

2021 Implementation Report on the 2016-2017 Cyclical Review of Law and Society

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INTRODUCTION

This is the second 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 in 2020 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. In reviewing the 2020 Implementation Report, the committee decided that a subsequent report was required in 2021. 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

Full Recommendation from External Reviewers' Report: 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

2020 Comments

2020 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.

2020 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.

2020 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.

2021 Comments

Unit Update: We strongly endorse the concept of expanding choice for our students and supporting an interdisciplinary approach to law and society through encouraging students to pursue coursework in related areas beyond the LY program.

In addition to the 6 new electives identified in the January 2020 implementation report, the Law and Society recently also approved SOJE 310 (Critical perspectives on Social policy and the Economy) which is working its way through the Curriculum Committee process. We have identified a list of courses in FLA where there is alignment between the focus on law in our program, and our commitment to enriched law and society knowledge being developed through interdisciplinary study. A key challenge with these cross-listings is that upper-year electives (where we have the most need for options for students) frequently have pre-requisites.

We will continue to work to further implement this recommendation to identify opportunities for cross-listing and to work with our colleagues in related programs to determine if there are workarounds available to use some LY courses as optional pre-requisites.

Decanal Comments: I am pleased to see that work continues on this recommendation.

Program Review Sub-Committee Comments: The committee applauds the work that has been done by the program to implement this recommendation, and considers it completed for reporting purposes.

<p>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.</p>		
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
<p>Notes: Law & Society should develop strategies for recruitment and mentoring in the 2017-18 year. Implementation of these strategies should be ongoing.</p>		

2020 Comments

2020 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 and 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.

2020 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.

2020 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.

2021 Comments

Unit Update: The Program Coordinator is meeting with Shirley Hall and Joseph Beer in Educational Development, Teaching and Learning to work towards standalone materials that will support incoming faculty, particularly CTF's, in making explicit expectations around student workload (ranges of assigned pages/week, number of assignments) by year of study and to provide guidance regarding expected learning outcomes (sample syllabi shared with permission of full-time faculty), as well as a list of contracts for pedagogical and administrative resources. In addition to these new resources to support new faculty (and help ensure consistency for students) we will continue our strong tradition of personalized outreach upon hiring. We have received very positive feedback from new faculty this year about the outstanding support provided by Laurier Brantford.

We have diversified our recruitment to continue to use some of the highly accomplished, experienced Contract Faculty who have considerable seniority in our program, and to draw on broader networks of scholars with specific legal/socio-legal expertise. We routinely share postings through Canadian Law and Society Association newsletter and with direct contacts in faculties of law and law and society graduate programs within the region (Western Law, UT Sociology and Legal Studies, York Sociolegal Studies, Osgoode Hall, UT Law). Priorities in recruitment of new faculty are subject-matter expertise drawn from both academic and activist/professional background, and equity, diversity and inclusion as reflected in the revised Contract Faculty PTAC rubric.

Decanal Comments: I am pleased to see that movement has been made in the right direction. Since the time of writing last year, we have been able to hire Kelly Gallagher-McKay on a tenure track appointment. These are both promising developments.

Program Review Sub-Committee Comments: The comments provided indicate that more concrete actions to implement this recommendation have been taken during the past year than the previous ones. The committee considers it completed for reporting purposes.

Full Recommendation from External Reviewers' Report: 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 to be Implemented (from Final Assessment Report)	Responsibility for Implementation	Anticipated Completion Date
Recommendation #1: Decide whether to engage in Sussex partnership	Law & Society Program in its entirety	Fall 2017

2020 Comments

2020 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.

2020 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.

2020 Program Review Sub-Committee Comments: Please provide an update on any changes or actions in response to this recommendation in next year's report.

2021 Comments

Unit Update: There is strong unanimity in our program that the best way to prepare students for a range of post-graduate options, including law school, is through a balanced curriculum that emphasizes exposure to a wide range of perspectives and methodologies to sharpen critical thinking and a broad knowledge base, while developing transferrable skills in high-level academic writing and research. We recognize students may be attracted to a program with law in the title and see it as accelerated pathway to law school. The most effective way we can support students with that ambition – alongside our commitment to interdisciplinarity – is to foster the knowledge, skills and habits of academic excellence. At the same time, we will continue to serve the *majority* of our students by pointing to the connections between what they learn and a wide range of opportunities upon graduation.

The faculty of Law and Society is uncomfortable with actively promoting the idea that students' best way into law school is a program with law in the title as we believe that it not true. Perhaps equally importantly, as a short-term strategy, it undermines the concept of a broad liberal arts education which all of us feel is fundamentally excellent preparation for law school or alternatives. We are happy to build on students' existing interest in law for purposes of recruitment – law is indeed central to many areas of social life and a worthy object of study – but we believe vigorous support of the mission of the Faculty of Liberal Arts as a whole is our best approach to supporting student excellence.

That said, we think it is important that legal ideas and institutions are central to students' experiences in a Law and Society program, as they have every right to expect. Recognizing that many influential law and society scholars come out of other disciplines, for any new hires, we will prioritize demonstrated expertise in law and society. That expertise is a key criterion in short-term hiring as well.

We work closely with the Coordinator of the Sussex Law program and have taken all steps to ensure the students in the program can meet all their academic requirements and be as prepared as possible to negotiate the bar admission process as international law graduates.

Decanal Comments: The approach detailed in this update is sensible, and its consequences will be borne out in future curriculum development. The ongoing relationship with Sussex is a very important one, and I am pleased to see that collaboration continues to happen.

Program Review Sub-Committee Comments: The committee appreciates the thorough explanation provided by the program as to why they believe ‘truth in advertising’ is important and that the program position itself as preparing students for a broad range of post-graduate prospects. The tension on this issue between the program and the dean appears to be resolved; therefore, the committee considers this recommendation to be completed for reporting purposes.

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.		

2020 Comments

2020 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 4th year seminars for its own majors.

2020 Decanal Comments: As above, the question of resourcing is an active and open discussion.

2020 Program Review Sub-Committee Comments: Please provide an update on any new developments related to these recommendations in next year's report.

2021 Comments

Unit Update: The underlying question of whether we promote law and society as a pre-law program is addressed above.

Our faculty actively supports recruitment activities of the Faculty of Liberal Arts. The program has experienced growth of an average of 25 students per year for the past three years. We anticipate growth in this program to continue, (June 1 confirmations were approximately 15% higher than the previous years). There will be a slight additional increase in students as a number of the Sussex students will be enrolled in year six courses in 2021-22 (2 students this year). In addition, we continue to enhance the attractiveness of the Faculty of Liberal Arts as a destination for students with an interest in majoring in other disciplines by offering a highly popular Law and Society minor (120 students registered).

In fact, Law and Society is the Faculty of Liberal Arts' largest program, with 1489 course registrations.

We wish to acknowledge the considerable improvement, since January 2020, in the resourcing of the Law and Society Program. We will start 2021-22 with 2.5 additional full-time faculty: one **new** tenure-track hire, with a background in law and education, and a **.5 transfer** from Social and Environmental Justice with a strong background in democratic theory and governance, two key areas for law and society. This year, in addition, we also have retained an experienced LTA with a background in law and philosophy; we continue to believe that the need she fills in our program is not transitory and **this should be a permanent position** given that total enrollment in the Law and Society Program.

This faculty complement represents a notable improvement in our potential teaching strength. Notably, however, Law and Society continues to have more students, with fewer faculty, than other almost all programs in the Faculty of Liberal Arts (4.5 faculty: 250 majors = 56:1 teaching ratio; 4.5 faculty to 1489 enrollments = 331:1. Enrollments is a fairer yardstick given the considerable service load borne by our program.

As noted above, we have moved to a five-year planning model. Planned work on an overall curriculum review was deferred in 2020-21 because of COVID-19-related pressures but we have committed to incremental work. At our retreat this year, we plan to focus on progression and curriculum in the first two years of required courses, all of which are taught by full-time faculty.

We believe that while this is a permanent challenge, we have made significant progress on implementation and have met the spirit of the recommendation.

Decanal Comments: The program commentary from this year captures all of the salient points.

Program Review Sub-Committee Comments: Once again, the committee appreciates the level of detail provided in the program's response, which assist in understanding the ways in which this recommendation has been achieved since the cyclical review. No further reporting on this recommendation is required.

Full Recommendation from External Reviewers' Report: Conduct a thorough assessment of the progression of students through the Law & Society program with the goal of isolating and eliminating obstacles to completion.		
Recommendation to be Implemented (from Final Assessment Report)	Responsibility for Implementation	Anticipated Completion Date
Recommendation #12: Student Attrition Project	Law & Society Program Coordinator	Fall 2018
Note: The FLA dean would be happy to assist with this project.		
<i>This recommendation was considered completed in the 2020 Implementation Report.</i>		

Full Recommendation from External Reviewers' Report: A Departmental review of the demand and pedagogical purpose of the Law Option.		
Recommendation to be Implemented (from Final Assessment Report)	Responsibility for Implementation	Anticipated Completion Date
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.		
<i>This recommendation was considered completed in the 2020 Implementation Report.</i>		

2020 ADDITIONAL COMMENTS

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.

2021 ADDITIONAL COMMENTS

Unit: We note that the retention rate for Law and Society for the past two years has been 94%, on par with other large programs in the Faculty of Liberal Arts. We will continue to focus on retention and support for students particularly in light of new COVID-related challenges.

Dean of Liberal Arts: I think this report represents a more balanced approach to future developments, and it focuses on the best outcomes for our students.

Program Review Sub-Committee: The committee was very pleased to see that the tensions identified in the previous report between the program and dean regarding the implementation of these outstanding recommendations have been resolved. The committee thanks the program for the thorough updates provided, and does not require any additional Implementation Reports to be submitted in advance of the program's next scheduled cyclical review in 2023-2024.

Subsequent Report Required: No

Next Cyclical Review: 2023-2024