



## Law Extension Committee's Code of Conduct

The Law Extension Committee (LEC), through its teachers, its administration and provision of resources, seeks to exemplify the values it ascribes to the study and practice of law. Students are expected to undertake their studies conscious of and in compliance with the requirements of academic and personal integrity contained in this Code.

### Summary

The scope of the Code includes:

- the particular obligations of a law student to be of good character;
- respect for the intellectual property and moral rights of those providing teaching and resources;
- student expectations of teaching and administrative staff
- the promotion of collaborative learning and the avoidance of plagiarism;
- classroom conduct, including LEC policy on the recording of lectures;
- web forum conduct with particular reference to the need to respect the reputation, property, and rights of others; and
- procedures for complaints and discipline.

### Aims

- The LEC is committed to providing an academically rigorous teaching program for Students-at-Law in support of the examinations conducted by the Legal Profession Admission Board (LPAB).
- The LEC maintains that the study of law requires an awareness of and adherence to the values required by the community of the legal profession. The need to be “of good fame and character” is the standard by which all conduct is evaluated.<sup>1</sup>
- The University of Sydney (University) and the LEC are committed to and expect tolerance, honesty and respect amongst and between its staff and students.

### Responsibility to Inform and to be Informed

- a) Students must ensure that all details in their registration with the LEC are consistent with their registration and enrolment with the LPAB and comply with all necessary requirements of the LPAB and the LEC.
- b) It is the responsibility of students to be familiar with the course requirements and notifications contained in the current *Course Information Handbook*, their *Subject Guides*, and on the websites of the LPAB and LEC. It is the responsibility of students to read all correspondence from the LEC, including that sent by email or posted on the Webcampus or through the LEC's online learning system.

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<sup>1</sup> See, for example, section 9(1)(a) *Legal Profession Act 2004* (NSW)

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### Respect for and Use of Property and Resources

- c) Students must, at all times, act honestly and lawfully with regard to intellectual property. This includes understanding, acknowledging and respecting the rights of others: including teachers, the University, fellow students, authors and others whose material is made available for students' use.
- d) Lectures and materials provided by the LEC and through the University library are the property of the University and its teachers. They may not be reproduced either electronically or otherwise without obtaining written permission from the LEC or the relevant teacher. Students must not purchase transcribed or recorded lectures.
- e) If a student wishes to make an audio recording of lectures, permission must be obtained from the teacher. Any recording without permission is strictly prohibited. Any use of a permitted recording other than for the private study of the student is prohibited. Students must not publish (including electronically) or sell or seek to profit in any way from the recording or transcription of lectures.
- f) Each student is provided with a University Unikey account and email address for the purpose of accessing online data and communicating with the LEC and the University. These access facilities must be used in accordance with the University policies governing them. See [http://www.usyd.edu.au/hr/policydev/ict\\_resources\\_policy.pdf](http://www.usyd.edu.au/hr/policydev/ict_resources_policy.pdf)
- g) University resources include the University Library and Law Library. Materials obtained online through the Law Library, must be used in accordance with University regulations and only for the purpose of personal study towards the grant of the Diploma of Law. The University libraries must be used in accordance with the relevant University policies<sup>2</sup>
- h) All comments posted on web forums must focus on the academic issues or concepts presented by the courses and should encourage the constructive exchange of ideas. The comments must never be personal, or in any way be disrespectful of any fellow student, teacher, or any other person.
- i) Students must not participate in any conduct which may or may reasonably be expected to result in an advantage to that student or a disadvantage to any other student. Such conduct may include concealing or removing library books, deliberately or recklessly placing inaccurate information on the web forum, or attempting to influence teachers or examiners inappropriately.

### Good and Conscientious Teaching

- j) Teachers are engaged by the University on a part-time basis on casual academic contracts. Students are entitled to good and conscientious teaching. Teachers are to act in compliance with their letters of engagement and the relevant provisions of their current Employment Agreement.<sup>3</sup>

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<sup>2</sup> For the University's library use policy, see [http://fmweb01.ucc.usyd.edu.au/FMPro?-db=POL\\_Main.fp5&-lay=www&-format=/pol/pol\\_summary.html&DocID=402&-find](http://fmweb01.ucc.usyd.edu.au/FMPro?-db=POL_Main.fp5&-lay=www&-format=/pol/pol_summary.html&DocID=402&-find)

<sup>3</sup> See [http://www.usyd.edu.au/sydneypeople/working/employment\\_agreements.shtml](http://www.usyd.edu.au/sydneypeople/working/employment_agreements.shtml)

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- k) Teachers are engaged to deliver lectures. The LEC does not have full-time academic staff. The extent to which teachers can make available additional resources or are available for advice is dependent on their commitments.

### Collaborative Learning, Academic Honesty and Plagiarism

- l) The LEC encourages study groups and collaborative learning. Exchanging ideas is a valuable learning strategy. At the same time the LEC and the University will not tolerate plagiarism. Students have a responsibility to be able to differentiate between sound collaboration and plagiarism. Plagiarism involves presenting another person's work as one's own, and is avoided by proper acknowledgement of the work or influence of others.<sup>4</sup>
- m) All assignments and work submitted for assessment must be the considered views and arguments of the student seeking credit for that work, with proper acknowledgement of sources. When submitting assignments, students are required to make a declaration in those terms. Students are reminded that a false declaration is a serious matter going to "good fame and character." The LEC and LPAB may use plagiarism detection software.

### Lecture Attendance

- n) Students are entitled and expected to attend lectures in the subjects in which they are enrolled. Although some weekend school lectures require the attendance of all students enrolled in a particular subject, generally the LEC offers weekend schools for the benefit of external students. Evening students may attend weekend schools, recognising that external students will be accorded priority with respect to questions and comments.
- o) If a student wishes to attend a lecture in which the student is not enrolled, permission must be sought from the teacher presenting the lecture. If the request is to attend a series of lectures, prior permission must be sought from the Director

### Mutual Obligations

- p) All students, LEC administrative staff, and teachers, must treat each other, University personnel, and members of the public with fairness, respect and dignity.
- q) The privacy and the reputations of students, teachers, LEC and University personnel and members of the public must be respected.
- r) All involved in the LEC program must ensure that they do not take part in or encourage defamation, harassment, or discrimination. The University's policy discussion on harassment and its prevention may be found at [http://www.usyd.edu.au/eeo/policies/harass\\_prevpolicy.shtml](http://www.usyd.edu.au/eeo/policies/harass_prevpolicy.shtml)

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<sup>4</sup> The definition of plagiarism used here mirrors that used in the University's policies on academic honesty. Students should become familiar with the discussion on types of plagiarism, and its prevention, in University documents such as "Student Plagiarism: Course Work Policy and Procedure" (<http://www.usyd.edu.au/senate/policies/Plagiarism.pdf>) and in the Course Information Handbook.

## Complaints and Discipline

1. If a student or teacher believes that he/she is not being treated in accordance with the principles outlined in this Code, and if resolution with the person or persons concerned is not possible or appropriate, the matter should be raised with the Director of the Law Extension Committee.
2. If it appears that this code has been breached by any person enrolled or involved in the LEC program, the Director may seek an explanation, counsel those involved, initiate mediation or conciliation, convene a Conduct Committee, or take such other action as he/she considers appropriate. The Director may refer the matter to any or all of: the Law Extension Committee, the University Solicitor, or the LPAB. The Director will inform all persons involved of the action being taken.
3. If, after such of the steps referred to in (2) above that the Director deems relevant have been concluded, any person involved is not satisfied with the outcome, an appeal may be made by way of letter to the Chairperson of the LEC. The letter will be tabled at the next scheduled meeting of the Committee and the writer will be advised of the outcome.
4. In matters of possible misconduct relevant to the status of a student as a Student-at-Law, the LEC may refer the matter to the LPAB under Rule 82 of the *Legal Profession Admission Rules 2005*. Rule 82 applies to academic misconduct and Rule 87 to personal misconduct.<sup>5</sup> The LPAB's Examinations Committee may hold an inquiry as prescribed in the Rules. The Examinations Committee has a range of findings available to it, from exoneration to referral to the LPAB for possible exclusion from the course.

## Authority and Explanations

This Code of Conduct was approved for publication, after the circulation of certain amendments, by the University of Sydney Law Extension Committee at its Meeting on 11 May 2008.

The *Law Extension Committee* (LEC) was set up by the Senate of the University of Sydney. The LEC comes within the portfolio of the Deputy Vice-Chancellor (Education), University of Sydney.

The LEC comprises University, judicial and professional association representatives, and is currently chaired by Her Honour, Magistrate Daphne Kok. It advises on the policy and financial direction of the LEC.

The LEC organises, supervises and provides courses in law to prepare students to sit for the LPAB's examinations.

The *Legal Profession Admission Board* (LPAB) registers and enrolls students, conducts examinations and awards a Diploma in Law which, for the purpose of admission as a lawyer, is a qualification equivalent to a degree from an accredited law school.

The *Director of the LEC*, currently Mr Frank Astill, is responsible for the operation of the LEC programs. Generally, LEC teachers are in full-time employment in the legal profession or in universities and are employed on a casual academic contract by the University of Sydney to teach for the LEC. A list of teachers is contained in the current *Course Information Handbook*.

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<sup>5</sup> See the *Legal Profession Admission Rules 2005* at [http://www.austlii.edu.au/au/legis/nsw/consol\\_reg/lpar2005322/](http://www.austlii.edu.au/au/legis/nsw/consol_reg/lpar2005322/)

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A *student* is a Student-at-Law, as defined in the Rules of the LPAB, who is required to undertake tuition with the LEC. "Student" includes overseas practitioners taking prescribed subjects, and any other person from time to time permitted to enrol, or enrolled, in the LEC's teaching program.

A *Conduct Committee* will comprise the Director of the LEC and up to two members selected from the student body and teaching staff. The Conduct Committee may hear allegations of breach of this Code. It may prescribe a range of outcomes, from no penalty to a warning to penalties and correctional work appropriate to a finding of breach. If it prescribes suspension or cancellation of enrolment, the matter must first be referred to the LEC and LPAB.

This Code draws on and in places adopts the phrasing of the *University of Sydney Code of Conduct for Students*. This and other relevant policies and guidelines are available through the University website at [www.usyd.edu.au/policy/](http://www.usyd.edu.au/policy/)

In matters of personal conduct the LEC endorses the University's commitment to equal opportunity and to maintaining an environment free from discrimination and harassment.

In matters of academic discipline the LEC and its students are bound by this Code, informed by relevant University policies as noted, and by Part 9 "Discipline" of the *Legal Profession Admission Rules 2005*, available through the LPAB website, [www.lawlink.nsw.gov.au/lpab](http://www.lawlink.nsw.gov.au/lpab) or at [http://www.austlii.edu.au/au/legis/nsw/consol\\_reg/lpar2005322/](http://www.austlii.edu.au/au/legis/nsw/consol_reg/lpar2005322/)

The LEC and the LPAB executive officers cooperate in formulating and administering a fair, comprehensive and appropriate code of conduct. In addition to this code, relevant University policies, and the *Legal Profession Admission Rules 2005*, the LEC and the LPAB have regard to the framework of strategies for managing unreasonable conduct in the Managing Unreasonable Conduct Practice Manual published by the NSW Ombudsman, available at <http://www.ombo.nsw.gov.au/show.asp?id=533>

### **Future Amendments to the Code of Conduct**

Changes to this Code of Conduct, other than typographical errors, formal updates or formatting, will be considered by the LEC and, if adopted, incorporated with appropriate notification on the LEC website.

#### Amendment History

Amended following LEC meeting of 11 May 2008. First paragraph under "Authority and Explanations".

Amended 10 August 2009, page 2, item (i), as approved by Law Extension Committee. Headers changed.

Amended 1 September 2009, updated and clarified in relation to Legal Profession Admission Rules 2005 (page 4, item 4); paragraphs 5 and 11 under "Authority and Explanations"(pages 4-5).

Amended 20 January, 2010, typographical error page 4 item 4. Addition of a paragraph under "Authority and Explanations" referring to NSW Ombudsman publication.