UNIVERSITETET I BERGEN
Det juridiske fakultet

Styre: Fakultetsstyret ved Det juridiske fakultet
Styresak: 73/16
Møtedato: 30.8.2016
Journalnummer:

JUS334 CHINESE LAW CLINICAL PROGRAM. FORSLAG OM OPPRETTELSE AV PRAKSISDELEN SOM KOMPLETTERER SEMESTERPAKKEN I KINESISK RETT

Som fakultetsstyret er kjent med,[1] har det i lengre tid vært arbeidet med utvikling av en semesterpakke i kinesisk rett der studenter får anledning til å kombinere studier med praksis under utveksling til Kina. Dette blir gjort fordi fakultetsledelsen, i tråd med nasjonale målsettinger, ønsker at enda flere av studentene skal utveksle til Kina i løpet av 5. studieår.

For å kunne tilby semesterpakken i kinesisk rett, er det nødvendig å opprette et nytt praksisemne ved fakultetet kalt JUS334 Chinese Law Clinical Programme. Gjennom dette emnet vil studentene tildeles studiepoeng for praksisdelen av semesterpakken i kinesisk rett etter inspirasjon fra emnene JUS325 Rettshjelp (praktisk erfaring fra Jussformidlingen) og JUS329 Universitetspedagogisk rettleiing (praktisk erfaring som arbeidsgruppeleder).

Forslag til emnebeskrivelse for praksisemnet Chinese Law Clinical Programme ble behandlet av studieutvalget i møte den 22. august og utvalget fattet slikt vedtak i sak 63/16::

«Studieutvalget innstiller overfor fakultetsstyret på å vedta opprettelse av JUS334 Chinese Law Clinical Programme i henhold til vedlagte emnemal, med virkning fra våren 2017.»

Det vises til saksframstillingen for Studieutvalget, som vedlegges her.

På denne bakgrunn foreslås følgende

vedtak

Praksisemnet JUS334 Chinese Law Clinical Programme opprettes i henhold til vedlagte emnemal, med virkning fra våren 2017.

Asbjørn Strandbakken
dekan

Øystein L. Iversen
fakultetsdirektør

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[1] jf. Fakultetsstyresak 104/15 Orientering om status og planer for fakultetets samarbeid i Kina, fakultetsstyresak 22/16 Årsrapport for utdanning 2015, og fakultetstyresak 23/16 Årsplan for utdanning 2016

17.08.2016
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Sak 63/16

Forslag om oppretting av nytt praksisemne JUS334 Chinese Law Clinical Programme

Som studieutvalget er kjent med,[2] har det i lengre tid vært arbeidet med utvikling av en semesterpakke i kinesisk rett der studenter får anledning til å kombinere studier med praksis under utveksling til Kina. Dette blir gjort fordi fakultetsledelsen, i tråd med nasjonale målsettinger, ønsker at enda flere av studentene skal utveksle til Kina i løpet av 5. studieår.

Under oppholdet vil studentene være registrert som studenter ved et av våre partneruniversitet og avlegge eksamen i juridiske emner tilsvarende 20 studiepoeng ved enten Renmin University Law School i Beijing eller Fudan University Law School i Shanghai. I fremtiden kan det bli aktuelt at studentene som skal ta semesterpakken også studerer ved andre av fakultetets kinesiske partneruniversitet. Disse studiepoengene avlegges og tildeles av partneruniversitetet, og godskrives siden i mastergraden i rettsvitenskap etter gjeldende praksis for godskriving av delstudier i utlandet.

Parallelt med universitetsstudiene vil studentene gjennomføre et praksisopphold i en bedrift eller organisasjon i Kina. Dette praksisoppholdet skal utløse 10 studiepoeng ved at studentene på bakgrunn av erfaringene fra praksisoppholdet skriver en praksisrapport/et refleksjonsnotat som underlegges sensur ved Det juridiske fakultet og vurderes til bestått/ikke bestått. Fakultetet kan ikke pålegge, eller forvente, at våre kinesiske partneruniversitet påtar seg ansvaret for å følge opp, evaluere og tildele studiepoeng for et slikt praksisopphold. Vi velger derfor å gjøre den delen selv, slik at til forskjell fra ordinær utveksling vil studiepoengene fra utvekslingssemesteret i dette tilfellet avlegges dels ved det kinesiske vertsuniversitetet, og dels ved Universitetet i Bergen.

Studiepoengene fra Universitetet i Bergen tildeles gjennom at det opprettes et nytt praksisemne ved fakultetet kalt JUS334 Chinese Law Clinical Programme etter inspirasjon fra emnene JUS325 Rettshjelp (praktisk erfaring fra Jussformidlingen) og JUS329 Universitetspedagogisk rettleiing (praktisk erfaring som arbeidsgruppeleder).

Semesterpakken i kinesisk rett implementeres fra og med våren 2017. Tilbudet ble lyst ut ved søknadsfristen for utveksling studieåret 2016/2017 1. februar. Ni studenter har fått tilbud om plass på semesterpakken våren 2017. Førsteamanuensis Bjørnar Borvik som er foreslått som emneansvarlig, har lykkes i å skaffe 15 praksisplasser i Kina slik at enda flere studenter vil kunne benytte seg av denne muligheten i fremtiden.

Det er oppnådd enighet om tilbud av praksisplasser med følgende arbeidsgivere:

Shanghai:

- Det norske generalkonsulatet i Shanghai (en student)
- Innovasjon Norge (en student)
- Advokatfirmaet Wikborg Rein (to studenter)
- Wilhelmsen Technical Solutions (en student)

[2] Jf. Årsrapport for utdanning 2015 (SU-sak 14/16) og Årsplan for utdanning 2016 (SU-sak 15/16).

- Wilhelmsen Ships Service (en student)
- Clyde & Co Law Firm (en student)
- Jotun Coatings (Zhangjiagang) Co. Ltd. (en student)
- Kongsberg Automotive Wuxi (en student)

Beijing

- Golden State Environment Group (to studenter)
- Innovasjon Norge (en student)
- Lloyd's Register Consulting Asia (en student)
- Zhonglun W&D Law Firm (to studenter)

For nærmere beskrivelse av de ulike arbeidsgiverne, se nettside om semesterpakken i kinesisk rett: http://www.uib.no/utvekslingsavtale/1008

Opprettingen av dette praksisemnet er nødvendig for å kunne tilby semesterpakken i kinesisk rett. Dette studietilbudet er en sentral komponent i fakultetets langsiktige satsing på samarbeidet med Kina. I tillegg svarer denne semesterpakken svært godt på UiBs og nasjonale myndigheters ambisjoner om tettere samarbeid mellom akademia og næringslivet, og om mer praksis i utdanningene.

Forslag til emnebeskrivelse for praksisemnet Chinese Law Clinical Programme legges med dette frem for studieutvalget, og det foreslås at studieutvalget anbefaler overfor fakultetsstyret at emnet opprettes i overensstemmelse med vedlagte emnemal med virkning fra våren 2017

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Template for decisions on the establishment of new subjects at the Faculty of Law

Symbols
*** to be included in Studieplanen**
**** to be formulated appropriately in order for the texts to be suitable for publication on the course homepage**

Subject	
Course title	
Code	JUS334
Course title – bokmål*	Chinese Law Clinical Programme
Course title – nynorsk*	Chinese Law Clinical Programme
Course title – english*	Chinese Law Clinical Programme
Number of credits*	10
Level (BA or MA)	MA
Course leader*	Associate Professor, dr. Bjørnar Borvik, PhD
Subject lecturer(s)*	The introduction to Chinese language and society will be given by lecturers from the Confucius Institute in Bergen
Contact person in the Administration (can be changed by the Admin. without a new decision)	utveksling@jurfa.uib.no/elective-courses@jurfa.uib.no
Combines successfully with	
For courses in the law Programmeme:	
- Course content**	The introductory part about Chinese language and society is aimed at students who will study law in China without any previous knowledge of Chinese language or society. The course will help the student adapt to study, work and thrive in China. The Chinese Law Clinical Programme provides the student with hands-on legal experience from an international or Chinese work environment. Through a clinical placement the student will gain practical experience from and insight in Chinese law. While completing the clinical placement, the student will simultaneously be enrolled in courses at the law faculty/law school of a Chinese university. The theoretical knowledge the student gains from the law courses at the Chinese university, will be supported and enhanced by the practical experience and knowledge simultaneously gained through the Clinical Programme. The clinical placements are offered at companies or organizations, within different areas of the law, in both public and private sectors. For a list of available placements, please consult the information given at the following webpage: http://www.uib.no/utvekslingsavtale/1008 The student will not receive any economic compensation for the placement. The course leader is responsible for offering a placement to all students enrolled in the Clinical Programme, agree upon the general content of the placement with the organization offering the placement, and stay in touch with the student and a representative of the organization (the mentor/contact person of the student) throughout the placement period. The student will be able to profess interest in a particular placement. However, students enrolled in the Programme must be prepared to accept any of the available placements, as placements will be distributed according to the students' wishes, in order of the individual student's overall grade performance.

	Before or at the very beginning of the clinical placement period, a training agreement for the clinical placement shall be prepared and entered into by the student, the course leader and the mentor/contact person at the work place. The training agreement shall include a more detailed programme for the placement, the knowledge, skills and competences to be acquired by the end of the placement and a monitoring plan. The student is responsible for being the motive power for the development of this agreement, which must be approved by the course leader before signing. A template agreement is provided by the Faculty of Law.
- Learning outcome**	The goal of the introductory part about Chinese language and society is to meet the basic requirements of the student's daily life in China. After completing the introduction to Chinese language and society part, the student shall have acquired: - The ability to communicate with Chinese people in practical everyday situations; - Knowledge of some Chinese manners; - Awareness of the main cultural differences between China and Norway. The goal of the clinical placement is that the student shall acquire practical skills, competences and hands-on experience from Chinese working life, in addition to increased knowledge about Chinese law and legal culture and increased understanding of Chinese culture and society After having completed the Clinical Programme, the student shall have acquired: - Insight into areas of Chinese law relevant to the particular placement; - Increased understanding of how Chinese law functions in real life; - The ability to identify relevant legal sources, and to extract and apply information from these sources for the purpose of giving legal advice on questions relevant to the employer; - Experience from an international or Chinese work environment; - Ability to interact, communicate and cooperate with fellow workmates from a work culture different from Norwegian work culture; - Increased intercultural competence and social skills needed for an international or Chinese work environment; - Legal English skills necessary to work in an international legal setting.
- Literature**	Experiencing Chinese (living in China) - by Zhu Xiaoxing, Yue Jianling, Lu Yuhong, Zhu Peiru, Xu Qunshen (editor)
Teaching:	
- teaching semester (autumn/spring)*	Spring
- teaching methods*	The course starts with an introduction to Chinese language and society, offered in Bergen during 5 weeks of January and the first part of February. Students will then go to China where they will do a clinical placement (internship) with a Norwegian, Chinese or international company or organisation while at the same time studying part time at the law faculty/law school of a Chinese university. The duration of the clinical placement must be minimum 6 weeks, or a total of 30

	working days, throughout the semester.
- teaching language*	English and Chinese
- compulsory elements*	Participation in the introduction to Chinese language and society lectures is mandatory. An up to 25 % deviation from the general rule of 100 % attendance can be accepted. After finishing the introductory part, the students must complete a test which will help them to know how well they master the course content. The test will mainly focus on checking the ability of their communications skills in practical situations. The student must complete the test, but the result does not affect the student's ability to continue in and complete the Clinical Programme. As a basic principle and general rule, the student must work at the designated company or organization for a minimum of 6 weeks, or 30 working days throughout the semester, during the stay in China. The duration of the clinical placement must be verified by a time sheet which is signed by the student's mentor/contact person at the designated company or organisation. In case of termination of the clinical placement before the minimum work requirement has been fulfilled, an up to 25 % deviation from the general rule can be accepted. Should the occasion of a deviation of more than 25 % arise, where the student may not be held responsible for the deviation, the Faculty of Law may conditionally still award credits for the Chinese Law Clinical Programme-course. Award of credits in such case may be done one the condition that the student's final report proves that substantive learning has still taken place. Also, the number of credits awarded will be reduced relative to the reduction of the duration of the clinical placement.
Admission/admittance regulation:	
- general admittance requirements*	MAJUR, MAJUR-2
- course admission*	Admission to the Chinese Law Clinical Programme-course presupposes that the student has been accepted for studies abroad in the "Semester unit of Chinese law with clinical placement in businesses in China". To apply for studies abroad, the student must submit an application through Søknadsweb by 1 February the year before he or she intends to enroll in the course. The student may also submit an application by 1 September the semester before he or she intends to enroll in the course, given that there are still vacant positions for studies abroad in the above mentioned semester unit of Chinese law with clinical placement in businesses in China.
- capacity of course participant	15
- private candidate admittance*	NA
Exam:	
- examination semester (Autumn/Spring)*	Spring
- type of examination * o semester with teaching o semester without teaching	Written home exam. After completion of the clinical placement, the student must submit a report, about 3000 words, that elaborates on the tasks on the tasks the student has been engaged in during the legal placement period, how the legal questions, and other challenges the student has been faced with, have been solved, and which considerations the student has made in the process of solving the legal question. The report shall not contain confidential information obtained through the clinical placement. In the report, the student must also elaborate on the areas of Chinese law related to the relevant work tasks, and where relevant, compare this to Norwegian or international law. In the report, the student should also reflect on the experiences and

	lessons learned from working in an international or Chinese work environment and from interacting, communicating and cooperating with fellow workmates from a different culture. If the student has conducted legal writing and research during the placement, for example one or more reports or memos on specific legal topics, these may be submitted as part of the student's final report. Submission of such documents may only be done if it does not breach the confidentiality agreements made between the student and the organisation or company where the clinical placement has been performed. The report must be submitted to the Faculty of Law at the University of Bergen by the time the student applies for transfer of credits obtained at the Chinese university. The application deadline for transfer of credits is one month after a transcript of records has been received (cf §5-9-6 in Supplementary regulations for studies at the Faculty of Law at the University of Bergen). The learning outcome of the Chinese Law Clinical Programme is dependent on the combination of theoretic studies of Chinese law at a Chinese university parallel to the clinical placement. Hence, a passing grade in the Chinese Law Clinical Programme-course depends on the student receiving a passing grade in courses from a Chinese university equalling minimum 10 ECTS, during the semester when the clinical placement has taken place. The examination result will hence not be published until the transfer of credits from the Chinese university has been completed.
- duration of exam*	NA
- examination language* - the exam question - the answer	The report must be written in English.
- grade system*	Pass or fail.
Remedies permitted in addition to § 3-6	NA
Basic admission requirements (including language requirements):	
- compulsory*	3 years of law studies.
- recommended*	Good level of English language.
Academic overlap with other courses*	No overlapping with other courses.
Evaluation*	According to Faculty of Law routines.
Contact information* - Department/Institute/ Faculty	Contact person in the Administration: **Elective-courses@jurfa.uib.no** Department: **The Faculty of Law** Visiting address: Magnus Lagabøtes plass 1 Office hours: 09.00 – 14.00. Postal address: Postboks 7806 Post number and city: 5020 BERGEN Phone: + 47 55 58 95 00 Fax: + 47 55 58 95 10 E-mail: http://www.uib.no/en/jur Web: http://www.jur.uib.no/
Target group(s)	Students enrolled in the master Programmes at the Faculty of Law in Bergen, with an interest in Chinese law and the Chinese legal system.
The need for adjustment with regard to the target groups	None
Financing of the course	The clinical placement is unpaid. The student must cover all expenses related to

	transportation, accommodation and board during the stay in China, normally with support from the Norwegian State Educational Loan Fund. The Confucius Institute in Bergen will provide teaching of the introduction to Chinese language and culture free of charge.
Resources	
- course leader	Associate Professor, dr. Bjørnar Borvik, PhD
- teaching resources	External, no expenses
- administrative resources	Internal
Relevance of the course	