



# **Policies and Guidelines**

## **Revised January 1, 2018**

The mandate of the National Committee on Accreditation (the “NCA”) is to assess legal credentials and professional experience of internationally educated Applicants, or graduates of Canadian civil law programs, who seek a Certificate of Qualification, which can be used for entry into a common law licensing process in Canada. In granting a Certificate of Qualification, the NCA certifies that an Applicant has:

- an understanding and knowledge of Canadian law, and
- knowledge equivalent to that of a graduate of a Canadian common law program.

Equivalence to an approved three year Canadian common law law degree serves as the benchmark when the NCA assesses Applicants with legal education and/or training from another country or in a Canadian civil law program.

The Certificate of Qualification does not, however, duplicate a Canadian common law degree, which varies between law schools. NCA Applicants may be assigned examinations in subjects that not all Canadian common law schools require.

Each application is evaluated on an individual basis taking into account the particular circumstances of that individual's educational and professional background.

**For additional information and to access the required forms, please visit our web site:  
[www.flsc.ca/nca](http://www.flsc.ca/nca)**

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## 1. Scope

This Assessment Policy sets out the criteria and process for the assessment of the legal education and training of an Applicant who does not hold a law degree from a Canadian common law program (LL.B. or J.D.) approved by the Federation of Law Societies of Canada, and applies to all such assessments. This policy does not apply to graduates of non-approved Canadian common law programs.

### 1.1 Definitions

In this Assessment Policy, unless the context requires otherwise:

**“Applicant”** means a person who has applied to the NCA for an assessment of his or her legal credentials in accordance with this policy.

**“Approved Canadian Common Law Program”** means Canadian common law program approved by the Federation of Law Societies of Canada.

**“Certificate of Qualification” or “CQ”** means the certificate issued to an Applicant who demonstrates that he or she possesses legal knowledge and skills equivalent to those of a graduate of an Approved Canadian Common Law Program.

**“Common Law Jurisdiction”** means a jurisdiction in which the legal system derives from the English common law system and is listed in Appendix “A” to this policy.

**“Core Subject”** means a subject listed in section 1.3.2.2.2.

**“Managing Director”** means the individual designated from time to time by the Federation of Law Societies of Canada to oversee the application of this policy.

**“Mandatory Subject”** means a Core Subject that includes specific Canadian content.

**“National Requirement”** means the national standards approved by the Federation of Law Societies of Canada from time to time that graduates of Canadian common law programs and Applicants must meet to enter law society admission programs. The National Requirement specifies the competencies and skills graduates must have attained and the law school academic program and learning resources law schools must have in place.

**“Optional Subject”** means a subject listed in section 1.3.2.2.3.

**“Relevant Jurisdiction”** means the jurisdiction of the educational institution that has issued a degree or transcript in respect of an Applicant.



## 1.2 Eligibility to Apply

To be eligible to apply for a Certificate of Qualification an Applicant must have a law degree.<sup>1</sup>

## 1.3 Assessment Criteria

1.3.1. Applicants must demonstrate that they have acquired the competencies and skills equivalent to those required of graduates of Approved Canadian Common Law Programs as set out in the National Requirement.

1.3.2 In assessing the equivalence of an Applicant's credentials, the following criteria will be evaluated:

- (a) Pre-Law Education
- (b) Legal Education
  - (i) Institutional requirements
  - (ii) Substantive legal knowledge requirements
  - (iii) Length of academic program
  - (iv) Mode of study
  - (v) Academic performance
  - (vi) Age of degree
- (c) Skills Competencies
  - (i) Problem solving
  - (ii) Legal research
  - (iii) Oral and written communications

### 1.3.2.1. Pre-law Education

Applicants must demonstrate that they have successfully completed a minimum of two years of fulltime (or equivalent) post-secondary education at a university recognized by the post-secondary educational authority in the Relevant Jurisdiction prior to attending law school. Those that do not meet this requirement will be required to demonstrate competency in selected subjects from the list in 1.3.2.2.2 in addition to those listed in section 1.3.2.2.3.

The NCA may waive this requirement where the Applicant:

- (a) possesses a law degree from a program longer than three years in duration;
- (b) has successfully completed graduate-level studies;
- (c) has, subsequent to obtaining his or her law degree successfully completed a bar admission course or other legal education program required for licensure as a lawyer, barrister or solicitor; or
- (d) has extensive professional legal experience as set out in section 1.3.2.2.7(b).

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<sup>1</sup> The usual designations for acceptable law degrees are LL.B, J.D., B.C.L., LL.L. A masters degree (LL.M.) that follows a non-law university degree does not qualify for the purposes of this policy.



### **1.3.2.2 Legal Education**

#### **1.3.2.2.1 Institutional Requirements**

An Applicant must have obtained his or her legal education at an institution that is approved, recognized, accredited or otherwise accepted by the authority, or its delegate, responsible for the regulation of the legal profession in the Relevant Jurisdiction.<sup>3</sup>

#### **1.3.2.2.2. Substantive Legal Knowledge Requirements**

An Applicant must demonstrate competence in eight (8) Core Subjects, including five Mandatory Subjects.

The five (5) Mandatory Subjects are:

- (a) Canadian Administrative Law;
- (b) Canadian Constitutional Law;
- (c) Canadian Criminal Law;
- (d) Foundations of Canadian Law; and
- (e) Canadian Professional Responsibility.

All Applicants will be required to demonstrate competence in the five Mandatory Subjects listed above through either successful completion of NCA exams or successful completion of NCA approved courses at a Canadian law school.

The remaining three (3) Core Subjects are:

- (a) Contracts;
- (b) Property; and
- (c) Torts

An Applicant who has studied in a Common Law Jurisdiction may be able to satisfy one or more of the substantive legal knowledge requirements, other than the five Mandatory Subjects, on the basis of coursework completed as part of his or her law degree or other legal education.

Applicants from jurisdictions other than Common Law Jurisdictions (ie: those jurisdictions not listed in Appendix "A"), will normally be required to complete an Approved Canadian Common Law Program (J.D. or LL.B) or an LL.M. in substantive Canadian law.

The NCA will not recognize an Applicant's law degree and will require the Applicant to complete an Approved Canadian Common Law Program where the Applicant does not meet the academic performance requirements set out in section 1.3.2.2.5.

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<sup>3</sup> Examples: (1) An Applicant who obtained his or her legal education in the United States of America must have attended a law school accredited by the American Bar Association. (2) An Applicant who obtained his or her legal education in England, Wales or Northern Ireland must have obtained a Qualifying Law Degree from a law school approved by the Solicitors Regulation Authority.



### **1.3.2.2.3. Length of Academic Program**

Subject to subsection 1.3.2.2.7, an Applicant with a law degree obtained in fewer than three years of full time academic study (or the equivalent number of course credits) will be required to demonstrate competency in additional subjects through successful completion of courses in an Approved Canadian Common Law Program or successful completion of NCA exams.

The number of additional subjects required will depend on the length of the academic program the Applicant has completed.<sup>4</sup> The additional subjects will be assigned from the list of Core Subjects set out in subsection 1.3.2.2.2 supplemented by subjects from the following list, as required:

- (a) Business Organizations
- (b) Civil Procedure
- (c) Commercial Law
- (d) Evidence
- (e) Family Law
- (f) Remedies
- (g) Tax Law
- (h) Trusts

When additional subjects are assigned, an Applicant will normally be permitted to choose from the above list excluding those subjects determined by the Managing Director to have been taken during the Applicant's legal education.

An Applicant who chooses to satisfy the additional subject requirement (other than in one of the Core Subjects) by completing a course in an Approved Canadian Common Law Program will ordinarily be allowed to choose from a broader range of Common Law subjects. Applicants must obtain written approval from the Managing Director for any law school courses taken to satisfy NCA requirements prior to registering in any law school courses.

An Applicant who fails an exam taken to satisfy the additional subject requirement will not be permitted to substitute a different subject, but must successfully complete the failed subject before a CQ will be issued.

### **1.3.2.2.4. Mode of Study**

An Applicant's law degree must have been obtained primarily through in-person instruction. An Applicant who holds a law degree that was not obtained primarily through in-person instruction will be required to successfully complete two years in an Approved Canadian Common Law Program in addition to meeting all other NCA assessment criteria. A law degree is considered not to have met the in-person requirement if less than two thirds of the instruction is in-person.

An Applicant who is required to successfully complete two years in an approved Canadian Common Law Program and who is unable to take a course specified

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<sup>4</sup> For instance, an Applicant who is a graduate of a two-year law degree program will typically be required to successfully complete seven subjects.



in the Applicant's assessment may demonstrate competence in the required subject through successful completion of the relevant NCA exam.<sup>5</sup>

#### **1.3.2.2.5. Academic Performance**

(a) Overall Academic Performance: An Applicant must demonstrate acceptable overall academic performance as well as acceptable academic performance in all Core Subjects completed during the Applicant's legal education.<sup>6</sup> An Applicant with unacceptable overall academic performance will not receive any recognition for his or her legal education. Overall academic performance will be assessed first; academic performance in respect of Core Subjects will be evaluated only if the Applicant has demonstrated acceptable overall academic performance.

(b) Academic Performance in Core Subjects: An Applicant will not be considered to have the required competence in any subject for which the Applicant has demonstrated unacceptable academic performance. Unacceptable academic performance constitutes a failing grade or a grade that is not at least 5% above the passing grade at the relevant institution.<sup>7</sup>

#### **1.3.2.2.6. Age of Degree**

An Applicant's education must be current at the time of application. An Applicant who has not attended law school or practised law within the five years prior to applying to the NCA will be assigned additional requirements. For each five year period, up to fifteen years, from the date the file is ready for assessment that the Applicant has not been in law school or in practice, one additional subject from the Core Subject list will be assigned. If all Core Subjects have been assigned, additional subjects will be drawn from the Optional Subjects. After 15 years, additional subjects will be assigned at the discretion of the Managing Director.

#### **1.3.2.2.7. Additional Assessment Considerations**

Deficiencies with respect to the requirements set out in sections 1.3.2.2.3, 1.3.2.2.4, or 1.3.2.2.5 may be satisfied by additional common law legal studies or professional legal experience.<sup>8</sup>

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<sup>5</sup> For instance, an Applicant who is required to complete the equivalent of two years of coursework in an approved Canadian Common Law Program as well Canadian Constitutional Law, and who completes his or her two years of in-person studies without satisfying the Canadian Constitutional Law requirement, may satisfy this requirement by successfully completing an NCA examination in Canadian Constitutional Law.

<sup>6</sup> Academic performance is an indicator of an Applicant's command of the legal concepts covered during the Applicant's legal education. For example, Third Class or lower in the United Kingdom, India or Nigeria, or a grade point average of less than 1.0 in Australia constitutes unacceptable academic performance for the purpose of this policy.

<sup>7</sup> For example, in the United Kingdom, a grade of 40% constitutes a passing grade. Therefore, all grades of 45% and lower shall be considered to be unacceptable academic performance for the purpose of this policy.

<sup>8</sup> For example, an LL.M. constitutes a third year of study for those Applicants who completed a two year law degree (see 1.3.2.2.3).



(a) **Additional Common Law Legal Studies:** In determining an Applicant's eligibility for a CQ the NCA will take into account additional common law legal studies undertaken by the Applicant.<sup>9</sup> Such additional common law legal studies may satisfy some of the substantive legal knowledge requirements set out above, or may address, in whole or in part, deficiencies in length (see 1.3.2.2.3), mode of study (see 1.3.2.2.4), and academic performance (see 1.3.2.2.5).

(b) **Professional Legal Experience:** An Applicant's licence to practice law and his or her experience practising law as a licensed lawyer in a Common Law Jurisdiction will also be considered and may satisfy some of the substantive legal knowledge requirements set out above, or may address, in whole or in part, deficiencies in length of law degree program (see 1.3.2.2.3) and academic performance in Core Subjects (see 1.3.2.2.5.(b)).

### **1.3.2.3. Skills Competencies**

An Applicant must demonstrate competence in problem solving, legal research, and oral and written communications.

#### **1.3.2.3.1. Problem Solving**

An Applicant must have demonstrated the ability to solve legal problems by doing the following:

- (a) identifying relevant facts;
- (b) identifying legal, practical, and policy issues and conducting the necessary research arising from those issues;
- (c) analyzing the results of research;
- (d) applying the law to the facts; and
- (e) identifying and evaluating the appropriateness of alternatives for resolution of the issue or dispute.

Successful completion of the requirements assigned in an Applicant's assessment satisfies this criterion.

#### **1.3.2.3.2 Legal Research**

The Applicant must have demonstrated the ability to carry out legal research by doing the following:

- (a) identifying legal issues;
- (b) selecting sources and methods and conduct legal research relevant to Canadian Common Law;
- (c) using techniques of legal reasoning and argument, such as case analysis and statutory interpretation, to analyze legal issues in a Canadian Common Law context;
- (d) identifying, interpreting and applying results of research; and
- (e) effectively communicating the results of research.

Applicants given credit for their legal education will be deemed to satisfy this requirement.

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<sup>9</sup> Additional legal studies may include a graduate degree such as an LL.M. or a bar admission or other legal education program required for licensure as a lawyer, barrister or solicitor.



### **1.3.2.3.3. Oral and Written Communications**

An Applicant must demonstrate the ability to communicate clearly in English or French. In particular, the Applicant must demonstrate the ability to:

- (a) identify the purpose of the proposed communication;
- (b) use correct grammar, spelling and language suitable to the purpose of the communication and for its intended audience; and
- (c) effectively formulate and present well-reasoned and accurate legal argument, analysis, advice or submissions.

The NCA will consider the Applicant to have demonstrated the required competence in English or French and will not require the Applicant to complete the test prescribed below if:

- (a) the language of instruction of the Applicant's legal academic qualifications was English or French, and
- (b) such qualifications were obtained in a country where English or French is an official language.

In the event that an Applicant does not meet the requirement set out above, the Applicant will be required to complete one of the following:

- (a) For English, the International English Language Testing System (IELTS) test, and obtain a minimum score of 7.0 across all of the following elements: writing, speaking, reading and listening.
- (b) For French, TESTCan, and obtain a minimum score of 4.5 across all of the following elements: writing, speaking, reading and listening.

The Managing Director will, upon receipt of satisfactory evidence, grant an Applicant an exemption from the English or French language competency requirement if the Applicant can establish that the Applicant has completed the prescribed test within the two years immediately preceding the NCA's receipt of the application and has obtained the minimum scores set out above.

## **1.4 Process**

### **1.4.1 Applying to the NCA**

An individual who wishes to have his or her legal credentials assessed must submit the required written application and fees and must arrange for all information and transcripts related to courses completed in a law school, and courses or examinations completed in a licensing process, to be sent directly from the issuing institution to the NCA. Documents not sent directly from the issuing institution will not be considered.

### **1.4.2 Assessment Policies**

The Applicant's credentials will be assessed by the NCA in accordance with this policy and other NCA policies in force at the time of the assessment after payment of all required fees and all relevant documents have been received by the NCA.



### **1.4.3 Assessment Validity**

A written assessment will be issued to the Applicant specifying what steps, if any, the applicant must take to achieve equivalence with an Approved Canadian Common Law Program and be issued a Certificate of Qualification. The assessment will be valid for a period of five years from the date it is issued by the Managing Director. Upon written request, with reasons, by an Applicant, the Managing Director may extend the five year period.

### **1.4.4 Assessment Result**

The assessment will include the reasons for the assessment decision and may, based on the Applicant's qualifications, require the completion of specific examinations, and/or other assessment tools as developed by the NCA from time to time, administered by the NCA or Canadian law school courses, or both.

### **1.4.5 NCA Examination Attempts**

An Applicant is permitted to take the NCA examination in a particular subject a maximum of three times. The Managing Director may grant an Applicant a fourth and final attempt of the NCA examination in a particular subject where the following criteria have been satisfied:

- (a) The Applicant must submit a written request to the Managing Director;
- (b) The written request must include any supporting documentation required by the Managing Director;
- (c) The written request must include a remediation plan;
- (d) The remediation plan must be approved by the Managing Director;
- (e) The approved remediation plan must be successfully completed by the Applicant; and
- (f) The Applicant must respond to any inquiries received from the Managing Director within the time specified by Managing Director.

The Managing Director will notify the Applicant in writing of the decision.

### **1.4.6 Exam Validity**

An Applicant may satisfy one or more of the substantive legal knowledge requirements through successful completion of an NCA exam. NCA exam results that are older than five years will normally be considered stale-dated and will not satisfy the requirements. Where the Managing Director has extended the period during which an assessment is valid, successful exam results achieved during the extended period will not be considered stale-dated even if older than five years.

### **1.4.7 Law School Courses**

The Applicant must ensure that the transcripts for any coursework completed for the purposes of meeting NCA requirements are sent to the NCA directly from the institution.

### **1.4.8 Awarding a Certificate of Qualification**

If an Applicant is required to complete examinations or coursework, the Applicant will receive a CQ upon successful completion of those requirements.



#### **1.4.9 Review of Assessment**

If, following the issuance of an assessment, or an amended assessment, an Applicant obtains new information that the Applicant believes to be relevant to the assessment of his or her legal education, licensure and/or experience as a lawyer licensed in a Common Law Jurisdiction, the Applicant may request a review of the assessment. A request for a review must be made in writing to the Managing Director and must include all pertinent information and documentation. If the new information is related to courses completed in a law school, or courses or examinations completed in a licensing process, the documentation must be sent directly from the issuing institution to the NCA.

Only information related to the Applicant's legal education, courses or exams completed in a licensing process, or professional legal experience as a practising lawyer licensed in a Common Law Jurisdiction that was not considered in the initial or amended assessment will be considered new information for the purposes of a review.

The Managing Director will review the new information and determine whether it alters the assessment. The Managing Director will inform the Applicant in writing of the outcome of the assessment and where it has changed the assessment will issue an amended assessment.

No additional fees are required to be paid for a review of an NCA Assessment by the Managing Director.

#### **1.4.10 Appeal of Assessment**

An Applicant may appeal his or her assessment in accordance with the NCA Appeal Policy in effect from time to time.

### **1.5 COMING INTO FORCE**

This policy comes into force effective January 1, 2018 and is subject to change from time to time without notice.



## **2. Guidelines for Canadian Civil Law Graduates**

The NCA evaluates Applicants who have Canadian civil law degrees (LL.B. or LL.L.) including graduates of the Diplôme d'études supérieures spécialisées en Common Law nord-américaine (DESS) program of the Université de Montréal or the Diplôme de deuxième cycle de common law et droit transnational (DCCCLDT) program of the Université de Sherbrooke.

Applicants who graduate from a Canadian civil law program are evaluated according to their particular educational background and relevant professional experience.

Canadian civil law graduates receive full credit for successfully completed courses in federal law.

Applicants who graduate with a Canadian civil law degree and are admitted to the Barreau du Québec are usually asked to write examinations in some or all of the following subjects:

- Contracts
- Civil Procedure
- Trusts/Equity
- Torts
- Real Property
- Commercial Law
- Family Law

Applicants who have substantial (at least 10 years) professional experience in common law areas of practice are considered on a case-by-case basis and evaluated upon the basis of their education, areas of practice and legal experience. Applicants are expected to file an Affidavit of Experience and submit samples of their work (with appropriate deletions) to the NCA.

## **3. Policy for Applicants from Non-Common Law Jurisdictions**

Applicants educated in jurisdictions that do not have a substantial common law component are considered on a case-by-case basis.

Professional experience as a licensed lawyer in a common law jurisdiction subsequent to the applicant's formal legal education may be relevant in these cases.

Applicants who do not have a common law degree and who have not practised law as a licensed lawyer in a common law jurisdiction are, in the absence of other relevant common law education or professional legal experience, unlikely to be recommended for any advanced standing or given any recognition for their degree.



## **4. Assessment Appeal Policy**

(Approved May 28, 2012)

### **4.1 Introduction**

This Appeal Policy sets out the rules and procedures that govern all appeals of Assessments.

#### **Definitions**

In this Appeal Policy, unless the context requires otherwise:

“**Appeal Panel**” means the group assigned to hear National Committee on Accreditation appeals as described in Section 4.3 of this document;

“**Appellant**” means a person on whose behalf an appeal is commenced;

“**Assessment**” means the assessment that was rendered by the Managing Director of the National Committee on Accreditation upon review of an Applicant’s legal education, licensure and experience;

“**Clerk**” means the clerk of the National Committee on Accreditation.

“**file**” means to deliver documents to the Clerk of the National Committee on Accreditation by mail, hand, or electronically;

“**holiday**” means a day set by the Government of Ontario as a statutory holiday;

“**independent legal counsel**” means the lawyer or lawyers appointed to provide the Appeal Panel with advice;

“**legal counsel**” means a lawyer authorized to practice law in one of the Canadian provinces or territories;

“**Managing Director**” means the individual appointed as Managing Director or Acting Managing Director of the National Committee on Accreditation. The Managing Director’s responsibilities include the review and assessment of applications for a Certificate of Qualification.



## **4.2 The Appeal**

- 4.2.1 Any Appellant in respect of whom an Assessment has been rendered may appeal that Assessment in accordance with this Appeal Policy.
- 4.2.2 If an Applicant has new information in respect of his or her professional legal experience or legal education, s/he should request a review of his or her file by the Managing Director.

### **How to Appeal**

- 4.2.3 An Appellant who wishes to appeal must file the required appeal materials with the Clerk and pay the required appeal fee within 60 calendar days after the time that the Assessment was first received by the Appellant.
- 4.2.4 An Appellant's appeal materials must be in writing and must contain:
- notice of the Appellant's intention to appeal;
  - the grounds for the appeal;
  - submissions in support of the Appellant's appeal to a maximum length of 20 pages excluding exhibits; and
  - the appeal fee specified on the National Committee on Accreditation website.
  - appeal documents must be submitted to the NCA Appeal Clerk in a single, self-contained submission consisting of an appeal brief and any referenced attachments. If submitted by email, the materials submitted must be in one PDF document.
- 4.2.5 The Clerk will provide the Managing Director with a copy of the appeal materials within 7 calendar days after receiving the appeal materials.
- 4.2.6 The Managing Director must make submissions to the Appeal Panel in respect of each appeal to a maximum length of 20 pages excluding exhibits.
- 4.2.7 The Managing Director's submissions must be filed with the Clerk within 21 calendar days after receiving the Appellant's appeal materials from the Clerk.
- 4.2.8 The Clerk will provide the Appellant with a copy of the Managing Director's submissions within 7 calendar days after receiving them.
- 4.2.9 The Appellant may submit reply submissions for the Appeal Panel to a maximum length of 5 pages excluding exhibits.
- 4.2.10 The Appellant's reply submissions must be filed with the Clerk within 14 calendar days of receiving the Managing Director's submissions. The Appellant's reply submissions will be copied to the Managing Director.
- 4.2.11 Following the filing of the Appellant's reply submissions, or the expiry of the time allowed for the filing of the Appellant's reply submissions, the Clerk will schedule the appeal and notify both the Appellant and the Managing Director of the date.



- 4.2.12 All appeals material and submissions must be filed by 5:00 p.m. EST. Appeal materials and/or submissions received after 5:00 p.m. EST will be deemed to be filed on the next day that is not a holiday.
- 4.2.13 The Clerk will forward all appeal materials and submissions to the Appeal Panel at least 14 calendar days prior to the appeal.
- 4.2.14 Once an appeal has been filed, the Appellant and the Managing Director are each entitled to apply for an extension to the time allowed for the submission of materials by filing a written request with the Clerk. Any extension will be granted at the sole discretion of the Chair of the National Committee on Accreditation.
- 4.2.15 Where the time for doing an act under this Policy expires on a holiday, the act may be done on the next day that is not a holiday.

### **4.3 The Appeal Panel and Form of the Appeal**

#### **Composition**

- 4.3.1 The Appeal Panel will be composed of members of the National Committee on Accreditation.
- 4.3.2 The Chair of the National Committee on Accreditation will designate at least three members to hear an appeal, which members shall form the Appeal Panel.

#### **The Appeal**

- 4.3.3 Except as provided for in paragraph 4.3.8 of this Policy, the Appeal Panel may convene in any manner, including by telephone conference call, video conference or in person.
- 4.3.4 Except as provided for in paragraph 4.3.8 of this Policy, the Appeal Panel will only consider written submissions prepared and filed in accordance with this Policy.
- 4.3.5 Except as provided for in paragraph 4.3.8 of this Policy, appeals will not be convened in the presence of the Appellant or the Managing Director.
- 4.3.6 Where the Appeal Panel concludes that an individual's credibility is a material issue in an appeal, the Appeal Panel will convene an oral hearing and invite the Appellant, and his or her legal counsel, and the Managing Director, and his or her legal counsel, to appear in person and make oral submissions.
- 4.3.7 Any party who appears before the Appeal Panel at an oral hearing will do so at his or her own expense.
- 4.3.8 If an oral hearing is convened by the Appeal Panel, the Clerk will notify the Appellant and the Managing Director of the time and place of the appeal hearing no less than 14 calendar days before the scheduled hearing date.



### **Standard of Review and Powers**

- 4.3.9 The Appeal Panel will consider the materials filed on the appeal and will review the Assessment in accordance with the National Committee on Accreditation's assessment policies, procedures and guidelines, and the standard of review will be reasonableness.
- 4.3.10 The Appeal Panel is entitled to consult its independent legal counsel at any stage of the appeal.
- 4.3.11 Where the Appeal Panel concludes that the Assessment was not reasonable, the Panel may:
- set aside all or part of the Assessment and issue a new assessment; or
  - set aside all or part of the Assessment and refer the matter back to the Managing Director with such directions as the Appeal Panel considers appropriate.
- 4.3.12 Where the Appeal Panel concludes that the Assessment was reasonable, the Assessment remains in force.
- 4.3.13 The Appeal Panel will issue a written decision that is final and binding on all parties. There is no further right of appeal.



# Appendix A

(As of September 15, 2012)

Jurisdictions with Substantive Common Law Components to their Legal Systems:

Australia  
Bahamas  
Bangladesh  
*(Please see [http://docs.flsc.ca/NCABangladeshJune2015\(1\).pdf](http://docs.flsc.ca/NCABangladeshJune2015(1).pdf))*  
Barbados  
Belize  
Bermuda  
Cameroon  
Canada  
Fiji  
Ghana  
Guyana  
Hong Kong  
India  
Ireland  
Israel  
Jamaica  
Kenya  
Liberia  
Malaysia  
Nepal  
New Zealand  
Nigeria  
Pakistan  
Philippines  
Sierra Leone  
South Africa  
Sri Lanka  
Sudan  
Tanzania  
Trinidad and Tobago  
Uganda  
United Kingdom  
United States  
Zambia  
Zimbabwe