



## LEXpectations - Lawyer Education and Development

### **ENGAGE** *intellectually*

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- Choose personally challenging courses and interact thoughtfully with your professors and classmates, recognizing that the Law School is more than simply a place to earn a professional credential
- Stimulate your mind by participating in a breadth of intellectual activities, such as moot court, reviews and journals, outside speaker presentations, and special programs
- Demonstrate your academic interests within the Law School and across the University community through opportunities like speakers, seminars, symposia, and activities in other faculties and departments

### **EMBODY** *integrity*

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- Be truthful, candid, and fair, even if your actions go unnoticed; know that acting honourably often requires effort
- Articulate your personal code of ethics in the context of the rules governing the Law School and the legal profession
- Use ambiguous situations as an occasion to cultivate sound judgment, and avoid even the appearance of impropriety
- Transform controversy and conflict at the Law School into opportunities to work constructively with others for the benefit of the community

### **LEAD** *effectively*

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- Assess your own leadership style; work to enhance your strengths and address your limitations
- Seek or create outlets for leadership in student government, clubs and organizations, community service, pro bono activities, and the classroom
- Learn from your mistakes and share credit for your successes
- Sustain organizational success by developing future leaders: learn to communicate, delegate, and motivate

### **BUILD** *relationships*

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- Find a mentor; be a mentor
- Get to know students, faculty, and staff with diverse backgrounds, nationalities, and points of view
- Meet and learn from alumni working in the areas of the law and of the world that interest you and then provide similar support for students after you graduate
- Invest in personal relationships, knowing that they will last a lifetime

### **SERVE** *the community*

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- Volunteer for a service activity designed to benefit the community
- Engage in pro bono activities before you graduate
- Identify public issues that are important to you, form connections with others involved with these issues and work to make a difference

### **PRACTICE** *professionalism*

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- Treat everyone with respect, even in the midst of disagreement
- Collaborate with others to achieve common goals; be mindful of the appropriate time and place for competition
- Take pride in your work and responsibility for your actions

### **LIVE** *with purpose*

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- Be more than your grades
- Take steps regularly to preserve your physical and emotional well-being; strive for balance in your personal and professional lives while at the Law School and beyond
- Make deliberate personal and career choices based on your own values, needs, and goals
- Serve as a positive ambassador for the Law School and the legal profession

# SUCCEEDING IN LAW SCHOOL STUDIES

The following is an excerpt from an article written by Kenneth W. Graham, Jr., who is a Professor of Law at University of California, Los Angeles. This article was published by Casenotes Publishing Co. Inc. in 1990.

As you read the opinions in the article, consider which suggestions seem to be the most practical based on the study skills and habits that you have acquired to date. Do you think that you will have to make many adjustments?

## Understanding Law School

By Professor Kenneth W. Graham, Jr.  
Professor of Law at University of California, Los Angeles  
Co-author: Federal Practice and Procedure: Evidence  
Published by Casenotes Publishing Co., Inc.

### INTRODUCTION

There are many good books that tell you exactly how you should brief cases, take notes in class, make an outline of your courses, or write answers on law school examinations.

What they don't tell you is why you should do these things. Programming is fine for computers, but we humans get tired, bored, and suffer pain when we have to perform tasks we do not understand. This essay tries to ease the pain by giving you an understanding of law school and letting you program yourself.

Law students are surprised when they discover, sometimes too late, that the study skills that got them into law school are not enough to keep them there. It should be obvious that law school is different. . . . Why law school is different is frequently explained but seldom understood. The explanation goes like this: law professors are not trying to teach you a bunch of rules you will forget when the exam is over; they are trying to teach you professional skills that will last a lifetime.

The distinction between learning rules and acquiring skills is clearer in this sentence than it will ever be in the classroom. Perhaps this is because one of the skills you have to learn is how to find the rules and another is how to apply the rule after you have found it. Since you have to learn some rules in order to practice these skills, it is easy to think that it is the rules and not the skills that you ought to be studying. . . .

## Thinking Like a Lawyer

During my last year in law school, I once tried to study while I was babysitting our two children. Distracted from my work by the sounds of forbidden activities, I dashed to the bedroom, threw open the door, and bellowed, “How many times have we told you kids not to jump on the bed?” My three-year-old daughter replied (innocently?), “But, Daddy - we weren’t jumping on the bed. We were jumping off the bed!” This was a precocious example of “thinking like a lawyer.”

If we were to analyze this as legal rhetoric, we would say that I made “an argument from authority”; that is, I cited a rule (“no jumping on the bed”) from an authoritative source (me). My daughter, unable to challenge the authority of the rule (for example, by arguing that it was unconstitutional), responded with a “conceptual argument”; that is, she defined a key concept (“jumping on the bed”) in a way that made the rule inapplicable to her conduct (“jumping off the bed”). If you focus on the type of argument made, rather than the specifics of the argument, this interchange between my daughter and me is the same sort of argument that lawyers make every day.

Lawyers make many other kinds of arguments. Historical arguments: “This is a good rule because it has survived for hundreds of years” or “this is a bad rule because society has changed too much since it was first adopted.” Process arguments: “This is a bad rule because it will be hard to enforce” or “this is a good rule because it was drafted by legislative experts who know more about the subject than anyone else.” Instrumental (or “policy”) arguments: “This is a good rule because it will produce some result that is good for society (such as encouraging investment or deterring negligent behavior).” Legal rhetoric – thinking like a lawyer – requires that you understand the various types of legal arguments so that you can tailor them to fit any specific case.

Legal arguments resemble plays in football or openings in chess because if you understand their basic structure, you will be able to see some common ways to defend against them. For example, an instrumental argument involves both a prediction about the effect of a rule and an evaluation of that rule as either good or bad; e.g., “the ‘no-jumping-on-the-bed rule’ is good because it allows Daddy to study.” Therefore, you can respond to an instrumental argument in three ways: by disputing the prediction (“jumping on the bed is not noisy”); by contesting the value placed on the result (“who says studying is good?”); or by pointing to some bad consequence of the rule that outweighs the good effect it is supposed to produce (“if we can’t jump on the bed, we’ll grow up to be juvenile delinquents”).

Understanding the structure of a particular argument does not tell you whether it is good or bad. Learning to make a good legal argument is a skill that takes lots of practice. As I will explain, much of your time in law school will be spent practising this skill – and others as well. Let us see how understanding that legal education is primarily skills training can affect how you study in law school.

## **PREPARING FOR CLASS**

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Studies of successful students show that one trait they all share is the capacity for self-reflection and analysis; that is, they constantly ask not just “what should I do to prepare for class?” but also “why am I doing it this way?” Emphasize the personal pronoun in that last question. The most important person in determining your success or failure in law school is you; you cannot be a successful law student if you do not constantly look at your study habits from that perspective.

In thinking about your success in law school, the first question you must ask is “how should I define, ‘success’?” Some students unthinkingly adopt the popular definition: “success in law school means finishing in the top 10% of the class.” But by that definition, 90% of the class is doomed to fail. At the other extreme, after a few weeks of law school, many students begin defining “success” as “not flunking out”. But defining “success” so that it is easy to achieve is not very rational either.

To get your own definition of “success”, define it in terms of things that you can control rather than those that are in the laps of the gods; for example, define “success” in terms of the effort you put in rather than the effect it has on your professor’s evaluation of your exam. Or try to make success an immediate and concrete possibility rather than a remote and grandiose goal; for example, “success” means “studying 10 hours on Saturday” rather than “being editor-in-chief of the law review in my third year.” Always keep in mind your own strengths and weaknesses. . . .

## **Time and the Law Student**

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The best way to budget your time is the way lawyers do it: by keeping time sheets. Time sheets break down the day into increments of 10 to 15 minutes. Carry them with you and get in the habit of recording exactly how you spend your time as you are doing it; e.g., “10:57 a.m. - 11:50 a.m. – attended contracts class” or briefed pages 30-41 in property” or “stood in line at the registrar’s office and thought of several crimes.” Go through your daily time sheets at the end of each week and “bill” each professor for the time you spent studying for each class and “bill” yourself for the rest.

Keeping time sheets is not only a good way to acquire a professional skill; it will also help you to avoid some common mistakes. One of these is spending more time on classes that you understand and enjoy than you do on those you hate because they are difficult. . . . Time sheets can help you distinguish between “quality hours” and the kind where you spend 60 minutes staring at the page, understanding nothing, and slapping your face to keep awake. . . .

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## **Preparing Class Assignments**

When assignments are posted, your first task in preparing for class is to simply read the assigned cases or statutes. This will be difficult at first because legal writers use unfamiliar words or familiar words in unfamiliar ways. You will have to stop frequently to look up definitions in a legal dictionary. This is not always easy because the definitions themselves may use other words that you will also have to look up or the definitions may simply be unclear. But don't give up. If you stick with it, you will gradually begin to master the language of the law. But if you just plow ahead reading words you don't understand, the pain may persist for the rest of the year.

After you have read the case once, you are ready to analyze it. Lawyers analyze the case in three steps. First they examine the facts of the case to determine what legal issues were presented to the court; this requires separating the facts that are legally relevant from those that are not. Second, lawyers try to reduce what rule (or rules) the court applied in deciding the dispute; this is called "the holding" of the case, and determining it is not as easy as you might suppose. Finally, lawyers will examine the legal arguments the court used to justify applying this rule rather than some other rule; those arguments are called "the reasoning" of the opinion. This part of the opinion provides important clues as to what arguments the court might find persuasive when asked to apply the holding of this case to a case with slightly different facts.

## **Briefing Cases**

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Learning to brief cases takes time, but with a little practice you will be able to read and brief a case in little more time than it takes you to analyze the case without briefing it. Real briefing does take more time than "book briefing" because preparing your own brief requires you to analyze the case, while merely underlining sentences in the opinion does not. If a month into law school, you find that it takes all your class preparation time just to read and brief the cases, you have a problem that will not be solved by abandoning briefing. It may be that your briefs are not "brief" because you have not mastered the abbreviations and other shortcuts that reduce the required verbiage. But you may also have some problems in your analytic technique. Ask for help from your professor or writing instructor.

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## **Class Attendance**

Some people believe they can do well in law school without attending classes; we call such people "ex-students". If you have understood what I have been telling you about legal education, you will see why. The classroom is to the law student what the practice field is to the athlete – a place to practice your skills with and against your peers under the guidance of a coach who can correct bad habits and suggest how to improve your

technique. Moreover, the classroom gives you a chance to see what your professor thinks are “good” and “bad” legal arguments, so you know what kind to use on the final examination.

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### **Notetaking**

Most law students have plenty of notetaking experience so they are not likely to think of taking notes as a professional skill. But if you get to court and watch a real trial, you will see that good lawyers do not spend their time staring at the witness or opposing counsel like lawyers on TV shows do. Instead, they and the judge are busily taking notes of the testimony. This may seem strange when you see the court reporter making a verbatim stenographic record of everything that is said. But if you could see their notes, you would understand the difference. The reporter records everything that is said – the relevant, the irrelevant and the insignificant. The lawyer takes down only what is useful for cross-examination or final argument; the judge notes only what she needs to rule on motions and objections.

Notetaking is a tool for critical listening, not an inefficient substitute for tape-recording. The skill you should master in class is selectivity in notetaking. Make it a habit to think, “why am I taking this down?” . . . .

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### **Demystifying the Socratic Dialogue**

Socratic teachers usually begin the class discussion by asking a student to “state the case”; that is, to describe the salient facts and the court’s decision of the disputed issue(s). . . . The professor may quiz the student to elicit any relevant facts omitted or to question the relevance of some of the facts stated or simply to test whether and when the rule it states will be available in future cases with different facts. The best way to record this part of the dialogue is by additions to, or deletions from, your brief of the case.

The professor will next ask about “the holding” of the case. . . . This can be confusing if you do not realize that there is no single, unequivocal holding for most cases. The case can, and in subsequent litigation frequently will be, cited for any number of possible “holdings.” The purpose of this part of the discussion is to enable you to see how malleable the idea of a “holding” is and to open your eyes to all the possible “holdings”, not to arrive at some determination of what is The One True Holding.

At some point, students will be invited to describe and criticize the court’s “reasonings”. This part of the discussion allows you to practice your skills in making and analyzing arguments. It will become more sophisticated as student understanding of argumentative techniques deepens.

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**UNIVERSITY OF WINDSOR  
WINDSOR, ONTARIO**

**FACULTY OF LAW**

**POLICY STATEMENT ON STUDENT DISCIPLINE**

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The Faculty of Law is bound by and adheres to the University Policy on Student Affairs. It subscribes to the objects and purposes of the University set forth in the University of Windsor Act (1962-63):

- (a) the advancement of learning and the dissemination of knowledge;
- (b) the intellectual, spiritual, moral, social and physical development of its members and students and the betterment of society.

However, with the approval of the Student Affairs Committee, the Faculty of Law hereby establishes a Faculty of Law Policy Statement on Student Discipline which governs the students enrolled in the Faculty of Law, and in the case of conflict between the two policy statements, this policy statement of the Faculty of Law prevails.

In addition to the objects and purposes of the University as a whole, the study and practice of law demand from law students and lawyers those high qualities of character encompassed by the word “integrity”<sup>1</sup>. Law is an honourable discipline, and lawyers are members of an honourable profession. It is fundamental to the legal profession that the members thereof must discharge their duties to their clients, the courts, the public and their fellow members with integrity. In the same way, it is fundamental to the study of law and to the maintenance and betterment of the community of scholarship which is the Law School that the faculty and students adhere to and foster the highest standards of integrity including trustworthiness, truthfulness, fair dealing, uprightness, honesty and sincerity. Any student at the Faculty of Law whose conduct is improper in that it exhibits a lack of integrity touching the educational and professional objectives of the University, the Law School, or the profession must be appropriately disciplined in the interests of safeguarding and upholding these standards.

It is desirable to define further and identify the standards demanded of each law student in

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<sup>1</sup> The term “integrity” and its expression herein is drawn from the Canadian Bar Association Code of Professional Conduct, ch. 1, which has been adopted by the Law Society of Upper Canada. The spirit and intent of the Code which requires civility, candor, honesty and adherence to sound moral principle shall be observed by all law students in their personal and academic behavior to the end that credit shall be reflected upon the Law School and the legal profession.

the interests of educational and professional integrity. Enumerated below are illustrations of, examples of, and comments on improper conduct which would lead to an inference of lack of integrity. These are illustrative only and shall not be taken as in any way limiting the generality of high standards of conduct required by the precept of integrity.

## **PLAGIARISM**

Plagiarism is defined by Black's Law Dictionary (revised 4<sup>th</sup> edition):

The act of appropriating the literary composition of another or parts of passages of his writing, or the ideas or language of the same, and passing them off as the product of one's own mind.

The Oxford English dictionary defines plagiarism:

the wrongful appropriation or purloining, and publication as one's own, of the ideas or the expression of the ideas (literary, artistic, musical, mechanical, etc.) of another.

### **Comment:**

Merely taking the ideas or expression of another is not in itself plagiarism. The substance of plagiarism is that the plagiarist passes off the ideas or expression of another as his or her own. Thus, the application of the precepts and practices learned in legal writing, particularly the full acknowledgement of sources, is the best safeguard against plagiarism. When a student is in doubt as to the proper treatment and acknowledgement of the ideas or expressions of another, the best course of conduct is to consult the professor for whom the work is being prepared. Plagiarism will be presumed in any case of appropriating the expression or ideas of another without full acknowledgement of sources.

### **Examples:**

- (a) submitting as his or her own work an exam or other piece of academic work which has been authored or prepared either wholly or partly by someone else;
- (b) submitting academic work containing passages taken either verbatim or with occasional word changes from the works of others where such passages are not properly acknowledged;
- (c) submitting a paper or other academic work which adopts the ideas of other authors without giving appropriate acknowledgement.

## **IMPROPER CONDUCT RELATING TO EXAMINATIONS**

### **Comment:**

Improper conduct relating to examinations is generally subsumed under the colloquial term of “cheating.” The Oxford English Dictionary defines “to cheat” in this context as:

to defraud, to deprive of by deceit, to deceive, impost upon, trick, to deal fraudulently, practice deceit.

The term “examination” should be read in its widest sense and includes any paper, memorandum, exercise, project, research, or other piece of work written, prepared, or done in the course of a law student’s studies or activities at the Law School.

In any examination a student must rely upon only those resources and materials which the instructor has specifically permitted to be used during the examination. Also, a student must complete the examination in the time authorized. For a student to go beyond the resources, materials, or time authorized without prior approval of the instructor or invigilator indicates fraud, deceit, and trickery, and an intent to deceive will be presumed. Such conduct is improper and offensive to the standard of integrity and fair dealing demanded of law students.

It is also improper for a student to employ any means intended to mislead or deceive anyone concerning the work done during the course of an examination. Employing such means leads to an inference that the student is seeking to deceive the examiner and to gain an unfair and dishonest advantage over fellow students.

It is also improper for a student to employ any other means to gain an unfair advantage in the course of examinations. For example, a student marking his or her examination in such a manner that the identity of the student would be known to the examiner, unless otherwise authorized, would lead to the inference that the student was employing such means to gain an unfair advantage.

For the further guidance of the conduct of students relating to examinations, the Discipline Committee of the Faculty of Law shall from time to time establish and publish a set of rules relating to examinations and examination procedures. Contravention of such rules by a student will lead to an inference of improper conduct.

### **Examples:**

- (a) consulting or copying from the examination of another student during an examination;
- (b) taking unauthorized material, or material in excess of that authorized, into an examination room;

- (c) consulting or copying from unauthorized material during the course of the examination;
- (d) communicating with anyone concerning the subject matter of the examination in an unauthorized manner during the course of an examination;
- (e) in cases where the same examination is being written at different times, communicating with another student concerning the subject matter of the examination where the result of such communication may be to give any student an unfair advantage in the examination;
- (f) falsely representing that all or part of a course requirement or examination has been fulfilled or submitted;
- (g) failing to submit an examination immediately upon the expiration of the time authorized for its completion;
- (h) intentionally providing the means or the opportunity for another student to engage an improper conduct relating to examinations.

#### **IMPROPER CONDUCT CONCERNING THE FULFILLMENT OF COURSE REQUIREMENTS**

##### **Comment:**

Under regulations of the Law Society of Upper Canada, the study of law leading to an LL.B. degree recognized by the Law Society and only be undertaken by a student on a full-time basis. It follows, and it is the policy of the Faculty of Law, that work done by a law student to gain a course credit towards the LL.B. degree must be work done within the term for which the course credit is sought. Therefore, law students who have previously studied in the subject area of Law School courses must not take unfair and dishonest advantage of any previous work or studies in order to satisfy the requirements of a Law School course. It is also improper conduct to take unfair and dishonest advantage of work done for one Law School course in order to gain credit in another Law School course. However, it is acknowledged and recognized as proper that a student will build upon knowledge previously gained and work previously done, both in and out of Law School, in order to meet the requirements of Law School courses. The substance of improper conduct concerning the fulfillment of course requirements is the dishonest, undisclosed, and unfair advantage gained by a student who has previously studied or worked in the subject area. Accordingly, it is the duty of a law student who has previously worked or studied in a subject area to consult with and fully disclose the nature and extent of such previous work and study to the instructor from whom he or she seeks a credit for a Law School course. The student is responsible for making the appropriate disclosures at the beginning of the term in which the course credit is being sought.

**Examples:**

- (a) a student who has a work or study background which includes accounting would be acting improperly in enrolling in a legal accounting course without fully disclosing the accounting background to the instructor at the earliest opportunity;
- (b) a student who has prepared a paper for a taxation course on the tax aspects of international business transactions would be acting improperly in using the paper prepared for the tax course in preparing a paper for International Law without fully disclosing the previous work and study to the international law instructor at the earliest opportunity.

**IMPROPER CONDUCT RELATING TO THE USE OF THE LAW LIBRARY OR THE UNIVERSITY LIBRARY****Comment:**

The study of law requires intensive utilization of Library Resources, and the library is one of the greatest, most precious, and most permanent assets of the University and the Law School. The standard of integrity demanded of each law student dictates fair, honest, careful and cooperative use of the library resources of the University and the Law School.

Information concerning the University Library and the Paul Martin Law Library and the conditions under which materials may be borrowed is communicated to the students by notices on the library bulletin boards. Breach of any rules so communicated is improper conduct and may be the subject of discipline proceedings.

**IMPROPER CONDUCT RELATING TO THE PHYSICAL FACILITIES, ADMINISTRATIVE STAFF, ACADEMIC FACULTY, PROFESSIONAL LIBRARIANS AND ADMINISTRATIVE PROCEDURES OF THE UNIVERSITY AND THE LAW SCHOOL****Comment:**

There is no doubt that damage to, or misuse of, physical facilities may be the subject of criminal proceedings. Such conduct may also be the subject of internal discipline proceedings of the Law School whether the conduct amounts to a criminal offence or not. Similarly, conduct which threatens, endangers, harasses, or abuses the staff, faculty or students of the University or the Law School is improper and may be the subject of internal discipline proceedings. The following are the relevant provisions of the University Policy regarding Student Affairs which illustrate such improper conduct:

- (a) dishonesty such as... knowingly furnishing false information to the University;
- (b) forgery, alteration, or use of University documents, records or instruments of identification with intent to defraud;
- (c) intentional obstruction or destruction of teaching, research administration, disciplinary proceedings or other University activities, including public service functions and other authorized activities on University premises;
- (d) malicious abuse of any person on University premises or at University-sponsored or University-supervised functions or malicious conduct which threatens, endangers or harasses any such person;
- (e) theft from or deliberate damage to University premises or theft from or deliberate damage to property of a member of the University community on University premises;
- (f) failure to comply with directions of members of the University administration or of the teaching staff acting in the proper performance of their particular duties;
- (g) violation of published University regulations, including regulations relating to entry and use of University facilities;
- (h) violation of published rules governing University residence halls.

### **IMPROPER CONDUCT IN THE COURSE OF PROVIDING LEGAL SERVICES OR IN THE COURSE OF ACTIVITIES ANALAGOUS TO THE PRACTICE OF LAW**

The Code of Professional Conduct adopted by the Council of the Canadian Bar Association on August 25, 1974, and subsequently adopted by the Law Society of Upper Canada, sets forth rules of professional conduct and ethical principles for the guidance of lawyers. The rules set out there in shall be observed by law students and others engaged in the provision of legal services in connection with the Clinical Education Program of the Law School (Legal Assistance of Windsor), or the Student Legal Aid Society, or otherwise. In addition, the rules of the Code of Professional Conduct shall be observed by law students engaged in activities analogous to the practice of law such as mock trials and mootings.

### **OTHER ILLUSTRATIONS OF IMPROPER CONDUCT**

It is improper for a student to misrepresent an academic record. (For example, instances have occurred where students have falsely represented the grades attained or courses taken in an attempt to obtain employment.)

It is improper for a student to hold out falsely to have the authority to or in any way represent the University or the Law School. (For example, it would be improper conduct for a student to pretend to represent the Law School in order to obtain secretarial services).

### **THE DISCIPLINE COMMITTEE OF THE FACULTY OF LAW**

In order to uphold and safeguard the objects, purposes, and standards of the University, the Law School, and the Legal Profession a committee shall be established known as the "Discipline Committee of the Faculty of Law" (hereinafter referred to as the Committee). The Committee shall be selected at the commencement of each academic year and shall consist of six voting members. Four of said members shall be students enrolled at the Faculty of Law; one shall be elected by and from the students of Law I, one shall be elected by and from the students of Law II, one shall be elected by and from the students of Law III, and one shall be the President of the Student Law Society. The remaining two members of the Committee shall be elected by and from the full time members of the faculty of the Law School.

The Committee shall choose a Chairperson from among its members. The said Chairperson shall be entitled to participate in all proceedings of the Committee and shall have the same voting rights as each other voting member of the Committee and shall not be entitled to a second or casting vote.

The Committee shall hear and decide each case in which it is alleged that a law student has engaged in improper conduct as defined in this policy statement.

### **PROCEDURES**

The procedures of the Committee shall be governed by the following provisions and by the Statutory Powers Procedure Act, 1971, S.O, Vol. 2, ch. 47, as amended:

1. Any academic or administrative official of the University, any faculty member, any professional librarian, or any student of the University may lodge a written complaint alleging improper conduct against any student enrolled at the Law School. Each such complaint shall be lodged with the Associate Dean of the Faculty of Law.
2. The Associate Dean shall cause an investigation to be made concerning the complaint and shall prepare a report setting out the details of the alleged improper conduct and the results of the investigation. Should the Associate Dean so request, the Executive of the Student Law Society shall appoint a law student to assist the Associate Dean in the investigation of the complaint.
3. Upon completion of the investigation and report, the Associate Dean shall deliver a copy of the said report to the Chairperson of the Committee and to the student

against whom the complaint is made. It shall be good and sufficient delivery of such report to the said student if the Associate Dean personally delivers the report to the said student, or in the alternative, forwards the report by registered mail to the said student's last known address. At the same time, and in the same manner, the Associate Dean shall deliver a copy of the Faculty of Law Policy Statement on Student Discipline to the said student.

4. If the Associate Dean is of the opinion that there is sufficient evidence to merit a hearing of the complaint, this shall be so stated in the said report. If the Associate Dean is of the opinion that there is insufficient evidence to merit a hearing, or that the complaint is frivolous, this shall be so stated in the said report.
5. Upon receipt of the Associate Dean's report and, after permitting the complainant to make representations if he or she wishes, the Committee shall decide whether or not to hold a hearing.
6. The hearing of the complaint by the Committee shall take place at as early a convenient time as may be arranged by the Chairperson of the Committee. The student against whom the complaint is made shall be given at least seven clear days' notice of the time and place of the hearing.
7. In exceptional cases of improper conduct which threatens to continue and to seriously disrupt or obstruct the orderly continuation of the activities of the University or the Law School, the committee shall have the power, without prior notification to the student, to make a suspension order against any law student about whom a report has been received from the Associate Dean in accordance with the foregoing provisions. In such cases the time and place of the hearing shall be set by the Chairperson of the Committee and all due speed in light of the circumstances, but the suspended student shall, nevertheless, be entitled to at least seven clear days' notice of the time and place of the hearing unless he or she waives such right. The Committee shall have the power to reinstate before, during, or after the hearing any student who has been suspended under the provisions of this paragraph.

## **CONDUCT OF HEARINGS**

1. The following persons shall have standing before the Committee:
  - (a) The Associate Dean;
  - (b) The student against whom the complaint is made or his or her counsel or agent; and
  - (c) The complainant or his or her counsel or agent.

2. Upon request of a complainant the Associate Dean shall present the complain and the supporting evidence to the Committee except where:
  - (a) in his or her opinion the interest of the University requires that the hearing proceed on a tripartite basis, or
  - (b) the Committee determines that justice requires that the hearing proceed on a tripartite bases.
3. The hearing shall be held in camera unless otherwise requested by the student against whom the complaint is made, in which case the Committee shall order the hearing to be opened to the public, except where the Committee is of the opinion that intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public, in which case the Committee may hold the hearing concerning any such matters in camera.
4. The Committee shall not be bound by, but shall give due consideration to, its past practice and decisions.

## **SANCTIONS AND DEFINITIONS**

1. After hearing a complaint and the supporting evidence, the Committee shall either dismiss the complaint or impose one or more of the following sanctions upon the student against whom the complaint is made:
  - (a) **caution:** oral notice that the Committee has found the student's conduct to be improper. A caution may be considered appropriate in a case where the student's improper conduct is not considered to offend seriously against the standards set forth in this policy statement.
  - (b) **reprimand:** a written notice that the Committee has found the student's conduct to be improper to the extent of warranting an official rebuke. A reprimand may be considered appropriate in circumstances of a more serious nature than those in which a caution would be appropriate.
  - (c) **censure:** notice in writing to the said student that the conduct which is the subject of the complaint is improper and beneath the standards of integrity demanded of law students and that any repetition or continuance of such conduct may be cause for more serious disciplinary action by the Committee.
  - (d) **disciplinary probation:** exclusion for a specified period of time from participation in extracurricular or social functions of the University and/or the Law School as set forth in the decision of the Committee.

- (e) **restitution order:** an order directing that a sum of money be paid as compensation for damage to or misappropriation of property.
  - (f) **suspension order:** an order excluding the said student from classes and all other privileges and activities of the University and Law School for a specified period of time.
  - (g) **expulsion order:** an order terminating the status of the said student at the Faculty of Law for an indefinite period of time, with or without conditions of readmission.
2. Where a sanction has been imposed by the Committee a note shall be made on the student's file setting out the circumstances of the case and the sanction imposed subject in appropriate cases to such provisions for removal as the Committee may, in its discretion, determine.
  3. In addition to, or in lieu of, the sanctions set out above the Committee may make findings of fact relating to the academic standing of the student against whom the complaint is made and may submit the findings and any recommendations arising therefrom to the Committee of Faculty as a whole, (For example, the Committee might find that a paper was plagiarized and, in addition to, or in lieu of, any disciplinary sanction imposed, recommend to the Committee of the Faculty as a whole that the paper be treated as not fulfilling the requirements of the course for which it was submitted or that a grade of F- be assigned.)
  4. The decision of the majority of the voting members of the Committee shall be the decision of the Committee. Four of the voting members of the Committee shall constitute a quorum, provided that at least one of the four is a member of faculty. Any member of the Committee participating in a decision of the Committee shall have been present throughout the hearing. In the event of a tie vote by members of the Committee entitled to vote upon a motion, the motion shall fail.

## **APPEAL**

Decision of the Discipline Committee of the Faculty of Law may be appealed to the Discipline Appeal Committee in the manner prescribed by the Faculty of Law Policy Statement on Student Discipline and Section C of Bylaw 31 of the Senate.

## **MISCELLANEOUS**

In cases where hearing of the Committee are held in camera, each of the members of the Committee shall be bound by obligations of the strictest confidentiality and secrecy concerning all matters disclosed, discussed, or decided at the hearings except to the extent necessary to make recommendations to the Committee of the Faculty as a whole.