

**LAW 301 - ADMINISTRATIVE LAW PROCESS – FALL 2011
COURSE OBJECTIVES, METHODOLOGY, AND EVALUATION**

COURSE INFORMATION

PREREQUISITES	None [This course is a prerequisite for Law 343 Advanced Admin Law.]
UNIT VALUE	2 units
TERM OFFERED	Fall 2011
CLASSES PER WEEK	Monday and Wednesday, 1:30 to 3:30 p.m.
CLASSROOM	Room 158, Murray and Anne Fraser Building
INSTRUCTOR	Professor Cheryl Crane, Office 228 Telephone: 853-3167; Email: mccrane@uvic.ca

COURSE WEBSITE AND CLASS LIST-SERVE

Everyone enrolled in the course is subscribed to a Moodle course website (<http://moodle.uvic.ca/>) which all students must be able to access and use. The website will be used to post handouts, class overheads, and the required course materials that are not found in the text. Any student who has concerns about using the website, or difficulties accessing it, should contact me immediately to discuss the matter so that alternate arrangements can be made if necessary. A list-serve for the course will also be used from time to time, as needed, to provide class notices and updates.

MAJOR EDUCATIONAL GOALS/COURSE OBJECTIVES

The primary objective of this course is to provide students with an introduction to, and a solid understanding of, the primary principles of administrative law in Canada and the rationales that underlie those principles.

Central concerns of the course are the procedural rights of persons who are the subjects of administrative decision-making and the inter-relationship between the courts and the executive and administrative branches of government in the context of judicial review of administrative decisions on both procedural and substantive grounds. The various grounds on which courts will review administrative decision-making, the standards of review that courts will apply in conducting such review, and the remedial options that are potentially available, will all be examined.

Consideration will also be given to structural problems in the design and operation of administrative decision-making processes.

Students completing this course should gain an ability to recognize and analyze administrative law problems using appropriate legal principles, relevant case law, and applicable statutory provisions.

The course also serves as a foundation for specialized study in numerous other areas of public law such as immigration, labour, environmental, financial regulation, freedom of information, and human rights law, to name only a few.

SUBJECT MATTERS TO BE COVERED:

- (1) The nature and scope of administrative regulation in Canada.
- (2) Judicial supervision of administrative decision-making through judicial review of administrative action, including:
 - procedural requirements for administrative decision/making and the grounds for judicial review of administrative decisions on the basis of failure to meet the requisite standards of procedural fairness, including review on the basis of bias and lack of independence;
 - problems with “institutionalized” decision-making and delegations of authority; and
 - substantive review of administrative decisions on the basis of errors of fact, law, and jurisdiction or errors in the exercise of administrative discretion.
- (3) Administrative law procedure and remedies, including the operation of the *Judicial Review Procedure Act*, R.S.B.C. 1996 c.241, and the *Federal Courts Act*, R.S., 1985, c. F-7.
- (4) The scope, application, and impact of the *Administrative Tribunals Act*, S.B.C. 2004 c. 45.

COURSE SYLLABUS

The syllabus for this course (course outline and required readings) is set out in a separate document.

REQUIRED COURSE MATERIALS

- (1) **Required text:** The required text for the course is: Gus Van Harten, Gerald Heckman, and David Mullan, *Administrative Law: Cases, Text, and Materials, 6th Edition*, Emond Montgomery Publications Ltd., 2010, available at the University Bookstore: <http://www.uvicbookstore.ca/text>.
- (2) **Additional Required Materials:** Other required course materials have been posted on the course website and, throughout the duration of the course, additional required materials may be added to the website, distributed on the list-serve, or otherwise made available to students. Website course materials include edited case extracts, the *Judicial Review Procedure Act*, R.S.B.C. 1996 c.241, the *Administrative Tribunals Act*, S.B.C. 2004 c. 45, the *Federal Courts Act*, R.S. 1985, c. F-7, and other materials that update, expand, or amplify the materials in the text. **Any student who has difficulty accessing any of the website materials must advise me immediately.**

METHODOLOGY

Lectures and classroom discussion will be used. It is expected that students will have read assigned materials prior to class and will be prepared to engage in discussions of them.

EVALUATION: There are **two** options for evaluation:

Option A: This option consists of one component: **a final examination worth 100% of your final grade** that is scheduled to be written at 9:00 a.m. on Tuesday December 6, 2011. **The format for the final exam will be “limited open book”** which means that students may bring into the examination room the required text and other required reading materials for the course, any relevant statutes, any instructor handouts, and student-prepared notes, but nothing else.

Option B: This option consists of two components:

(1) A mid-term **partially closed book** examination worth 30% of the final grade to be written during class time on Monday, October 31. “Partially closed book” means that you may not refer to any materials during the exam other than (1) the examination document itself and (2) a **one page** (regular size 8.5 x 11 inch paper) “cheat sheet” on which you may write or type anything you wish. The mid-term exam will consist of a number of different types of “short answer” questions (e.g. true and false, multiple choice, short answer problems, or “short comment”). Unless otherwise advised, all assigned course materials and subject matters that we have covered prior to the exam date will be examinable on the mid-term exam. The duration of the mid-term examination is expected to be approximately 60 minutes in length. **If you wish to select this option you must expressly elect to do so.** A “sign-up sheet” for this purpose will be distributed in class during the week of October 17th. If you do not sign up at that time, you may still elect to write the midterm exam if you notify me **in writing** that you wish to do so by not later than 4:30 p.m. on Monday, October 24th. (Students who have opted to write the exam may not opt out of writing it after 4:30 p.m. on Monday, October 24th, except in circumstances that would warrant academic accommodation.) The exam will be written using your mid-term code-name.

(2) A **final examination worth 70%** of the final grade. This will be the **same exam** as referred to in Option A.

GRADING

The Faculty’s grading system will be used to translate numerical grades to letter grades. The chart below describes the grading system and the relevant equivalencies between numerical and letter grades:

Letter Grade	Grade Point Value	Percentage Value	Narrative Description	
A+	9	90-100%	Exceptional	Grades in this range are 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	8	85-89%	Outstanding	
A-	7	80-84%	Excellent	
B+	6	75-79%	Very Good	Grades in this range are 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 the other area.
B	5	70-74%	Good	
B-	4	65-69%	Solid	
C+	3	60-64%	Satisfactory	These grades indicate a satisfactory performance and knowledge of subject matter.
C	2	55-59%	Minimally Satisfactory	
D	1	50-54%	Marginal	A student receiving this grade demonstrates a superficial grasp of subject matter.
F	0	49 and below	Unsatisfactory	Unsatisfactory performance.

CLASSROOM CLIMATE

The University of Victoria and the Faculty of Law are committed to promoting, providing and protecting a positive, supportive and safe learning and working environment for all its members. As an instructor, my goal is to establish an inclusive, respectful, and diverse classroom environment in which all class members feel welcomed and equally able to contribute to class discussions. If concerns arise about the climate of the class, please feel free to discuss them with me or with Associate Dean Heather Raven (lawassoc@uvic.ca).

Students using laptop computers are asked to extend to me and to your fellow students the courtesy of not displaying on your laptops during class time material that is not related to the class.

Without my express prior permission, laptops or other devices may not be used to tape or otherwise record a class, or any portion thereof.

ILLNESS, DISABILITY, FAMILY CIRCUMSTANCES, AND RELIGIOUS OBSERVANCE ACCOMMODATION

The Faculty of Law provides reasonable accommodation to students on the basis of factors such as illness, disability, family circumstances, family or personal emergencies or affliction, or other similar special needs, when such factors interfere with the ability of a student to attend and participate, or to complete assignments or examinations on the regularly scheduled dates, or in other circumstances.

Accommodation to enable religious observance is also provided in accordance with University policy (see <http://web.uvic.ca/calendar2011/GI/GUPo.html>). Students should feel free to consult me or the Associate Dean of Academic and Student Relations Heather Raven (lawassoc@uvic.ca) regarding such matters.

ACADEMIC INTEGRITY

As part of the academic community of both the Faculty of Law and the University as a whole, academic integrity is centrally important in the work of faculty and students. Please consult the University Calendar for policies respecting paraphrasing, plagiarism, and cheating. The relevant policy can be found here: <http://web.uvic.ca/calendar2011/FACS/UnIn/UARe/PoAcI.html>. If you have any concerns or questions, or require clarification, do not hesitate to drop by my office or to send me an e-mail. You may also, of course, consult Associate Dean Raven (lawassoc@uvic.ca) regarding such matters.

OTHER FACULTY REGULATIONS AND POLICIES

Students should also ensure that they are familiar with all regulations and policies pertaining to their status as students. The University's regulations and policies for undergraduates appear in the University Calendar at: <http://web.uvic.ca/calendar2011/FACS/UnIn/UARe/index.html>.

The academic regulations of the Faculty of Law are included in the University Calendar at <http://web.uvic.ca/calendar2011/FACS/FoLa/FARe.html> and are also posted on the Faculty of Law website at: http://law.uvic.ca/current/academic_regs.php

More detailed information about Faculty policies and practices regarding various matters related to students, including examinations and grades, can be found on the Associate Dean's Page on the Faculty of Law website at: <http://law.uvic.ca/current/associatedean.php>. You are strongly encouraged to familiarize yourself with this information.