

CONFLICT OF LITIGATORS POLICY

Purpose

The purpose of this policy is to describe the College's approach to circumstances where lecturers and students find themselves representing parties opposed in legal disputes.

The policy covers the following situations:

- Lecturer v Lecturer
- Lecturer v Student
- Student v Student

The policy does not apply to transactional work, unless the transaction becomes a dispute and subject to litigation or other dispute resolution processes.

Applicability

The policy applies to all College employees and to students.

Introduction

Given the large numbers lecturers also operating a legal practice, and given also the large number of students also working in legal practice (especially Applied Law Program students), it is likely that lecturers and students will, from time to time, find themselves representing opposing parties in legal disputes.

In those circumstances, the College needs to be mindful of the impact (and potential impact) on the following:

- Staff relationships
- Lecturer/student relationships
- Perception of bias in assessment (including the perceptions of other students)
- Duty of disclosure to clients / courts
- Potential grounds for appeal (especially where a student's client loses to a lecturer's client)
- Potential liability of the College to disappointed litigants

Accordingly, this policy articulates the steps the College will take upon becoming aware of conflict of litigators, to minimize disruption to the teaching and learning process and also (as far as reasonably possible) to protect the interests of all parties.

Name of Policy Conflict of Litigators
Category Academic Policy & Quality
Policy Owner Lewis Patrick

Document Type Policy
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Lecturer versus Lecturer Upon becoming aware that a College lecturer is opposed to another College lecturer in a legal dispute, the lecturers should immediately discuss whether the College ought to be made aware of the situation. If either lecturer believes the College should be made aware of the conflict (ie, the fact that the lecturers are opposed – not the legal dispute itself) then the matter must be raised with the Company Secretary in the form of a Risk Management Notice. The Company Secretary should also be notified of either lecturer withdrawing from proceedings, or if the matter is settled or determined.

The lecturers may determine between themselves how they conduct the matter as it is assumed that there is no disadvantage to either party through the potential abuse of an unequal work relationship as there might be in a lecturer / student relationship.

It is also assumed that the normal rules regarding ethics, etiquette and practice will be observed by both lecturers.

Lecturer versus Student

Upon becoming aware that a College lecturer is opposed to a College student in a legal dispute, the matter must be raised with the Company Secretary in the form of a Risk Management Notice. The Company Secretary should also be notified of either lecturer or student withdrawing from proceedings, or if the matter is settled or determined.

Under no circumstances should the legal dispute be discussed by the lecturer and student within the context of the teaching and learning relationship.

Where it is reasonable to do so, the student should be given an alternative lecturer. The College cannot make any guarantees on this issue.

If the student continues with the same lecturer, the student must be given an alternative assessor, and the student’s work will always be specifically moderated by an external moderator.

The student must always be given the option of Withdrawal without penalty from the PLT Stream or ALP Subject, including full refund of tuition fees.

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Whether the lecturer and student disclose the matter to their clients is a matter for each of them.

It is otherwise assumed that the normal rules regarding ethics, etiquette and practice will be observed by both lecturer and student.

Student versus Student

Upon becoming aware that a College student is opposed to another College student in a legal dispute, the students should immediately discuss whether the College ought to be made aware of the situation. If either student believes the College should be made aware of the conflict (ie, the fact that the students are opposed – not the legal dispute itself) then the matter must be raised with the Company Secretary in the form of a Risk Management Notice. The Company Secretary should also be notified of either student withdrawing from proceedings, or if the matter is settled or determined.

The students may determine between themselves how they conduct the matter as it is assumed that there is no disadvantage to either party through the potential abuse of an unequal work relationship as there might be in a lecturer / student relationship.

It is also assumed that the normal rules regarding ethics, etiquette and practice will be observed by both students.

Company Secretary & Chief Academic Officer

The Company Secretary will maintain a register of all such Risk Management Notices and take any action as seems appropriate with regard to informing affected persons such as the Principal or Chief Academic Officer.

The Chief Academic Officer will advise any affected Program Directors or lecturers as s/he believes appropriate.

In all cases, any information disclosed will be regarded as confidential.

Note:

If there is a related Procedure that your Policy relates to please insert the name of the procedure within the document as a ["hyperlink"](#).

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