

TABLE OF CONTENTS

PART 1: INTRODUCTION.....	1
1 PURPOSE OF THE MANUAL	1
2 POLICIES AND IMPLEMENTATION.....	1
3 ROLE OF UNDERGRADUATE PROGRAMMES COMMITTEE	1
4 ROLE OF THE DEAN AND ASSOCIATE DEANS	1
5 DEFINITIONS	2
PART 2: TEACHING OBJECTIVES, CONTENT AND TECHNIQUE..	3
6 OBJECTIVES	3
7 CONTENT.....	2
8 TECHNIQUES	3
PART 3: PAPER & PROGRAMME CONVENORS	4
9A ROLE OF PAPER CONVENOR.....	4
9B ROLE OF PROGRAMME CONVENOR.....	5
PART 4: PLANNING AND DELIVERY OF PAPERS.....	6
10 PAPER OUTLINES.....	6
11 PAPER MATERIALS.....	6
12 CORE TEACHING HOURS	7
13 TUTORIALS, SEMINARS OR WORKSHOPS.....	7
14 ATTENDANCE	8
15 STUDENT WORKLOADS	8
16 PAPER APPRAISALS	8
PART 5: ASSESSMENT	10
<i>Subpart 1—General</i>	10
17 FORMS OF ASSESSMENT.....	10
18 POLICY ON THE USE OF MĀORI FOR ASSESSMENT.....	10
19 IMPARTIALITY	11
20 SECURITY	11
<i>Subpart 2—Internal Assessment</i>	11
21 PRESENTATION AND SUBMISSION OF INTERNAL ASSESSMENT	11
22 ASSESSMENT OF INTERNAL ASSESSMENT.....	12
23 CROSS-ASSESSMENT OF INTERNAL ASSESSMENT.....	12
24 EXTENSIONS FOR INTERNAL ASSESSMENT	13
25 SPECIAL CONSIDERATION (AEGROTAT) FOR INTERNAL ASSESSMENT.....	13
26 PLAGIARISM.....	13
27 GROUP PROJECTS	14
28 RESEARCH ETHICS	15
<i>Subpart 3—Examinations</i>	15
29 DUTIES OF STAFF PREPARING EXAMINATIONS	15
30 INTERNAL AND EXTERNAL REVIEW OF DRAFT EXAMINATIONS	15
31 MARKING	15
<i>Subpart 4—Final Grades</i>	16
32 OBJECTIVES AND POLICIES.....	16
33 GRADE STRUCTURE AND NUMERICAL EQUIVALENCE	17
34 NON COMPLETION OF PAPER	17
35 ALTERATION AND SCALING OF GRADES	17
36 SPECIAL ARRANGEMENTS AND SPECIAL CONSIDERATION (AEGROTAT).....	18
Special Consideration-Internal Assessment:	19
Special Consideration-Special Examination:	19
37 RESTRICTED PASS	20

38 CONCEDED CREDITS	21
PART 6: HONOURS PROGRAMME AND SUPERVISED DIRECTED RESEARCH	22
39 HONOURS PROGRAMME	22
40 HONOURS REQUIREMENTS	22
41 HONOURS REGULATIONS 2004	22
42 HONOURS GRADES AND CLASSES OF HONOURS	23
43 DIRECTED STUDY (LAWS489 AND LAWS490)	23
PART 7: GRADUATE DIPLOMA IN DISPUTE RESOLUTION	25
PART 8: DIPLOMA IN LAW	25
PART 9: NEW PAPERS & CHANGES TO EXISTING PAPERS	26
44 FACULTY POLICY AND PROCEDURES	26
PART 10: MISCELLANEOUS	27
45 ADVICE TO STUDENTS	27
46 PROTOCOLS ON THE USE OF ELECTRONIC MATERIAL	27
47 ACCESS TO ELECTRONIC TEACHING MATERIAL	27
48 REVISION OF MANUAL	27
APPENDIX:	28

Appendix A: Criteria For Assessing Undergraduate Research Work....

THE UNIVERSITY OF WAIKATO

TE PIRINGA-FACULTY OF LAW

File Name : LAW2.EP

Title : law2.FH3

Creator : FreeHand

CreationDate : 10/26/1

**Undergraduate Programmes Manual:
Updated 2010**

UNDERGRADUATE PROGRAMMES MANUAL

PART 1: INTRODUCTION

1 Purpose of the Manual

This Manual has been developed as part of Te Piringa-Faculty of Law's commitment to quality assurance in undergraduate programmes.

A separate handbook outlines policy and procedures affecting post graduate programmes. Information about admission of students to the Faculty, changes to programmes of study and withdrawals are outlined in Te Piringa-Faculty of Law Handbook. Regulatory requirements are contained in the University Calendar.

This Manual is designed to provide guidance on significant undergraduate programmes issues, particularly those affecting the preparation, delivery, assessment and research supervision of undergraduate papers. It seeks to promote policies and procedures which are fair, consistent and supportive of high-quality legal education. Such guidance is given within a framework which recognises academic freedom and allows for flexibility to meet the demands of individual realities and particular situations. The Manual also informs others in the university community, and beyond, about the means through which the Faculty ensures that the legal education that it provides is of the highest quality.

The Manual does not of itself guarantee quality in the educational process; the contents of the Manual need to be actively considered by individual staff and integrated into the realities of the educational process. The Dean, the Associate Dean (Undergraduate) and the Undergraduate Programmes Committee have significant roles in the achievement and maintenance of high standards of legal education in Te Piringa-Faculty of Law.

2 Policies and Implementation

In most parts of this Manual, "policies" are distinguished from "implementation" and "procedures". A policy is a general statement of principle about how the work of the Faculty is to be carried out in a particular area. A policy needs to be implemented by all staff. The means of implementation of a policy, and the procedures to be followed, may be varied to suit particular circumstances, after discussion with the Associate Dean (Undergraduate).

In Part 5 Subpart 4 (Final Grades) policies are expressed in more specific terms. The Board of Examiners may depart from them where necessary to achieve proper outcomes.

3 Role of Undergraduate Programmes Committee

The Undergraduate Programmes Committee (UPC), chaired by the Associate Dean (Undergraduate), administers the undergraduate teaching programme of the Faculty. Its functions in relation to undergraduate papers are to:

- (a) set policy on the teaching programme, subject to referral of major matters to the Law Staff Meeting and the Board of Studies;
- (b) plan and co-ordinate the undergraduate paper offerings of the Faculty;
- (c) consider and co-ordinate the development of new papers;
- (d) facilitate and maintain a high standard of teaching;
- (e) carry out quality assurance functions, including keeping this manual under review.

4 Role of the Dean, Chairperson and Associate Deans

The Dean has oversight of teaching, assessment and research associated with the academic activities of the Faculty. Certain of these functions are delegated to the Chairperson and Associate Deans. The Associate Dean (Undergraduate) is Chief Examiner for undergraduate papers taught within the Faculty.

5 Definitions

Listed below are some important terms and phrases:

A *paper* is a segment of work in a particular subject and is identified by means of a unique paper code. Papers are delivered through lectures, tutorials, practicals and such other internal assessment as may be required by the Faculty. Qualifications comprise a defined number of papers.

A *corresponding paper* is one which may not be taken concurrently with or after a pass has been gained in the paper concerned except by special approval.

Prerequisite papers are papers which normally must be passed before the candidate may enrol in the particular paper concerned except by special approval.

Co-requisite papers are pairs of papers which must ordinarily be taken in the same year, unless a pass has been obtained previously in one of the papers, except by special approval.

A *mark* is the result awarded to a student in respect of an individual item of assessment. Marks from individual items of assessment contribute to the grade assigned at the end of the paper. Marks may be released by the Faculty, and may be publicly displayed by identity number.

A *grade* is the total result assigned to a student on completion of a paper as an indication of his or her performance in the paper as a whole. This grade is derived from the marks achieved by the student for individual items of assessment. Grades are provisional until they have been confirmed by the Board of Examiners or the Chief Examiner, at which point they become confirmed grades. The Faculty is not entitled to divulge grades, which must be notified to students only through the University Assessment Office (in Student and Academic Services Division).

A *programme of study* means the selection of papers taken by a student in any one academic year for a particular qualification.

A *full-time programme* is as determined within the Student Loans and Allowances Regulations, namely a minimum of 0.8 EFTS (Equivalent Full Time Students). Students will be advised of the EFTS value of their programmes of study at enrolment.

A *subject* (eg Law) is a grouping of papers with a common academic theme, defined in terms of the listings under individual subject headings in the University Calendar.

A *supporting subject* means an additional subject to the major subject or a defined programme of study as listed in the Calendar, which a candidate has chosen as a supporting area of study for the degree.

A *major subject* means the subject which a candidate has chosen to be the principal area of study for the degree and which is selected from those subjects listed in the relevant degree regulations as the major subjects for that degree. A candidate is required to take a defined and substantial number of papers in the major subject at a range of levels up to and including Part 3 or Part 4 level.

Transfer Credit: A student who has passed papers for a qualification at another tertiary institution, but who has not completed that qualification, may apply to 'credit' those papers towards a University of Waikato qualification. If 'credit' is given, the papers in question are deemed to have become part of the Waikato qualification.

Cross-credit: A student who has completed a qualification at the University of Waikato may apply to 'cross-credit' some of the papers which made up that qualification. If 'cross-credit' is given, the papers in question are deemed to count towards **both** the original qualification and the new University of Waikato qualification.

PART 2: TEACHING OBJECTIVES, CONTENT AND TECHNIQUE

6 Objectives

The overall goal of Te Piringa-Faculty of Law is to contribute to the development of a New Zealand jurisprudence that supports the principles of justice, democracy, equality and a sustainable environment, and respects and reflects the rights and responsibilities of all peoples and cultures. The means by which this objective will be achieved is through the creation of an environment that enables staff and students to think freely and boldly; that pursues excellence in teaching and research; and that gives the students the skills and knowledge to pursue careers that will provide them with self-fulfilment and will enable them to contribute to the well-being of their community.

Among the goals to be pursued in attaining those objectives are the following:

- 1 To provide the students with a legal education that gives them an understanding of the principles of New Zealand law and the skills of legal reasoning and analysis; that gives them the understanding and awareness of the relationship between law and society; and that enables them to contribute to the development of a new bicultural legal philosophy and legal institutions for New Zealand.
- 2 To provide the staff with the opportunity to use and enhance their skills to the benefit of their students, themselves, the University, and the community.
- 3 To create a community within Te Piringa-Faculty of Law that is distinguished by its ability to think freely and boldly, and is free from discriminatory attitudes and practices that deny individuals equality of opportunity and outcomes because of their sex, race, age, disability, sexual orientation, or religious or ethical belief and such other grounds provided for in s 21 of the Human Rights Act 1993.
- 4 To develop an international reputation through excellence in teaching and research.
- 5 To produce graduates equipped to help citizens with specific legal problems.

Teaching within the Faculty seeks to provide a high quality of legal education in pursuance of these objectives and goals. The teaching aims to facilitate the learning of students in the law. It seeks to develop the intellectual independence of students, their capability for critical thinking and self-directed learning. It seeks to provide an education that combines the traditions of liberal education in the intellectual environment of a university with the development of skills and knowledge for the purposes of professional training.

7 Content

The material that is taught in the Faculty should reflect the above goals in the coverage of principles of law and in necessary legal skills. It should be selected so as to advance the study of: the law of New Zealand, the social context of law, and the development of a bicultural legal philosophy and legal institutions for New Zealand.

The content of papers should be up-to-date and relevant to contemporary New Zealand society, legal practice, government and private enterprise. It should expose students to important career paths, including legal practice, policy development and community work. It should focus on insight into conceptual frameworks and general principle in addition to details; it aims to provide students with a foundation in law which encourages them to continue to deepen their understanding of the subject.

8 Techniques

The techniques that the Faculty uses in its teaching are to be as effective as possible in facilitating student learning. They should be characterised by careful choice of learning objectives that are clearly communicated to students. Teaching styles and the use of appropriate resources should be carefully chosen in order to facilitate learning. Instructional methods and

devices should be informed by contemporary understanding of the educational process. The Faculty will provide the resources to facilitate the above objectives. Teaching styles should be appropriate to the learning objectives, and to the conditions of learning in the Faculty and University. What students are to know and to be able to do is to be communicated clearly to them. Assessment is to be carried out so as to provide constructive feedback and to evaluate performance; it is to be carried out fairly, carefully and promptly.

PART 3: PAPER AND PROGRAMME CONVENORS

9a Role of Paper Convenor

Policy: A suitably qualified academic staff member is to act as convenor for each paper. The convenor will have appropriate administrative support.

The Dean will appoint a convenor for each paper.

A convenor assumes administrative and academic responsibility for the paper and reports on these matters to the Associate Dean (Undergraduate). The responsibilities are as follows:

- (a) Monitor and report on the academic quality and academic development of the paper.
- (b) Co-ordinate the preparation of reading materials; select text and other books to be advised to local booksellers in good time; and select library course reserve material (which is to include the prescribed text).
- (c) Co-ordinate the setting of appropriate internal assessment and ensure that this is promptly graded and returned to students; and maintain records of all internal assessment and examination results.
- (d) Lead the teaching of the paper by example and by significant involvement in lectures; and provide teaching and academic guidance to junior members of the team. Convenors should consider attending at least one tutorial for each of the co-teachers during the year, and discuss with the co-teacher any teaching issues that may arise. Convenors need to devise a mechanism to discuss and liaise with co-teachers the material to be discussed in tutorials and/or streams. Co-teachers need to attend any meetings held for this purpose.
- (e) Monitor the availability of the staff teaching on the paper for consultation with students.
- (f) Advise the Dean of staffing needs and room needs.
- (g) Co-ordinate the setting of the final examination papers in accordance with the paper as taught.
- (h) Discuss final examination results and grades, including any specific problem cases, with the Chief Examiner.
- (i) Ensure that a resource file is developed and maintained centrally that incorporates the following items: paper outline, examination papers and other relevant data. The files will be updated each year.
- (j) Annually complete a monitoring review on the paper with reference to the policies and procedures contained in this Manual. This review is to be discussed with co-teachers and programme convenors by the end of each year (December), and a report made to the Director of Teaching /Learning Quality.
- (k) Ensure that any changes to paper prescriptions (eg content and internal assessment/examination ratios) are proposed to the UPC by April of the year before the changes are to come into effect.

9b Role of Programme Convenor

Policy: A member of the Undergraduate Programmes Committee is to act as programme convenor for all papers at the same level. The programme convenor will have appropriate administrative support.

The Associate Dean (Undergraduate) will appoint a programme convenor for each aspect of the law programme.

A programme convenor assumes administrative and academic responsibility for the programme and reports on these matters to the Undergraduate Programmes Committee. The responsibilities are as follows:

- (a) Co-ordination and monitoring of the activities of the paper convenors (a) to (k) listed above.
- (b) Co-ordination between papers in the year's programme eg relating to assessment.
- (c) Convene joint meeting at the beginning, middle and end of each year.
- (d) Maintain liaison with paper convenors throughout the year.
- (e) Report outcomes of the end of year review (9a(j) above) to the Associate Dean (Undergraduate) by the end of January the following year.

PART 4: PLANNING AND DELIVERY OF PAPERS

10 Paper Outlines

Policy: A paper outline shall be prepared for students in all papers. The University provides a standardized template for all papers.

A paper outline is an important document. It communicates key information to students about the paper. The outline will state instructional objectives for the paper as a whole and then for separate parts of the paper. Objectives are important for the planning of teaching and assessment. Students need to know what these are so that they can match performance to expectations.

A paper outline should describe the structure of the paper, including lectures, tutorials and workshops. It should also clearly state what is required of students, including the elements of assessment that make up the final grade for the paper, assignments, word limits, deadlines, and tests. It should identify any compulsory attendance or participation requirements, and label them as “essential requirements” in terms of the Assessment Regulations 2005. Consequences of non-compliance with internal assessment requirements should be stated. These should include the consequences of plagiarism (Discipline Regulations 2006).

In many papers, it is good practice to provide a detailed lecture outline or reading outline. Such a document can provide students with a “map” of the paper, clear information about the direction of the paper, and clear instructions as to the reading that must be done.

A paper outline is normally available for students on the first day of the semester and must be available within two weeks of the beginning of the paper. Each paper outline is to be approved by the Associate Dean (Undergraduate Programmes) before being printed and distributed. An electronic copy of the paper outline is deposited with the Undergraduate Administrator and the Computer Support consultant for posting on the Faculty’s website. The objectives and assessment of the paper, as specified in the paper outline, should be clearly explained to students at the first lecture.

11 Paper Materials

Policy: Appropriate and adequate study material shall be provided or referred to for each paper.

The overall quantity of materials that students are required to study must be kept closely in check. Reading requirements must be realistic; students tend to disregard excessive requirements. Cases, in particular, should be chosen selectively for their teaching value.

Ordinarily the major part of paper materials will be available in the Resource Room no later than the beginning of the semester in which the relevant part of the paper is taught.

Law Library Desk Reference is another important means of making readings available to students. Books and journals that are made recommended reading should be put on Desk Reference in advance of student demand. It is good practice to foresee student demand for materials and use Desk Reference to ensure that materials are available (eg not out on loan) and to protect the Library collection from misuse and to assist the functioning of the Law Library.

Additional material may be made available to students through the Faculty’s website and Moodle.

The University and the Faculty are committed to the abolition of sexist and discriminatory language. Care should be taken to avoid this within Faculty-authored study material presented to students.

Policy for cancelling classes:

1. The lecturer must contact the Resource Room or the Dean’s PA and advise of circumstances. A message left on an answer phone is not sufficient.

2. Administration staff will place notices on the lecture room door and also on lecturer's office door.
3. An email message will be sent to students enrolled in the class to advise of cancellation.
4. Where possible, an alternative to the lecture eg video be used.

12 Core Teaching Hours

Policy: In all taught papers, appropriate learning opportunities must be provided as the core element of teaching. These opportunities may include lectures, seminars, tutorials, discussions, and workshops.

For full-year papers, there will be two teaching hours per week, for semesterised full papers there will be four teaching hours per week during the semester, and for half papers there will be two lectures per week during the semester, unless a variation is approved by the UPC. Teaching hours should be cancelled only in exceptional circumstances, with notification to the Dean, to ensure that students are not disadvantaged. The rescheduling of teaching hours is to be minimised so as to disrupt student schedules as little as possible.

Every effort must be made to ensure that teaching technique in teaching hours promotes good student learning. High standards of quality in teaching require a full understanding of the material, careful advance planning, application of up-to-date ideas about teaching, and imaginative handling of material. Presentations may be given by people outside the Faculty.

Students are expected to take responsibility for their learning and participation in the programme of study in an appropriate manner.

Teaching styles are extremely diverse, but are often marked by: providing a framework for the material under discussion; leading students into a deeper understanding of readings; challenging student assumptions about the content; provoking student engagement with the material; supporting independent thinking about the material; illustrating general concepts by concrete examples; ensuring that students know the objectives of the lecture; ensuring that students know "where they are" in relation to the paper outline; and giving clear messages to students as to the reading expected of them before or after the lecture.

Classroom atmosphere must be supportive, inclusive and secure. Students must feel free from ridicule, discrimination and personal attack. (This does not prevent lecturers from pointing out to relevant students that they have not carried out their responsibilities eg in preparation for class.) Students must feel free to venture their own ideas even in the face of the lecturer's greater knowledge of the subject. A variety of materials and issues are capable of causing distress to students and must be handled with judgment and sensitivity.

A range of teaching techniques should be considered, e.g. case analysis, role plays, videos, e-learning, debates, slides, films, power point presentations, group work, discussion, and problem solving. Assistance and guidance is available from the Student Learning Support Unit, Pathways College.

13 Tutorials, Seminars or Workshops

Policy: In all papers which rely primarily on the large-group lecturing mode of instruction, teaching should also be provided in smaller groups.

Papers run in the lecture/small group format should normally have a number of tutorials or seminars/workshops.

Tutorials are discussion groups or skilling sessions. Tutorials provide a platform to explore in more detail issues raised in lectures and should provide an interactive forum for students to resolve difficulties that they may have with key concepts or practical application of these concepts.

Seminar groups or workshops may be used to supplement lectures and may take the form of a presentation given by a guest speaker.

Tutorials or seminars/workshops should be cancelled only in exceptional circumstances. The convenor should try to ensure students are not disadvantaged. The rescheduling of tutorials or seminars/workshops is to be minimised so as to disrupt student schedules as little as possible.

14 Attendance

Policy: Any attendance requirements that are imposed on students should be specified in clear terms in the paper outline.

The attendance requirements should be explicitly stated in the paper outline. Care should be taken to avoid terminology such as “sufficient” or “adequate”. Penalties for non-attendance should be identified, although not necessarily in detail. Attendance requirements must be identified in the paper outline as “compulsory assessment item” of the paper: see Assessment Regulations 2001, Definitions.

It will normally be appropriate to require attendance and participation at a minimum of 75% of tutorials during the year.

15 Student Workloads

Policy: The assessment workloads of students in different papers should be broadly comparable bearing in mind the specific goals of each paper.

Full Papers (20 points compulsory or optional): Staff are encouraged to consider the following assessment guidelines:

- (a) 25/75: internal assessment of 1 hour test or assignment/s of up to 2000 words in total, and an examination of 3 hours.
- (b) 33¹/₃ / 66²/₃: internal assessment of 2 hour test/s or assignment/s of 3000 words in total, and an examination of 3 hours.
- (c) 50/50: assignment/s of up to 4000 words in total, and an examination of 2-3 hours.
- (d) 75/25: assignment/s of up to 5000 words in total, and an examination of 2 hours.
- (e) 100/0: assignment/s of up to 8000 words in total or equivalent, taking into account an oral assessment or a written test of 1 hour. Normally there will be at least two pieces of assessment, except possibly at Law 4 level.

Half Papers (10 points): Staff are encouraged to consider the following ratios of internal assessment to final examination:

- (a) 25/75: 1 hour test or 1000 word assignment, and an examination of 2 hours.
- (b) 50/50: 2000 word assignment, and an examination of 2 hours.
- (c) 75/25: 2500 word assignment, and an examination of 1 hour.
- (d) 100/0: 4000 word assignment with an oral assessment.

It is recognised above that, in papers which have a key skilling component (eg Disputes Resolution and Cyber Law), the use of word limits may not be appropriate. It is also recognised that there is a relationship between the scope and complexity of internal assessment set and the required word limit, and therefore that assignments of lower word limits will have a more sharply defined focus and level of research than those with higher limits. The workload required in particular assignments may vary when the assignments are being undertaken on a group basis. The above workloads do not apply to Directed Studies (see paragraphs 39-43 below).

16 Paper Appraisals

By Students

Policy: Paper appraisals by students form one of the most important means available to the Faculty to ascertain the judgment of students as clients or stakeholders on the extent to which their expectations of quality in teaching have been met. A student appraisal of each paper should normally be performed at least every two years. In the case of new papers and new lecturers a student appraisal should be performed in the first year.

A student appraisal can sometimes be conducted so as to provide useful feedback in time for changes to be made in the delivery of the paper.

At an early stage in the paper, student appraisals are planned and conducted with the assistance of the Teaching Development Unit.

The University has procedures in place for student concerns and complaints to be addressed through the Class Representative system. Details are available through the University website and i-Waikato.

By Staff

Each year the paper convenor should carry out a monitoring review of the paper with the programme convenor in the light of the policies and procedures of this Manual. The review should include: coverage of the topics as described in the paper prescription in the University Calendar; and the adequacy of the prescription and of the paper material to ensure that it is up to date with current research and practices and with educational techniques.

PART 5: ASSESSMENT

Subpart 1—General

Policy: All assessment must reflect the learning objectives and actual content of the paper, and the basis of assessment must be communicated to students in the paper outline.

17 Forms of Assessment

There are two forms of assessment:

- (a) internal assessment: includes essays, assignments, reports, practical work, work done in tutorials and/or seminars, and tests. A test is a piece of assessment administered directly by the Faculty, which takes responsibility for the timetabling, invigilation and notification of results. Unless other arrangements are made between staff and students, students' names and ID numbers should appear on all internal assessment. Certain internal assessment components may be designated as an essential requirement, which means that these must be completed in order for the student to be eligible to pass the paper as a whole.
- (b) examination: this is a piece of assessment administered by the Student and Academic Services Division at the end of a paper. Students in Te Piringa-Faculty of Law are entitled to the benefit of anonymous marking and therefore only the student candidate code should appear on examination answers.

Policy: (i) Assessment should not normally be based solely on a single piece of internal assessment. Assessment should not be based on a stand-alone examination.

(ii) A sufficient but not excessive amount of internal assessment should be required and dispersed appropriately throughout the semester or year.

Before the academic year begins, and as it progresses, deadlines for internal assessment are entered into the computer file. A member of general staff is designated to watch the file to prevent clashes and periods of overload. Should dates be altered as a result, adequate notice should be given to students and to the general staff.

Papers which are prescribed by the Council of Legal Education (CLE), namely, Legal Systems and Societies, Constitutional Law, Administrative Law, Contracts, Crimes, Torts, Land Law, Equity and Succession, and Legal Ethics must have a final examination that is worth at least 60% of the overall assessment. Where an examiner wishes to assign more than 33¹/₃% of the assessment in these papers to internal assessment, the approval of the CLE must be obtained. (This is required to be done well in advance.) Non-CLE papers may be examined by way of examination and internal assessment or by way of internal assessment only.

The precise requirements of internal assessment should be explained to students well before the deadline(s) set, and the format of the examination, if any, should be explained to students not less than three weeks before the end of the teaching period.

Staff are expected to change the assessment topics each year so as to prevent students from being able to present work which has been written and marked in a previous year.

It is important that assessment be marked as promptly as possible to ensure meaningful feedback to students before final assessment.

For details on the University's policies on assessment, see the University Calendar.

18 Policy on the Use of Te Reo Māori for Assessment

In recognition of the status of the Māori language as a taonga protected under the Treaty of Waitangi and the Māori Language Act 1987, the University of Waikato and Te Piringa-Faculty of Law endorse the right of students to use the Māori language in written work for assessment within the University. This right is governed by the University policy set out in the Calendar. Any piece of work which must be submitted in a particular language, whether English or te reo

Māori, must be identified as such in the paper outline. Otherwise it is presumed that work can be submitted in either language.

When drawing up the paper outline, each paper convenor is encouraged to discuss with the Chief Examiner the extent to which staff teaching that paper will be able to assess work presented in te reo Māori without translation. In papers where it is anticipated that te reo Māori is likely to be used but the paper teachers are not able to assess it in the original, the Chief Examiner may appoint a co-examiner from within or outside the Faculty who is fluent in te reo Māori and sufficiently competent in the subject to assist the examiner in assessing the paper. Such a person must be also approved by the Chairperson of the Māori Department, Faculty of Māori and Pacific Development.

Where work presented in te reo Māori can be assessed by a teacher of the paper or where a co-examiner has been appointed for this purpose, this should be stated in the paper outline. In papers so identified, students wishing to present work in te reo Māori should notify the paper convenor and should also discuss their intention to use te reo Māori with Te Piringa. The paper convenor and Te Piringa are responsible for making appropriate arrangements and ensuring that the method of assessment is equitable and consistent with the assessment of other students' work.

In all other papers, students who intend to present all or part of an examination or piece of internal assessment in te reo Māori are requested to give notice in writing to the Director of Student and Academic Services Division who will notify the Chief Examiner accordingly. Where practicable, the Chief Examiner will arrange for the work to be assessed in the original, but if this is not possible, the Chief Examiner should request the appointment of a translator. All such requests must be directed to the Director of Student and Academic Services Division.

For details on the University's policy on the use of te reo Māori for assessment, see the University Calendar.

Policy: Where practicable, the Chief Examiner, after consultation with Te Piringa, will arrange for the work to be assessed in the original, but if this is not possible, the Chief Examiner should request the appointment of a translator.

19 Impartiality

Policy: An independent attitude must be maintained and be seen to be maintained by academic staff in their assessment of student performance.

A staff member who has a relative or close personal friend in his or her class is required to report that fact to the Chief Examiner. Examinations and assignments submitted by the relative or friend should be marked in the normal way by the staff member but double-marked in entirety by the Chief Examiner or nominee. The double-marking should take into account the marks being given to other students.

Staff are encouraged to avoid developing close personal relationships with their students to such an extent that it could lead to accusations of a lack of objectivity.

20 Security

Security of test and examination papers is of the utmost importance. During preparation and before the test or examination, question papers should be kept securely. It is good practice to avoid having a copy anywhere in one's office. Delivery of drafts from one person to another should be in person or by sealed envelope and not by electronic mail.

Subpart 2—Internal Assessment

21 Presentation and Submission of Internal Assessment

Unless otherwise directed, work is submitted electronically through Moodle. Instructions for electronic submission are provided in all paper outlines.

- (a) A cover sheet and plagiarism statement will be automatically generated through Moodle.

- (b) The New Zealand Style Guide is used. The Style Guide is available on the Faculty website, and also on desk copy in the Law Library.
- (c) Emailing of assignments directly to lecturers is not permitted.

22 Internal Assessment

To pass a paper a student must submit all compulsory components of internal assessment, and obtain a grade of RP (Restricted Pass) or better overall.

Written internal assessment other than tests must be completed in accordance with New Zealand Style Guide.

Internal assessment is not normally re-marked. If a student wants a re-marking, clear reasons must be stated. A form for this purpose is available from the Resource Room. A student who prefers not to approach the lecturer of the paper about a re-mark should approach the Chief Examiner. The convenor of the paper will record in writing and lodge on the student's file the request and reasons for the re-marking. For University policy and procedure on appeals against grades, see the University Assessment Regulations 2005 in the University Calendar.

23 Cross-Assessment of Internal Assessment

Policy: Where the internal assessment component of a paper amounts to 50% or more of the final mark, there needs to be cross-assessment of a selection of the work by a colleague.

The purposes of cross-assessment are:

- to maintain and improve the quality of the work of staff in assessing student performance,
- to guard against wide disparities between teaching staff, and
- to promote shared understanding within the Faculty of standards in the grading of internally-assessed work.

A cross-assessment is an audit rather than a re-mark, and is intended to support rather than displace the judgment of the individual lecturer. In a sense, the most important part of it is the discussion between colleagues that it entails, in that it promotes and maintains the professional capability of staff in teaching law. It is not to impose a heavy extra burden on busy lecturers.

Cross-assessment is of a representative sample only. The sample should be around 10% of the work. If there have been different assignments that amount to 50% of the paper mark, the selection should include them on a common-sense basis. The selection may include difficult cases, eg marginal cases, top marks, or work indicating unusual features.

The person who is to cross assess the paper must be identified at the start of the paper and receive adequate notice of his or her duties.

Staff make their own choices as to who is to cross-assess a paper. They should take into account the desirability of cross-assessing with a wide range of colleagues rather than a narrow one. It is not essential that the cross-assessor have specialist knowledge of the field, because in most cases the primary issue is the evaluation of the quality of student writing addressed to an audience that includes readers without specialist knowledge. Cross-assessors are to be chosen from among colleagues in the Faculty except in special cases where the Chief Examiner agrees.

The selected assignments are to be delivered to the cross-assessor after marking—this is not necessarily a “blind-marking” process. It is helpful to brief the cross-assessor about particular matters arising out of specialist knowledge of the field (eg the originality of the topic or the adequacy of the research) or arising out of the teaching (eg what issues were covered in detail and what were not). The cross-assessor needs a reasonable time to read the assignments. There should then be a meeting at which the cross-assessor provides his or her own ideas about the assignments and the marks. Any case of serious and unresolved divergence is to be referred to the Chief Examiner; in cases of minor divergence ordinarily the original mark from the instructor should stand.

A student is entitled to know who has cross-assessed a piece of work.

Cross-assessment needs to be implemented in a flexible and common-sense way in order to enhance teaching quality.

24 Extensions for Internal Assessment

Students are required to complete and submit all internal assessment by specified dates. Deadlines for internal assessment will be ordinarily up to ten days and no later than two weeks after the last teaching day of the semester in which the paper is taught. Unless an extension in writing has been granted, a lecturer may refuse to accept a piece of work which is submitted after the specified date, and automatically award it no mark, or may lower the mark as a penalty for lateness. Applications for extension, on the form obtainable from the Resource Room, must be submitted to the lecturer concerned, who may, in cases of difficulty, consult the Chief Examiner. Extensions will be granted only on evidence of illness, accident, bereavement or other similar reasons. Account will also be taken of the time in which the student has had to complete the internal assessment before the supervening event occurred. It will be important to consider if the grant of the extension will give the student in question an unfair advantage over other students. A maximum period of 14 days will be given as an extension unless there are exceptional circumstances.

Where an extension is granted, the lecturer will sign the form and the student will hand this into the Resource Room. The Resource Room Administrative Assistant will attach the form to the assignment after the second printing from Moodle (2 weeks after the due date).

It should be noted that if an extension of longer than 14 days is granted, the assignment will not be automatically printed out and delivered to the lecturer, therefore the lecturer is responsible for ensuring the assignment is printed.

25 Special Consideration (Aegrotat) for Internal Assessment

Students who, by circumstances beyond their control, have been prevented from attending or presenting internal assessment, or who have attended or presented assessment but have impaired preparation or performance, may apply to the Chief Examiner for special consideration (Assessment Reg 16).

Applications, on the form obtainable from the Resource Room, must be submitted to the Resource Room within 72 hours of the date of assessment, although the Chief Examiner may extend this time. Applications for special consideration must be supported by evidence deemed satisfactory by the lecturer. This would usually include (a) a medical certificate for a significant illness or injury affecting the whole of the period relevant to the particular element of assessment, or (b) documentary evidence of any other critical circumstance including evidence of the effect on the student over the whole of the period relevant to the particular element of assessment.

The lecturer will make a decision on the application, that either (a) the student complete the item of assessment, or a comparable item, at another time, which may include provision to complete the work beyond the normal academic year; or (b) be awarded an estimated mark for the missed item of assessment; or (c) in a case of impaired performance, a review of grade on completion of the paper. A student may not be awarded estimated marks for more than 33% of the overall **internal** assessment for the paper. A student may appeal in writing to the Chief Examiner any decision taken by a lecturer. When special consideration is sought for an essential requirement of a paper, alternative arrangements for the completion of the requirement will be made wherever possible. If a satisfactory arrangement cannot be made, the student may apply to the Director of Student and Academic Services Division for permission to withdraw from the paper.

26 Plagiarism

- (a) All written work submitted to the Faculty for the purposes of assessment must be the student's own work. Copying or paraphrasing all or part of another person's work, be it published or unpublished, without clear attribution, is plagiarism, which in this context is a form of cheating. In cases where two identical or closely similar pieces of work are submitted, both students may be penalised, except in the case of an approved group project

(see below). Cases of plagiarism will be dealt with under the disciplinary procedures of the University as outlined in Discipline Regulations 2008.

- (b) All final work is submitted to the plagiarism detection service Turnitin.com. Students are unable to complete submission without consenting to this provision.
- (c) Staff should note SDC policy on not accepting referrals for plagiarism more than six weeks after the due date of the assessment.

Policy:

1. Where there is an apparent incident of plagiarism, the lecturer must have regard to the following:
 - (i) At 100 level, the plagiarism may more readily be treated as incompetence and a deficiency in skills, although Law students with a prior degree would normally be expected to be competent in acknowledging and referencing work.
 - (ii) At any other level, deficiencies in this area should normally be regarded as misconduct under the University's regulations, and referred to the Disciplinary Committee.
 - (iii) Before determining that the offence reflects either incompetence or misconduct, the lecturer is strongly encouraged to seek advice from either the course convenor or the Chief Examiner.
 2. Where the decision is that the matter is a *prima facie* case of plagiarism, the matter is referred to the Student Discipline Administrator, Student and Academic Services Division.
 3. Where the decision is that the matter is one of incompetence, the lecturer is to take this matter into account in awarding a mark for the work.
- (b) Use of the same material:
Unless approved otherwise by the examiners of the papers concerned, a student must not submit as assessment material that is substantially the same as material submitted as assessment for a different paper.
Regulation 9 of the Assessment Regulations 2005.

Policy:

Breaches of this regulation will be dealt with under the procedures as outlined for plagiarism.

- (c) An electronic plagiarism statement is included in the submission process of assignments through Moodle.

Students should be made aware that the Dean of Law takes into account any record of misconduct as a student in the advice given to the Law Society as to whether a Te Piringa-Faculty of Law graduate is a fit and proper person to be admitted to the Bar.

27 Group Projects

- (a) Lecturers may specify that a piece of assessment be undertaken as a group project. In such cases the lecturer will specify at the time the project is set whether all members of a group will be awarded the same grade, or whether students will receive individual grades on the basis of the extent and nature of each person's contribution to the whole project.
- (b) Where individual grades are to be awarded, the lecturer will make arrangements to assess each group's plans about the structure and format of the project, and how responsibilities are to be divided among the participants, so that each student is confirmed as attempting

an equal portion of the total project. The students must supply the lecturer with a plan of the project. When agreement has been reached, the lecturer will sign the plan, and give the group a copy. He or she will retain the original for reference during the marking process.

- (c) Students are advised to retain their individual research notes and preparatory work so that these may be used to verify claims if a dispute as to the amount of work contributed by each member arises. However, the lecturer should not normally be expected to intervene to ensure that the group operates collectively.

28 Research Ethics

The Faculty is supportive of human research, which includes the surveying or interviewing of individuals, members of various groups, or the wider community. However, those who wish to engage in such research require the prior approval of the Faculty's Research Committee, which for this purpose functions as the Faculty's Human Research Ethics Committee. Information on Research involving Human Participants which has been produced by the Faculty's Human Research Ethics Committee is available on Te Piringa-Faculty of Law website. It is recognised that ethical processes developed by the University Human Research Ethics Committee are not appropriate in relation to research involving the Māori community. Those who wish to obtain approval for such research must consult with Te Piringa and adopt such steps as are recommended by it. In cases of doubt or difficulty, the Faculty's Committee may refer the matter to the University Human Research Ethics Committee.

Refer to Student Research Regulations 2008 and Human Research Ethics Regulations 2008 in the University Calendar.

Subpart 3—Examinations

29 Duties of Staff Preparing Examinations

Policy: Tests and examinations must be conducted impartially and with the utmost care.

Draft final examination papers should be submitted, by due date, to the Faculty administrator responsible for examinations. The papers must be formatted by the Faculty examination administrator as prescribed by the Student and Academic Services Division.

30 Internal and External Review of Draft Examinations

Once typed and formatted, draft examination papers must be passed to the Chief Examiner for checking. In order that the Chief Examiner can assess the intended direction of the answer in relation to the wording of the questions, it is good practice to provide suggested solutions (which need only be in outline) at this time.

Once examination papers have been checked and approved by the Chief Examiner, they will be sent with paper outlines for comment to designated assessors at another New Zealand University Faculty of Law. In addition, examination papers in papers which are prescribed by the CLE (para 17 above) with the exception of Legal Systems and Societies must be approved by moderators appointed by the CLE. For this purpose, issues and authorities must be provided to the moderator. Should the moderator require major changes to the examination paper, the Chief Examiner must be consulted.

Final examination papers should be submitted to the Chief Examiner for final checking prior to the due dates, so that the papers may be given in final form to the Faculty examination administrator on or before the last day notified by the Manager, Postgraduate, Assessment and Graduation.

31 Marking

All tests and examination scripts should be marked with all possible care taken to ensure accuracy and consistency. Markers are encouraged to use mark sheets or checklists identifying the qualities looked for in the assignment or question set and the extent to which these were achieved by the student. It is good practice to append a blank version of the checklist to the

instructions for internal assessment assignments or in the paper outline. Model answers or an outline of the issues/cases which the students are expected to discuss, especially if devised at the same time as the questions, are a useful means of assisting consistency in marking certain types of assignment or examination questions, and may be a useful learning tool if distributed to the students. Where a model answer is provided to the students, they should not expect as detailed a commentary on the individual script or assignment as might be normal otherwise.

Where work is to be marked by more than one marker or by a person other than the paper's lecturer(s) who has taught the work assessed, written marking guidelines should be agreed upon for all relevant questions and a sample of scripts should be double-marked independently. After the marking has been completed, a distribution chart should be made and adjustments may need to be agreed upon accordingly. Examinations questions should normally be marked by the lecturer who has taught the work examined.

It should be clearly evidenced that each page has been assessed by the examiner. Some marking such as a tick on each page may suffice to denote that the material has been considered. However detailed comments are not advised.

If possible each question should be completely marked by one marker.

Convenors should consider the necessity of the double-marking of a percentage of the scripts.

Marking should be undertaken and completed expeditiously. Subject to available resources, tests and assignments should normally be returned not more than three weeks after submission date and at least a week before the examination. An exception can be made for core papers with high enrolments where the marking should be completed within five weeks. Examinations are to be marked in accordance with the examination deadlines provided at the end of each semester.

Examination scripts should be double checked by the lecturer concerned with the support of general staff to ensure that the adding up of marks is correct, the total marks have been transferred correctly to the mark schedule, and no element of the student's work has been omitted.

The Chief Examiner should check that marginal passes and fails and marks on the margins of grade cutoffs are correct and correctly recorded. Marking is to follow the grade structure as set out in paragraph 33.

In the case of CLE papers, a representative sample of examination answers must be cross-assessed by outside assessors at another New Zealand University Faculty of Law. In the case of all other papers, the cross-assessment may be completed in this way or in terms of the policy on cross-assessment of Internal Assessment described in para 23 above.

For University policy and procedure on appeals against grades, see the Assessment Regulations 2005 in the University Calendar.

Subpart 4—Final Paper Grades

32 Objectives and Policies

The policies in this Subpart are guidelines. Students are entitled to separate consideration of every grade that is given to them in the Faculty, and these policies must be used in a way that does not fetter proper consideration of each grade. Nonetheless the policies perform important roles:

- (a) they help to ensure that students are treated fairly and consistently;
- (b) they bring to bear on the decision-making of the Faculty its collective experience in applying academic judgment to the evaluation of student performance; and
- (c) they speed up the assessment process so that time is devoted to difficult cases and matters of policy.

In this Subpart, references to marks are references to marks after rounding to the nearest integer. The University policy is that final marks on .5 and above are to be rounded up.

This Subpart should be read in conjunction with the University Assessment Regulations 2005.

33 Grade Structure and Numerical Equivalence

The following is the grade structure and numerical equivalence operation at the University of Waikato:

A+	85-100
A	80-84
A-	75-79
B+	70-74
B	65-69
B-	60-64
C+	55-59
C	50-54
RP	Restricted pass
P	Ungraded pass
D	40-49
E	0-39
F	Ungraded fail
NC	No credit (result of disciplinary action)

34 Non-completion of paper

An IC annotation represents “Incomplete”, and is awarded if a student

- (a) does not submit an essential assessment item, or
- (b) if an examination was prescribed, does not undertake the examination.

An IC annotation is treated as a fail grade.

Refer Assessment Regulations 2005 Reg 20(5)(6)

35 Alteration and Scaling of Grades

Policy: (a) Integrity of Marking System. Any departure from the original marks or grade awarded by the individual examiner requires justification. Students are entitled to the protection of anonymous marking, individual cases should not be singled out for separate treatment, and the professional judgment of lecturers is to be respected.

(i) It is expected that marking to the bell curve is the norm with a zone of tolerance. Any major deviation from this in the final grade would need to be justified by the examiner to the Board of Examiners.

(b) *Scaling.* No scaling of marks is to be done without the prior approval of the Chief Examiner. Grounds for scaling marks in a paper may exist where:

(i) the pattern of marks is substantially different from marks in other Law papers;
or

(ii) the pattern of marks is substantially different between the examiners marking the paper; or

(iii) the pattern of marks reflects other factors requiring adjustment of marks eg misjudgment of the level of difficulty of the test or examination.

(iv) final grades do not conform to the following guidelines:

- final grades in Law I, II and III not containing A range grades of 12-18% of students assessed, including a reasonable proportion of A+ grades; and

- final grades in Law IV papers not containing A range grades of 10-30% of students assessed, including a reasonable proportion of A+ grades.

(c) *Changes of Marks*. No mark or grade is to be altered without the consent of the Chief Examiner; provided that marks may be adjusted on the recommendation or with the consent of the external assessor, with notice of the changes to the Chief Examiner.

(d) *Records*. The convenor is responsible for recording any decision to alter a mark or grade, to scale marks, with the reasons for that action, and to notify the decision and reasons to the Chief Examiner who will notify the Faculty examinations administrator.

36 Special Arrangements

Refer Assessment Regulations 2005, University Calendar

Part 3

Special Arrangements for Examinations

13. Applications and procedures

- (1) Applications under this Part are considered and decided by the Special Consideration Sub-Committee, which is a committee of the Academic Programmes Committee.
- (2) The times and places of examinations are notified by the Director of Student and Academic Services.
- (3) A student
 - (a) who has a learning or physical disability that is likely to affect his or her performance in an examination, or
 - (b) who, for any other reason that he or she considers to be compelling, requires a special arrangement to undertake an examination,may apply to undertake the examination at a different time, a different place, or under special conditions.
- (4) The application must be submitted to the Director of Student and Academic Services, on the prescribed form, as soon as practicable after the teaching of the paper has started and the need for the special arrangement has been identified.
- (5) If the need is identified too late to allow for a suitable arrangement to be made by the University, the student will be advised to apply for special consideration under Part 4 of these regulations.
- (6) An application under this Part must be supported by evidence as stipulated on the application form.
- (7) A student who makes an application under this Part may be requested by the Special Consideration Sub-Committee to undergo an evaluation by an independent professional person.
- (8) The University makes any arrangements and meets any costs for an evaluation under subsection 13(7) of these regulations.
- (9) If the Special Consideration Sub-Committee considers that
 - (a) the circumstances documented in the application are valid according to the criteria set down in subsection 13(3) of these regulations, and
 - (b) it is practicable to do so given the nature of the circumstances involved and the availability of resources,it will offer the student a special arrangement.

14. Conditions attached to special arrangements

- (1) Unless approved otherwise by the Special Consideration Sub-Committee, a student will not be permitted to undertake an examination at a different time that is more than two days before or after the notified time for other candidates.
- (2) A student who accepts an opportunity to undertake an examination at a different time is required to sign a statutory declaration promising not to communicate about the content of the examination with any other person between the time he or she undertakes it and the time it is undertaken by the other candidates.
- (3) The Special Consideration Sub-Committee may require, as a condition attached to

the offer of a special arrangement, that the student contribute part or all of any associated costs.

Part 4

Special Consideration for Missed Assessment, or Impaired Performance in Assessment

15. Grounds for applications for special consideration

If, due to circumstances beyond his or her control (such as illness, injury, bereavement or trauma),

- (a) a student has been prevented from presenting internal assessment,
- (b) a student's performance in internal assessment has been seriously impaired,
- (c) a student has been prevented from undertaking an examination,
- (d) a student's performance in an examination has been seriously impaired, or
- (e) a student's ability to prepare for an examination in the two weeks immediately preceding the examination has been seriously impaired,

the student may apply for special consideration.

16. Special consideration in respect of internal assessment

- (1) Applications for special consideration in respect of internal assessment are considered and decided by the examiner of the paper for which the assessment is prescribed.
- (2) An application for special consideration in respect of internal assessment must be made in writing to the relevant examiner not later than three days after the date on which it is due.
- (3) The application must be supported by evidence that is acceptable to the examiner; the evidence may be in the form of
 - (a) a medical certificate for an illness or injury affecting the period relevant to the particular assessment item, or
 - (b) evidence of any other circumstance and its effect on the student over the period relevant to the particular assessment item.
- (4) If the examiner accepts that the circumstances documented in the application are valid, he or she may
 - (a) estimate a mark for the assessment item, or
 - (b) if it is practicable to do so, offer the student an opportunity to submit or repeat the original assessment item or to submit an alternative assessment item.
- (5) A student may not be awarded estimated marks under subsection 16(4) of these regulations for more than 33% of the overall internal assessment for a paper.
- (6) If the examiner does not offer any of the options under subsection 16(4) of these regulations, the student may apply under the Change of Enrolment Regulations 2003 to withdraw from the paper on medical or compassionate grounds.
- (7) A student may appeal to the chief examiner against any decision by an examiner under this section.
- (8) An appeal to the chief examiner must be made in writing by the student not more than seven days after he or she has received notification of the relevant decision by the examiner.
- (9) Where an examiner is also the chief examiner, a student may appeal directly to the Director of Student and Academic Services under the provisions of section 24 of these regulations.

17. Special consideration in respect of examinations

- (1) Applications for special consideration in respect of examinations are considered and decided by the Special Consideration Sub-Committee.
- (2) In order to be eligible for special consideration in respect of an examination, a student must have submitted all compulsory items of internal assessment for the relevant paper.
- (3) An application for special consideration in respect of an examination must be

- submitted to the Director of Student and Academic Services on the prescribed form not later than three days after the date of the examination.
- (4) The application must be accompanied by evidence of the circumstances relating to the application.
 - (5) In the case of injury, illness, bereavement or trauma, the evidence required under subsection 17(4) of these regulations must be in the form of a report that relates to a consultation within 24 hours of the examination between the student and a medical practitioner, midwife, dental surgeon or psychologist, or between the student and a counsellor who is recognised for this purpose by the Special Consideration Sub-Committee. (Details of the names of counsellors recognised for this purpose are available from the Director of Student and Academic Services.)
 - (6) In the case of any circumstance other than those described in subsection 17 (5) of these regulations, the evidence must be in the form of a statement of the nature and time of the circumstance, written by the student.
 - (7) The Director of Student and Academic Services may, at his or her discretion, request the student to submit a statutory declaration affirming details of the circumstances relating to the application.
 - (8) Where an application is accepted as valid by the Special Consideration Sub-Committee, the chief examiner will be requested by the Director of Student and Academic Services to consider the assessment of the student in the relevant paper.
 - (9) The chief examiner may at his or her discretion
 - (a) estimate a grade for the paper, or
 - (b) offer the student the opportunity to undertake a special examination.
 - (10) If the chief examiner does not estimate a grade for the paper under subsection 17(9) of these regulations, and it is not practicable to offer a special examination (either because of the nature of the assessment or the continuing circumstances of the student), the student may apply under the Change of Enrolment Regulations 2003 to withdraw from the paper on medical or compassionate grounds.
 - (11) Where a student demonstrates to the Director of Student and Academic Services that, because of circumstances beyond his or her control, he or she is not able to accept the offer of a special examination, the student may apply under the Change of Enrolment Regulations 2003 to withdraw from the paper on medical or compassionate grounds.

Policy

1. A student who meets the criteria for special consideration in an examination, and has a B-grade or above in the internal assessment of that paper will be awarded a graded pass.
2. A student who meets the criteria for special consideration, and whose internal assessment mark was 47% (before rounding) - 59.49% in that paper will be offered a special examination.
3. A student who meets the criteria for special consideration, and has not achieved a passing grade in the internal assessment in that paper will be offered a special examination where there are extenuating circumstances, or the paper is a final paper towards completion of the degree.

37 Restricted Pass (RP)

Regulation 20(4) provides that a restricted pass may be awarded at the discretion of the Board of Examiners or delegated authority for a paper in which the student has achieved

- (a) borderline performance, or

- (b) a D grade compensated by overall good performance in the relevant subject (eg law) and closely related subjects.

Note: A paper for which a Restricted Pass (RP) has been awarded will not be accepted as meeting the prerequisite requirements for any other paper unless the Dean of the Faculty/School in which the other paper is offered approves otherwise.

Policy: (a) No RP grade will be awarded except where a student has failed one of the required number of papers in the final year of the student's study.

(b) A minimum grade of 45% is required for award of a RP.

38 Conceded Credits

Regulation 21 provides that an ungraded conceded credit may be awarded to a student who, in his or her final year of study, narrowly fails one of the required number papers for an undergraduate degree. The award will be based on the student's performance over the degree as a whole and on performance in the paper in question. A conceded credit will not be awarded to a student who has failed a required component (ie a compulsory paper).

Policy: No conceded credit will be awarded unless the student has obtained a mark between 47 and 49.49 in the failed paper.

PART 6: HONOURS PROGRAMME AND SUPERVISED DIRECTED RESEARCH

39 Honours programme

The purpose of the Honours programme is to provide academically able undergraduate students with experience in legal research and writing and a greater opportunity for specialisation. In order to be considered for the programme a student must have completed Law 2, and have achieved a minimum of a B+ average across all papers in the LLB degree or equivalent thereof, and a B+ average across all law papers in the LLB degree or equivalent thereof.

The Honours programme is administered by the Convenor of the Honours Programme. The Convenor's functions are to:

- (a) identify candidates to be invited into the Honours programme;
- (b) co-ordinate all matters concerning the delivery of the Honours programme (excluding the determination of staff assigned to Honours work which is the responsibility of the Dean);
- (c) ensure that guidance is given to Honours students on research theory, methods and resources in orientation week.
- (d) provide advice on the Honours programme available in the Faculty.

40 Honours Requirements

Students entering the Honours programme will complete two 500 Level taught papers (60 points) as part of their programme of study. Honours papers must be completed within two years of commencing Law Four.

41 Honours Regulations 2004

1. Candidates for the degree of Bachelor of Laws with Honours must enrol and follow an approved programme of study in the Te Piringa-Faculty of Law for at least four years.
2. Candidates who hold the degree of Bachelor of Laws shall not be admitted to this degree.
3. The Bachelor of Laws with Honours may be taken with a single major in Law, or with majors in Law and a second approved subject from another Faculty /School of Studies. All candidates must gain at least 540 points.

Admission

4. Candidates who have passed the papers comprising Law 1 and Law 2, as listed in clauses 3.1 and 3.2 of the Regulations for the Degree of Bachelor of Laws, are eligible to be considered for admission to the degree of Bachelor of Laws with Honours.

Structure

5. In order to complete the requirements of the award of a Bachelor of Laws with Honours, candidates must comply with regulations 3 to 5 or 6 to 9 of the Regulations for the Degree of Bachelor of Laws, and complete the equivalent of two Level 5 papers of 30 points each in Law within two years from the commencement of Law 4.
6. Except with the approval of the Academic Board, a candidate may not present a thesis or dissertation for the degree.

Level of award of degree

7. (a) The degree may be awarded with First Class Honours, Second Class Honours (first division), or Second Class Honours (second division). If awarded, the class of honours will be determined on the basis of candidates' grades in Law 3 and Law 4, including the Level 5 papers. In cases of doubt, account of students' performance in Law 1 and Law 2 may be taken.

(b) Candidates who fail to obtain honours may, on the recommendation of the Law Board of Examiners, be awarded the degree of Bachelor of Laws.

8. If candidates for the degree with honours fail to display a sufficient aptitude in any of the papers prescribed by regulation 5 the Law Board of Examiners may terminate eligibility for honours or determine that he or she be awarded a Bachelor of Laws.

9. The Personal Programmes of Study Regulations Governing Bachelors Degrees apply in these regulations and include provisions for the variation or waiver of these regulations in individual cases by the Academic Board or delegated authority.

42 Honours Grades and Classes of Honours

Honours may be awarded in specified classes. The class of LLB Honours will be based on grades in Law 3 and Law 4 papers including the above two honours components. The classes of honours which apply to students enrolling in the Honours programme are:

Based on grades in Law 3 and Law 4 papers and the two Honours components.

First Class: A- or above average (74.5 – 100)

Second Class Division One: B+ average (69.5 – 74.499)

Second Class Division Two: B/B- average (59.5 – 69.499)

At the beginning of March, the Convenor will compile a schedule of grades awarded to students who have completed LLB with Honours in the previous academic year, and this will be presented to the Board of Examiners meeting which will recommend the award of classes of Honours. The meeting will also recommend to the Waikato/Bay of Plenty District Law Society, the Auckland District Law Society and the Board of Studies the recipient of the Waikato/Bay of Plenty District Law Society Gold Medal and the Auckland District Law Society Prize.

43 Directed Study (LAWS489 and LAWS490)

The purpose of these papers is to provide students of reasonable academic ability with some experience in legal research and writing and a greater opportunity for specialisation. Students must have completed Law 3, and have achieved a minimum of a B average across all papers in the LLB degree or equivalent thereof. Only one Directed Study per programme of study is permitted.

These papers are administered by the Associate Dean (Undergraduate). The functions of the Associate Dean (Undergraduate) are to:

(a) maintain a list of topics and supervisors;

(b) ensure that guidance is given to research students on research theory, methods and resources;

(c) convene meetings of the research project supervisors to ensure that all research project students are assigned to supervisors, and to monitor and streamline research project supervision and assessment;

(d) prior to each Preliminary Board of Examiners Meeting, provide a list of cross-assessed grades of research papers to the Chief Examiner.

The requirements for LAWS489 are the directed preparation and presentation of a 5,000-6,000 word research paper (including footnotes) in a designated area of law. The requirements

for LAWS490 are the directed preparation and presentation of a 10,000 word research paper (including footnotes) in a designated area of law.

A student undertaking a directed research paper must identify an appropriate supervisor for the research from the list of staff available. The maximum number of students per supervisor is three. The consent of that supervisor and an indication of the topic to be researched must be confirmed, within the first fortnight of the relevant semester, in writing on the form provided. The requirements of any particular directed research paper will be determined following consultation between the student and the designated supervisor who has agreed to direct the study. A coherent research proposal of around three pages, reflecting the theme and key content of the project, and including an annotated bibliography, should be submitted to the supervisor within six weeks of the commencement of the semester in which the paper is being taken. The supervisor will assist the student in the development of the proposal, the research itself, and in the writing up of the results of the research. However, the responsibility for the research and its findings lies with the student. Students should understand that the research must be their own work and that they are responsible for what is presented.

Students must consult their supervisors regularly (normally monthly) concerning the progress of their research. Any substantial changes in the research project must be approved by the supervisor. Where an external organisation is involved, the student will be responsible for ensuring that any special requirements of that organisation are met. However, the supervisor should normally be consulted before any research results are made available to an external organisation. Students who are engaged in human research must be reminded of the need to obtain approval from the Human Research Ethics Committee (see above para 28).

The results of the research are to be embodied in a research paper. The final paper should be submitted to the supervisor no later than one week after the last teaching day of the semester in which the paper is taken. Research Papers will be assessed by the supervisor. The work will then be cross-assessed independently by another lecturer in the Faculty; if this is not possible, the work will be cross-assessed by an outside examiner. Marking and cross-assessing must be completed within two weeks of the work being submitted. Marks for directed research papers will be forwarded to the Associate Dean (Undergraduate) to be considered along with Honours papers. The grades will be finalised by the relevant Board of Examiners' Meeting.

PART 7: THE GRADUATE DIPLOMA IN DISPUTE RESOLUTION

Students for the Graduate Diploma in Dispute Resolution must have qualified for the award of a Bachelor degree at the University of Waikato or a qualification considered by the Academic Board to be equivalent. Subject to decisions of the Academic Board, and only in exceptional circumstances, students who do not meet these requirements may be accepted for the Diploma if they have the training, experience, and ability that the Admissions Committee considers suitable. Students who hold an LLB, LLB(Hons), or any qualification considered equivalent, will not be admitted to this Diploma unless the Dean grants a waiver.

- (a) Students must enrol and follow an approved programme of study in Te Piringa-Faculty of Law for at least one year.
- (b) Every student must gain 120 points, including at least 60 points above Level 2. The compulsory papers for the Diploma are:
LAWS205 Foundations in Legal Studies
LAWS306 Dispute Resolution
MCOM331 Managing Conflict and Consensus
- (c) The Diploma is accredited for Associate Status with the Arbitrators' and Mediators' Institute of New Zealand (Inc) (AMINZ). Students intending to apply for Associate Status must also include LAWS449 Mediation: Law, Principles and Practice in their programme.
- (d) Students whose first language is not English must supply evidence that they are capable of oral and written work in English at a standard that is appropriate for advanced studies in law. This entails strong reading, writing and oral capabilities. Where a student's first language is not English, evidence shall be obtained that the student has an adequate level of proficiency. International students can usually demonstrate that level of proficiency by obtaining an IELTS score of 6.5 overall, including a 6.0 or better in the writing band, or a TOEFL score of 600 overall, with a TWE (test of Written English) of 5.5 or better. (See "International Students" in the University Calendar.) Other evidence may be considered on a case-by-case basis.

PART 8: DIPLOMA IN LAW

The Diploma in Law programme is designed to meet the needs of a wide range of students. It provides an insight into the legal system and valuable skills in legal research and writing

- (a) Candidates for the Diploma must have qualified for admission to the University of Waikato and met any criteria set out in the Criteria for Admission to Particular Qualifications.
- (b) The normal minimum period of enrolment for completion of the Diploma is one year.
- (c) Candidates must gain 120 points at 100 level or above, including 80 points at 200 level or above.
- (d) The following papers are compulsory:
LAWS103 Legal Method (20 points)
LAWS106 Legal Systems and Societies (20 points)
LAWS201 Public Law A (20 points)
LAWS204 Contracts (20 points)
LAWS207 Torts (20 points); and
- (e) an additional 20 point law paper at 200 level or above. A selection of papers will be available to diploma students, subject to any required pre-requisites.

PART 9: LAW AS A SECOND MAJOR

Law has been made available as a second major in other University of Waikato degrees, from 2008 onwards.

Law staff must approve the 100 level papers at enrolment.

Law papers can only be taken as part the Bachelor of Law (LLB) programme, a law conjoint degree, or as part of a second major in Law. Level 100 and 200 law papers are not available on an “individual interest” basis.

LLB and Law conjoint degree programmes can only be approved by Faculty staff.

Students must have passed 40 points level 100 LAWS before they are permitted to enrol in any level 200 law papers. Students cannot enrol concurrently in level 100 and 200 papers.

Students are strongly recommended to enrol in LAWS103 and LAWS106 as they are pre-requisites for a number of papers at higher levels. If students wish, they can be enrolled in all 3 papers (60 points).

PART 10: NEW PAPERS & CHANGES TO EXISTING PAPERS

44 Faculty Policy and Procedures

The Faculty's policy is that all new paper proposals will be evaluated in respect of the goals of Te Piringa-Faculty of Law, academic standards, market demand, cost effectiveness, and pedagogy. Existing optional papers will be evaluated annually by the Undergraduate Programmes Committee.

Members of staff wishing to propose a new paper should submit a proposal in the standard University template for new papers to the Undergraduate Programmes Committee. These submissions must be made no later than March of the year before the paper is intended to be introduced.

Calendar paper prescriptions should be reviewed annually to ensure that they reflect accurately the paper content and aims.

Once approved by the UPC, the proposal should be reported to the Management Committee and considered by a Law Staff Meeting and the Board of Studies. The proposal, if adopted, will then be forwarded to the University Academic Programmes Committee.

A minimum enrolment cutoff level of 10 will normally apply after papers have been offered once. Papers with lower enrolments may not be taught in subsequent years unless a need for the paper in terms of the goals of the Faculty, a clear strategy for increasing enrolments, a demonstrated inseparable relationship to other papers, or a justification on equity criteria can be demonstrated to the UPC.

PART 11: MISCELLANEOUS

45 Advice to Students

Policy: The best possible advice should be given to students in regard to their academic development.

Extreme care must be given when advising students on academic matters, as incorrect advice can have substantial adverse effects for the student, perhaps even delaying graduation. Staff are reminded of the Consumer Guarantees Act 1993 particularly as it applies to academic advice and services.

Advice on the suitability of a student's total academic programme should ordinarily be given only by designated staff; advice on the regulatory compliance should normally be provided by appropriate general staff; advice on the Supervised Research Project or the Honours programme should be given by the Associate Dean (Undergraduate); and advice on the graduate programme should be given by the Associate Dean responsible for Graduate Studies.

All academic staff are required to ensure that students in their papers and students who are their advisees have genuine opportunities to obtain academic advice from them. Only staff teaching a paper should advise on the substantive academic issues within the syllabus content of that paper.

Advice on deadlines for adding and withdrawing from papers should be in accordance with the Personal Programme of Study Regulations as set out in the University Calendar.

For reference to the student Advisory and Support Services see Te Piringa-Faculty of Law Handbook.

46 Protocols on Use of Electronic Material

University of Waikato owns the intellectual property rights, including copyright, in and to the Moodle Site, or has acquired the necessary licenses to display the material on the Site.

Students are granted a limited license to use (access, display or print a single copy) the material from the papers in which they are enrolled for the purposes of participating in the paper only, provided the information is not modified. Materials may not under any circumstances be copied, stored, distributed or provided in any form or method whatsoever to any third party.

Any other use of the material is prohibited. None of the material may be otherwise reproduced, reformatted republished or re-disseminated in any manner or form without the prior written consent of University of Waikato.

47 Access to Electronic Teaching Material

The Diploma in Law is delivered in Tauranga by streamed multi-media presentation. CD copies of lectures are available only to students enrolled in the Tauranga Diploma.

Policy: The viewing of videotaped lectures by non-Diploma (i.e. LLB students) is only allowed in exceptional circumstances at the Dean's discretion. This is to allow students who may have missed one lecture as a result of illness, accident, bereavement or other similar extenuating circumstance to view the missed lecture. Permission is not granted for work, travel, or family reasons that are of a non-exceptional, ongoing nature.

48 Revision of Manual

The Undergraduate Programmes Committee is responsible for recommending revisions of this manual, which are to be approved by a Law Staff Meeting.

APPENDIX A: CRITERIA FOR ASSESSING UNDERGRADUATE RESEARCH WORK

A. Written work:

1. A+, 85 - 100%: Clear evidence of significant reading beyond basic texts of first reference; originality or new interpretation; all major points identified and responded to in a convincing and persuasive manner, alternative arguments are canvassed and convincing reasons advanced for their not being favoured; nearly all difficult issues are identified; flawless prose and organisation. Attention may be paid to the scope of the project undertaken (credit may be given for attempting more challenging projects).
2. A, 80%: Most of the requirements for an A+.
3. A-, 75% : As for B+, together with several of the requirements of an A+.
4. B+, 70%: As for B, but with more difficult issues solved and a good standard of writing.
5. B, 65% : Presents the main points in a manner that indicates understanding and a degree of confidence and control over the subject matter. No confusion over core concepts. Some difficult issues identified and answered. Good prose. Dissertation is well organised, structural headings and sub-headings make sense and are informative. No irrelevant material.
6. B-, 60% : As for B, but inferior in one or two respects. No confusion.
7. C+, 55% : As for C, but with little confusion and more issues identified and answered. Some irrelevant material tolerated.
8. C, 50% : Essential points identified and presented. Some confusion tolerated. Probably half of the relevant issues identified.

B. Oral presentation:

1. Form: voice, language, confidence, timekeeping, adherence to protocol, and perceived effect of presentation.
2. Substance: issue analysis, structure, order of priorities, ability to respond to questions, and perceived validity of presentation.