

## Faculty of Law

### Credit for Prior Studies Procedure

#### 1. Parent Policy

University Credit Policy

#### 2. Preamble

These procedures complement the University policy and procedures, with respect to the granting of credit in the LLB (Hons) and JD courses (including the LLB (Hons) degree requirements in combined courses) on the basis of formal studies completed at other tertiary institutions prior to enrolment.

The University Credit Policy provides that credit transfer may be granted for units passed in a university or accredited course offered by a Registered Training Organisation.

Information about credit for studies undertaken at other institutions by an enrolled Monash student is available on the Faculty's Cross-Institutional Study web page.

#### 3. Scope

Undergraduate and Postgraduate students of the Faculty of Law

#### 4. Procedures

##### 4.1. General requirements for credit

- 4.1.1 Credit may be granted towards compulsory or elective units.
- 4.1.2 A law unit in respect of which specified credit is claimed must be equivalent in learning content in terms of the curriculum, depth of study and credit point value, to a specific Monash law unit to the extent of at least 80%.
- 4.1.3 The Monash law unit must be one that is listed in the University handbook at the time of the application for credit.
- 4.1.4 The unit concerned must be taught at the same level as specified in the Australian Qualification Framework (AQF).
- 4.1.5 Compensatory pass grades such as NP (near pass – 45-49%) are not accepted as a pass for credit purposes.
- 4.1.6 Credit for law units taken elsewhere may be granted either as specified credit for a particular Monash law unit, or unspecified credit (6 or 12 credit points) for a law elective.

- 4.1.7 Units offered by distance education which form part of an accredited Australian law admission degree course (see 4.5.1) offered by an Australian university may be accepted for credit, subject to assessment of equivalence.
- 4.1.8 Units based wholly on the preparation of research papers (without the need for attendance at formal classes) may be accepted for credit, provided that there is evidence that the self-learning or research activity is directly supervised and formally assessed by teaching staff.
- 4.1.9 Equivalence is assessed on the basis of documentation provided by the applicant. Consideration may also be given to any relevant information in the official handbook or website of the institution at which the studies were taken.
- 4.1.10 Applicants should provide copies of unit guides, reading guides and/or other curriculum documents issued to them at the time of undertaking the studies.
- 4.1.11 Where the claimed equivalence is not clearly apparent, the documentation may be referred to the Chief Examiner in the unit for which credit is sought for an opinion as to the extent of equivalence.
- 4.1.12 Credit in the LLB (Hons), JD and combined degree courses may be granted for units completed elsewhere at a postgraduate as well as at undergraduate level.
- 4.1.13 Units taught as part of a Diploma, Associate Diploma, or Certificate course are unlikely to satisfy the requirement of equivalence to Monash LLB (Hons) or JD units, even if in law or legal studies.
- 4.1.14 In the case of studies undertaken at overseas universities with which Monash does not have exchange agreements, assessment of equivalence will include assessment of the academic standing and reputation of the university.
- 4.1.15 Credit will be granted for studies undertaken at overseas universities only if the universities are deemed to be of good reputation and standing. Universities and courses which are accredited with a government regulator or a reputable private accrediting body such as the American Bar Association, and universities and law schools with which Monash has an exchange agreement or other form of partnership will normally be accepted as reputable for credit purposes.
- 4.1.16 To be eligible for credit, previous studies must have been completed within ten years prior to admission to candidature in the LLB Hons or JD.

## **4.2. Comparability of workload for assessment of credit points**

- 4.2.1 In determining the equivalence of units, a comparison will be made of the normal Monash semester workload with that of the institution at which the unit was undertaken.
- 4.2.2 Monash law units carry a workload value of 6 or 12 credit points. A full workload for one semester is 24 credit points.
- 4.2.3 In accordance with the requirement of 80% equivalence, credit will not be given for a unit studied elsewhere if the workload is equivalent to less than 4.8 credit points (for a 6 credit point Monash law unit) or 9.6 (for a 12 point Monash law unit).

### **4.3. Credit for units which meet law admission requirements**

- 4.3.1 A relevant consideration in granting specified credit for units that are required for admission to legal practice arises because of the Faculty's function in certifying that the requirements of the Admissions Rules 2008 in relation to the eleven specified areas of knowledge in Schedule 2 (the 'Priestley 11') have been satisfied.
- 4.3.2 Where specified credit is sought for a Monash Law unit designed to cover one or more of the Priestley 11 areas of knowledge, the assessment of 80% equivalence will include an assessment of whether the unit studied elsewhere covers the content specified by Schedule 2 for the relevant area of knowledge.
- 4.3.3 An exception may be made for criminal law in the LLB (Hons) course, where the units studied elsewhere satisfy the requirements of Schedule 2 in relation to criminal law, except for the criminal procedure component.
- 4.3.4 The Chief Examiner of Criminal Law and Procedure 2 is willing to provide supplementary tuition and assessment in Criminal Procedure on a non-award basis.
- 4.3.5 Criminal Procedure is the only area for which the Faculty may provide supplementary studies for credit purposes. This exception does not apply to criminal law in the JD program.
- 4.3.6 Credit for units claimed to be equivalent to Monash units that are designed to cover a Priestley 11 area of knowledge will be granted only if they have been successfully completed at degree level within a law course which is accredited by the Council of Legal Education or by an equivalent regulator in another State or Territory for purposes of meeting academic requirements for admission to legal practice in Victoria or in the other jurisdiction ('an admission degree course').
- 4.3.7 A few Australian law schools teach certain of the Priestley 11 areas of knowledge across multiple units, instead of devoting one cognate unit to each Priestley area. If an applicant for credit has studied all the topics specified for one of the Priestley 11 areas in two or more units at another institution, with no single unit being 80% equivalent to a Monash law unit, the applicant may, at the discretion of the Director LLB or the Deputy Director LLB or the Director JD or the Deputy Director JD, be exempted from the requirement to complete the Monash unit on the basis of recognition of prior learning (RPL), and may also be granted unspecified credit for the units previously completed.

### **4.4. Law elective units**

- 4.4.1 Specified credit may be granted when a degree level unit (or combination of such units) taught at another law school is regarded as being at least 80% equivalent to a specified Monash law elective.
- 4.4.2 Even when there is no direct equivalence to any Monash law unit, the successful completion of a law unit at another Australian or overseas law school may entitle the applicant to unspecified credit for a certain number of credit points based on assessment of the academic standard, assessment and workload.
- 4.4.3 The grant of an unspecified credit of 6 points reduces the studies to be undertaken at Monash by one elective unit.

4.4.4 If the unit for which credit is claimed is not part of a law admission degree course, credit will not be granted unless there is evidence that the law school at the university where the unit was taken is willing to grant credit for it towards its own law admission degree course. Such evidence may consist of a letter or other official document provided by that law school.

4.4.5 Studies prescribed by accreditation and standards bodies

- i. Application for credit for exam results in subject areas prescribed by professional accreditation and standards bodies (e.g. accountancy, migration agents, patent and trademark attorneys, police prosecutor or detective training, or specialisation in law practice) will be considered on a case by case basis.
- ii. It is relevant whether the accreditation body actually conducts or supervises courses of instruction in defined areas followed by an exam as opposed to simply setting exams for which persons seeking accreditation prepare by some form of unsupervised self-learning. In the latter instance, credit will not be granted.
- iii. The fact that successful completion of certain units in the faculty is accepted for accreditation purposes by a board, does not imply a reciprocal obligation on the faculty to accept the result of the board's exam for credit purposes if there has been no supervised course of instruction or research training under the auspices of that accreditation board.

#### **4.5. Non-law elective units**

*(Applies to LLB (Hons) only)*

4.5.1 An applicant who has successfully completed non-law units in another Monash faculty or at another tertiary institution may be granted credit for non-law electives in the four-year LLB (Hons), subject to assessment of the academic standard and credit points.

4.5.2 An application for credit for the non-law component of a combined degree course will be referred to the partner faculty. For example, where a student enrolled in a BSc/LLB course seeks credit for Science subjects taken at another institution, the Faculty of Law will ask the Faculty of Science to assess whether to grant credit in the BSc.

4.5.3 A student enrolling in the 192 credit point LLB (Hons) course (Course Code 2708) who has successfully completed a minimum of 48 credit points of study in a bachelor's degree course in a discipline other than law at Monash or at another university will be granted 36 points of unspecified credit (comprising 12 points of non-law electives plus 24 points of non-law electives unspecified).

#### **4.6. Limit on total credit granted**

4.6.1 Students enrolled in the LLB (Hons), JD, or combined courses must complete at least 96 credit points of law units at Monash.

#### **4.7. Applications for credit**

- 4.7.1 Applications for credit must be submitted to the Student Services Office and must be in accordance with the application process, timing and documentation requirements set out in the University Credit Procedures.
- 4.7.2 Applications for credit must be accompanied by documentary evidence that is sufficient to enable an assessment of equivalence to be made. This will include:
- i. an academic transcript listing the units undertaken,
  - ii. the credit point value for each unit,
  - iii. whether units were undertaken as part of a law admission degree,
  - iv. a handbook description for each unit,
  - v. a reading list for each unit, and
  - vi. unit guides relating to the units.
- 4.7.3 The Unit Guide must include the unit synopsis, learning objectives and topics covered on a weekly basis.
- 4.7.4 If the prior studies were part of a law admission degree, the applicant must also provide confirmation on whether the degree has been accredited by the Victorian Council of Legal Education or by an equivalent regulator in another State or Territory (See 4.3.6 above).
- 4.7.5 Documentary information must also be provided showing the number of points which are equivalent to a full time semester workload at the institution where the studies were undertaken.

#### **4.8. Decisions and Review**

- 4.8.1 The Dean has delegated to the Director LLB or the Deputy Director LLB the power to grant credit in the LLB (Hons) degree course, and to the Director JD or the Deputy Director JD the power to grant credit in the JD degree course.
- 4.8.2 The Director LLB or the Deputy Director LLB or the Director JD or the Deputy Director JD may determine that specified or unspecified credit or an exemption from undertaking a specified unit or units is to be granted for specified studies taken at other institutions, and may authorise Student Services staff to approve credit applications falling within those approvals as his or her agent
- 4.8.3 The Director LLB or Deputy Director LLB or the Director JD or Deputy Director JD, in making the determination in accordance with 4.8.2, may consult with an experienced Chief Examiner of the unit or units for which credit has been sought, and take into account their written advice as to any relevant considerations. That written advice should be retained on file for future reference.
- 4.8.4 An enrolled student who is dissatisfied with a decision on his or her application for credit may apply for review of the decision by the Faculty's Associate Dean Education (Undergraduate) or Associate Dean Education (Postgraduate), as appropriate. Applications for review must be made in writing within 14 days of notification of the decision, and addressed to the appropriate Associate Dean Education, care of Student Services in the Faculty of Law.

#### 4.9. Recording of Credit

- 4.9.1 Where specified credit is granted, it will be recorded by reference to the unit name and code, for example, 'Contract A LAW2101 exemption, 6 credit points'. No grade is shown on the transcript.
- 4.9.2 Specifying the units by name ensures that they will appear on the student's academic record and thereby avoid the need to provide the student with a Certificate under Rule 5.03(c)(ii) of the Legal Practice (Admission) Rules, for the purpose of proving that the academic requirements for admission to legal practice in Victoria have been met.
- 4.9.3 Where unspecified credit is granted, the credit need only be recorded as a specified number of credit points, for example, 'Elective law units totaling twelve credit points' – [name of] University'. No mark and grade is recorded.
- 4.9.4 The student must rely on the transcript of the original University for the purpose of demonstrating the level of performance.
- 4.9.5 Exchange student entries will show 'LEH Law xxxx Exchange (no. of points)'. Additional codes are LSA Law xxxx Study Abroad; LCL Law xxxx Cross-institutional course; Result SFR (i.e. the result has satisfied faculty requirements).
- 4.9.6 Where an exemption from taking a Monash compulsory or quasi-compulsory unit is granted without specified credit, it will be recorded as, for example, 'Contract A LAW2101 exempted'. The reasons for granting the exemption without specified credit will be noted in the student's file.
- 4.9.7 Studies taken at other institutions for which credit is given are disregarded for any purposes that require calculation of a Monash Law grade point average or Law honours weighted average mark.

#### 5. Responsibility

Associate Dean Education (Undergraduate)  
Associate Dean Education (Postgraduate)  
Director LLB or the Deputy Director LLB  
Director JD or the Deputy Director JD  
Undergraduate Student Services Office  
Postgraduate Student Services Office

#### 6. Definitions

***Law admission degree course***

A law course which is recognised as meeting the academic requirements for admission to the practice of law.

***Priestley 11 areas of knowledge***

The 'academic areas of knowledge' prescribed in the Legal Profession (Admission Rules) 2008, Schedule 2.

## 7. Related Legislation

Monash University (Academic Board) Regulations, Part 2 Entrance and Admission Requirements

Monash University (Academic Board) Regulations, Part2, Part 3, Reg 15 Credit Towards a Course of Study

## 8. Related Policies and procedures

University Credit Policy

University Credit Procedures

## 9. Related Documents

Credit Application Form

### Office Use Only:

<b>Version Number: 1</b> Approved by Faculty Board Meeting 2/2009 on 23 July 2009	Effective Date: July 2009	<b>Contacts:</b>  <i>Content Owners:</i> Associate Dean Education (Undergraduate) Associate Dean Education (Postgraduate)  Content enquiries: <a href="mailto:Toni.Waser@monash.edu">Toni.Waser@monash.edu</a>
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