

## Implementation Report on the 2016-2017 Cyclical Review of Law and Society

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*Approved by LY PCC on Feb 13, 2020*

### INTRODUCTION

This is the first implementation report for the Law and Society cyclical program review that took place in 2016-2017. For each recommendation, the full language from the External Reviewers' Report has been included, along with the corresponding information about implementation from the Final Assessment Report. For each recommendation, the unit has provided an update on the progress or action made toward the implementation of that recommendation, followed by comments from the relevant dean(s) and the Program Review Sub-Committee. Taking into account the updates provided by the unit and the comments from the dean(s), the Program Review Sub-Committee will review the report and determine if all recommendations have been implemented satisfactorily or if a subsequent report will be required.

### RECOMMENDATIONS PRIORITIZED FOR IMPLEMENTATION IN FINAL ASSESSMENT REPORT

<b>Full Recommendation from External Reviewers' Report:</b> To consider what benefits and drawbacks may derive from the reinstatement of cross-listed courses with Criminology and the expansion of cross-listed courses with other Faculty of Liberal Arts.		
Recommendation to be Implemented (from Final Assessment Report)	Responsibility for Implementation	Anticipated Completion Date
Recommendation #4: Review cross-listed courses in FLA to expand offerings to students	Law & Society Program Coordinator	May 2018

**Unit Update:** Law & Society has embraced this recommendation quite enthusiastically, although its focus has been on approved electives in the Faculty of Liberal Arts rather than on cross-listed courses with Criminology. The program hopes that by expanding its list of approved electives, there will be benefits both for itself and for the entire Faculty of Liberal Arts. For the program, expanding the list of approved electives is designed to alleviate internal pressure to offer more LY-coded elective classes for our majors and minors; for FLA we hope it will distribute our students to courses in programs that have smaller classes. At present, it may be too early to assess whether these hopes have been realized.

The total number of approved elective courses has increased from 11 to 15; this is in fact, an increase of 6 courses, since 2 of the original 11 listed in the calendar ceased to be offered in Brantford many years ago and had to be removed from our listings (namely, JN 334 and PO 263). The additional approved electives are as follows: EN 303, WORK 210, WORK 310, HRHD/SOJE 260, and HRHD 328. Additionally, one course has been cross-listed with SOJE (SOJE/LY 250), and one approved elective has been added from the Faculty of Human and Social Sciences (OL 225). Lastly, the program cross-listed one new course in the Faculty of Liberal Arts, Immigration, Refugees and Human Rights (HRHD 336).

A special note needs to be added here about the recommendation to cross-list more courses with Criminology in particular. A recent institutional division between Law & Society (in the Faculty of Liberal Arts) and Criminology (in the Faculty of Human & Social Sciences) makes this recommendation impractical. The university's new budget model, which was still being phased in when the cyclical review was conducted, discourages cross-faculty collaboration, including cross-listing more Criminology courses. This problem was not sufficiently appreciated during the cyclical review, and the implications of the new budget model were not fully accommodated by either the reviewers or program members in 2017. Nevertheless, Law & Society supports Criminology by continuing to make LY 205 [Criminal Law in Canada] available to its majors as a required course (in a category with CC 291 or CC 292). Existing cross-listed courses with Criminology have remained in the calendar, but there are no plans to deepen this relationship.

**Decanal Comments:** This is a conversation that will have to continue. It is beneficial that LY has expanded the potential elective courses. I would note however that two of the named courses (WORK210 and 310) have not yet been offered, and we have limited optimism that they will be offered in the future. In the coming year, I would urge the program to think more creatively about where and how to draw on existing expertise and content from other programs within FLA where it aligns with the learning outcomes of the LY program.

**Program Review Sub-Committee Comments:** The committee appreciates the thoroughness of the response provided by the program. The dean's comments suggest that an additional update on the status of this recommendation next year would be useful in determining if the recommendation has been fully acted on.

**Full Recommendations from External Reviewers' Report:**

**Recommendation #5:** To work with the Centre for Teaching Innovation and Excellence to consider what curriculum support material could be developed to better communicate to CAS and new faculty the learning outcomes and student workload expectations for required courses and Foundation courses.

**Recommendation #9:** Expand search and community outreach for legal and socio-legal experts to teach as CAS in Law & Society.

Recommendation to be Implemented (from Final Assessment Report)	Responsibility for Implementation	Anticipated Completion Date
Recommendations #5 & #9: Recruit and mentor CAS faculty	Law & Society PC and faculty	Ongoing

Notes: Law & Society should develop strategies for recruitment and mentoring in the 2017-18 year.

Implementation of these strategies should be ongoing.

**Unit Update:** The former program coordinator, Jonathan Lavery, never contacted the Centre for Teaching Innovation. Accordingly, recommendation #5 has not been implemented as described. Instead, he met with and/or corresponded more extensively with CTF instructors of Law & Society courses himself. The need to familiarize CTF instructors with the Foundations program in particular was accomplished better and more directly this way, since his primary teaching responsibilities in Brantford are in the Foundations program and he co-edited the text book for three Foundations classes; indeed, he is more intimately acquainted with the Foundations program than anyone in Centre for Teaching Innovation and Excellence.

Some progress has been made towards recommendation #9. The program has established contact with the graduate coordinator of the Law Faculty at UWO (Mary Morris). Primarily by means of networking in this way, Law & Society has been receiving applications for CTF positions from lawyers and graduates of law faculties. It needs to be understood, however, that there is a serious impediment to appointing applicants with professional experience and credentials. We have already a roster of qualified CTF instructors with a great number of seniority points. These applicants have a significant advantage over applicants of the sort the reviewers recommend targeting; the Collective Agreement does not provide a means for someone with professional experience to trump a qualified CTF applicant who has an extensive history at WLU (even if the external applicant is more suited for the course). Nevertheless, we have had made four emergency appointments in the last 12 months (a process in which exigencies truncated the hiring process), and in all three cases the successful applicant was a socio-legal expert external to WLU.

One final point remains to be made here: The Canadian Law & Society Association provided a second new pool of applicants for recent positions (from which two recent emergency appointments were generated). Unfortunately, the program lost its principal contact with that organization when Kelly Gallagher-Mackay left in September, 2019. Dr. Gallagher-Mackay was on the board of the CLSA, and she was able to use her network of connections to generate an applicant pool for each of the emergency appointments. Her departure may have deprived the program of this resource (for not only is she no longer on faculty, she's also no longer on the board of the CLSA). The program will do what it can to preserve this connection, but it is now too early to

**Decanal Comments:** The previous chair is likely very well acquainted with the content of Foundations and LY; however, this does not mean that he has all necessary expertise in the pedagogy of delivering said content. In addition, he will not always be available to communicate directly with new incoming PTF. I believe some standalone curriculum support material (as suggested in the recommendation) is still a good idea and should be pursued.

As for the second recommendation, this is an ongoing issue that will need to be navigated both as networks of relationships evolve and as the complement of professors in LY grows and changes. The program should be encouraged to think about making use of connections at the University of Sussex, if possible.

**Program Review Sub-Committee Comments:** Based on the dean's evaluation of the actions taken in support of this recommendation, the committee determined that further reporting was required. Please provide an update in next year's report.

<b>Full Recommendation from External Reviewers' Report:</b> The Law and Society program ought to embrace student preparation for law school as a possibility for growth, as a vehicle for expanding its interdisciplinary mission, and as a pedagogical opportunity to reach a diversity of students.		
<b>Recommendation to be Implemented (from Final Assessment Report)</b>	<b>Responsibility for Implementation</b>	<b>Anticipated Completion Date</b>
Recommendation #1: Decide whether to engage in Sussex partnership	Law & Society Program in its entirety	Fall 2017

**Unit Update:** Law & Society has fulfilled all of its obligations to Sussex-stream students in the program, and it has been impressed with the caliber of students attracted to WLU by the Sussex-stream. Moreover, because the majority of students admitted to this stream of Law & Society opt out of the combined BA-LLB program and remain in BA portion four years continuously, we have already noticed a general elevation of standards across the program (and not merely in years 1 and 2). To the extent that many of these students pursue law school in Canada, the program is contributing to their preparation.

Law & Society must perform a delicate balancing act in responding to Recommendation #1. The program name alone creates an impression that it offers special preparation for law school, even though there is no evidence that our graduates are specially prepared either for a law program itself or to write the LSAT exam. Furthermore, Law & Society is understaffed and thereby unable to take on any special responsibilities of this sort. The program has for many years expressed concerns about marketing Law & Society in any way that misleads incoming students about a “prelaw” function. As we wrote in the original response to the cyclical review, we find the language of “embracing” this function a little disturbing. Faculty members in the program have quietly accepted the fact that many of our students chose Law & Society for slightly confused reasons; we have also taken it as our responsibility to gently correct any false impressions that may have informed that choice and encouraged students to appreciate the program for its real value. We have done this well and conscientiously. Still, we have genuine concerns that continued pressure from the university’s administrative and recruitment arms to leverage the mistaken impression that majoring in Law & Society is special training for a law school. As we see matters, the problem is not that Law & Society resists embracing this view of itself (we have embraced it – albeit with reservations); rather, it is that the administration and recruitment offices are all too comfortable leveraging a misconception among prospective students.

If WLU, Brantford and the Faculty of Liberal Arts wish to provide law school preparation for its students, then there is a better way to do it: direct students with law school aspirations to philosophy elective – in particular, to classes in argumentation and logic. Such courses are demonstratively good preparation for the LSAT exam (philosophy, economics and physics students typically score higher than students from other programs). Indeed, Jonathan Lavery, Stephan Haller, and several of CTF instructors teaching Philosophy in Brantford will happily do their part. Given the fact that the complement of Law & Society faculty is inadequate to meet all of the program’s current responsibilities, it may be wise to share this particular burden with under-utilized philosophy faculty.

With regard to embracing a law school preparation function for the particular purpose of “growth”, one point needs to be emphasized: Law & Society has no room to grow its student body. Indeed, the program is struggling to meet the needs of a student body that currently includes almost 400 students (i.e., majors, minors, and option students). With its present faculty complement, Law & Society needs to shrink its student body, not grow it. If

two more full-time faculty are added (as the program has requested on numerous occasions), then the student body can remain at its current size. But for the present, it is impossible to concede that growth is a good thing; in fact, we continue to worry that more growth will imperil the program's integrity.

**Decanal Comments:** Extensive and ongoing discussions between the program and the dean have covered the ground outlined above with regard to appropriate resourcing, and we have pursued a number of solutions to that problem. And the dean has been party to discussions that address the internal division within LY with regard to the primary emphasis of the program. It seems to me that if the program wishes to emphasize a pre-law trajectory within the program using philosophy courses, then that is at the discretion of the program and has nothing to do with FLA taking a particular approach. If this is a chosen route, I would propose creating bespoke philosophy courses through the regular curricular routes.

**Program Review Sub-Committee Comments:** Please provide an update on any changes or actions in response to this recommendation in next year's report.

**Full Recommendations from External Reviewers' Report:**

**Recommendation #1:** The Law and Society program ought to embrace student preparation for law school as a possibility for growth, as a vehicle for expanding its interdisciplinary mission, and as a pedagogical opportunity to reach a diversity of students.

**Recommendation #2:** Monitor the effects of the Sussex partnership on student enrolments in Law & Society relative to other programs and institute a strategic approach to recruitment and admissions.

**Recommendation #6:** The implementation of a rotational strategy that outlines when introductory, senior and fourth-year Law & Society courses will be offered five years in advance.

Recommendation to be Implemented (from Final Assessment Report)	Responsibility for Implementation	Anticipated Completion Date
Recommendations #1, #2, #6: If the program is 'in', then it should go about making a strategic plan for recruitment, persistence and success. This can include plans for incremental faculty hires over the next five years in identified high-need areas, based on needs identified in a revised Five-Year Course Planning document.	Law & Society Program Coordinator in conjunction with entire program faculty	June 2018

Note: The FLA dean would be happy to assist with this project.

**Unit Update:** Law & Society, like other Faculty of Liberal Arts programs, has constructed a 5-year course-build plan. Courses are on regular rotation (with some adjustment due to planned leaves, anticipated appointments, and partial reaffiliation of some FLA faculty). Any problems students have with course availability has little to do

with scheduling and almost everything to do with the fact that the program does not have enough faculty to meet its core commitments, especially offering 4<sup>th</sup> year seminars for its own majors.

**Decanal Comments:** As above, the question of resourcing is an active and open discussion.

**Program Review Sub-Committee Comments:** Please provide an update on any new developments related to these recommendations in next year's report.

<b>Full Recommendation from External Reviewers' Report:</b> Conduct a thorough assessment of the progression of students through the Law & Society program with the goal of isolating and eliminating obstacles to completion.		
<b>Recommendation to be Implemented (from Final Assessment Report)</b>	<b>Responsibility for Implementation</b>	<b>Anticipated Completion Date</b>
Recommendation #12: Student Attrition Project	Law & Society Program Coordinator	Fall 2018
Note: The FLA dean would be happy to assist with this project.		

**Unit Update:** First, attrition is no longer a pressing problem in Law & Society. When the program had a small number of majors, it was a notable problem, but at that time, its primary function was service to other programs at WLU, Brantford. Now, however, with +250 students, attrition has been eclipsed entirely by an unmanageable faculty-student ratio of +80 : 1. Nevertheless, Law & Society has done some research to understand its historical problem with attrition, to diagnose its probable causes, and to reduce the problem to whatever extent it can.

The program consulted Gail Forsythe to learn whether data gathered to track student retention/attrition reveal a disenable pattern. One expected pattern was *not* evident: that Law & Society students have been migrating to Criminology. Law & Society has not been losing students to other programs. With few exceptions, students lost through attrition were doing poorly academically (and some have been readmitted to Law & Society). While a negligible number of departing students were doing respectably well academically, for the most part poor academic performance is the strongest correlating factor with attrition in Law & Society.

One potential reason for poor performance among Law & Society majors may be implicit in this correlation: the university has lowered the admission standards for the program. The entrance threshold for 101s, which was as high as 74% at one point in the distant past, have been lowered to 70% for the last 5 years. In light of this fact, problems with attrition seem not to be program-specific, but rather a university-wide problem with eroding admissions standards.

Still, the program has conscientiously done all it can for its struggling students. As with other programs, Law & Society has taken advantage of new institutional initiatives to identify students at risk and to intervene as early as possible (see above, re: Gail Forsyth). Additionally, the former program coordinator has met with numerous students who have been on academic probation (and thereby not qualified to declare a major), and several of these students have successfully re-entered the program in good standing. The problem with this approach is

that it is not practical as a long-term solution for such a large student body (+250 majors, plus an estimated +100 minor and option students, plus an undetermined number of aspiring majors on academic probation).

One potential new resource has been identified to help manage the large number of Law & Society students: appointing an undergraduate advisor for the academic unit. To this end, the program is exploring the possibility of departmentalizing. With +250 majors, etc., an undue burden rest on the program coordinator if informal counseling of students becomes routine (as it has). The former coordinator was able to do this because he had to deal with many of the struggling students in BF 299 already (thus, an overlap of responsibilities meant that interviews with struggling Law & Society students did not constitute a doubling of tasks). With his departure, this is no longer the case, and a single course relief is not sufficient to coordinate the program at the faculty level (as per the program coordinator’s defined duties) *and* to counsel a large number of Law & Society students (a task that can no longer be left entirely in the hands of Academic Advising – given the size of its current student body).

One obstacle to departmentalizing is worth reiterating: Law & Society is short-staffed. Without 2 additional full-time appointments, the program will have a difficult time covering all of its instructional responsibilities and apportioning course relief for both a program coordinator and an undergraduate advisor (or more likely two courses of relief for one person).

**Decanal Comments:** The dean will continue to work with the program if it chooses to seek out departmentalization, but I fundamentally disagree that the incoming students have been of lower quality. Research from Admissions indicates that the incoming averages of students into the Sussex program have always been around 80%. The entrance into LY has not changed its incoming average for the last several years. This data has been shared with LY but if there is additional education needed on how the admissions process is impacting LY, this can be arranged.

**Program Review Sub-Committee Comments:** Based on the comments provided, the intent of the original recommendation (investigating student attrition) has been satisfied. No further reporting on this recommendation is required.

<b>Full Recommendation from External Reviewers’ Report:</b> A Departmental review of the demand and pedagogical purpose of the Law Option.		
<b>Recommendation to be Implemented (from Final Assessment Report)</b>	<b>Responsibility for Implementation</b>	<b>Anticipated Completion Date</b>
Recommendation #7: Law Option	Law & Society Program Coordinator	Fall 2019
Note: Work should begin now, but data will need to be collected for a number of years to show stable trends.		

**Unit Update:** The Law Option and the Law & Society minor are both difficult to maintain without more Full-Time faculty. Because law school has become an increasingly attractive prospect for undergraduates in recent years, Law & Society has become a magnet for students—both for its own majors and those of other programs. In particular, a significant number of former Sussex-stream students in HRHD and Criminology have opted to

minor in Law & Society. With adequate faculty resources, this could be described as a good trend. In the present circumstances, it is a painful burden. The same point applies to the Law Option, although fewer students declare an option than declare a minor. For this reason, Law & Society has been seriously considering eliminating both the minor and law option. In both cases, however, the impetus has not derived from pedagogical considerations, but rather from a profound personnel deficit.

The program has been given a glimmer of hope from the Dean and Vice-President-Academic that its staffing problems will be addressed soon—if not wholly, at least partially. For this reason, the program has reserved judgement about the status of both the minor and the option—for the moment. But the paperwork required to eliminate both parts of the program has been gathered, and if the staffing problem is not addressed adequately it will be submitted for processing. The fundamental rationale for such a move is simple: the program cannot meet responsibilities to its majors *and* to all three of the following other groups: minors, option students, and elective students. Responsibilities to its own majors and its service obligations to other programs in the Faculty of Liberal Arts and Criminology cannot be compromised. If indeed responsibilities need to be shed due to prolonged short-staffing, then the option and minor will be eliminated.

**Decanal Comments:** I agree that the option can be tabled in the current environment. Other kinds of arrangements with existing programs may yet be a topic of discussion, but those should not be outlined here but emerge in conversation with the program itself.

**Program Review Sub-Committee Comments:** Based on the comments provided from the program, and the dean's support, it appears that a resolution has been reached on this recommendation and no further reporting is required.

## ADDITIONAL COMMENTS

**Program:** None provided.

**Dean of Liberal Arts:** None provided.

**Program Review Sub-Committee:** In its evaluation of this report, the committee noted a tension between the comments provided by the program and those of the dean that suggested that the recommendations prioritized for implementation out of the 2016-2017 cyclical review had not yet been completed sufficiently. The committee requests that a follow-up report be submitted in a year's time, at which point it hopes to see that further actions have been taken, that are reflected in a more collegial dialogue between the program and dean. In its discussion of the report, the committee advocated for the program to put the needs of its students at the centre of its decision-making and hoped that the program would work collaboratively to complete those recommendations that could ameliorate the quality of the curriculum and program for its students.

**Subsequent Report Required:** Yes

**Due Date:** April 2021