



**ALTA 2005**  
**The University of Waikato**

**Abstracts from the Law in Non Law Schools Interest Group**

**Learning opportunities in legal education for international MBA students**

Michael Nancarrow

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**Abstract**

This paper/presentation/workshop will develop some of the learning, pedagogical, facilitation and educational management issues that arise in the context of designing, delivering and managing legal education for international MBA students. The paper will take issue with the framework of much of the source material currently available to this student group. The paper will tentatively explore the need for a new paradigm in this area of legal education and facilitation in terms of both the knowledge framework and the skills focus for students. Importantly, the paper will advocate for an integrated relationship between conceptual understanding and awareness in law and management decision-making strategies against a background of ethically grounded experiential approaches to learning law, for international management students at the postgraduate level. It will be argued that there are more broadly applicable lessons here for teaching law to non-law students generally and how law courses should be viewed more holistically in business and management curricula in tertiary institutions that seek to attract international students. There will be particular comment on the special challenges faced in tertiary educational institutional settings with a more commercialised operational focus. The paper will use the example of teaching Australian contract law to sketch a model for international legal education facilitation in a multi-layered stakeholder environment.

**W(h)ither Law in Non-Law Schools?**

Patty Kamvounias

*Lecturer, Faculty of Economics and Business, The University of Sydney*

**Abstract**

A proposal to change the name of the Law in Non-Law Schools (LNLS) Interest Group will go before the Executive of the Australasian Law Teachers' Association (ALTA) during the 2005 Conference to be hosted by the University of Waikato in Hamilton New Zealand. The time therefore seems right to review the history of the LNLS Interest Group and to consider its future. In the past, LNLS had a high profile in ALTA; this year, concerns have been expressed about the viability of a separate LNLS session at the annual conference. This paper considers the factors that indicate the need for a strong and vital LNLS Interest Group as well as those that indicate that such a group may no longer be necessary. This paper also revisits the perennial problem with the very name of the Interest Group. Perhaps this problem persists because the membership and the goals of the Interest Group have not been clearly articulated and remain unclear? This session will

also provide a forum for debate and give those with the greatest interest in LNLS an opportunity to address the questions that need to be addressed when considering the way forward for this group.

### **Title In-House or In Court?: Legal Challenges to Academic Decisions**

Sally Varnham and Patty Kamvounias

*Senior Lecturer, School of Accountancy and Business, Massey University and Lecturer, Faculty of Economics and Business, The University of Sydney*

#### **Abstract**

In recent years, students have increasingly sought redress in the courts in relation to university decisions of academic judgement and academic misconduct. Traditionally the courts have been reluctant to review such decisions but in the higher education climate of today they have had to revisit such views as they are drawn further into resolving disputes between universities and their students. The ability of a court to review a university decision of an academic nature was the subject of a recent appeal to the High Court of Australia in *Griffith University v Tang* (2005) 213 ALR 724. The student concerned had been excluded from the doctoral program at the university on the basis of academic misconduct. She sought judicial review of the university's decision and the university unsuccessfully sought to have the legal action dismissed in both the Supreme Court of Queensland and the Court of Appeal. However, the High Court allowed the university's appeal. By a 4-1 majority the judges held that in the circumstances the student was not entitled to judicial review. This case brings into focus once again issues relating to the nature of the relationship between universities and their students, and the desirability of court intervention in university decisions affecting individual students. This paper considers these issues in light of the High Court decision and in comparison with judicial attitudes in other common law jurisdictions.

### **What's Law got to do with it? Teaching Law and Ethics to IT Students**

Susan Corbett

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#### **Abstract**

The recent introduction of a compulsory third year paper for Bachelor of Information Technology students has provided an opportunity for Commercial Law lecturers in the Business Faculty at Victoria University to explore different teaching methods. Several features of the prescription for the paper, Ethical and Legal Issues for Information Technology, distinguished it from the more traditional commercial law papers. In addition, the students themselves, initially at least, were perceived to have rather different academic interests and motivations from the business students who are more commonly taught by commercial law lecturers. The lecturing team used a variety of teaching methods, including group work, traditional lecture presentations, case studies and group assessments in order to bridge the inter-disciplinary gap, to facilitate a learning

environment which would foster critical thinking skills and communication skills, and also to develop and encourage deeper learning strategies as recommended by researchers into higher education. The paper will explore and evaluate the success of these methods.