



**UNIVERSITY OF SASKATCHEWAN**  
**College of Law**  
**LAW.USASK.CA**

**2019**

**ORIENTATION SCHEDULE AND MATERIALS**

**Table of Contents**

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I.	ORIENTATION SCHEDULE	Page i
II.	UNIVERSITY LEARNING CHARTER	Page 1
III.	REGULATIONS ON STUDENT ACADEMIC MISCONDUCT	Page 10
IV.	CODE OF PROFESSIONAL CONDUCT, LAW SOCIETY OF SASKATCHEWAN	Page 12
V.	INTRODUCTION TO CASE BRIEFING – <i>Wackett v. Calder</i>	Page 15



## ORIENTATION SCHEDULE 2019

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### Day 1: Tuesday, September 3, 2019

9:00-10:00	<b>First Year Registration</b> (Coffee – Wiyasiwewin Mikiwahp Native Law Centre)	Dentons Student Lounge
	<b>LSA Memberships/Lockers</b>	Room 30, McDougall Gauley Moot Court Room
10:00-11:00	<b>Welcome</b> <ul style="list-style-type: none"><li>• Opening Prayer – Cultural Advisor Maria Campbell</li><li>• Welcoming Remarks – Dean Martin Phillipson</li><li>• Introduction of College of Law Faculty</li><li>• Welcome from the Wiyasiwewin Mikiwahp Native Law Centre – Marilyn Poitras</li><li>• Welcome from Law Students’ Association – Erik Heuck</li><li>• Welcome from Indigenous Law Students’ Association – Rheana Worme</li><li>• Welcome from Stephen Mansell &amp; the Nunavut Law Students’ Society (Pre-recorded)</li></ul>	Room 150, MLT Aikins Lecture Theatre
11:00-11:15	<b>Break – muffins</b>	Outside Room 150
11:15-12:15	<b>Small Group Sessions</b>	Rooms 78, 74, 64, 150, 135, 130, 120, 211  NLC Boardroom & Ceremonial Room
12:15-1:30	<b>Welcome and Reunion BBQ Lunch</b> <b>Sponsored by MLT Aikins and Hosted by the Law Students’ Association</b> First and Upper Year Students, College and NLC Faculty and Staff, Law Library staff, graduate students	Dentons Student Lounge and outside area
	<b>Bookstore Textbook Pickup</b>	Dentons Student Lounge
1:30-2:30	<b>College Resources</b> <ul style="list-style-type: none"><li>• Administrative Matters – Associate Dean Doug Surtees</li><li>• Academic Success – Professor Sarah Burningham</li><li>• Career Development – Shari Thompson &amp; Dean Martin Phillipson</li><li>• Access to Justice – Brea Lowenberger</li><li>• Introduction of Library Staff – Greg Wurzer</li><li>• Student and Professional Conduct – Professor Sarah Buhler</li></ul>	Room 150, MLT Aikins Lecture Theatre
2:30-3:45	<b>Law Students’ Association Orientation &amp; Sibling Match</b>	Room 150, MLT Aikins Lecture Theatre



## ORIENTATION SCHEDULE 2019

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### Day 2: Wednesday, September 4, 2019

10:30-11:30	<b>Introduction to Legal Studies Series: Lecture 1</b>  Professor Sarah Burningham Statutory Law and the Administrative State	Room 150, MLT Aikins Lecture Theatre
11:30-12:45	<b>LSA Pancake Brunch</b> <b>Sponsored by Norton Rose Fulbright Canada LLP</b>	Dentons Student Lounge
12:45-2:45	<b>Student and Professional Wellness Session</b> <ul style="list-style-type: none"><li>• Peter Hedley U of S Director of Student Affairs and Services</li><li>• Student Panel</li></ul>	Room 150, MLT Aikins Lecture Theatre
2:45-3:00	<b>Coffee Break</b>	NLC
3:00-3:45	<b>Introduction to Case Briefing</b> <ul style="list-style-type: none"><li>• Professor Tamara Larre (Group A)</li><li>• Professor Leah Howie (Group B)</li></ul> <b>Developing a Wellness Charter Session</b> <ul style="list-style-type: none"><li>• Groups C &amp; D</li></ul>	Rooms 30, 64  Room 150, MLT Aikins Lecture Theatre
3:45-4:30	<b>Introduction to Case Briefing</b> <ul style="list-style-type: none"><li>• Professor Tamara Larre (Group C)</li><li>• Professor Leah Howie (Group D)</li></ul> <b>Developing a Wellness Charter Session</b> <ul style="list-style-type: none"><li>• Groups A &amp; B</li></ul>	Rooms 30, 64  Room 150, MLT Aikins Lecture Theatre

### **IMPORTANT NOTICE:**

**There will be a mandatory LRW/Kwayeskastasowin intensive module full days Thursday, September 5<sup>th</sup> and Friday, September 6<sup>th</sup>. Please be available to attend 8:30 am-4:30 pm those days.**

**More details will be provided in August. Regular classes will begin Monday, September 9<sup>th</sup>.**



## ORIENTATION SCHEDULE 2019

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### Follow-up Lectures/Event

#### Tuesday, September 10, 2019

1:00-2:00	<b>Life After Law School</b>  Karen Prisciak, Q.C. ASK Law	Room 150, MLT Aikins Lecture Theatre
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#### Wednesday, September 11, 2019

10:00-10:45	<b>Build your JD Story, and Find your Fit; by partnering on Your Career Plan</b>  Shari Thompson Director of Career Development	Room 150, MLT Aikins Lecture Theatre
10:45-11:45	<b>Introduction to Legal Studies Series: Lecture 2</b>  Professor Ron Cuming The History of the Common Law	Room 150, MLT Aikins Lecture Theatre
12:15-1:00	<i>(Pizza Lunch - Sponsored by Norton Rose Fulbright Canada LLP)</i>  <b>Diversity and Inclusion Activity</b>  Amy Binder Norton Rose Fulbright Canada LLP, Calgary	Dentons Student Lounge and outside area



# Our Learning Charter

## The University of Saskatchewan

*Located above the shifting banks and swiftly moving waters of the kisiskāciwani-sīpiy (Ki-si-skahchoo-waNih seepi: South Saskatchewan River), the University of Saskatchewan began its learning journey in 1907. In so doing, it became part of a millennia-old tradition of people gathering on these banks to learn, to teach and to form community. Today the University has grown beyond these banks and strives to reach across the province and around the world to continue to build truth, knowledge and relationships, in all their forms.*

*This Learning Charter, first created in 2010, states our shared pursuits, commitments and responsibilities as we come together in a university community of life-long and life-wide learners. The University of Saskatchewan is more committed today than ever before in our history to including and serving all members of the larger Saskatchewan community.*

*This Learning Charter, revised in 2018, is our commitment to opening our university to learning, engagement and opportunities for all Peoples of Saskatchewan and beyond, and in so doing, recognizes and appreciates the knowledge, diverse abilities, and the ways of teaching and learning that they bring with them. And as much as the river will continue to change its shape, so too will the Learning Charter continue to change as our University moves always forward on its learning journey.*

## THE LEARNING CHARTER IS MADE OF FOUR MAIN PARTS:



The Learning Charter thus acts as a conceptual map and planning document, linking together our pursuits and how we strive for them, encouraging and guiding us on our educational journey. As a map, it is also a focal point for our community to discuss where we are and where we want to go in our shared future.

## Our Learning Journey

**Each of us comes to the University of Saskatchewan with our own learning from our family and community, and with our own abilities, learning pursuits and styles.** Yet we, individually, collectively and institutionally, are also in a continuous process of transformation, growing from ever more diverse perspectives and with new tools, skills and deeper understandings. We are driven

forward by our curiosity, inspirations, engagements and learning from and with our peers, teachers and mentors. Our learning is a lifelong process that is individual, collaborative, experiential and collective from which we grow in our sense of identity and belonging.

The community at the University of Saskatchewan is part of a shared journey of transformation through discovery, creation and learning. While grounded in the thousand-year-old traditions of the European university, since its beginnings the University of Saskatchewan has become increasingly diverse, creating a new kind of university with new traditions. Our community has been enriched by an ever greater variety of people from Saskatchewan and from around the world; our university continues to encompass new areas of study, new academic programs, new ways of teaching and learning, and new community perspectives. This growing diversity presents opportunities and challenges, experimentation and new traditions, openness to transformations and respect for the valuable contributions of past and present perspectives, or ways of learning that may be unfamiliar to us. Through this work, our university will continue to change in order to better support and nurture excellence in teaching and learning for all.

The University of Saskatchewan is especially strong in recognizing and accepting that we are all shaped and impacted by the land that we live on. We must all move forward, being taught by this land that we share and by the people who have long inhabited it – they are calling on us to learn from this place and from Indigenous peoples as part of our learning journey. With these perspectives we seek to unite our minds and hearts, pasts and futures, intellectualism and spiritualities, and our similarities and differences on our campuses, as the inclusive university community we envision. The University is a place where all people can truly belong and contribute to Saskatchewan and beyond.

# Our Learning Pursuits

**While on a shared learning journey, each of us at the University of Saskatchewan is also engaged in our own learning pursuits.** As an educational community, we support all of our members in exploring our extensive academic and professional learning opportunities. In light of the diversity of learning pathways that are available, the University uniquely offers all its students opportunities in a wide variety of fields to grow sequentially and foundationally in sets of essential learning pursuits.

Depending on their particular learning experience or program, students are thus expected to reach optimal levels of achievement in these areas. In turn, the University commits to encouraging and supporting the following five pursuits:

## The Pursuit of Truth and Understanding

- Applying critical and creative *mamitoneyihtamowin*<sup>1</sup> (ma-mito-neh ih-ta-mo-win)/*naakatwayhtamihk*<sup>2</sup> (naaka-tway-hta-mihk) (i.e., thinking) to problems, including analysis, synthesis, and evaluation.
- Being open to and adept at different ways of knowing and learning, including independently, experientially, and collaboratively.
- Possessing intellectual flexibility, ability to manage change, open-mindedness with the unfamiliar and an enthusiasm for life-long and life-wide learning.

## The Pursuit of Knowledges

- Achieving a comprehensive knowledge of one's subject area, discipline, or profession.
- Understanding how one's subject area may intersect with related disciplines, perspectives, and worldviews different than one's own, including Indigenous worldviews.
- Understanding how one's subject area, discipline or profession connects to and impacts Indigenous and non-Indigenous communities in Saskatchewan, and beyond where applicable.
- Utilizing and applying one's knowledge with *manacihitowin*<sup>1</sup> (ma-na-chi-hi-to-win)/*manachihitoohk*<sup>2</sup> (mana-chi-hitoohk) (i.e., respect of all individuals).

## The Pursuit of Integrity and Respect

- Exercising intellectual integrity and ethical behaviour with *kitimakeyichikewin*<sup>1</sup> (ki-tee-ma-ke i-chi-ke-win)/*kitimakaymitoohk*<sup>2</sup> (kiti-ma-kaymi-toohk) (i.e., kindness by self to others).
- Recognizing and thinking through moral and ethical issues in a variety of contexts, perspectives, and alternative worldviews.
- Recognizing the limits to one's knowledge, skills and understanding, and acting in accordance with these limits.
- Developing understanding and appreciation for one's own perspectives, strengths and worldview, while demonstrating mutual and reciprocal respect for the diverse perspectives, strengths and worldviews of others and their communities.

## The Pursuit of Skills and Practices

- Developing and applying appropriate skills of research, inquiry and knowledge creation and translation.
- Communicating clearly, substantively and persuasively in different academic, professional, and cultural contexts; *nihtâ-âcimowin*<sup>1</sup> (neh-tah achi-mo-win)/*nihta achimoohk*<sup>2</sup> (nih-ta achi-moohk) (i.e., being a good storyteller).
- Being able to locate, understand, evaluate and use information effectively, ethically, legally and with cultural appropriateness.

## Individual and Community Pursuits

- Committing to positive growth and change for oneself and for local, national and global communities.
- Acting with confidence and strength of purpose for the good of oneself and the different communities represented on our campuses.
- Embracing responsibilities to oneself and others in ways that are authentic and meaningful.
- Sharing Knowledges and exercising *nîkânîwin*<sup>1</sup> (nee-ka nee-win)/*nihta niikaaniw*<sup>2</sup> (nih-ta nee-kaa-niww) (i.e., leadership) as acts of individual and community responsibility.

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<sup>1</sup> Cree language.

<sup>2</sup> Michif language.

# Our Commitments and Responsibilities

**The community at the University of Saskatchewan persists and thrives through its members' active commitments and responsibilities to one another.** Progressing on our collective learning journey and in our individual learning pursuits requires the commitment of students, educators and the university community, and depends on all of us fulfilling our roles in relation to one another.

As we identify the key roles in our learning community below, many members will identify with one, two or all of these. Ideally, we all transition between the roles of learner, teacher and member of the university community based on the needs of campus, community and ourselves. For example, students may be the primary learners, but they also bring the value of their own background, knowledges and experiences to the classroom and are teachers of their new understandings to their families and peers, and communities. Faculty all provide instruction in courses, but they also continue to learn through research discoveries, emerging literature, and work with peers, students and community. These commitments and responsibilities therefore may at various times belong to us all as university community members—as learners and as teachers.

## University Community

The University of Saskatchewan is its own community-- a place where people come together to share in their common interest to learn, teach and be strong effective contributing members of society. We are a collective that embraces and aspires for the highest standards of learning, discovery and knowledge translation. We are also diverse in our abilities, perspectives, foci, values, worldviews and experiences. It is through our fellowship and open commitment to support each other that each member of our community is given the prerogative to pursue, explore and achieve his or her own personal and professional learning goals.

The privilege to engage in a life of learning and discovery, engaging both our heart and mind, is given to us and earned by our commitment and responsibility to being genuine and compassionate learners, educators, researchers and advocates for a better society. By accepting the responsibility to provide tangible benefits to local, national and global communities, we must be inclusive and proactive in seeking and accepting different Knowledges and understandings into our learning experiences. We do this by engaging with staff and the broader community, Indigenous peoples, community partners, professions and industry, to support learning and discovery in the university. In doing so, we support the ideal and importance of reciprocity, on and off our campuses, as an essential value of our learning community.

The University of Saskatchewan encourages, supports and oversees a plethora of educational experiences that contribute to the core learning pursuits and the personal and professional interests of our members. As a collective we commit to Provide Opportunities, Ensure Quality, Create Environments and Support Learning.

### UNIVERSITY COMMUNITY COMMITMENT 1: **PROVIDE OPPORTUNITIES**

#### **Offer high quality programs and activities for learning and discovery.**

Honouring this commitment requires that the University Community develops and grounds programs, curricula, and learning activities in ways that are socially and/or culturally relevant, adaptive, and responsive, and that will facilitate engagement and relationship building with the relevant communities.

#### **Foster reciprocal learning collaborations.**

Honouring this commitment requires that the University Community recognize that learning experiences can be enhanced by appropriate interactions with various learning partners and communities on and off our campuses, and



that the University Community strives to both facilitate these interactions and ensure that they occur in a socially and culturally safe manner that is beneficial to all parties.

## UNIVERSITY COMMUNITY COMMITMENT 2: **ENSURE QUALITY**

### **Ensure qualified educators and effective instruction.**

Honouring this commitment requires that the University Community ensures that all educators possess both content and pedagogical/andragogical competence for any course or learning activity, and that they understand and accept their commitments and responsibilities as identified in this Learning Charter.

### **Promote research-enhanced and community-driven learning.**

Honouring this commitment requires that the University Community encourages fruitful and synergistic interactions for learning experiences with research, scholarly and artistic work being conducted at this institution and the learning opportunities developed in collaboration with community partners.

### **Create mechanisms for ongoing quality enhancement of all programs and courses.**

Honouring this commitment requires that the University Community provides systems for the outcomes of programs to be considered and reflected upon by teaching and learning teams. In addition, support for ongoing quality enhancement of programs as a result of this reflection is required.

## UNIVERSITY COMMUNITY COMMITMENT 3: **CREATE ENVIRONMENTS**

### **Define transparent programmatic milestones expected of students in all pursuits of learning.**

Honouring this commitment requires that the University Community supports teaching and learning teams in defining and communicating the achievement expected for students in each pursuit of learning at key points within and at the end of their academic program.

### **Provide safe, secure, and inclusive environments.**

Honouring this commitment requires that the University Community provide reliable, secure and inclusive environments for all members of our university community. It requires that all members feel welcomed, valued and respected, and that the University systems work to support a diverse learning community with unique values, worldviews, abilities and aspirations.

### **Provide appropriate learning resources, facilities, and technologies.**

Honouring this commitment requires that the University Community provide appropriate classroom, research, study and learning environments for learners; access to informational resources and expertise; and appropriate teaching and research technologies to support teaching, learning and discovery.

## UNIVERSITY COMMUNITY COMMITMENT 4: **SUPPORT LEARNING**

### **Support students.**

Honouring this commitment requires that the University Community assist students to select programs appropriate to their particular abilities and preparation. Where better preparation is required, the University Community will counsel students on how they might obtain this preparation. Honouring this commitment also requires that the University Community provide appropriate academic and other supports to students who experience various challenges to their learning, including challenges of a cultural, social, psychological or physical nature.

### **Support educators.**

Honouring this commitment requires that the University Community provide opportunities to educators (including faculty, sessional lecturers, graduate teaching assistants and instructors) to maintain and improve the quality of their teaching. Course assignments need to be commensurate with the content and pedagogical/andragogical needs of each teaching assignment and consideration of the full spectrum of responsibilities of each educator. Educators need to be supported with teaching and laboratory assistants and other support staff as appropriate to their teaching assignments.

### **Support community.**

Honouring this commitment requires that the University Community recognize the remarkable importance and contribution of local, national and global communities in supporting the success of this institution. Opportunities need to be provided to communities to inform and collaborate in various learning activities on and off our campuses. The University Community will endeavour to support their engagement and involvement in teaching and consulting with the necessary and appropriate resources and assistance.

## **Students**

The role of the learner is a vital one in the University Community and most fundamental to the learning partnership. No learning can take place without active engagement by the learner in the learning process— being open to, and learning from, the multitude of

learning opportunities available at the University, inside and outside of courses, and on and off our campuses. To optimize their learning experiences, students need to make the following commitments and fulfil the corresponding responsibilities. These commitments can be summarized as Engage Respectfully, Learn Actively, Think Broadly and Deeply, and Act Ethically and Appropriately.

### **STUDENT COMMITMENT 1: ENGAGE RESPECTFULLY**

#### **Engage in a respectful way with local, national and global members of community and society.**

Honouring this commitment requires that students engage in learning activities in a mutually and reciprocally respectful way with other members of the local, national, and global community, including other students, educators and staff. Students need to comply with university expectations for appropriate conduct (e.g., student conduct<sup>3</sup>). None of this, however, is to be construed as restricting the freedom of students to raise controversial issues or views within the context of an open, healthy and respectful dialogue.

#### **Contribute to the creation of a respectful and inclusive University Community.**

Honouring this commitment requires each student to engage in learning with and from peers, particularly from those whose life experiences and perspectives are different from their own. Inclusive in this commitment is each student's responsibility to provide constructive and thoughtful feedback on their learning experience so as to fuel educator and institutional reflection and enable processes of continuous enhancement of teaching and learning at the University.

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<sup>3</sup> The "Expectations for Student Conduct" are outlined in Section III of the "Standard of Student Conduct in Non-Academic Matters." available online at: [usask.ca/university\\_secretary/honesty/StudentNon-AcademicMisconduct.pdf](https://usask.ca/university_secretary/honesty/StudentNon-AcademicMisconduct.pdf)

## STUDENT COMMITMENT 2: **LEARN ACTIVELY**

### **Actively engage in the learning process.**

Honouring this commitment requires that students be willing to learn independently, experientially, and collaboratively with other students, as appropriate to their learning outcomes; to engage in self-evaluation and reflection; and to take personal responsibility for their learning.

## STUDENT COMMITMENT 3: **THINK BROADLY AND DEEPLY**

### **Thoughtfully consider a diversity of theories, ideas, beliefs, and approaches to problems and solutions.**

Honouring this commitment requires that students consider viewpoints and worldviews other than their own, actively try to understand the range of ideas and beliefs pertinent to any given issue, and critically consider the relevant evidence for various theories, beliefs and perspectives.

## STUDENT COMMITMENT 4: **ACT ETHICALLY AND APPROPRIATELY**

### **Undertake all learning activities with academic and ethical integrity.**

Honouring this commitment requires that students understand key principles of academic integrity, and adhere to the standards set out by the University of Saskatchewan covering academic misconduct<sup>4</sup>. Honouring this commitment also requires that students understand the importance and need to respect human dignity in all of its diverse forms. Inclusivity is a core principle of the University and, as such, students should be aware of and take care to enact these principles throughout their education (for examples, TCPS Chapters 1 and 9)<sup>5</sup>, OCAP<sup>6</sup>.

## **Educators**

The active commitment of those members of the university community responsible for providing learning opportunities is crucial to optimizing the student learning experience. To do so, university educators (including faculty, sessional lecturers, graduate teaching assistants, and other instructors) need to act as role models, making the following commitments and fulfilling the corresponding responsibilities. Educator commitments can be summarized as Exemplify Learning, Strive for Excellence in Teaching, Assess Fairly, and Enhance Continuously.

## EDUCATOR COMMITMENT 1: **EXEMPLIFY LEARNING**

### **Embody learning behaviours you are teaching others.**

Honouring this commitment requires that educators exemplify active learning and curiosity, demonstrate broad thinking, follow ethical principles, and engage with students and peers in a respectful manner. Educators need to explicitly recognize their own position and work to understand, acknowledge, and value perspectives and worldviews different from their own. Whether issues are controversial or not, educators should encourage and foster open and healthy dialogue.

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4 The "University of Saskatchewan Regulations on Student Academic Misconduct," available online at: [usask.ca/university\\_secretary/honesty/StudentAcademicMisconduct.pdf](https://usask.ca/university_secretary/honesty/StudentAcademicMisconduct.pdf)

5 See the "Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans, Second Edition", available online at: [www.pre.ethics.gc.ca/eng/policy-politique/initiatives/tcps2-eptc2/Default/](https://www.pre.ethics.gc.ca/eng/policy-politique/initiatives/tcps2-eptc2/Default/)

6 See the "The First Nations Principles of OCAP®" available online at: [fnigc.ca/ocapr.html](https://fnigc.ca/ocapr.html)

### **Maintain an appropriate teacher-learner relationship.**

Honouring this commitment requires that educators maintain a professional relationship with students under their supervision, and avoid conflicts of interest that may be posed by dual or multiple relationships with students. Where potential conflicts may exist, these should be disclosed to the appropriate academic official.

## **EDUCATOR COMMITMENT 2: STRIVE FOR EXCELLENCE IN TEACHING**

### **Bring research, scholarship, artistic work and /or professional activities into teaching and mentorship.**

Honouring this commitment requires that educators at the university maintain a high level of subject matter knowledge and ensure that content is current, accurate, relevant to learning outcomes, representative of the knowledge and skills being taught and appropriate to the position of the learning experience within a program of study. It requires that students are provided opportunity to be inspired and engaged with and in the process of authentic inquiry, wherever possible, in their learning.

### **Align learning outcomes, teaching activities and assessment.**

Honouring this commitment requires that educators at the university be aware of the range of instructional methods and assessment strategies, and select and utilize teaching methods that are effective in helping students achieve the learning outcomes of a course or learning activity.

### **Develop respectful and inclusive learning environments that support student learning.**

Honouring this commitment requires that educators co-create with students a shared space for learning in which all participants, including graduate and undergraduate teaching assistants, feel respected, valued and empowered to contribute as they achieve their goals and share the gifts of their identities in relationship with one another.

## **EDUCATOR COMMITMENT 3: ASSESS FAIRLY**

### **Communicate and uphold clear academic expectations and standards.**

Honouring this commitment requires that educators provide a clear indication of what is expected of students in a course or learning activity, and what students can do to be successful in achieving the expected learning outcomes as defined in the course outline.

### **Perform fair and relevant assessment for and of student learning.**

Honouring this commitment requires that educators ensure that assessments of learning are transparent, applied consistently and are congruent with learning outcomes. Assessment should be designed to both assess and enable student learning. Students should be provided with prompt and constructive feedback on their learning progress at regular intervals throughout the course.

## **EDUCATOR COMMITMENT 4: ENHANCE CONTINUOUSLY**

### **Solicit and reflect on feedback from students, peers and others.**

Honouring this commitment requires that educators provide students with the opportunity to give candid feedback on their learning experience, as well as seek feedback from peers and other sources to allow for evidence on all aspects of teaching practice to be reflected upon for the purposes of continuous improvement.

**Engage in lifelong learning and continuous enhancement of teaching practice.**

Honouring this commitment requires that educators seek out and participate in opportunities to build their knowledge of teaching within their discipline, learn about advances in effective pedagogies/andragogies and engage in meaningful conversations about their practices with others.

*So as we continue on our learning journey, like the river we sit beside, the University community will aspire to change and evolve in response to shifts in knowledges and new understandings, fostering and supporting new relationships that will lead to a better world.*

### III

## REGULATIONS ON STUDENT ACADEMIC MISCONDUCT

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Note: The following material partially reproduces the more extensive information at the University of Saskatchewan website: <http://www.usask.ca/honesty>.

### Academic Misconduct Defined

*The following matters constitute academic misconduct that may be the subject-matter of an allegation under these Regulations:*

- (a) Providing false or misleading information or documentation to gain admission to the university or any university program;
- (b) Theft of lecture notes, research work, computer files, or other academic or research materials (including data) prepared by another student or an instructor or staff member;
- (c) Using work done in one course in fulfilment of any requirement of another course unless approval is obtained from the instructor by whom the material is being evaluated;
- (d) Alteration or falsification of records, computer files, or any document relating to a student's academic performance;
- (e) Violation of the university's Responsible Conduct of Research Policy (see <http://policies.usask.ca/policies/research-and-scholarly-activities/responsibleconduct-of-research-policy.php>);
- (f) Fabrication or invention of sources;
- (g) Examinations: The following are examples of academic misconduct involving examinations:
  - (i) Failure to observe any stated rule with regard to the procedure used in an examination (or an activity undertaken for academic credit) where such a failure could result in the student gaining relatively greater credit;
  - (ii) Altering answers on a returned examination;
  - (iii) When prohibited, removing an examination (including creating a digital copy) from the examination room;
  - (iv) Seeking to acquire or acquiring prior knowledge of the contents of any examination question or paper with the intention of gaining an unfair advantage;
  - (v) Attempting to use, possessing or using notes or other sources of information or devices not permitted by the course instructor in an examination;
  - (vi) Consulting or seeking the assistance of others when writing a "take home" examination unless permitted by the course instructor;

- (vii) Providing false or misleading information with the intent to avoid or delay writing an examination or fulfilling any other academic requirement;
  - (viii) Failing to observe the terms of any agreement not to disclose the contents of an examination;
  - (ix) Misrepresenting or conspiring with another person to misrepresent the identity of a student writing an examination or engaging in any other form of assessment;
- (h) Knowingly doing anything designed to interfere with the opportunities of another person to have his or her contribution fully recognized or to participate in the academic program;
- (i) Preventing others from fair and equal access to University facilities or resources, including library resources;
- (j) Using or attempting to use personal relationships, bribes, threats or other illegal conduct to gain unearned grades or academic advantages;
- (k) Knowingly assisting another person engaged in actions that amount to academic misconduct, including the supply of materials prepared by the student to another student for use by that student as the work or materials of that student;
- (l) **Plagiarism:** the presentation of the work or idea of another in such a way as to give others the impression that it is the work or idea of the presenter.

Adequate attribution is required. What is essential is that another person have no doubt which words or research results are the student's and which are drawn from other sources. Full explicit acknowledgement of the source of the material is required.

Examples of plagiarism are:

- (i) The use of material received or purchased from another person or prepared by any person other than the individual claiming to be the author. [It is not plagiarism to use work developed in the context of a group exercise (and described as such in the text) if the mode and extent of the use does not deviate from that which is specifically authorized].
- (ii) The verbatim use of oral or written material without adequate attribution.
- (iii) The paraphrasing of oral or written material of other persons without adequate attribution

(m) Unprofessional conduct that occurs in academic or clinical settings or other work placements, or that is related to the student's area of professional practice. Professional Colleges may develop professionalism policies that define unprofessional conduct in the context of professional programs. In Professional Colleges where professionalism is part of the academic assessment of the student, unprofessional conduct may also be addressed through academic evaluation.

## IV

### The Legal Profession's Expectations

## LAW SOCIETY OF SASKATCHEWAN CODE OF PROFESSIONAL CONDUCT

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### PREFACE

The Rule of Law is a cornerstone of the Constitution and Canadian society. Lawyers are essential participants in a justice system that advances the Rule of Law. They represent the interests of their clients, are members of a profession and are officers of the Court. They enjoy a unique and privileged position in society. Lawyers have a professional and ethical responsibility to serve their clients, the profession and the judicial system in terms that protect and promote their clients and the public interest.

The responsibility and authority to regulate lawyers has been delegated by government to the Law Society of Saskatchewan. This power must be exercised at all times in the public interest.

*The Legal Profession Act, 1990*, codifies this duty at Section 3.1:

3.1 In the exercise of its powers and the discharge of its responsibilities, it is the duty of the society, at all times:

- (a) to act in the public interest;
- (b) to regulate the profession and to govern the members in accordance with this Act and the rules; and
- (c) to protect the public by assuring the integrity, knowledge, skill, proficiency and competence of members.

The Law Society of Saskatchewan discharges this duty by defining and enforcing the standards of professional competency and conduct, including ethical conduct, expected of all lawyers.

## PROVISIONS OF THE CODE OF PROFESSIONAL CONDUCT

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### 2.1 INTEGRITY

**2.1-1** A lawyer has a duty to carry on the practice of law and discharge all responsibilities to clients, tribunals, the public and other members of the profession honourably and with integrity.

### 3.1 COMPETENCE

**3.1-2** A lawyer must perform all legal services undertaken on a client's behalf to the standard of a competent lawyer.

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## **Advocacy**

**5.1-1** When acting as an advocate, a lawyer must represent the client resolutely and honourably within the limits of the law, while treating the tribunal with candour, fairness, courtesy, and respect.

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## **6.3 HARASSMENT AND DISCRIMINATION**

**6.3-1** The principles of human rights laws and related case law apply to the interpretation of this rule.

**6.3-2** A term used in this rule that is defined in human rights legislation has the same meaning as in the legislation.

**6.3-3** A lawyer must not sexually harass any person.

**6.3-4** A lawyer must not engage in any other form of harassment of any person.

**6.3-5** A lawyer must not discriminate against any person.

### **Commentary**

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[1] A lawyer has a special responsibility to respect the requirements of human rights laws in force in Canada, its provinces and territories and, specifically, to honour the obligations enumerated in human rights laws.

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## **Courtesy and Good Faith**

**7.2-1** A lawyer must be courteous and civil and act in good faith with all persons with whom the lawyer has dealings in the course of his or her practice

## **Communications**

**7.2-4** A lawyer must not, in the course of a professional practice, send correspondence or otherwise communicate to a client, another lawyer or any other person in a manner that is abusive, offensive, or otherwise inconsistent with the proper tone of a professional communication from a lawyer.

## **Undertakings and Trust Conditions**

**7.2-11** A lawyer must not give an undertaking that cannot be fulfilled and must fulfill every undertaking given and honour every trust condition once accepted.

# LAW SOCIETY OF SASKATCHEWAN RULE 151

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## **Application for Admission as a Student-at-Law**

149. In this part,

“Suitability to Practise” means honesty, governability, financial responsibility and respect for the rule of law and the administration of justice and “suitable to practice” has a corresponding meaning.

151. A person applying for admission as a Student-at-law shall submit:

(a) an application for admission in a form approved by the [Admissions and Education] Committee;

...

(c) documents establishing the applicant’s Suitability to Practice, including but not limited to:

## **Application for Admission as a Student at Law**

...

17) Have you ever been suspended, expelled or penalized for misconduct (including warning, placed on probation, permitted or advised to withdraw in lieu of discipline) while attending a post-secondary institution?

18) Are you currently the subject of any allegations of misconduct by a post-secondary institution?

## **INTRODUCTION TO CASE BRIEFING**

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*Wackett v. Calder*

(1965), 51 D.L.R. (2d) 598

**British Columbia Court of Appeal**

Arthur Wackett Plaintiff (Respondent)

v.

Clarence W. Calder Defendant (Appellant)

Honourable Mr. Justice Davey, Honourable Mr. Justice Maclean, Honourable Mr. Justice Bull

**Davey, J.A.** :---I would allow the appeal and dismiss the action for the reasons given by my brother Bull.

**Maclean, J.A. (dissenting)**:---The defendant appeals a judgment for damages for an assault following an encounter between the plaintiff and defendant in a beer parlour at Dawson Creek, B.C.

The facts have been found by the learned trial Judge as follows:

The most accurate account of what occurred outside the hotel is to be found in the evidence of the Defendant and of his brother, Raymond Calder, both of whom were truthful witnesses. The Plaintiff testified untruthfully on so many occasions as to the events that occurred earlier that afternoon and during the evening in question that it is impossible to give any credence to his evidence except where it is corroborated by other credible evidence. Having arrived outside, the Plaintiff re-iterated his insulting remarks and invited the Defendant to engage in a fight. He endeavoured, without much success, to strike both the Defendant and his brother. He lurched at them and with his fists pounded them in a rather futile way upon their chests, doing no harm whatever. On one occasion when the Plaintiff struck at the Defendant, the Defendant hit the Plaintiff in the face with his fist, knocking the Plaintiff to the ground. The Plaintiff got up and went for the Defendant again. The Defendant hit him again and that time the Plaintiff 'didn't get up so fast'. The Defendant then returned to the beer parlour, leaving the Plaintiff still wanting to fight.

The learned Judge then went on to find that the force used by the defendant was excessive under the circumstances, and finally he concluded:

The anger of the Defendant is easily understood, but it is the policy of the law to discourage violence. Challenges to fight are accepted at some considerable peril, at law. It must have been apparent to the Defendant soon after he went outside that the Plaintiff's challenge to fight was alcoholic-induced bravado and that, by reason of his intoxication, he was incapable of anything but talk and wild swinging. The Defendant could and should have terminated the whole unpleasant episode by returning into the hotel, leaving the authorities to deal with the Plaintiff. Instead he delivered two blows to the face of the Plaintiff with considerable force - sufficient to knock him down and break a well-protected bone in the cheek. While it is not clear how the Plaintiff's wrist got broken, I think it is probable that he must have fallen upon it during the fight.

In my view there is implicit in this judgment a finding that the defendant was not entitled to rely on self-defence - he could have walked away and avoided "the unpleasant episode by returning to the hotel", and secondly, that even if he was entitled to use force to defend himself, he used "excessive force under the circumstances".

I take it that in coming to the latter conclusion the learned Judge was aware of the long line of cases which enunciate the principle that a defendant or accused person when attacked is not required to "measure with complete nicety" the force necessary to repel the attack or apprehended attack: *Rex v. Ogal*, [1928] 2 W.W.R. 465.

In my view the learned Judge's conclusions are supported by the evidence and I would not venture to disturb his judgment.

I would dismiss the appeal.

**Bull, J.A.:** ---This is an appeal from a judgment of Munroe, J. wherein the plaintiff (respondent) was awarded damages for an assault on his person inflicted by the appellant.

The facts as found by the learned trial Judge are shortly that the defendant appellant, who was sitting with friends in a beer parlour at Dawson Creek, was approached and annoyed by the respondent, who was intoxicated and in a belligerent mood. By the use of foul and insulting remarks made in the presence of ladies, the respondent provoked a quarrel with the appellant, who accepted an invitation to go outside with the respondent. The appellant said he went outside so as to end the unpleasant situation inside the premises. The learned trial Judge found that the most accurate statement of what occurred outside was that given by the appellant and his brother, who were truthful witnesses, which he found the respondent was not.

Outside the premises the intoxicated respondent reiterated his insulting remarks and again wanted the appellant to fight. He attempted, without much success, to strike the appellant and his brother and lurch at them and pounded them on their chests, but doing no damage. The respondent then struck at the appellant, who had apparently taken no physical action up to this time but had merely been insisting on apologies for the remarks made. However, on this occasion of being lightly struck, the appellant struck back, whereupon the respondent fell in a sitting position to the ground. The respondent got up and came at and hit the appellant again just as the latter was turning away to go back with his brother into the beer parlour. Thereupon, the

appellant, turning, struck the respondent again in the face, knocking him to the ground. The respondent got up, but not "so fast", and the appellant went back into the premises and joined his friends. One of the two blows inflicted by the appellant broke the respondent's right molar bone, (or cheekbone). Also the respondent suffered a fractured right wrist, which the learned trial Judge thought probably was broken when he fell during the fight, and not by any blow struck.

The learned trial Judge found that the respondent was the aggressor throughout, had assaulted the appellant by beating him on the chest before the appellant had laid a hand on him, and that the two blows struck by the appellant were struck under provocation and in self-defence. The learned trial Judge then said the only issue was as to whether or not the appellant used more force than was reasonably necessary to repel the assault made upon him, and found that under the circumstances the force used by the appellant was excessive. In coming to this conclusion that excessive force was used, the learned trial Judge stated, firstly, that the appellant should have known that the respondent due to intoxication was incapable of anything but "talk and wild swinging", and, secondly, that the appellant could and should have walked away into the hotel thus terminating the episode.

It is clear that what constitutes excessive force beyond what was reasonably necessary under all circumstances depends in each case upon its own facts, and is a matter for the trial Judge, the findings of whom an appellate court should not lightly question. However, with the greatest deference, it seems apparent that the finding of excessive force was based on conclusions and inferences from evidence which did not wholly support them. Although there was evidence that the respondent was clearly intoxicated, there was no evidence that he was physically incapacitated or unduly uncoordinated, or in any way incapable of doing serious physical damage to others. He was a man of middle age weighing some 192 pounds and the evidence was clear that he was not staggering, but was in a belligerent and obviously dangerous mood. Again, the learned trial Judge, in giving his views as to what the appellant might have done to end the dispute, seems to have overlooked the evidence of both the appellant and his brother, both of whom he found truthful witnesses, that they were turning away to re-enter the hotel when the respondent attacked and struck the appellant the second time and, received, in turn, the appellant's second blow. It seemed clear that it was this second blow which was the most serious and caused the injury to the defendant's face.

As the learned trial Judge weighed the force used on conclusions which were, in part at least, unsupported by the evidence, an appellate court is justified in reassessing the evidence directed to this issue and is, I submit with deference, in as good a position as the trial Judge so to do.

The only question here was whether the two blows by the appellant were more than reasonably necessary under all the attendant circumstances, and no question of the use of disproportionate force is involved. The appellant was entitled to reject force with force and, under the authorities, not being bound to take a passive defence, is entitled to return blow for blow. He could act in the light of the apparent urgency of the situation, but he could not trespass beyond the reasonable limits thereof. However, it has been long held that an attacked person defending himself and confronted with a provoking situation is not held down to measure with exactitude or nicety the weight or power of his blows.

In this case there is no evidence whatsoever that the two blows given by appellant were vicious. That one at least was forceful is obvious, but the combined effect of both were not sufficient to render the intoxicated respondent "hors de combat". The first blow was insufficient to stop the respondent's attack on the appellant, and, in my respectful opinion, the second more forceful blow was well justified to put an end to the episode.

Accordingly, on the facts as found by the learned trial Judge, excluding only his conclusions as to the quantum or measure of force used, I would allow the appeal and order the action dismissed.

*Appeal allowed.*

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### **Preparation for Lectures on Case Briefing**

**Try to answer the following questions while reading *Wackett v. Calder*, a decision of the British Columbia Court of Appeal:**

1. Who are the parties to this action?
2. What happened in the lower court?
3. Who is appealing, and on what grounds?
4. What are the facts? Can you summarize them in a few sentences?
5. What was the *issue* before the court? In other words, what question did the court have to answer to decide the case?
6. What *rule(s)* did the court apply?
7. How did the majority of the court *apply* the rule? In other words, what was the court's reasoning?
8. Why does the dissenting justice disagree with the majority?
9. What is the holding (the court's decision)?

10. What public policy considerations support or do not support the rule(s) applied