

DEGREE PROGRAM REVIEW

Quality Assessment Report Workbook

Institution: Trinity Western University

Proposed Program: Juris Doctor

Quality Assessment Review Panel Member(s):

Professor David R. Percy (Chair)
Professor Bernard L. Adell
Professor Jeffrey Berryman
Professor Joost Blom
Professor Anne N. Pappas

Date: April 17, 2013

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Overall Assessment	
Overall Score	85%
Strengths	Strong understanding of the subject matter, clear communication, and effective problem-solving skills.
Weaknesses	Needs improvement in time management and organization of work.
Recommendations	Focus on improving time management and organization to enhance overall performance.

Program Information:

Applicant Trinity Western University

Proposed Program Name: Juris Doctor

Assessment Summary Table:

Standard	Fails	Meets	Conditional
1. Executive Summary	N/A	N/A	N/A
2. Degree Level Standard		x	
3. Credential Recognition and Nomenclature		x	
4. Curriculum/Program Content			x
5. Learning Methodologies/ Program Delivery			x
6. Admission and Transfer/Residency		x	
7. Faculty			x
8. Program Resources			x
9. Program Consultation			x
10. Program Review and Assessment		x	

Overall Assessment:

Following its assessment of the proposed program, the Quality Assessment Panel has determined that the proposed program

- _____ fails to meet the Degree Program Review Criteria and Standards
 _____ meets or exceeds the Degree Program Review Criteria and standards
 x meets the Degree Program Review Criteria and Standards, on the condition that
 the following required actions are undertaken:

Rationale for Determination:

The proposed program would meet the Criteria and Standards, subject to TWU satisfying the DQAB that it has met the following conditions set out in this report:

- 3 conditions relating to Curriculum, as set out in Part 4 of this report.
- 2 conditions relating to Learning Methodologies, as set out in Part 5 of this report.
- 1 condition relating to Faculty, as set out in Part 7 of this report.
- 4 conditions relating to Program Resources, as set out in Part 8 of this report.
- 1 condition relating to Consultation, as set out in Part 9 of this report.

Signed:

Chair of the Quality Assessment Panel:

David R. Percy

(Signature)

April 17, 2013

David R. Percy, Q.C.
(Printed Name)

Quality Assessment Panel Members:

Professor Bernard L. Adell
Professor Jeffrey Berryman
Professor Joost Blom
Professor Anne N. Pappas

approvals via email

(Signature)

April 17, 2013

Standards Assessment Worksheets

1. Executive Summary

The Executive Summary presents, in a succinct manner, the purpose of the proposal and a summary of the key objectives and outcomes of the proposed degree program.

2. Degree Level Standard

Standard

The institution must demonstrate that the proposed program meets or exceeds the proposed degree level standard (refer to Appendix).

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☐ meets or exceeds this standard
☒ meets this standard provided that the following requirements are addressed:

Rationale for Determination:

Criteria for Assessing Satisfaction of Degree Level Standards

Criteria	Comment
The program meets or exceeds specified learning outcomes (see appendix) and the institution demonstrates how the program meets the standard.	The conditions attached to the panel's approval are those set out in Parts 4 and 5 of this report.

3. Credential Recognition and Nomenclature

Standard

The institution must demonstrate that the program's learning outcomes and standards are sufficiently clear and at a level that will facilitate recognition of the credential by other post-secondary institutions, professional and licensing bodies and employers. Where appropriate, the program, courses or curricular elements are designed to facilitate credential recognition by other post-secondary institutions and by employers, both within the province and other jurisdictions.

The name of a degree should convey long-term meaning; the content of a degree program should be consistent with the name; and the reputation of the institution and of post-secondary education in British Columbia should be enhanced by the quality of the offering. Beyond that is the value to graduates of having a professional credential recognized by appropriate licensing and accrediting bodies as the basis for entry to practice.

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☒ meets or exceeds this standard
☐ meets this standard on the condition that the following requirements are addressed:

Criteria for Assessing Satisfaction of Credential Recognition and Nomenclature Standard

Criteria	Comment
Evidence that the institution is making provisions for credential recognition and course transfer, and that the institution will advise students of any changes to credential recognition or course transfer in a timely manner.	The panel is satisfied that TWU would make such provisions.
Evidence that employers, relevant occupational and professional groups, regulatory bodies and other post-secondary institutions will recognize the credential and their assessment of whether the credential will contribute to the professional advancement of the graduate.	The panel has not made further consultation on these particular matters a condition of approval of the program, but asks the DQAB to note its comments in Part 9 below, under the heading "Consultation Going Forward".
For programs leading to profession that are subject to government regulation, the learning outcomes and standards and other requirements for graduation take into account the requirements of the relevant regulatory or professional body.	The panel asks the DQAB to note condition [1] in Part 5 of this report, with respect to degree level standards and learning outcomes.
There is an appropriate fit between the nomenclature of the credential and the content of the degree.	Satisfactory
Degree name is consistent with the Degree Quality Assessment Board's Guidelines on Naming of Degrees.	Satisfactory

4. Curriculum/Program Content

Standard

The management structures and methods of the program are well defined and permit delivery of the quality of education necessary for students to attain the learning outcomes. The institution must demonstrate that the program in both subject matter and learning outcome standards, offers an education of sufficient breadth and rigour to be comparable to similar programs at the proposed degree level offered by recognized provincial, national and international post-secondary institutions. The curriculum must be current and reflect the state of knowledge in the field, or fields in the case of interdisciplinary and multidisciplinary programs.

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☐ meets or exceeds this standard
☒ meets this standard on the condition that the following requirements are addressed:

That TWU reconsider, in accordance with what we say below in the Rationale for Determination of this part of our report, whether what the proposal describes as the "turnkey" approach of the projected JD program is appropriate for an academic law faculty and is consistent with the true needs of the legal profession and the students who will be entering that profession. More specifically, we recommend:

[a] That TWU modify the proposal's approach to experiential learning in light of the suggestions set out in paragraphs [3] and [4] of the Rationale for Determination immediately below, in order to make that approach more effective.

[b] That TWU modify the proposal to bolster the theoretical aspects of the curriculum, in light of the suggestions set out in paragraph [5] of the Rationale for Determination immediately below, with a view to making a more sustained effort to help students come to grips with the social and political factors that have shaped the law in the past and are likely to shape it in the future.

Rationale for Determination:

[1] The program objectives identified in the Executive Summary of the proposal (at p. 6) are: to focus on professionalism, practice competence and high ethical standards; to integrate practical assignments; to emphasize leadership and character development; and to integrate a Christian worldview. We take these to be the features that the university regards as making its proposed program distinctive, rather than as being a complete summary of the objectives. The curriculum as described in the written materials does not set out in a comprehensive way what the overall learning objectives are.

[2] In its current form the curriculum proposal, in our assessment, has two general shortcomings. First, its stated objectives with respect to preparation for the practice of law seem to us to be overstated, and even if taken more modestly, very unlikely to be achieved with the curriculum and methods of delivery described. Second, the proposal says very little about the importance of an understanding of the theory of law.

[3] The written proposal makes considerable mention of practical skills, but is very unclear on what the learning objectives would be with respect to those skills. During our site visit, the university's representatives more than once emphasized that the program's goal was to produce "practice-ready graduates", and the proposal speaks (at p. 13) of graduates with "the basic turnkey skills and knowledge to be immediately useful in the regular transactions that occur in small and medium-sized firms." We find it difficult to take these as literally accurate statements of aspiration, but if they are indeed accurate, they are in our view misguided. For one thing, provincial law societies still require students to article for a year, or in Ontario (in a pilot project to begin in 2014-15), to complete a Law Practice Program. After law school, the appropriate level of readiness is bar-admission-course-ready, not fully practice-ready. (It is true that the American states, although they have bar examinations, do not have articling. However, we heard no suggestion that the proposal was drafted with U.S. practice in mind, or that any effort was made to adapt the program to the needs of practice in that country.)

[4] Parts of the proposed curriculum are stated as being designed to enable students to acquire practice skills through experiential learning (see p. 6 of the Executive Summary, point 2, under "How the Objectives Are Achieved"). However, the proposal is not clear on what is envisaged as genuinely experiential learning and what is to be just classroom lectures on practical matters. To the extent that experiential learning is to form part of the courses, TWU seems to us to underestimate seriously the time and resources that are needed to do a good job in this respect. Faculty are to be encouraged to integrate "practical assignments" into their courses, and two examples are given (which are stated as mandatory requirements, not as approaches to be encouraged). One of those examples is that "students must draft contracts" in the first year Contracts course. However, teaching legal drafting is notoriously difficult and time-intensive, and we are very doubtful that it can just be inserted as an exercise into a Contracts course. Teaching drafting well requires students to do multiple iterations of a document, and the instructor to give individual feedback each time. Even in a relatively small class of 30, this is a very laborious process, and we are very sceptical that it can be done at all effectively in a Contracts course or in any other first year course. The second example consists of a "walk through all the steps to incorporate a company" in the Business Organizations course. We do not see how this

could be a real skill-builder without much more hands-on instruction and feedback than the classroom format would allow. The three required practica, another feature that is highlighted in the proposal, largely lack specific content and objectives and also raise resource issues, as discussed below in paragraph [2] of the Rationale for Determination under Part 5 of this report.

One of the proposed first year courses, Introduction to Practice Skills and the Practice of Law (Law 508), is a compendium of twelve broad and unfocused topics (see the course outline in the Appendix to the proposal). Many of those topics (such as legal research, legal drafting, negotiation and problem solving) could simply not be taught to any reasonable level in the time available. This course, we were told, is planned to be taught by a practicing lawyer who would bring in other lawyers for particular parts of the course, a structure which makes a coherent educational experience additionally unlikely.

Although it is entirely legitimate for the proposed program to emphasize experiential learning, the concrete plans in this regard need to be substantially revised, both in terms of what the objectives of such learning are and in terms of the resources needed to achieve those objectives.

[5] Next, the more theoretical side of the curriculum. Perhaps because of the proposal's commitment to a "turnkey" approach, this part of the curriculum is underdeveloped. Few courses are proposed that would require students to come to grips with divergent views on the nature of law and with how the law influences and is influenced by other social and political institutions, some understanding of which is needed if students are to be able to adapt to ever-accelerating changes in the "black letter law". Only the compulsory upper-year Jurisprudence course seems to be designed to that end, and most Canadian law schools recognized long ago that a compulsory course in that area was not a sufficient or even a particularly effective way of attaining it.

The detailed course outlines in the Appendix to the proposal do make frequent mention of critical reflection or critical assessment, but more attention needs to be paid to how students are to be equipped to engage in such critical reflection and critical assessment. This is made particularly important, in our opinion, by the stated objective of "integrating a Christian worldview into all courses" (point 4 on p. 7 of the proposal's Executive Summary). A good understanding of law requires a clear sense of the wide range of political, social and moral ideas that have shaped the law and will shape it in the future. Whether or not a lawyer holds a Christian worldview, he or she must be able readily to understand and respect a diversity of worldviews, and respond to the needs and rights of people with all sorts of perspectives and experiences. Any JD program must make a sustained effort to give students the intellectual background that will help them deal with and effectively represent people and organizations with whose views they may profoundly disagree. TWU should be asked to work out and articulate much more clearly how the proposed program will do that. We cannot presume to recommend specifically how to go about it; existing Canadian law faculties take a wide range of approaches to it, but virtually all of them offer students more curricular opportunities in this regard than the TWU proposal does.

[6] We would add the observation that with nine compulsory upper year courses and two compulsory practica, the proposed program has a more rigid curriculum than any other Canadian JD or LLB program. For example, the proposal includes a compulsory upper year course in Practice Management, even though a considerable proportion of Canadian law school graduates do not go into the private practice of law and many of those do will not have managerial responsibilities for quite some time. In addition, a review of the websites of existing Canadian law faculties indicates that nowhere else are full or partial courses in real estate transactions or wills mandatory. We understand that most practitioners

(even those in small centres and in sole practice) no longer do much work in those areas of law, and they do not serve as building blocks for understanding other areas of law (as tax law, for example, does). Conversely, the proposal calls for only one course, taught in the first year, covering both criminal law and criminal procedure, and for no optional courses in that field. In addition to its vast social significance, criminal law is of great importance to practitioners in small firms, perhaps especially in small centres. Most Canadian law schools devote a full compulsory course to substantive criminal law and offer a separate course in criminal procedure, as well as advanced courses in various aspects of that field. In our view, these are matters which TWU should consider, in furtherance of its stated aspiration to have a law faculty of high quality.

Criteria for Assessing Satisfaction of Curriculum/Program Content Standard

Criteria	Comment
Approval by the institution's senior academic governance body (i.e., Senate, Education Council, or equivalent), or an academic planning and priorities committee to which it has delegated authority and which has sufficient qualifications to ensure that the curriculum is current and reflects the state of knowledge in the field and the needs of the field in practice. If an external review is undertaken before submission of the degree proposal, the external review committee's report is included in an appendix.	The proposal was approved by TWU's Senate and Board of Governors in April 2012. A Curriculum Development Working Group formed in 2009 to prepare the proposal included two current members of the TWU Faculty (Dr. Janet Epp Buckingham and Professor Kevin Sawatsky), as well as Dr. Eugene Meehan (a practicing lawyer in Ottawa) and Dr. Donald Buckingham (a former law professor who is chair of the Canada Agricultural Review Tribunal in Ottawa). Two external reviews of the curriculum were solicited by TWU, from Albert Oosterhoff, Professor Emeritus of Law at Western Ontario, and Lyman Robinson, Professor Emeritus of Law at the University of Victoria. The curriculum plans were modified in some respects in response to these reviews, which are included in the appendices to the proposal.
Learning outcomes and standards for the program demonstrate how graduates will be prepared with a sound basis in theory, as well as the intellectual, communications and other skills necessary to be effective in the workplace upon graduation, and to remain current in their field.	We note above our serious reservations on major aspects of the program relating to legal theory, to the teaching of legal skills, and to the extent and configuration of compulsory courses in the upper years. In other respects, the proposed curriculum has many parallels to those in existing Canadian law schools.
Courses provide exposure to increasingly complex theory, and in programs with an applied or professional focus, the application of that theory to practice in the field.	We have commented above on the proposal's relative lack of focus on the theoretical side of the curriculum. The proposal provides little or no indication that students would be exposed to increasingly complex theoretical issues over the course of the program. In certain subject areas, the proposal does envisage a progression from basic to more complex and specialized subject matter, as existing Canadian law school curricula do.
The program has sufficient breadth (i.e. courses outside the professional or main field of studies, some of which are free	The program is at the narrow end of the spectrum of breadth of offerings seen in existing Canadian law schools. Required second and third year courses would make up about half of the

Criteria	Comment
electives) and/or an appropriate balance of professional and liberal studies.	upper year curriculum, which is more than at all or almost all existing Canadian schools. As we say above, we are of the view that both the extent and the configuration of the program's required upper year courses should be reconsidered.
Time allotments assigned to the program as a whole, and to components in the program, are appropriate to the stated learning outcomes.	In most respects, the time allotted to the various courses and subject areas in the proposed curriculum follows the basic pattern of Canadian undergraduate JD and LLB programs.
The type and frequency of evaluations of student learning are commensurate with the stated learning outcomes and provide appropriate information to students about their achievement levels.	The proposal does not specifically address evaluation of student learning. We were told that the expectation is that course work would generally be evaluated by conventional law school examinations, and that practical exercises or research papers might also be used to assess student performance. Subject to what we say in paragraph [2] of Part 5 below, we have no reason to think that the proposed evaluation methods would be inappropriate in terms of the standards applied or the feedback students received.
Levels of student achievement for successful course completion and the graduation requirements for the proposed program are appropriate to the learning outcome goals and degree level standard and allow for confirmation that a student is progressing normally through the program.	Subject to our comments above, the proposal seems to contemplate an appropriate level of achievement both at the course level and at the overall program level. It follows the standard Canadian law school curriculum pattern with respect to progression through the program, and we assume that student achievement would be assessed at a comparable level.
For degrees with in applied or professional focus – work experiences, field placements etc., have appropriate articulated learning outcome goals and a method for joint instructor and employer evaluation leading to the assignment of a grade.	Our comments on the three practica, which are required law-related experiences in the proposed program, are set out in paragraph [2] of part 5 below.

5. Learning Methodologies/Program Delivery

Standard

Learning methodologies are the methods of delivery that will be used to achieve the desired learning outcomes at the degree level standard and at an acceptable level of quality. The institution must demonstrate that it has the expertise and resources to support the proposed method of delivery and ensure its effectiveness. In some cases, it may be more appropriate for the institution to demonstrate that it has a realistic plan to put the necessary expertise and resources in place.

Determination of Quality Assessment Panel

The Applicant:

- _____ fails to meet this standard
_____ meets or exceeds this standard
 x meets this standard on the condition that the following requirements are addressed:

- [1] That TWU set out degree level standards for the proposed program, and learning objectives mapped to those degree level standards.
- [2] Subject to what we say in Part 7 below, that TWU provide a plan (with timelines) for hiring faculty and administrative support, and that it set milestones in terms of preparedness to handle the student admission and registration processes, course management, and other important administrative matters discussed in Part 8 below, under Staffing and Student/Learning Resources.

Rationale for Determination:

- [1] The Ministry's guidelines for review outline six dimensions: depth and breadth of knowledge, knowledge of methodologies, application of knowledge, communication skills, awareness of limits of knowledge, and professional capacity/autonomy. While the proposal contains some evidence that those criteria were considered (i.e., some overall objectives are set out at page 14 of the proposal, and specific course objectives under each course), it does not focus on the specific dimensions set out in the Ministry's guidelines or address the specific learning outcomes for the program. Learning outcomes describe what it is that a graduate will know, value, and be able to do following completion of the program, and how the institution will know that those qualities have been acquired and can be put into practice. Without learning outcomes, it is difficult to evaluate the program's proposed delivery methodologies.
- [2] A strength of the proposal is the commitment to teach the first year program in small sections of no more than thirty students. TWU also has creative plans to integrate skills acquisition into courses, particularly in its compulsory practica courses. These are good ideas. However, under questioning from the review panel it became clear that the logistics of implementing them still need considerable work. In particular, there are many important questions that have to be addressed on the three compulsory practica, including these:
 - (i) What are the learning objectives and expected outcomes for the three practica and how do they differ between the first year, second year and third year practica?
 - (ii) How would sufficient placements be found for a total of 180 students who will be engaged each year in some form of practicum?
 - (iii) How would supervision be undertaken of the students and of the lawyers, agencies, tribunals or other bodies recruited to take students?
 - (iv) When would the two upper year practica be taken -- i.e., would each of them be a two-week work experience during the academic term or in the summer, or would it be taken one day a week during the term? Because the third year practicum would be taken for credit, which requires measuring the performance of students on a level playing field, TWU must provide satisfactory answers to the DQAB on these questions.

- [3] It is now universally recognized that education in legal research and legal writing is a vital part of the law school experience. The TWU proposal left the panel unsure how those needs would be addressed. Legal research is included as a component of Law 507, Fundamentals of Canadian Law, but our experience is that teaching legal research skills requires the allocation of considerable teaching energy and resources in first year, and reinforcement throughout the rest of the curriculum. During the site visit, we put forward the suggestion that TWU should follow the practice, common in Canadian law schools, of devoting a first year course to legal research and writing and requiring a supervised research paper in the upper years to reinforce the skills learned in first year. A member of TWU's law advisory panel expressed enthusiasm about this suggestion during our discussions, but nothing like it is in the proposal. We suggest that TWU be asked to present a detailed plan on how legal research and writing would be taught over the three years of the program.

There was a clear willingness on the part of the TWU representatives with whom we met to see these issues resolved. At various points during our site visit, we raised and discussed with them a number of suggestions (some of which we will return to in Part 8 below) on how to deal with many of the practical complexities (both substantive and administrative) of running a law school. This discussion reinforced our concern that many important issues of that sort had not yet been identified or worked through. In our view, the proponents of the program need to have further discussions with an experienced law school administrator to identify such issues and put in place a plan to address them. Alternatively or additionally, if the proposal goes forward, TWU may wish to recruit as its founding dean a person with law school administrative experience who would be able to initiate and implement a plan of that sort. Either way, TWU should be required to set out a plan, and a timetable, for addressing these practical issues.

Criteria for Assessing Satisfaction of Learning Methodologies/Program Delivery Standard

Criteria	Comment
The delivery method(s) and quality assurance policies are appropriate to course content, the students involved and the proposed learning outcomes.	The proposal provides detailed descriptions of course content, but little detail on delivery methods other than the use of standard classroom format. The proposal emphasizes mentoring and practice, with which we would agree, but we saw few plans for their implementation.
Evidence that the institution has the expertise and resources to support the proposed method of delivery (both human and material that support the program and its students and provides processes for students' feedback); and ensures its effectiveness or demonstrates a viable plan to put the necessary expertise and resources in place.	TWU has expressed a strong commitment to the success of the proposed law school program. However, more attention must be given to creating a plan with milestones, or to recruiting personnel with the expertise to create and implement such a plan, so that the range of practical issues involved in launching a new law school will be addressed.
Where applicable, policies pertaining to technology-based, computer-based and web based learning and modes of delivery ensure: student and faculty preparation and	During the site visit, we endeavoured to make the TWU representatives aware of the special demands of law students and faculty members in such matters as course management and the information

Criteria	Comment
orientation; <ul style="list-style-type: none"> • reliable, and sufficient course management systems; • accessible technical assistance for students and faculty; • appropriate hardware, software and other technological resources and media; and, • well-maintained and current technology and equipment. 	technology needed for electronic research and course support. We also raised related issues of grading policy and practice. For example, how will grading equity be ensured between multiple sections? How will grade appeals be handled? If a student fails to complete a not-for-credit practicum, will the student be able to advance? TWU needs to demonstrate that it has thought such issues through, and to provide a time line for implementing solutions prior to launch of the program.

6. Admission and Transfer/Residency

Standard

The institution should demonstrate that the program is designed to provide flexible admission and transfer arrangements. Where appropriate, the program, courses or curricular elements are designed to facilitate credit transfer by other post-secondary institutions both within the province and other jurisdictions¹.

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☒ meets or exceeds this standard
☐ meets this standard on the condition that the following requirements are addressed:

Two of the five members of the panel would impose a condition to the effect that students in the proposed program not be required to sign the university's Community Covenant. The views of those two members on this matter are set out in an Addendum at the end of this Part.

Rationale for Determination:

TWU proposes to use law school admissions criteria similar to those of most law schools in Canada: namely, a combination of Law School Admission Test scores, grade point averages, and written letters of application outlining leadership qualities, work experience, community involvement and the applicant's reasons for wanting to pursue a legal education.

The current reality in Canadian legal education is that few students transfer between law school programs, because most law schools operate a cohort program comprising a significant number of compulsory core courses.

¹ The British Columbia Council on Admissions and Transfer administers the *British Columbia Online Transfer Guide* that provides information on course or program articulation agreements between institutions. Institutions are encouraged to contact the British Columbia Council on Admissions and Transfer early in the development of new degree program proposals for information on admissions and transfer in British Columbia.

Before being admitted to the JD program (as to other programs at TWU), students would have to sign the university's Community Covenant (page 16 of the proposal). The most pertinent provisions of that covenant are set out in Part 7 below. In that Part, we express the strong concern that persisting with the requirement that faculty members must sign the Community Covenant and a Statement of Faith (which we understand students are not required to sign) would make it very difficult for TWU to attract a strong and diverse group of law faculty members.

It is virtually certain, in our view, that requiring law students to sign the Community Covenant would have a similarly detrimental effect on the diversity of the law student body, and it may also have a detrimental effect on the academic quality of those students. This is particularly important in a law faculty, because law students (more than those in most other faculties) learn extensively from one another in many contexts, both inside and (perhaps especially) outside the classroom.

Criteria for Assessing Satisfaction of Admission and Transfer/Residency Standard

Criteria	Comment
Evidence that the institution has clearly established policies and procedures on admissions consistent with the level of the degree program (including policies on direct entry and mature students) and will inform students of these provisions and any changes to these provisions.	TWU's proposed admissions process and standards are in accordance with those used by other Canadian law schools. Under a Special Access policy, five places would be made available for exceptional students who did not meet the standard criteria.
The institution has admission requirements for the proposed program are consistent with the post-secondary character of degree-granting organizations and where appropriate ensure appropriate forms of assessment of prior learning for admission to programs.	Assessment of prior learning is not really a feature of law school admission programs in Canada.
Evidence that the institution has clearly established policies and procedures on transfer consistent with the level of the degree program and will inform students of these provisions and any changes to these provisions.	The circumstances under which TWU proposes to consider applications from transfer students are similar to those in existing law schools in Canada.
The institution's policy on admissions and transfer indicates a willingness to consider applicants applying to undergraduate, graduate and professional programs from any post-secondary institutions.	TWU's proposed policies in these matters conform to those in law schools across Canada. As noted above, few students transfer between law schools in Canada.
Appropriate residency requirements.	TWU proposes a two-year residence requirement for the JD degree. This is fairly standard across Canada.

ADDENDUM FROM PANEL MEMBERS BERNARD L. ADELL AND JEFFREY BERRYMAN

As is indicated by our signatures above, we agree with and endorse the recommendation of the entire panel that TWU's proposal for a law school should not be accepted without the substantial changes called for in this report in the areas of Curriculum/Program Content, Learning Methodologies/ Program Delivery, Faculty, Program Resources, and Program Consultation. However, we would go slightly farther than the panel's report in one respect. We would recommend that the proposal not be accepted unless potential law students as well as potential faculty members are exempted from being required to sign the university's Community Covenant as long as that document (by requiring abstinence from "sexual intimacy that violates the sacredness of marriage between a man and a woman") discriminates against anyone who is in a same-sex relationship.

For the purposes of this report, we accept (as the entire panel does) that as the law now stands, TWU is legally entitled to require its students and faculty members not to be in same-sex relationships (in other words, that it is legally entitled to discriminate against homosexuals). However, we also recognize (as the entire panel does) that the fact that a particular type of discrimination is legal does not necessarily mean that it does not detract from the academic merits of a proposed faculty – in this case, a law faculty. Discrimination on all sorts of perfectly legal grounds would have detrimental effects on the quality of a faculty, and the seriousness of those effects would vary with the type of discrimination and the type of faculty. If a religiously affiliated university had a religious basis for totally excluding black, Jewish or Muslim law students or faculty members, and did in fact say that it would do so, we can only imagine that such discrimination would be widely seen as a critical obstacle to the establishment of a credible law school. And of course, it can no longer be argued either in fact or in law (if it ever could) that discrimination against homosexual relationships is not discrimination against homosexuals themselves. This was made clear very recently in *Saskatchewan (Human Rights Commission) v. Whatcott*, 2013 SCC 11, at para. 123, where the Supreme Court of Canada unanimously adopted the following comments made twelve years earlier in what was at the time a dissenting judgment by Justice L'Heureux-Dubé in *Trinity Western University v. British Columbia College of Teachers*, 2001 SCC 31 at para. 69:

I am dismayed that at various points in the history of this case the argument has been made that one can separate condemnation of the "sexual sin" of "homosexual behaviour" from intolerance of those with homosexual or bisexual orientations. This position alleges that one can love the sinner, but condemn the sin. . . The status/conduct or identity/practice distinction for homosexuals and bisexuals should be soundly rejected. . . This is not to suggest that engaging in homosexual behaviour automatically defines a person as homosexual or bisexual, but rather is meant to challenge the idea that it is possible to condemn a practice so central to the identity of a protected and vulnerable minority without thereby discriminating against its members and affronting their human dignity and personhood.

Compelling considerations of this sort led as perennially cautious and circumspect a newspaper as the *Globe & Mail* to say, in an editorial on February 8 of this year: "... a law school that purports to be a homosexual-free zone is a contradiction in terms. . . Equality before the law is at the heart of Canadian law, and a law school that won't accept that idea has no legitimacy."
(Online www.theglobeandmail.com/commentary/editorials/no-gay-free-law-school-should-stand-in-canada/article8356107/)

7. Faculty

Standard

The institution must demonstrate that it has the human resources necessary to develop and deliver a quality degree program. In some cases, it may not be feasible for an institution to hire faculty until it receives program approval. In these cases, the institution should provide the specific faculty selection criteria that will be used to ensure new faculty hires have the necessary qualifications for the degree level being offered and program being proposed.

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☐ meets or exceeds this standard
☒ meets this standard on the condition that the following requirements are addressed:

Removing the requirement that all faculty members sign the Statement of Faith and the Community Covenant, or alternatively, replacing it with a non-exclusive preference for faculty members who are prepared to sign those documents.

Rationale for Determination:

According to our understanding, which was confirmed by representatives of the university in response to our questions, each TWU faculty member is required (annually, it appears) to sign two documents that are unique to TWU: a Statement of Faith (adopted by the TWU Board of Governors on November 6, 2009) and a Community Covenant, also dated 2009. We also understand that every student must sign the Community Covenant but not the Statement of Faith. In response to our questions, representatives of the university confirmed that no one who does not sign both documents will be hired as a faculty member.

The preamble to the Statement of Faith reads as follows:

As a Christian University, Trinity Western University openly espouses a unifying philosophical framework to which all faculty and staff are committed without reservation. The university identifies with and is committed to historic orthodox Christianity as expressed by the official Statement of Faith.

Under the general heading, "What we believe", the document goes on to set out (under ten subheadings) a detailed statement of what appear to be evangelical Christian doctrines. Under the second of those subheadings, the document says: "the Bible is . . . to be believed in all that it teaches, obeyed in all that it requires, and trusted in all that it promises."

The Statement of Faith concludes as follows, just above the signature line: "I agree with the above *Statement of Faith* and agree to support that position at all times before the students and friends of Trinity Western University." An optional additional sentence says: "However, I wish to clarify my understanding of an article(s) on a separate, attached sheet."

The Community Covenant states, under heading 1 ("The TWU Community Covenant"), that it is "a solemn pledge in which members place themselves under obligations on the part of the

institution to its members, the members to the institution, and the members to one another.” It continues as follows: “In making this pledge, members enter into a contractual agreement and a relational bond. . . It is vital that each person who accepts the invitation to become a member of the TWU community carefully considers and sincerely embraces this community covenant.”

Under heading 3 (“Community Life at TWU”), the document says:

The TWU community covenant involves a commitment on the part of all members to embody attitudes and to practise actions identified in the Bible as virtues, and to avoid those portrayed as destructive. Members of the TWU community, therefore, commit themselves to: . . . reserve sexual expressions of intimacy for marriage . . .

In keeping with biblical and TWU ideals, community members voluntarily abstain from the following actions: . . . sexual intimacy that violates the sacredness of marriage between a man and a woman . . .

Under heading 5, “Commitment and Accountability”, the Community Covenant says:

. . . Unless specifically stated otherwise, expectations of this covenant apply to both on and off TWU’s campus and extension sites. Sincerely embracing every part of this covenant is a requirement for employment. . .

The significance of the signing of the Community Covenant in the eyes of the university is emphasized in the *Trinity Western Student Handbook, Sept. 2012- Sept. 2013*, at p. 19:

Maintenance of one’s integrity with regard to the *Community Covenant* is essential for continued membership in the community. Once a commitment has been indicated through signature, failure to respect the *Community Covenant* is a breach of personal integrity, a matter that may, in some cases, be of greater concern than the violation itself.

In addition, a document entitled “Position Description: Faculty Member, School of Law”. and included at page 156 of the proposal, reads as follows:

Personal: Warm-hearted, dedicated, committed and mature evangelical Christian with a keen desire to serve in family, church, work and community. A firm commitment to TWU’s mission, Statement of Faith and Community Covenant.

The requirement that every prospective faculty member sign the Statement of Faith and the Community Covenant as a condition of appointment gives rise to two major concerns on our part. The first is whether the proposed law school would be able to attract enough faculty members of high academic quality to (in the words of the DQAB standard) “develop and deliver a quality degree program”. The second is whether faculty members would truly have the academic freedom needed to do teaching and research at the high level that prevails in Canadian law schools.

We raised these concerns squarely during the site visit. The responses from the university’s representatives were along three lines. The first was that TWU, in the exercise of its freedom of religion, is legally entitled to require faculty members and students to adhere to its religious perspective. That response, as we noted at the time, is beside the point. S14

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S14 Our assessment is based on the assumption that TWU has the full legal right to require every current and prospective faculty member to sign and adhere to the Statement of Faith and the Community Covenant. Our mandate is to assess, from our standpoint as university law teachers and experienced law faculty administrators, whether that requirement is likely to have a significant adverse effect on the academic quality of the proposed TWU law school. We will return to this matter below.

The second response from the university's representatives was that TWU had received a number of inquiries from people who were interested in obtaining teaching positions in the proposed law school. The fact that these expressions of interest exist has some relevance to our concerns, but we can give very little weight to it without having the much more extensive information that would be needed to assess how well-qualified and how promising in other respects those people would be as Canadian university law teachers – information which TWU is understandably not in a position to provide at this time.

The third response was the assertion that TWU faculty members are in fact free to challenge established doctrine and to pursue any line of critical scholarly inquiry they might wish to pursue. On the basis of the material before us, we cannot assess whether this assertion is true in actual practice. However, it is clearly inconsistent with the provisions of the Statement of Faith and Community Covenant set out above. This inconsistency is reinforced by the requirement that each faculty member must explicitly reaffirm annually that he or she agrees with the terms of the Statement of Faith and also agrees “to support that position at all times before the students and friends of Trinity Western University.”

Is the requirement that every faculty member must adhere to the Statement of Faith and the Community Covenant likely to impair the academic quality of the proposed law school by substantially narrowing the pool of potential faculty members? Our sense is that it would very seriously affect the capacity of TWU to acquire faculty members of as high a quality as those in other law schools across the country. As we suggested during the site visit, TWU is in effect proposing to do today what some Canadian law schools did a few generations ago – refuse to accept faculty members whose religious orientation is unacceptable. In those days, it was legal for law schools and other university faculties to impose that barrier, and we assume that it is legal for TWU to do it today. The barrier was, however, taken down at every other Canadian law school several decades ago, not because of any legal requirement or any particular qualms about discriminatory practices, but because it was precluding the hiring of the strongest possible faculty members. The barrier imposed by the requirement of adherence to TWU's Statement of Faith and Community Covenant would in our view have exactly the same effect today. We cannot recommend approval of this application unless that barrier is lowered.

During our site visit, representatives of TWU acknowledged that Canada has no law schools which impose a religious test on current or prospective faculty members. They pointed out, however, that in the United States there are many religiously affiliated universities, some of them with highly respected law schools. There is a long history in that country of reconciling the practices of religiously affiliated law schools with the demands of a high-quality legal education. In this regard it is instructive to note (as we did during the site visit) the requirements for membership in the American Association of Law Schools (AALS), which serves as a nation-wide law school accreditation body. AALS Bylaw Article 6 is headed “Membership Requirements,” and Bylaw Section 6-1 (headed “Core Values”) reads in part as follows (*italics added*):

6-1(b). The Association values and expects its member schools to value:

- (i) a faculty composed primarily of full-time teachers/scholars who constitute a self-governing intellectual community engaged in the creation and dissemination of knowledge about law, legal processes, and legal systems, and who are devoted to fostering justice and public service in the legal community;
- (ii) scholarship, academic freedom, and diversity of viewpoints;
- (iii) a rigorous academic program built upon strong teaching in the context of a dynamic curriculum that is both broad and deep;
- (iv) *a diverse faculty and staff hired, promoted, and retained based on meeting and supporting high standards of teaching and scholarship and in accordance with principles of nondiscrimination;* and
- (v) selection of students based upon intellectual ability and personal potential for success in the study and practice of law, through a fair and nondiscriminatory process designed to produce a diverse student body and a broadly representative legal profession.

Bylaw Section 6-3, headed "Diversity: Nondiscrimination and Affirmative Action" states in part as follows:

6-3(a). A member school shall provide equality of opportunity in legal education for all persons, including faculty and employees with respect to hiring, continuation, promotion and tenure, applicants for admission, enrolled students, and graduates, without discrimination or segregation on the ground of race, color, religion, national origin, sex, age, disability, or sexual orientation.

Most pertinently, the AALS "Executive Committee Regulations Pertaining to Bylaw 6-3" include the following section (*italics added*):

6-3.1 LAW SCHOOLS WITH A RELIGIOUS AFFILIATION OR PURPOSE. It is not inconsistent with Bylaw Section 6-3(a) for a law school with a religious affiliation or purpose to adopt *preferential admissions and employment practices that directly relate to the school's religious affiliation or purpose so long as* (1) notice of the practices is provided to members of the law school community (students, faculty and staff) before their affiliation with the school; (2) the practices do not interfere with the school's provision of satisfactory legal education as provided for in these bylaws and regulations, whether because of lack of a sufficient intellectual diversity or for any other reason; (3) the practices are in compliance with Executive Committee Regulation Chapter 4.3, on Academic Freedom, as well as all other Bylaws and Executive Committee Regulations; (4) the practices do not discriminate on the ground of race, color, national origin, sex, age, disability or sexual orientation; and (5) *the practices contain neither a blanket exclusion nor a limitation on the number of persons admitted or employed on religious grounds.*

Therefore, in the US, a religiously affiliated university like TWU would be allowed to extend a hiring preference to prospective faculty members who adhere to a particular religion, but not to have a blanket exclusion of other faculty members or a religiously based quota system. In this vein, many high-quality American law schools, that at Brigham Young University among them, have historically had faculty members who do not share the school's religious orientation. Some renowned law schools, such as those at Georgetown University and Yeshiva University, have a substantial number of faculty members that share the school's religious orientation and a substantial number that do not. In our view, this aspect of TWU's proposal would be acceptable if it were modified to comply with the principles that would have to be met if accreditation were sought in the United States.

Criteria for Assessing Satisfaction of Faculty Standard

Criteria	Comment
Faculty and instructors are in sufficient numbers, and with the appropriate credential to develop and deliver the degree level being offered and program being proposed. Staff resources must be sufficient to ensure the coverage required within the discipline for the proposed program.	As explained in the Rationale for Determination above, we are concerned that the exclusion of prospective faculty members who do not sign the Statement of Faith and the Community Covenant will make it very hard to attract faculty members of high quality. We are also concerned, as noted above under Learning Methodologies and Program Delivery, that not enough staff resources have been provided for the proposed practica. As noted in Part 6 above, we are concerned that the proposed staffing arrangements for the first-year course on Introduction to Practice Skills and the Practice of Law are not satisfactory.
Evidence that the institution's policies and practices on the type of academic appointment of faculty (e.g. continuing / regular appointments) are appropriate to sustain the degree program.	Satisfactory
The institution has satisfactory policies pertaining to faculty that address issues such as the protection of academic freedom; academic/professional credentials; the regular review of faculty performance; the means of ensuring that faculty knowledge of the field is current; teaching, supervision and student counseling loads; and professional development of faculty.	Re academic freedom - as explained in the Rationale for Determination above, university representatives claimed that faculty members are free to pursue any line of inquiry. We are concerned that this claim is inconsistent with the requirement that every faculty member must sign the Statement of Faith and the Community Covenant. On the other facets of this criterion, TWU's policies appear to be satisfactory.
Faculty have an appropriate level of scholarly output and/or research or creative activity for the baccalaureate or graduate program involved.	Appears to be envisaged.
For degrees with an applied or professional focus, faculty maintain continuing academic and professional competence and accreditation in their discipline or field appropriate to the specific degree program.	Satisfactory
Faculty teaching graduate courses will normally have the terminal academic degree credential in the field in which they are teaching.	Satisfactory
Faculty providing doctoral supervision are expected to have an active research program in their discipline or field of study.	Not applicable
For any proposal involving human research, a statement that a Research Ethics Board is in place.	We did not ask about this. We assume that the university has such a process in place, as granting agencies commonly require it.

Criteria	Comment
For any proposal involving animal research, a statement that an Animal Care Committee is in place.	Not applicable

8. Program Resources

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☐ meets or exceeds this standard
☒ meets this standard on the condition that the following requirements are addressed:

a) Physical space

Serious consideration needs to be given to accommodating within the law building additional professional staff, technology services and student/program services (such as admissions and career services) not currently contemplated as being located in that building.

b) Staffing and Student/Learning Resources

i. Although the projected number of teaching faculty (including the Dean) appears to be adequate for the projected number of law students, TWU should make provision for the likelihood (as noted in Part 4 above) that additional professional staffing will be required to manage the delivery of the practica which are proposed as a compulsory part of the curriculum for students in each year of the program.

ii. TWU should reconsider its plan to use existing central university resources for many aspects of the administration of the law program. It should instead make budgetary and staffing provision for having a range of law school administrative services (including law admissions services, career services, the administration of course evaluations and grading policies and appeals, and library IT administration) provided by staff located in the law school.

iii. Consideration should be given to providing a "student services" area within the law building.

c) Law Library and Technology

i. TWU should make clear whether the amount of \$21 which we were told has been budgeted for the Law Library is to be start-up funding or ongoing funding.

ii. Specific budgetary provision should be made for startup costs and future ongoing maintenance costs of the Law Library.

ii. A specific information technology plan is needed for the Law Library's very substantial digital requirements.

Rationale for Determination:

Physical space

Our tour of the TWU campus included a visit to the vacant site on which the proposed 37,867 square foot law building would be constructed. We were provided with architectural drawings/renderings

prepared by Site Lines Architects Inc., reflecting the architectural vision and layout of the building. These drawings appear for the most part to be well thought out with a view to accommodating the needs of the law school as articulated in the proposal. However, as discussed below, some provision would in our view need to be made for accommodating additional professional staff in the law building to provide a range of essential law faculty services (including law admissions services, career services, the administration of course evaluations and grading policies and appeals, and library IT administration) which are not currently contemplated in the architectural drawings or in TWU's proposal.

We note that according to TWU's outgoing President Jonathan Raymond, whose term of office ends in June 2013, the \$15 million needed to fund the building is expected to come from private donor support, but that no donor prospects have as yet been confirmed. TWU may be well advised to contemplate other space options in the event that the building is not completed when needed.

Staffing and Student/Learning Resources

During the site visit, it became evident that the proposal contemplated that student support services and other administrative services for the law program would be provided not by the law faculty on its own premises, but by central university staff located elsewhere on campus. This was confirmed by Emily Greenhalgh, TWU's Associate Registrar, Undergraduate Studies, who attended the site visit at our request. Upon further probing by members of the panel on how the specific needs of a law program for such services could be met by centralized arrangements of that sort, everyone present seemed to realize that it could not be done satisfactorily. Panel members offered examples of a range of functions that have to be provided in a specialized form in a law faculty. These included law course registration, law examinations, law grading, law transcripts, financial aid, and scheduling of law classes. TWU representatives at the site visit acknowledged that this problem, and the heavy burden that law school administrative services would place on the university's central administrative resources, had not been anticipated.

We also learned, during our tour of the proposed law building site and other parts of the campus, that prospective applicants to the law program would be expected to go to the central TWU Admissions/Registrar's office to seek information and advice. Providing a "student services" area within the law school building for prospective law applicants (as well as for students already in the faculty) had not been considered, and no provision was made for it in the architectural drawings. Such a facility is traditionally found in Canadian law schools. Because it encourages prospective applicants to visit the faculty and be introduced to law faculty members, staff and students, it is recognized as essential in recruiting a pool of applicants and building a close link to them. TWU representatives at the site visit conceded that the plans for the building would probably have to be modified in this respect.

TWU's law faculty proposal and faculty budget have been designed to include a practicum in each of the three years of study. Resources to support these practica are not specifically identified in the budget. The panel was advised at the site visit that TWU anticipated that individual faculty members would be responsible for running the practica as part of their teaching obligations. The difficulties with that approach, and the inherent complexities of the proposed practicum experience for students in the program, are referred to in Parts 4 and 5 above. However, it must be noted here that no budgetary provision has been made to deal with the scenario that would arise if (as we believe would likely happen) the substantial burden of arranging and overseeing the practicum experience turned out to be too much for individual faculty members to accommodate as part of their teaching load.

Law Library and Technology

The panel was not provided with a detailed plan for equipping the law building and the Law Library with the extensive technology needed for the delivery of a modern law program. At the site visit, the panel requested resource projections, staffing timelines and a budget in order to better understand the planned resources and the provision for technology. In response, TWU sent the panel a document, dated April 3, 2013, marked as confidential and entitled "School of Law Financial Information for the Expert Review Panel". This document does not provide any details on provisions for the digital law library or for other necessary technology. In fact, no details pertaining specifically to IT are addressed in the document, nor were they addressed at the site visit.

The Law Library space in the proposed new law school building is generally well thought out. However, our discussion with TWU's Chief Librarian similarly indicated that TWU expected to accommodate the law program within existing library resources. This is a cause for concern, given the very substantial needs of university law libraries for digital and other technological resources. Neither TWU's proposal nor the subsequent April 3 document referred to above specifically addresses the costs that would be associated with the Law Library. The proposal simply refers, at page 3, item 4, to

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There is no explanation of how these funds would be distributed, and no indication of what portion would be earmarked for startup costs.

Criteria for Assessing Satisfaction of Program Resources Standard

Criteria	Comment
Evidence that the physical plant, equipment, technology, and support services adequately support the organization's educational and student activities.	TWU has expressed a commitment to see that the law school program would be a success. However, more attention must be given to creating a plan with milestones and to recruiting personnel with the expertise to carry out such a plan, so that the many administrative issues involved in launching a new law school would be addressed satisfactorily.
Evidence of reasonable student and faculty access to learning and information resources (such as library, databases, computing, classroom equipment and laboratory facilities) sufficient in scope, quality, currency and type to support students and faculty in the program.	At the site visit we explained the special demands of law students and faculty for IT, course management and other forms of support. TWU needs to demonstrate that it has thought sufficiently about these issues, and to provide the assurance that policies to meet those demands would be in place before the program began. This is especially important in regard to the Law Library.
Evidence of commitment to provide and maintain necessary learning and other resources specific to the program and to supplement them as necessary to meet standards applicable to the field.	This was not clearly evident in any of the documentation provided.
Submission of any agreements with other institutions where resources and services are shared.	This was not mentioned in any of the discussions or documentation.

9. Program Consultation

The institution must demonstrate that it has consulted appropriate individuals and organizations in the development of the program proposal.

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
- ☐ meets or exceeds this standard
- ☒ meets this standard on the condition that the following requirements are addressed:

After TWU has revised the proposal in accordance with the conditions set out in other parts of this report, it should consult with a broad range of organizations and individuals that have a strong stake in university legal education in British Columbia and Canada, including some that have direct practical experience in providing such education.

Rationale for Determination:

Extent of consultation to date

TWU's proposal, and its June 2012 submission to the Federation of Law Societies of Canada, indicate that there had been a certain degree of consultation with a variety of stakeholders, including prospective students, some practicing lawyers, and two legal academics who were asked by TWU to review the proposed curriculum. However, there is no indication in the proposal, or in any other material provided to the panel, that TWU has consulted with key professional entities that have a significant stake in legal education, such as the Law Society of British Columbia, the Canadian Bar Association, the Law Foundation of British Columbia, and the Canadian Association of Law Libraries.

Evidence of consultation with the legal profession is limited to the seven letters of endorsement set out in Appendix Seven to the proposal, five of them from B.C. practitioners and two from Ontario practitioners. One of the two Ontario practitioners (Eugene Meehan) and one of the five B.C. practitioners (Earl Phillips) are on TWU's law advisory committee, and attended the site visit as TWU representatives. The two other letters of endorsement included in Appendix Seven are from Preston Manning, President of the Manning Centre, and Dan Russell, Director of Programs at Union Gospel Mission. These seven letters refer to a number of strengths of the proposed program, but they offer little evidence of widespread consultation or dispassionate assessment.

Two legal academics were asked to act as external reviewers of the proposed curriculum (Albert Oosterhoff, Professor Emeritus of Law at Western University, and Lyman Robinson, Professor Emeritus of Law at the University of Victoria). Their reports are set out in Appendices Four and Five to the proposal, and TWU's responses are in Appendix Six. The extent and results of consultation with prospective students are indicated in the survey report compiled by Concerto Research Inc. and included in the proposal.

During the site visit, Dr. Janet Epp Buckingham and Professor Kevin Sawatsky told us that they had visited a number of law schools in both Canada and the US. However, no details were provided about those visits to Canadian law schools, and in particular about any visits to the three British Columbia schools.

In sum, the extent of consultation to date can only be described as very modest.

Consultation Going Forward

Although we believe it would have been fruitful for TWU to seek broader consultation in the course of developing the existing proposal, we do not think there is much point in sending the proposal as it now stands out for further consultation, given the shortcomings we have noted in it and given the extensive comment on some aspects of it from certain academic and professional organizations and in the media. However, we do strongly recommend that any revised version of the proposal be submitted for comment to a broad range of organizations and individuals with a strong stake in university legal education in British Columbia and Canada, including some with direct practical experience in providing such education. For example, we believe that helpful feedback could be provided by the Law Society of British Columbia, the Canadian Bar Association, the Law Foundation of British Columbia, and the Canadian Association of Law Libraries. Although the Canadian Council of Law Deans has taken a very critical approach to the existing proposal, we are of the view that it should be consulted on any revised version.

Criteria for Assessing Satisfaction of Program Consultation Standard

Criteria	Comment
Evidence that the institution has done due diligence in consulting with employers, students, program advisory committees, other post-secondary institutions, and an external review by academics within British Columbia and other jurisdictions, etc.	As explained in the Rationale for Determination immediately above, we are of the view that there was only a very modest degree of consultation on the existing proposal, and we recommend that considerably broader consultation be sought on any revised version of the proposal.
Evidence of support for the program and in cases where consultation feedback results in negative comments, a clear response addressing those comments.	As explained above, certain expressions of support resulted from consultation on the existing proposal. The only indication we saw of response to negative comments arising from such consultation was with respect to a few criticisms of the proposed curriculum by two academic reviewers.

10. Program Review and Assessment

Standard

In order to ensure the ongoing currency of the program and the quality of its learning outcomes, the institution must show evidence that a program review and assessment procedure is in place.

Determination of Quality Assessment Panel

The Applicant:

- ☐ fails to meet this standard
☒ meets or exceeds this standard
☐ meets this standard on the condition that the following requirements are addressed:

Rationale for Determination:

Criteria for Assessing Satisfaction of Program Review and Assessment Standard

Criteria	Comment
<p>Evidence of a formal, institutionally approved policy and procedure for the periodic review of programs (i.e. formative and ongoing reviews and a summative review normally every five years) against published standards that includes the following characteristics:</p> <ul style="list-style-type: none">➤ A self-study undertaken by faculty members and administrators of the program based on evidence relating to program performance, including strengths and weaknesses, desired improvements, and future directions. For example, a self study takes into account:<ul style="list-style-type: none">○ the continuing appropriateness of the program's structure, admissions requirements, method of delivery and curriculum for the program's educational goals and standards;○ the adequacy and effective use of resources (physical, technological, financial and human);○ faculty performance including the quality of teaching and supervision and demonstrable currency in the field of specialization.○ that the learning outcomes achieved by students/graduates meet the program's stated goals, the degree level standard, and where appropriate, the standards of any related regulatory, accrediting or professional association;○ the continuing adequacy of the methods used for evaluating student progress and achievement to ensure that the degree level standards have been achieved; and○ where appropriate, the graduate employment rates, graduate satisfaction level, employer satisfaction level, advisory board satisfaction level, student satisfaction level, and graduate rate.➤ An assessment conducted by a panel consisting of experts external to the institution that normally includes a site visit; a report of the expert panel assessing program quality and recommending any changes needed to strengthen that quality; and an institutional response to the recommendations in the report.➤ A summary of the conclusions of the evaluation made publicly available.	<p>This matter was not discussed at the site visit. However, at p. 26 of the Executive Summary, the proposal says: "The J.D. program will be subject to the normal academic review procedures of the Academic Division at TWU. It will be assessed regularly to ensure it meets its goals, objectives and expected learning outcomes. In particular the program will be assessed by regular student evaluations, surveys of School of Law graduates, credentials and research of faculty and an overall program review every five years."</p> <p>We would accept these assurances.</p>
<p>The program review ensures that the program remains consistent with the organization's current mission, goals and long-range plan.</p>	<p>See immediately above.</p>