined in Policy: Student Academic Integrity; and/or

(c) breaches the University Code of Conduct: Students.

6.4 Academic dishonesty or misconduct may have to be reported to the authorities for admission to the legal profession, and may be taken into account in deciding whether a person is suitable for admission as a legal practitioner.

7. COMMUNITY SERVICE REQUIREMENT

7.1 A student enrolled in an undergraduate program offered by the School must undertake any community service work which is required by Regulation 7.2 before the student will be eligible for graduation unless the Dean certifies in writing that special circumstances exist to wholly or partially exempt the student from that work.

7.2 A student completing the CORE1040/LAWS1040 Ethics and the Law course (which is the core curriculum course in ethics completed by students studying in Fremantle) is required to satisfactorily complete the 20 hours “community service” component for Law students which is incorporated within that course. A student cannot:

7.2.1 be granted advanced standing for the CORE1040/LAWS1040 Ethics and the Law course without completing the required 20 hours community service work and reflective journal required by the School; or

7.2.2 graduate from an undergraduate program offered by the School of Law (Fremantle Campus) without having completed the required 20 hours community service work and reflective journal required by the School whether completed as a part of CORE1040/LAWS1040 Ethics and the Law, for advanced standing as referred to in 7.2.1 above or on its own to meet the requirements to graduate as required by this Regulation.
7.3 For the avoidance of doubt, Regulations 7.1 to 7.2 do not apply to students completing the CORE1002 Logos II course (which is the core curriculum course in ethics completed by students studying in Sydney) unless the students apply to graduate from the Fremantle Campus.

8. SCHOOL POLICIES

8.1 School policies are binding on all students enrolled in programs or courses within the School.

8.2 School policies must be approved by a majority of the members of the School Committee and endorsed by the Dean.

8.3 School policies must not conflict with University policies, Regulations or Statutes that deal with such matters.

9. PRIZES AND AWARDS

9.1 A student enrolled in a Program, either on its own or as part of a Double Degree Award, at The University of Notre Dame Australia may be eligible for an award and/or prize as published on the School website.

9.2 Awards and prizes offered within the School may be presented at an annual event organized by or in conjunction with the School of a particular Campus.

10. HONOURS

The Bachelor of Laws (Graduate Entry), Bachelor of Laws (Undergraduate Entry) and the Bachelor of Laws component of the Double Degree are offered with Honours. There are specific admission requirements for the Honours degree (as set out below) and these regulations should be read in conjunction with the Policy: The Award of a Degree with Honours.

10.1 Honours in the Bachelor of Laws Programs and Law Component of the Double Degree Awards

10.1.1 General Definitions

Eligible Student is a student who has satisfied the criteria for being invited into the Honours program set out in Regulation 10.1.4(iv).

Graduating Class means the body of students who, as at 1 November, are enrolled in LAWS3500 Legal Philosophy and/or LAWS4620 Alternative Dispute Resolution for the following academic year who are eligible to graduate at the end of that academic year or at the end of semester one of the following academic year.

Honours Cohort means Eligible Students who are participating in the Honours program.

Honours Committee means the Dean, the Honours Co-ordinator(s) and the Associate/Assistant Dean(s).

Eligible Courses are all Law courses, with the exception of:

(a) CORE1040/LAWS1040 Ethics and the Law;
(b) courses assessed on a Non-Graded Pass (Pass/Fail) basis;
(c) courses that are studied on a cross-institutional basis; and
(d) general credit advanced standing.

Honours Calculation Average means, for a given student, the sum of the Honours Points for each of that student's Eligible Courses divided by the number of Eligible Courses. When calculating the sum of the Honours Points and the number of Eligible Courses, LAWS4410/LAWS4411 Advanced Research Project A/B will be counted as four (4) Eligible Courses.

Honours Points means, for an Eligible Course, the points set out in the following scale:

(a) a grade of HD is worth 6 Honours Points;
(b) a grade of D is worth 4 Honours Points;
(c) a grade of C is worth 2 Honours Points;
(d) a grade of P is worth 0 Honours Points;
(e) a grade of F is worth -2 Honours Points; and
(f) a grade of FN and WF is worth -2 Honours Points.

10.1.2 Honours Calculation Average
The Honours Calculation Average for a given student in the Graduating Class is to be determined as follows:
   Step 1 - Calculate the Honours Points for each of the Eligible Courses for which the student has been awarded a grade.
   Step 2 - Calculate the Honours Calculation Average for the student.

10.1.3 Admission to the Honours Program in Law
(i) Admission to the Law Honours program is by invitation only (in accordance with School procedures) and is subject to approval by the Dean in consultation with the Honours Committee.
(ii) A student who is enrolled in a Program part-time may enrol in the Honours program with the Dean's approval.
(iii) The Law Honours program is to be completed in a student's final full year of academic study.

10.1.4 Selection Criteria
(i) The Honours Coordinator, in consultation with the Dean, will determine at the end of each academic year, the eligibility of the members of the Graduating Class to participate in the Honours program for the following academic year.
(ii) Subject to Regulation 10.1.4(v), the academic performance of a student will be the sole basis for determining whether a student is eligible to participate in the Honours program, and that academic performance will be judged according to the Honours Points principles detailed in this Regulation.
(iii) The eligibility of a student for participation in the Honours program will not be considered unless and until they:
   (a) have completed or are enrolled in LAWS3500 Legal Philosophy and/or LAWS4620 Alternative Dispute Resolution; and
   (b) are in their final full year of academic study.
(iv) To be eligible to participate in the Honours program a student must:
   (a) have obtained a minimum Honours Calculation Average of 3 over the program of their Bachelor of Laws Award; and
   (b) using the Honours Calculation Average, fall within the top 20% of the Graduating Class.
(v) The Dean, in consultation with the Honours Committee, will invite those students who are eligible to participate in the Honours program to apply to enter the program. In deciding whether an eligible student can participate in the Honours program, the Dean may, in consultation with the Honours Committee, take into account matters such as academic performance and School resources. No student will be deemed to be enrolled in the Honours program until the Dean (or delegate) has formally accepted that student's application in writing.
(vi) The Dean's decision on eligibility for entry into the Honours program is final.

10.1.5 Deferral of Participation in the Honours Program
(i) An Eligible Student who has been invited to enter the Honours program may apply to the Dean in writing to defer their participation in the Honours program.
(ii) In considering whether to grant the deferral, the Dean must consult with the Honours Committee and may take into account the academic performance of the student, the grounds for the deferral and any other matters that the Dean considers relevant.
(iii) The Dean will advise the Eligible Student in writing as to whether their application to defer their participation in the Honours program has been successful.
(iv) The Dean's decision as to whether or not to grant the deferral is final.
(v) If the Dean approves the deferral then:
(a) to determine whether the student falls within the top 20% of the graduating class, the student is deemed to be a part of the Graduating Class which they were a part of when they were invited into the Honours program; and

(b) to determine the final grade and mark for their performance in LAWS4410/LAWS4411 Advanced Research Project A/B in accordance with Regulation 10.1.6(v), the student is deemed to be a part of the Honours Cohort for the year in which they complete LAWS4410/LAWS4411 Advanced Research Project A/B.

10.1.6 Eligibility for Award of Honours

(i) If an Eligible Student is accepted into the Honours program, the student must successfully complete the course of LAWS4410/LAWS4411 Advanced Research Project A/B which is a substitute for and the equivalent of two Law electives. In completing this course the student is required to undertake legal research upon a topic approved by the Dean (or delegate) and to present the results of that research in a 12,000-word research paper (the thesis).

(ii) A principal supervisor must be appointed to oversee the research undertaken in fulfilling the requirements of LAWS4410/LAWS4411 Advanced Research Project A/B. A co-supervisor may also be appointed.

(iii) There will be a minimum of two readers of the thesis, one of whom must produce a formal examination report to the Dean (or delegate). The other reader must be the principal supervisor or co-supervisor of the paper or the Honours Coordinator and must confer with the examiner on the production of the final report.

(iv) Neither the principal supervisor nor any co-supervisor may be appointed as the examiner of the thesis.

(v) The student will be awarded a final grade and mark for their performance in LAWS4410/LAWS4411 Advanced Research Project A/B.

(vi) To be eligible for the award of Honours, at the completion of the final year of their Bachelor of Laws Award (either as a single degree or as a component of a Double Degree Award), a student must have maintained an Honours Calculation Average of at least 3 throughout this Award. A student who has not maintained an Honours Calculation Average of 3 may nonetheless graduate with a Bachelor of Laws Award (either as a single degree or as a component of a Double Degree Award) provided they have satisfied the academic requirements of the Award.

(vii) The Class of Honours for each student will be determined by the Board of Examiners upon recommendation by the Honours Coordinator. The Honours Coordinator’s recommendation will be made after consultation with the Dean (and/or his or her delegate) and the Honours Committee, and will be based on a comparative analysis of the Honours Calculation Average and theses of the students participating in the Honours program.

10.1.7 Examination of Honours Research Component


10.1.8 Awarding Honours

Honours within the Bachelor of Laws Programs and the Bachelor of Laws component of the Double Degree Awards is awarded in accordance with General Regulations as graded Honours.