

## **SECTION C: FACULTY REGULATIONS**

### **1. GENERAL REGULATIONS**

#### **a. Application and Interpretation of Regulations**

The general University regulations apply except where they are modified by the Faculty of Law Regulations. Unless otherwise expressly provided, the following Regulations apply only to:

- (a) students registered in the JD program, with the exception of Regulation 2(2), which applies to all students registered in a law course; and,
- (b) unless the context otherwise requires, courses taken for credit towards the JD degree, whether taken within the Faculty or outside the Faculty. (F.C. 03/16/07)

For the purposes of applying the following Regulations, when a GPA is specified to only one decimal point a GPA which is reported to two decimal points shall be rounded up if the second decimal point is 5 or higher.

#### **b. Course Requirements**

##### **i. Compulsory Courses**

1(1) The first year courses are compulsory. Students take Contracts, Property, Torts, Constitutional Law, Criminal Law, Foundations of Law and Legal Research and Advocacy. (F.C. 03/14/14; 05/13/14)

1(2) In their first or second semesters of law school after completing their first year, students must take the following five courses: Evidence, Administrative Law, Business Organizations, Civil Procedure and Commercial Law. (F.C. 02/17/06)

1(3) Students who have satisfactorily completed the PLSNP course offered through the University of Saskatchewan's Native Law Centre will be given transfer credit for Law 1200 Property Law. (F.C. 05/13/14)

In their third or fourth semesters of law school after completing their first year, students must take the following two courses: Conflict of Laws and Legal Ethics and Professional Responsibility.

**Note:** This regulation must be read together with Regulation 4(1)(a) which requires that a student must receive a grade of C- or better in order to be eligible to graduate.

##### **ii. Compulsory Areas of Study**

1(3) In addition to the seven compulsory upper year courses, students must take at least one of the following Perspectives and Theories courses (F.C. 10/29/04; 02/17/06; 09/25/20; 09/16/20):

## C.2

Advanced Constitutional Law	Law and Social Justice
Comparative Law	Legal History: Private Law Since 1700
Feminist Advocacy	Legal History: Public Law Since the 17 <sup>th</sup>
Gender, Sexuality and Law	Century
International Law and Organizations	Multiculturalism and the Law
Jurisprudence	Private Law and Social Justice
Law and Economics	Equitable Relief and Private Justice

1(4) In addition to the seven compulsory upper year courses, students must take at least two of the following Core Competencies courses (F.C. 10/29/04; 02/17/06; 09/25/20):

Indigenous-Non-Indigenous Relations	Legislation
Community Clinic Course	Personal Taxation
Dispute Resolution	Real Estate Transactions
Employment Law	Trial Practice
Family Law	Trusts
Labour Law	Wills & Estate Succession

**Note:** Changes to the compulsory areas of study were made in 2021. The compulsory areas of study listed above are compulsory for any new student who started the law program in September 2021 or later. Any student who started the law program prior to September 2021 must adhere to the following compulsory areas of study:

*In addition to the seven compulsory upper year courses, students must take at least one course from each of the following areas (F.C. 10/29/04; 02/17/06, 09/25/20; 09/16/20):*

***a) Perspectives and Theories:***

<i>Advanced Constitutional Law</i>	<i>Law and Social Justice</i>
<i>Comparative Law</i>	<i>Legal History: Private Law Since 1700</i>
<i>Feminist Advocacy</i>	<i>Legal History: Public Law Since the 17<sup>th</sup></i>
<i>Gender, Sexuality and Law</i>	<i>Century</i>
<i>International Law and Organizations</i>	<i>Multiculturalism and the Law</i>
<i>Jurisprudence</i>	<i>Private Law and Social Justice</i>
<i>Law and Economics</i>	<i>Equitable Relief and Private Justice</i>

***b) Property Rights***

<i>Intellectual Property</i>	<i>Real Estate Transactions</i>
<i>Land Claims and Self-Government</i>	<i>Securities Regulation</i>
<i>Agreements</i>	<i>Trusts</i>
<i>Patent Law</i>	<i>Wills and Estate Succession</i>

***c) Regulating Relationships***

*Employment Law*  
*Environmental Law*  
*Family Law*

*Human Rights Law*  
*Labour Law*

**Note:** This regulation must be read together with Regulation 4(1)(a) which requires that a student must receive a grade of C- or better in order to be eligible to graduate.

Any course offered as a Specialized Legal Topics (Law 3801-3815) may be designated by the Dean in his or her discretion as satisfying one of the compulsory area requirements for a period of one year.

With the prior approval of the Office of the Dean, a student may be permitted to substitute a special program of directed research for a compulsory course or a course in a compulsory area of study where:

- (a) the student is undertaking a program of study at another law school for credit towards his or her law degree in accordance with a Letter of Permission; or,
  - (b) the student would otherwise be required to return for an additional term of study to take only the substituted course or courses in order to meet the course requirements of Regulation 4(1) for eligibility to graduate,
- if:
- (c) the required course or equivalent course is not available during the relevant term of study, and,
  - (d) it would be unreasonable in the circumstances to expect that the student should have previously completed the course.

Where such permission is granted, the student may register in Law 4093 (Directed Research) notwithstanding that the student has previously taken that course for credit towards his or her law degree.

**Note:** For students on a Letter of Permission, a requirement to complete either a compulsory course or a course in a compulsory area of study must be met at the host law school. If a required course is not offered at the host law school, the student will not meet his or her degree requirements. In exceptional circumstances a student may be granted permission to substitute a special program of directed research for one required course. If such permission is granted the student must register for the Directed Research course (Law 4093) and pay UNB tuition for that course.

**iii. Writing Requirement**

1(4) A student must take at least one course approved by the Office of the Dean in which the student writes a scholarly paper that has a value of at least 50% toward the final grade in that course, and the student must receive a grade of C for the paper component of the course. This requirement is not satisfied by taking the Competitive Moots. (F. C. 11/07/07)

**iv. Non-Law Courses**

1(5) With the permission of the Office of the Dean, students who have completed the first year of the law program may take a total of three credit hours of non-law courses for credit toward their law degree. With the permission of the Office of the Dean, students who are enrolled in the program leading to a JD and a MBA from the University of New Brunswick (the joint, concurrent or dual degree program) may take a total of six credit hours from outside the Faculty of Law for credit toward their law degree.

**Note:** Students in the Joint MBA/JD Program normally receive credit for six credit hours of prescribed MBA courses as determined by the Director of Graduate Studies, Faculty of Business Administration. Students will be granted a maximum of three credit hours for MBA courses unless they have successfully completed the other MBA course requirements of the Joint Program.

Credit towards the law degree will not be given for any course in which the student does not receive a grade of C or better. The grade achieved in any course taken outside the Faculty shall not be included in calculating the student's grade point average for any purpose, including determining the student's eligibility for prizes.

**Note:** Generally, permission will be granted, other than for students enrolled in the Joint MBA/JD Program, upon satisfactory evidence that the course:

- (a) is not a duplication of work done either in the JD program or otherwise, and;
- (b) does not focus on content that is substantive law covered by a law course(s) available to the student in the JD program, and;
- (c) is related to the student's program of legal study or career plans thereby enhancing his or her professional development as a lawyer, and;
- (d) has a value of at least three credit hours.

**v. Limited Enrolment Courses**

1(6) Where the educational objectives of a course will best be served by limiting enrolment in the course, the Dean may approve a limited enrolment for the course.

**vi. Limitation on Competitive Moots, Law Journal and Internships**

1(7) A student may not take more than three of the following courses for credit towards the law degree: any Competitive Moot; any Internship; Law Journal Associate Editor; Law Journal Editor-in-chief. (F.C. 12/04/03; 11/22/13)

**c. Standing, Advancement and Graduation**

**i. General**

2(1) The general University regulations governing conduct and academic matters apply except where they are modified by the Faculty of Law Regulations.

C.5

2(2) Student grades are reported using the following letter grades: (F.C. 03/24/06)

Letter Grade	Grade Point Value	Narrative Description
A+	4.3	Exceptional, outstanding, and excellent performance, normally achieved by a minority of students. These grades indicate a student who is self-initiating, exceeds expectation, and has an insightful grasp of subject matter.
A	4.0	
A-	3.7	
B+	3.3	Very good, good, and solid performance, normally achieved by the largest number of students. These grades indicate a good grasp of subject matter or excellent grasp in one area balanced with satisfactory grasp in other areas.
B	3.0	
B-	2.7	
C+	2.3	These grades indicate a satisfactory performance and knowledge of subject matter.
C	2.0	
C-	1.5	Marginal performance. A student receiving this grade demonstrates a superficial grasp of subject matter.
D	1.0	Unsatisfactory performance.
F	0	

2(3) A course may be designated as carrying a grade of CR or NCR, in which case:

- (a) a grade of CR is not included in the calculation of a student's grade point average;
- (b) subject to paragraph (a), for all purposes in the Regulations, NCR is equivalent to a grade of F (0.0) and CR is equivalent to a grade of C (2.0) or better.

2(4) It is Faculty policy that the class GPA for final grades in first year classes should ordinarily fall within a range of 2.70 to 3.00, and in upper year classes of more than 18 students should ordinarily fall within a range of 2.85 to 3.15, calculated without including any F grades assigned in the class. The class GPA in upper year classes of 18 or fewer students should ordinarily fall within a range of 2.85 to 3.35, calculated without including any F grades assigned in the class.

Prior to submitting final grades for verification, the faculty member shall provide the Associate Dean with the GPA for the class, and, if the GPA is outside the ranges specified above, the faculty member shall at the same time provide the Associate Dean with an explanatory memo justifying the deviation. The Associate Dean shall report to Faculty Council, after submission of final grades, on any courses in which the GPA deviates from the ranges specified above, and on the justification provided by the faculty member.

This Policy does not apply to the following courses:

LAW 5013-5023: Competitive Moots

LAW 5063 and 5073: Law Journal Associate Editors and Editor-in-Chief

LAW 4093: Directed Research

LAW 5083: Readings in Legal Theory (F.C. 03/24/06)

2(5) The following course is graded as carrying a grade of CR or NCR:

LAW 1303 Foundations of Law (F.C. 03/14/14; 12/05/14)

2(6) A student who during

- (a) his or her first year,
- (b) his or her first and second semesters after their first year, or
- (c) his or her third and fourth semester after their first year

obtains a grade point average of 3.3 or higher for the courses taken during that period and stands in the top 10 of his or her class shall be placed on the Dean's List for such period and this shall be shown on the official transcript of grades for the student. (F. C. 05/14/03)

**Note:** In determining the Dean's List for Second and Third Year, the Dean's Office applies the following guidelines:

- a. the Dean's List is determined at the end of each academic year based on the performance of all students who completed the second term of their second or third year of the program during that academic year;
- b. to be eligible for the Dean's List a student must have taken not less than 30 credit hours of courses during the two terms that comprise their second or third year of the program (Reg. 4(16)),
- c. the 30 credit hours referred to in para. (b) may include non-law courses taken for credit even though that course was not included in the calculation of the student's GPA (Reg. 1(5));
- d. the two terms of a student's year in the program need not be consecutive academic terms (i.e. a student may not have registered for courses at UNB in the JD program for one or more terms, such as where a student sits out or has registered for a term(s) in the MBA program);
- e. the two terms of a student's year in the program must be completed while registered in the JD program at UNB and courses taken at another law school for credit on a Letter of Permission, including an exchange, are not considered in calculating the student's GPA and eligibility for purposes of the Dean's List;
- f. courses taken at another law school for credit while on a Letter of Permission, including an exchange, are considered in determining the student's year and term in the program;
- g. a term taken while a visiting student at UNB is considered a term in the program if the student received credit for those courses towards his or her degree requirements upon transfer into the program, and the GPA for that term shall be calculated to two decimal places;
- h. where a student completes a first year course which overlaps the second term of second year and the first term of third year, the GPA for each term will be calculated by allocating three credit hours with the final grade for the course to each term; and,
- i. the Dean's List notation is placed on the students transcript immediately following the second term of their second or third year in the program, as the case may be.

**Note:** In the event that the student who stands tenth is tied with other students, when the GPA is calculated to two decimal points, all students with the tenth place ranking shall be included on the Dean's list. (F. C. 05/14/03)

2(7) A student who graduates having obtained a grade point average of 3.7 or higher for all courses taken after the first year of study shall be conferred with a "Degree With Distinction" and this shall be shown on the official transcript of grades for the student.

**Note:** For the purposes of applying Regulation 2(7), when a GPA is specified to only one decimal point a GPA which is reported to two decimal points shall be rounded up if the second number after the decimal point is 5 or higher.

**Note:** To be eligible for a "Degree With Distinction" a student must have received grades in not less than 60 credit hours of courses taken in the Faculty of Law after the first year of the JD program, including courses taken at UNB or Saint Thomas University as provided in Regulation 1(5).

## **ii. Students in First Year**

3(1) Students will be considered to have completed his or her first year of the JD program successfully and be eligible to advance to the upper years of the program if, and only if, they have:

- (a) subject to Regulation 3(7), received a credit for Foundations of Law and received grades of C- or better in all other first year courses, and have a grade point average of 2.0 or higher for all other first year courses; and,
- (b) satisfied the course load requirements of Regulation 4(14). (F.C. 12/04/09; 03/14/14; 12/05/14)

3(2) In first year all six credit hour courses extend over two semesters, with a final mark being given after the second semester. First semester work is graded on a continuous scale of 0.0-4.3. If this mark is higher than that earned for second semester work, it will be calculated as 40% of the final grade for that full year course. If it is lower, it will be calculated as 20% of the final grade for that full year course. (F.C. 12/04/09)

3(3) In first year term courses, a grade shall be given for the course at the end of the term. In the case of the second semester term course Legal Research and Advocacy, some work with respect to legal research and writing may be performed during the first semester. (F.C. 03/14/14)

3(4) Repealed. (F.C. 12/04/09)

3(5) If a student in first year has not obtained a D, F or NCR in any course but fails to obtain a GPA of 2.0 for all first year courses, he or she may write one special examination in the course in which the lowest mark was earned. In the event there is no single lowest mark, the student may choose to write one special examination from among the courses in which he or she earned the lowest marks. A student may not write more than one special examination under any circumstances. (F.C. 12/04/09; 03/14/14; 12/05/14)

3(6) If a student in first year earns a grade of D, F or NCR in any one course, but no more than one course, he or she may take a special examination in that course on completion of the semester in which that grade was received. A student may not write more than one special examination in first year courses under any circumstances. (F.C. 12/04/09; 03/14/14; 12/05/14)

3(7) For purposes of Regulation 3(1)(a), if a student writes a special examination, the grade received on the special examination shall be used rather than the original grade received in the course. (F.C. 12/04/09)

3(8) If a student in first year writes a special examination, the mark received shall appear on the transcript along with the original mark. For all purposes other than Regulation 3(1), the original mark will be used in determining the student's average for the year. (F.C. 12/04/09)

3(9) All special examinations shall be written during the month of June at times determined by the Office of the Dean unless otherwise approved by the Office of the Dean.

3(10) All special examinations are to be written on the Fredericton Campus of the University of New Brunswick unless a student is able to make other suitable arrangements with an academic institution, to the satisfaction of the Office of the Dean.

3(11) A student in first year who is unable to advance because of Regulation 3(1) is deemed to have failed and must withdraw from the Faculty of Law. (F.C. 12/04/09)

3(12) Students seeking readmission to first year must apply to the Faculty Readmissions Committee in accordance with the Readmissions Regulations (Regulation. 7(1)-7(5), *infra*).

**Note:** One of the effects of Regulation 3 is that, if after completing a special examination in accordance with this Regulation, the student meets the requirements in regulation 3(1) the student may advance to the upper years notwithstanding that the GPA shown on their transcripts is less than 2.0.

### **iii. Students in Upper Years (Semesters)**

4(1) A student who has successfully completed his or her first year of legal studies is eligible to graduate if, and only if, he or she has:

- (a) earned grades of C- or better and a grade point average of 2.0 or better in courses totalling 60 credit hours taken after first year, including all compulsory courses and one course from each of the compulsory groups of courses;
- (b) received grades in at least 60 credit hours of courses taken in the Faculty of Law, including courses taken at UNB or Saint Thomas University for which permission was granted in accordance with Regulation 1(5);
- (c) satisfied the course load requirements of Regulations 4(13) and 4(14); and
- (d) obtained approval from the Office of the Dean for all courses taken outside the Faculty of Law;
- (e) completed all work toward the law degree within six years of first enrolling in the Faculty, except with permission of Faculty Council; and,
- (f) satisfied all other applicable University and Faculty requirements and regulations.



4(2) Subject to Regulation 4(1)(e), a student in any semester after first year may register for the next semester unless, after first year, he or she has obtained a total of:

- (a) more than three grades of F;
- (b) more than five grades of D; or
- (c) more than five grades of D and F.

A student who after first year is not eligible to register for the next semester by virtue of this regulation is deemed to have failed.

4(3) Subject to Regulation 4(1)(e), after first year a student who does not register for a semester for which he or she is eligible may register for the next semester, unless:

- (a) during the semester(s) in which the student elected not to register, he or she attended another law school; and
- (b) was required to withdraw from that other law school.

A student who under this Regulation chooses not to register for a semester must notify the Office of the Dean on or before the date set for registration.

**Note:** Students in good standing who have not registered for one or more terms and who intend to resume study should inform the Office of the Dean prior to **July 16** for Fall Term or **November 1** for Winter Term.

4(4) Any student who is deemed to have failed under Regulation 4(2) shall not be readmitted to the Faculty of Law. Such a student may appeal his or her academic status in writing to the Senate Committee on Student Standings and Promotions. Appeals from first semester results must be submitted on or before **15 February**. Appeals from second semester results must be submitted on or before **16 July**.

**Note:** One of the effects of Regulation 4 is that if the student meets the requirements of this Regulation the student may advance notwithstanding that the GPA shown on their transcript is less than 2.0.

#### **iv. Special Exams, Repeating and Substituting Upper Year Courses**

4(5) Subject to Regulation 4(6), a student who has received a grade of D or F in a course taken after first year may take a special examination on completion of a semester or session if

- (a) a portion of the final grade for the course was based on a test or examination which constituted not less than 20% of the final grade for the course; and,
- (b) the student has not earned a grade of D or F in any other course taken after first year.

**Note:** In contrast to a special examination in a first year course, in an upper year course the grade on a special examination does not replace the original final grade for the course. Instead, the grade on the special examination in an upper year course replaces the grade on all tests or examinations worth more than 20%. All other elements of evaluation remain in place for the purposes of calculating the final grade.

4(6) A special examination may be written and a revised final grade for the course calculated in accordance with Regulation 4(7) only if

- (a) the result would not be inconsistent with the requirements of the course set by the instructor; and,
- (b) where the course was taken outside the Faculty, the instructor of the course grants permission.

4(7) Where a student writes a special examination in a course, the revised final grade for the course shall be calculated by substituting the grade on the special examination for each test or examination that constituted not less than 20% of the original final grade for the course.

4(8) Where a student writes a special examination pursuant to Regulation 4(5)

- (a) the original mark shall remain on the student's Official Transcript;
- (b) the revised final grade for the course shall appear as a notation on the student's Official Transcript indicating that a special examination was written;
- (c) the revised final grade shall be considered to have replaced the original final grade for the purpose of determining the student's eligibility to graduate under Regulation 4(1); and,
- (d) the original mark shall be used for all other purposes including determining the student's eligibility to write a special examination pursuant to Regulation 4(5).

4(8.1) Subject to Regulations 4(8.2) to (8.4), a student not registered in a degree or certificate program at the University of New Brunswick may take one special examination in a law course in which they received a grade of D or F in a semester or session if:

- (a) upon completion of that semester or session, they have not earned a grade of D or F in any other law course; and,
- (b) in the case of an upper year course,
  - (i) a portion of the final grade for the course was based on a test or examination which constituted not less than 20% of the final grade for the course; and,
  - (ii) the result would not be inconsistent with the requirements of the course set by the instructor. (F.C. 03/16/07)

4(8.2) Where a student writes a special examination in a first year law course pursuant to Regulation 4(8.1), the mark on the special examination shall be the revised final grade for the course. (F.C. 03/16/07)

4(8.3) Where a student writes a special examination in an upper year law course pursuant to Regulation 4(8.1), the revised final grade for the course shall be calculated by substituting the grade on the special examination for each test or examination that constituted not less than 20% of the original final grade for the course. (F.C. 03/16/07)

4(8.4) Where a student writes a special examination pursuant to Regulation 4(8.1)

- (a) the original mark shall remain on the student's Official Transcript;
- (b) the revised final grade for the course shall appear as a notation on the student's Official Transcript indicating that a special examination was written; and,
- (c) the original mark shall be used in determining the student's eligibility to write a special examination. (F.C. 03/16/07)

4(9) For purposes of Regulations 4(2) and 4(5), each time any course is attempted and a grade of D or F is obtained, the student is deemed to have obtained a D or F in a course.

4(10) For purposes of Regulation 4(1)(a), where a student repeats a course, the highest mark earned will be calculated in the grade point average.

4(11) For purposes of Regulation 4(1)(a), if a student has attempted more than 60 credit hours of courses, the grade point average will be calculated using the best marks obtained in 60 credit hours which include all compulsory courses and one course from each compulsory group.

4(12) For all purposes other than 4(1)(a), a student's grade point average will include the marks received for all courses attempted, and each and every attempt of a course.

**Note:** With respect to repeating a course, University Regulation I(E) provides:

*Students may without special permission register for a course already taken in order to meet a prerequisite or other degree requirement, or in order to improve their grade point average. However, both the original grade and the new grade will each be counted separately towards a grade point average. Students should note that while the credit hours of a repeated course will be used each time in calculating a grade point average and in the totals of courses attempted and passed, they can only be counted once towards the minimum number of credit hours required for a degree.*

*A student may attempt a course a maximum of three times (including withdrawals but excluding course attempts designated with the “#” notation). Beyond that, the student must obtain the permission of the Dean of the student’s Faculty to register again in the repeated course.*

#### **v. Course Loads and Withdrawing From Courses**

4(13) In applying Regulations 4(14) to (20),

- (a) a reference to a date or period of time shall be a reference to the dates and times as set out in the Faculty of Law Academic Calendar approved annually by the Fredericton Senate and found in the Faculty of Law Guide and on the Faculty of Law website;
- (b) Regulations 4(14) to (20) apply to students registered in the JD program who are taking the course for credit towards their JD degree; and,
- (c) Regulation 4(20) applies to all law courses other than courses offered only to students not in the JD program. (F.C. 04/01/05)

4(14) A student shall

- (a) take all first year courses (Regulation 1(1)) and no other courses during first year; and,
- (b) after first year, normally take 15 credit hours of courses for credit towards the law degree each semester or session and no other courses. (F.C. 04/01/05)

4(15) After first year a student may, with prior approval of the Office of the Dean, vary the normal course load in a semester or session,

- (a) by taking up to 3 credit hours more than the normal course load; or,
- (b) by taking less than the normal course load. (F.C. 04/01/05)

- 4(16) Where a student after first year has taken less than a normal course load
- (a) Faculty Council will not normally waive the requirement of Regulation 4(1)(e) that all work towards the law degree be completed within six years of first enrolling in the Faculty;
  - (b) with the exception of “Degree with Distinction” (Regulation 2(7)), the student will not be eligible for any prize, academic award or academic recognition, including the Dean’s List (Regulation 2(6)), with respect to a course taken during that period, or for academic achievement where the student took less than a normal course load for the relevant period; and,
  - (c) taking less than a full course load may be a consideration in awarding scholarships and bursaries. (F.C. 04/01/05)
- 4(17) For the purpose of determining the relevant period in applying Regulation 4(16)(b)
- (a) semester shall mean a period that is either the fall or winter semester reflected in the Faculty of Law Academic Calendar; and,
  - (b) year shall mean a period that is two consecutive semesters.
- 4(18) During first year, a student may not withdraw from a compulsory course (Regulation 1(1)), but may voluntarily withdraw from the program by notifying the Registrar in accordance with University Regulation IX (Official Withdrawal (Voluntary)) thereby withdrawing from his or her courses as follows:
- (a) where the effective date of the withdrawal is within the time for course additions and deletions, by deleting the course from the student’s record;
  - (b) where the effective date of the withdrawal is within the time for withdrawing from the course without academic penalty, by recording a W for the course; or,
  - (c) except as provided in Regulation 4(20), where the effective date of the withdrawal is after the time for withdrawing from the course without academic penalty, by recording an F for the course. (F.C. 04/01/05)
- 4(19) After first year, a student may withdraw from a course
- (a) within the time for course additions and deletions, and the course will be deleted from the student’s record;
  - (b) within the time for withdrawing from a course without academic penalty if the student’s course load would not be less than the normal course load as provided in Regulation 4(14)(b), and a “W” will be recorded on the student’s transcript; or,
  - (c) in all other cases, as provided in Regulation 4(20). (F.C. 04/01/05)
- 4(20) Except where permitted by Regulations 4(13) to 4(19), a student may not withdraw from a course except in accordance with the following:
- (a) a student may petition to withdraw from a course without academic penalty after the applicable deadline and before the submission of the final grade for the course;
  - (b) the petition shall be submitted to the Dean or Dean’s designate who shall have the sole and only discretion to grant the petition;
  - (c) the grounds for the petition are restricted to compassionate, health-related or extenuating circumstances beyond the control of the student which

- demonstrably had a direct impact on the academic performance of the student in the course;
- (d) documentation in support of the petition shall be provided by the student;
  - (e) where the student has satisfied the Dean or Dean's designate that the grounds for granting the petition have been established, the Registrar shall be advised to record a W for the course; and,
  - (f) while the decision of the Dean or Dean's designate on the petition is final and not subject to appeal, the student may have recourse to appeal to the relevant appeals committee on related matters as set out elsewhere in University Regulations. (F.C. 04/01/05)

4(21) A student not registered in a degree or certificate program at the University of New Brunswick may withdraw from a law course as provided in Regulations 4(19) and (20). (F.C. 03/16/07)

#### **vi. Deferred Examinations**

5(1) A student who by reason of illness or other misfortune is unable to write examinations at the specified times may apply to the Office of the Registrar for permission to write deferred examinations at a time and place to be determined. Such examinations will take the place of examinations which the student was unable to write. Application for such deferred examinations, supported by medical certificates or other evidence, must reach the Office of the Registrar within seven days of the examination which the student was unable to write. Extensions may be permitted in the event that illness or other misfortune prevents the student from meeting this deadline.

**Note:** The Dean's Office normally sets a schedule for the writing of deferred examinations. It is expected that all deferred exams will be written in accordance with this schedule and completed no later than February 1 for December examinations and June 30 for April examinations.

**Note:** Normally deferred examinations are written on campus. Students are responsible for all arrangements and all charges incurred for deferred examinations written off-campus. Such deferred examinations must normally be written at an approved University or College. For further information with respect to deferred examinations contact the General Office.

5(2) A student who becomes ill and withdraws for this reason during an examination, or who feels that his performance was seriously affected by illness, even if he does not withdraw, must, if he or she wishes to be eligible for a deferred examination, notify his or her instructor or an invigilator before leaving the examination room. The student should then go immediately to be medically examined by a doctor in the University Medical Service. The student may then apply to the Office of the Registrar within seven days for a deferred examination. Extensions may be permitted in the event that illness or other misfortune prevents the student from meeting this deadline.

5(3) The University reserves the right to charge a fee for a deferred examination.

#### **vii. Application and Registration**

6(1) Application for entrance to the Faculty of Law must be made to the Admissions Committee, University of New Brunswick, Faculty of Law, P.O. Box 44271, Fredericton, NB, E3B 6C2. Telephone (506) 453-4693.

6(2) Since the number of places available is limited, all applicants for first year must file applications with all supporting material so that they are received by **1 March**. The only exception is a final transcript of marks. Applicants are encouraged to submit their applications prior to the **15th of November**.

6(3) Any applicant who is unable to register in person on registration day may be permitted to register in person up to the last day for adding courses upon approval of the Dean's Office and the professor teaching each course, and payment of any University penalty for late registration.

6(4) Registration is not complete until the applicant pays the prescribed fees and files with the Registrar a registration form giving the required information.

**Note:** The Law Faculty dates for commencement and termination of lectures, vacations and examinations do not necessarily correspond with the dates in other University Faculties. Please consult the Law School Academic Calendar of Dates on page ii of this Guide.

#### **viii. Readmission to First Year**

7(1) Any applicant who was registered in the first year of the JD program and voluntarily withdrew or was required to withdraw from the Faculty because of a failure to meet the academic requirements to advance to the second year of the program, and wishes to apply for readmission, must apply to the Faculty Readmissions Committee. Readmission to the first year of the JD program depends on approval by the Faculty Readmissions Committee.

7(2) The Faculty Readmissions Committee as constituted by Faculty Council shall hear and make decisions on all applications for readmission to first year of the JD program. Decisions shall be based on the policy for readmission adopted by that Committee and approved by both Faculty Council and the Senate Admissions Committee. A copy of the current policy is available on request from the Associate Dean but is subject to change without notice.

**Note:** The Faculty Committee on Academic Standing and Appeals has adopted the following policy for readmission to first year.

Students with disabilities who believe that their disability may be relevant to their application for re-admission should discuss this with the Associate Dean or the Chair of the Readmissions Committee. As with all applicants, such students may frame their case for re-admission under either or both of subsections 2(2) or 2(3) of this Policy.

#### ***Policy for Readmission to First Year***

*as approved by Law Faculty Council on March 31, 2000*

*1 Application for readmission to the first year of the JD program is required:*

- (a) where a student was required to withdraw from the Faculty, or*
- (b) where a student withdrew from first year after registration.*

*2(1) The Readmissions Committee (the Committee) shall readmit an applicant to first year only as provided in subsections (2) and (3), taking into consideration the adverse effect*

*readmission to first year would have on both other applicants for admission and the credibility of the JD program.*

- 2(2) *Where the Committee is satisfied that,*
- (a) the reasons for not successfully completing first year were exceptional for the applicant (see Note 1),*
  - (b) at the time of registration, these reasons were not reasonably foreseeable as likely to occur (see Note 2), and*
  - (c) these reasons are unlikely to reoccur,*
- the Committee shall offer the applicant a place in the first year class.*
- 2(3) *Subject to subsection (4), where the Committee is satisfied that an applicant who has not been readmitted in accordance with subsection (2) would probably successfully complete the JD program having regard to:*
- (a) the complete academic record of the applicant (see Note 3),*
  - (b) the reasons for not successfully completing first year,*
  - (c) the probability of the reasons reoccurring, and*
  - (d) evidence of commitment on the part of the applicant to attainment of the JD degree, the Committee shall permit the applicant to enter the pool of applicants competing for admission to the first year without including in the calculation of the GPA the marks obtained by the applicant in his/her first attempt at the first year of law.*
- 2(4) *Normally an application for readmission pursuant to subsection (3) will not be considered for the academic year immediately following the withdrawal referred to in paragraphs 1(a) or (b) (see Note 4).*
- 2(5) *In disposing of an application pursuant to subsection (2) or (3), the Committee may defer readmission for a period of one year subject to terms and conditions where the Committee considers it appropriate.*

### **EXPLANATORY NOTES TO READMISSION POLICY**

**Note 1:**

*In determining what is exceptional for a particular applicant, the applicant's previous experience with these or related kinds of events must be considered. In most cases "exceptional for the applicant" means that the reasons relate to events which were outside the applicant's control and beyond the kind of difficulties normally experienced by law students from time to time. In some cases, the reasons may refer to events which might be highly unusual for most law students, but which the applicant could be expected to manage based on his or her previous experience. In other cases, the events might be common for most law students, yet highly unusual for the applicant given his or her previous experience.*

*Reasons that relate to academic deficiencies such as poor writing skills or bad study habits will not be considered exceptional for the purposes of this provision.*

**Note 2:**

*While, from the applicant's perspective, it might be considered reasonable to have taken the personal risk of attempting first year in such circumstances, it would not be reasonable to readmit the applicant pursuant to subsection 2(2), thereby displacing someone on the waiting list.*

**Note 3:**

*The Committee may seek the opinion of those faculty members who taught the applicant during his/her first year of study.*

**Note 4:**

*Where application for readmission is made pursuant to subsection 2(2) for the academic year immediately following the withdrawal referred to in subsections 1(a) or (b), the Committee will not consider readmitting pursuant to subsection 2(3) unless the applicant specifically requests this remedy and the Committee grants an exception to subsection 2(4).*

7(3) Appropriate procedures for hearing applications shall be adopted by the Faculty Readmissions Committee. Applicants shall be advised of the Committee's procedures upon filing an application.

7(4) Any appeal from a decision of the Faculty Readmissions shall be made to the appropriate Senate Committee which will review the application of the policy on readmissions to the circumstances of the applicant's case.

7(5) Applications for readmission to first year must be received by the Chair, Readmissions Committee, Faculty of Law, UNB, PO Box 4400, Fredericton, NB, E3B 5A3, Tel. (506) 453-4669, on or before **15 June**.

**ix. Transitional**

8(1) Regulation 1(1) as amended by Faculty Council and approved by Senate in the spring of 1996 applies to the students in the incoming first year class of September 1996 and subsequent classes.

8(2) Regulations 1(2) and 1(3) as amended by Faculty Council and approved by Senate in the spring of 1996 apply to students who were in the incoming first year class of September 1995 and subsequent classes, with this exception: students in this group are required to take a one-term Constitutional Law course in their second year, in place of the required one-term Criminal Law course.

**2. ADMISSIONS**

**a. Admissions Regulations**

Admission to the Faculty of Law is at the discretion of the Faculty.

To be eligible for admission to the first year of the JD program an applicant must:

1. have taken the Law School Admission Test (LSAT) unless waived by the Admission Committee in exceptional circumstances, and



2. either
  - (a) have
    - (i) obtained a degree from a recognized Canadian university (applicants with a non-Canadian degree are reviewed by the Faculty),
    - (ii) completed at least three years of full-time academic study at a recognized Canadian university after completion of New Brunswick Grade 12, or equivalent requirement, or
    - (iii) completed at least two years of full-time academic study at a recognized Canadian university after completion of the Ontario Secondary School Diploma (OSSD), including courses in at least six Ontario Academic Courses (OACs)), or Quebec CEGEP graduation equivalent requirement;  
and attained a minimum grade point average of 2.7 on a 0-4.3 scale calculated in accordance with Admission Policies;
  - or
  - (b) have experience, maturity and outstanding qualities which indicate an ability to successfully undertake the study of law.

#### Discretionary Category

Applicants who can show membership in a disadvantaged cultural, linguistic, or socio-economic group; a physical or sensory impairment; a learning disability; or sustained and distinctive achievement in the paid workforce, at home, or in the community are given special recognition in the admissions process in accordance with Admissions Policies.

#### Indigenous Category

The Faculty encourages applications from persons of Indigenous backgrounds and gives them special recognition in the admissions process in accordance with Admission Policies.

#### Advanced Standing

An undergraduate in any Canadian law faculty or a graduate of any non-Canadian law faculty may, upon application, be granted such standing as the Faculty determines.

#### Ineligible Applicants

No applicant who has failed his or her last year of study in any other law faculty may be admitted to the Faculty of Law.

### **b. Joint MBA/JD Program**

#### **i. General**

The University of New Brunswick offers a Joint MBA/JD Program (Master of Business Administration and Juris Doctor) which allows students to receive both degrees in four years. The joint degree program is an option for students who want to add a business component to their law studies.

Normally during the first two years of the joint program, a student would complete the first year of each degree program. Then, in the final two years, the student would be registered in the JD program and take a number of prescribed business-related law courses (that also serve as MBA electives) plus two required second-year MBA courses. For each academic year, students would be registered in either the JD program or the MBA program, and they would pay the usual tuition fees for that program. Typically, students attend one year in the Business Administration Faculty and three years at the Law School.

## **ii. Admission to the Joint MBA/JD Program**

Applicants must apply and be accepted to each program separately. The eligibility requirements and selection procedures for an applicant intending to complete the joint degree program are the same as for any applicant applying to the MBA or JD program. While an undergraduate degree is normally required for admission to the MBA program, completion of the first year of the JD program coupled with three years of post-secondary education may be considered equivalent to an undergraduate degree for admission purposes.

For further information, contact:

MBA Office  
Faculty of Business Administration  
University of New Brunswick  
PO Box 4400  
Fredericton, NB, E3B 5A3  
Tel. (506) 453-4766; Fax (506) 451-6946  
Email: [mbacontact@unb.ca](mailto:mbacontact@unb.ca)  
Website: <http://www.unb.ca/fredericton/business/grad/mba/juris-doctor.html>

### **3. FACULTY POLICIES**

#### **a. Examination Scheduling Policy**

It is the policy of the Law Faculty Council that:

1. Registration and orientation for first year students will normally be on the Tuesday following Labour Day with classes beginning for all students on Wednesday;
2. While the last day of classes and the beginning of the examination period in a term may differ from the dates set for the University, the examination period for Law will include at least eight (8) examinations days, excluding Saturday and Sunday; and
3. There will be not less than two days between the last day of classes and the first day of the examination period, with the understanding that an examination in a course scheduled for the last day of classes will not be scheduled on the first day of the examination period. (F.C. 11/23/12)
4. For upper-year students, all deferred and special examinations for courses taken in the winter term shall be written in the month of June. In exceptional circumstances, the Associate Dean may set an alternate date for a deferred exam. (F.C. 03/22/19)

#### **b. Language Policy**

It is the policy of the Law Faculty Council that:

1. In all professional and law school related communication, members of the Faculty of Law community avoid language and conduct that can be understood reasonably to be sexist, racist, homophobic or for similar reason objectionable; and
2. Members of the Faculty of Law community use, as far as possible, gender neutral or gender inclusive language, except where gender exclusive language might usefully sensitize the listener or reader to stereotypical thinking.

#### **c. Scent Policy**

The law building is a scent-reduced building. (F.C. 01/15/21)

#### **d. Recording of Classes**

Students are not permitted to record classes without the prior permission of the instructor.

#### **e. Timely Reporting of Grades**

There is an expectation that Fall Term grades be posted by the end of the first week of Winter Term, subject to reasonable additional delay in exceptional circumstances. (F.C. 01/20/06)