LAW BURSARY ELIGIBILITY POLICY: GENERAL PRINCIPLES AND CRITERIA FOR USE IN DETERMINING FINANCIAL NEED

1.0 GENERAL PRINCIPLES

1.1 This policy applies to the administration and allocation of Faculty of Law Entrance Bursaries and Faculty of Law "In-House" Bursaries.

1.2 Faculty of Law bursaries are intended to enhance access to the Faculty of Law and are directed to those students registered in the JD degree program of the Faculty of Law who require financial assistance in order to meet their educational and living expenses in pursuing their JD degree. (Exchange students are not eligible for Faculty of Law bursaries.)

1.3 Bursary funding is to be awarded only to those students who are determined to have financial need and funding will be awarded in priority to those students who are determined to be in most need of financial assistance.

1.4 The Financial Aid Committee, or its delegate, will make determinations of financial need for bursary purposes on application by eligible students for bursary funding. The Committee shall approve application forms for this purpose and may require applicants to provide such information as it may determine to be relevant.

1.5 A fair bursary process depends on accurate and complete information. Students are required to be fully candid and forthcoming in making bursary applications. Students found to have been intentionally dishonest or misleading in relation to a bursary application may be required to repay any bursary amounts awarded as a result of the dishonesty and barred from any further bursary funding.

1.6 Information provided in bursary applications will be kept confidential but will be reviewed by those involved in the bursary allocation process. The Faculty may also use information provided in bursary applications to compile statistical information or research, provided that individual applicants are not identified, directly or indirectly. Students granted a bursary must consent to the release of their names and reasons for eligibility under the terms of reference of specific bursaries to the donor, at the donor's or the Faculty's request.

2.0 DETERMINATION OF FINANCIAL NEED

2.1 In determining an applicant's financial need for Law bursary purposes, an applicant's total educational resources shall be calculated and shall be set-off against his/her allowable living and educational expenses. The extent to which allowable expenses exceed educational resources is the amount of eligible financial need. The principles and criteria set out in this policy apply to the determination of eligible financial need.

3.0 EDUCATIONAL RESOURCES:
3.1.0 STUDENT LOANS

3.1.1 Student Loan Application/Funding As Pre-Requisite To Bursary Support

Faculty of Law bursary funding is considered to be a "last resort" source of education financing for law students. This means that law students are expected to utilize all other means of financial assistance available to them, including student loan funding, before seeking Law bursary assistance. If no student loan application is made, if student loan funding is denied, or if such funding is provided at less than the maximum amount for the student's loan category, a satisfactory explanation will be required.

3.1.2 Committee Discretion

The Financial Aid Committee may, in its discretion, deny bursary assistance to a student who has, without satisfactory reason, failed to maximize student loan funding assistance.

3.1.3 Early Notification of Projected Bursary Award Based On Assumed Loan Amounts

Law students who wish to seek bursary funding must apply for a student loan as soon as possible prior to the commencement of any given academic year or session and should do everything possible to expedite the determination of their student loan status.

In order to provide early notification of projected bursary funding, where final confirmation of the amount of student loan funding that an applicant will receive is not yet available, an applicant's eligibility for a bursary may initially be calculated based on the assumption that he/she will be receiving the maximum amount of student loan funding available for the student's general classification category and the province of residence for student loan purposes.

("General classification category" means, for example, "single student living away from home", or "single parent with one child", etc.)

An applicant may be conditionally advised of the projected bursary amount that he/she can expect to receive based on the assumed amount of the student loan. However, the final bursary allocation will not be confirmed until the Financial Aid Committee receives documentation confirming the total amount of student loan that has been awarded. Where the confirmed loan amount differs from the assumed amount used to calculate the projected bursary amount, the final bursary allocation will be adjusted accordingly.

3.1.4 Confirmation of Student Loan or Grant Documentation

Students must provide evidence of student loan application and a copy of the confirmation of award documentation as a precondition of bursary funding being confirmed. This documentation must be forwarded to the Financial Aid Committee as soon as it is available.

3.1.5 Submission Deadline for Law Bursary Application and Documentation Deadline

For summer bursary applications, the application and documentation are due on May 31. For the fall/spring bursary applications, the application is due on June 30 and documentation is due by August 15. If these dates fall on the weekend, the deadline is moved to the following Monday.
3.1.6 Incomplete Applications

Incomplete applications will not be processed. The Financial Aid Officer can be contacted for potential time extensions for exceptional circumstances. Granting of a time extension is at the discretion of the Financial Aid Officer.

3.2.0 SCHOLARSHIPS AND AWARDS

The first $1000.00 received by a student from a University of Victoria scholarship and/or award will be counted as income with any additional amount counted as university contribution (i.e. in the same manner as bursary funding) when assessing need for the purpose of determining eligibility for a bursary.

3.3.0 OTHER ASSETS

Students applying for bursaries must provide complete information regarding the value of all the assets they own, either individually or jointly with others such as spousal partners or parents, with the exception of personal and household effects. The value of assets will normally be considered as a financial resource available to applicants to finance their studies. In particular, the following rules will apply regarding specific kinds of assets.

3.3.1 Financial Assets (Savings Accounts, GICs, RRSPs, Stocks, Bonds etc.):

Applicants for a Law bursary must accurately report the **current market value** of their savings accounts, GICs, RRSPs, stocks and bonds, trust funds, etc. The value of such assets shall normally be considered as resources available to the student to finance his or her education. Pension funds that are "locked-in" should be reported but will not be considered as resources.

In the case of RRSPs that are not "locked-in", current tax rules allow full-time students to withdraw up to $10,000 per year from an RRSP (to a maximum of $20,000), without triggering immediate taxation, in order to finance university education. (Part-time students with disabilities may qualify with less than full-time attendance.) After the educational program is completed, the amounts withdrawn from an RRSP must be repaid in equal installments over a 10 year period. Otherwise, any annually required repayments will be added to the planholder's income for that tax year. Students interested in making withdrawals from their RRSP for education purposes should seek information from Revenue Canada or other reliable sources.

3.3.2 Real Estate

Applicants for a Law bursary must accurately report the **current market value** of any real estate that they own individually or jointly with another person, and the amount of equity that they hold in that real estate. Normally, the amount of the equity held in real estate property shall be considered to be a resource available to the applicant to finance his or her education. The Financial Aid Committee will deem assets to be expended up to the amount required to meet their financial shortfall for the year. Assets or a portion of assets will only be deemed to be expended once during the three-year J.D. program at the Faculty. Exceptions may be made at the discretion of the Financial Aid Committee, only in extremely compelling cases, where it is unreasonable, in all the circumstances, to consider the property as such a resource. The following circumstances may be taken into account in exercising this discretion:

* the length of time that the property has been owned by the applicant
• the amount of equity in the property
• whether the property is the home of the applicant’s children or elderly dependants
• whether the property is difficult to sell or re-mortgage
• other compelling and exceptional circumstances

For example: A student who reports $10,000 equity in a home and requires $6,000 to meet her financial shortfall for an academic year will be deemed to use $6,000 from the equity in her home to meet her financial need for the current academic year. If her need for the following year is $7,000, the Financial Aid Committee will only deem the remaining $4,000 from her home equity, unless her equity has risen since.

Students must submit their mortgage statement from their lending institution and a copy of their BC Assessment (available online) as supporting documentation.

3.3.3 Vehicles

Applicants for a Law bursary must accurately report the current market value of any vehicles that they own, use regularly or lease individually or jointly. Any value over $5000 will be treated as a resource available to the student to finance his or her education. The Financial Aid Committee will deem assets to be expended up to the amount required to meet their financial shortfall for the year. Assets or a portion of assets will only be deemed to be expended once during the three-year J.D. program at the Faculty. This will apply regardless of the actual amount of equity that the student has in the vehicle.

For example: A student who reports ownership of a vehicle valued at $12,000 will be deemed to have an available resource of $7000 ($12,000 minus $5000). If the student requires $2,000 to meet her financial shortfall for an academic year $2,000 from the value of her vehicle will be deemed available to meet her financial need for the current academic year. If her need for the following year is $6,000, the Financial Aid Committee will only deem the remaining $5,000 from her vehicle value as an available resource.

3.4.0 EARNINGS FROM EMPLOYMENT DURING NON-STUDY PERIODS

Bursary applicants are normally expected to be gainfully employed when not engaged in an academic term, so as to earn income and save money towards financing their education. This includes, for example, an expectation of employment throughout the summer period prior to entering the Faculty and (for non-Co-op students) throughout the summer terms between the first and second and the second and third years of their programs. Similarly, Law Co-op students are expected to work and save during Co-op Work Terms and corresponding expectations also apply to students "stopping-out" of their studies.

3.4.1 UNEMPLOYED/UNDEREMPLOYED APPLICANTS

Unless there are exceptional circumstances, only applicants who can demonstrate that they have made reasonable efforts to earn income and save for the upcoming academic term(s) during the pre-study period will be eligible for a bursary.

Exceptional circumstances may include emergency family responsibilities, illness and disabilities. Volunteer activities including internships and summer enrolment for non co-op students will not qualify as exceptional circumstances.
Absent exceptional circumstances, such as serious illness or injury, disability or familial responsibilities, all applicants for bursary assistance are expected to be employed during the summer and to accumulate employment savings.

The minimum employment savings are calculated using the following formula: net income less living expenses times 75% (The remaining 25% is intended to serve as an incentive). In the case of applicants who do not work at all; there is an attributed employment savings. ($2,500.00 in 2007 & 2008; $2,800 in 2009). For applicants who are unemployed or underemployed, net earnings will be based on the current minimum wage in BC for 14 weeks of work.

Employment during the summer (or co-op term) will not be a pre-requisite for a law bursary. Applicants who are employed for less than 14 weeks, will be attributed “lost resources” as well as “lost savings”.

3.4.2 Lost Resources

The amount of “lost resources” will vary depending upon the student’s living expenses and whether there was any summer employment.

If the student was living away from home, the lost resources (living expenses) would be approximately $250 per week ($3,500 for a 14 week period) while it would be $100 per week (or $1,400 for 14 weeks) for a student living at home. Exact figures will be based on the B.C. Student Assistance Program’s Moderate Standard of Living Scale.

In the case of underemployment, the lost resources will only be attributed during the period of unemployment. For example, if a student was employed for 7 weeks of the summer, then the lost resources would be 50% of the above amounts.

A student who engages in unpaid work and receives funding that was only available for that purpose, will be able to deduct such funding from the lost resources attribution.

For example: A student who receives funding of $1,000 in relation to an unpaid volunteer project will have this amount deducted from their “lost resources”. Similarly, if a student received room and board for unpaid work, no attribution of lost resources would be made.

3.4.3 Lost Savings

In the case of employed and underemployed students, the current method of calculating lost savings, as set out above, will be continued.

In the case of unemployed students, the formula for calculating lost savings will be net attributed income less living expenses times 75%.

Attributed income will be the provincial minimum wage.

If a student works for less than 14 weeks, the income they earned during their work period will be used to calculate their attributed savings for the remaining 6 weeks on a pro-rated basis. In certain instances, the BC minimum wage will be used to calculate a student’s attributed savings for the remaining weeks if it is deemed a more accurate reflection of the individual’s situation.
3.5.0 CONSECUTIVE ACADEMIC TERMS AND SAVINGS ATTRIBUTION

The savings attribution rules outlined above assume that all students will work during at least three employment periods in order to fund their education: the summer prior to commencing their studies and the two summer periods between first and second and second and third years, respectively. (Co-op students will generally have 3 or 4 employment periods.)

The FAC recognizes, however, that some students may "go out of sync" and complete their degree under a different pattern of attendance than the norm. This may occur, for example, where a non-Co-op student obtains admittance to the two summer academic terms and, hence, completes his/her degree through attending six consecutive academic terms. If such students apply for bursary assistance, it would not be fair to simply ignore the fact that such students have, in effect, chosen to forego the opportunity to earn income to assist in financing their educations.

Accordingly, the FAC recognizes the need to develop special income and savings attribution rules to ensure equity amongst those bursary applicants who decide to engage in more than two consecutive academic terms in any given time period.

3.6.0 PART-TIME EARNINGS DURING THE ACADEMIC TERM

Students are not expected to work during an academic term. Moreover, it is typically very difficult for a student to project whether or not he or she will have part-time earnings during the academic term, and, if so, how much. Accordingly, part-time earnings made during an academic term will generally not be considered as a financial resource available to the student for the purposes of financing his or her education.

An exception to this principle is made in the case of part-time students who are enrolled on a part-time basis primarily in order to earn income. In the latter case, part-time earnings during the term will be included as a financial resource available to the student.

3.7.0 OTHER SOURCES OF FINANCIAL SUPPORT FOR STUDIES

In addition to the amounts referred to above, students must honestly report all other sources of financial support available for the payment of their educational and living expenses during the relevant study period. For bursary allocation purposes, such sums will be considered part of the applicant's financial resources. This includes, for example, financial support from the following sources:

- the employment income of a spousal partner;
- gifts or loans from parents, spouses, or other family members;
- scholarships, bursaries or government grants (i.e. other than Faculty of Law bursaries);
- financial support from community organizations, bands or other organizations;
- financial support from summer or prospective employers (e.g. sums received for payment of tuition and books);
- sums received for child care support, child care subsidies and child tax benefits;
- social assistance payments, workers compensation benefits, EI and orphan's benefits;
- income tax refunds and GST rebates.
3.7.1 DEFINITION OF PARTNER

For the purposes of the application, “partner” means married or common law partners. A “common law partner” is a person with whom you have been living in a conjugal relationship for at least 12 months at the time of the application.

Please note: For the purposes of the assessment of financial need, it is presumed that partners form an economic unit of mutual support in which assets, income and expenses are shared. For example, it is assumed that a partner who earns employment income will contribute to the financial support of the applicant. If you believe that this presumption should not apply to your individual circumstances, please provide all information requested on this form, including information concerning your partner’s assets and income, but attach a separate sheet explaining why the “economic unit” presumption should not apply in your case.

3.8.0 STUDENT LINE OF CREDIT

Although applicants may be asked to provide information about a student line of credit, the amount of credit available under such a line of credit will not be considered as a financial resource for bursary purposes, unless it appears to have been obtained in lieu of a student loan, in which case it may be treated as a resource to the extent (and dollar amount) that it substitutes for such a loan.

3.9.0 CO-OP STUDENTS

Law Co-op students must apply for Winter Session bursary funding at the same time as other students. (A separate and smaller bursary application process will occur in the Summer Session for all students attending that session.)

Where a Co-op student applies for a Winter Session bursary, and plans to attend "back to back" academic terms in the Winter Session, they will be treated in the same way as non-Co-op students. Where a Co-op student applies for a Winter Session bursary, and plans to engage in a Work Term in the Fall Term, and an academic term in the Spring Term:

- any bursary funding will be considered as applicable to the Spring Term only;
- educational and living expenses will be calculated on the basis of tuition and fees for the one term only (i.e. the Spring Term) with the exception that the amount of the Co-op Work Term fees will be included as an educational expense; and
- in calculating financial resources, the usual rules will apply and savings will be attributed as set out in Part 3.3.0 above in relation to the Fall Work Term;

Where a Co-op student applies for a Winter Session bursary and plans to engage in an academic term in the Fall Term (immediately after completing a Summer Work Term) and also plans to complete another Work Term in the Spring Term, the bursary will be considered as for the Fall academic term only and the applicant will be treated as set out immediately above, with the exception that savings will be attributed in relation to the Summer Work Term that the student completed immediately prior to the Fall Term.
4.0 ALLOWABLE EXPENSES

Two general categories of expenses will be allowed:

A. Educational Expenses
B. Living Expenses

4.1.0 EDUCATIONAL EXPENSES:

4.1.1 GENERAL AMOUNTS ALLOWABLE FOR LL.B. DEGREE

Educational expense allowances in will consist of the following:

- Tuition and fees payable per session of enrollment: *Actual amount*
- Allowance for books and supplies: $2500*
- Co-op Work Term Fees (if applicable) *Actual amount*

* Allowance for books and study expenses are based on sums allowed by Canada Student Loans plus an additional $600 per year for the costs of a computer purchase ($1800) amortized over 3 years. (Pro-rated in the case of students enrolled in less than a full course load.)

4.1.2 TUITION AND FEE COSTS OF COMBINED DEGREE STUDENTS:

(1) In any academic term in which a student in a combined degree program is wholly engaged in courses in the other Faculty, he/she will not be eligible for a Law bursary and in any academic term in which a student is engaged in courses in both faculties, he/she will be eligible for a Law bursary on a pro-rated basis.

(2) For Law bursaries, only the Faculty of Law portion of tuition and fees paid in any given term or session will be considered in calculating educational expenses; tuition and fees paid in relation to the other degree will not be taken into account.

(3) Students in combined degree programs should apply for graduate student financial support or support from the other Faculty, for the portion of their combined degree that is taken outside the Faculty of Law.

(4) Where a student in a combined degree program lists a graduate bursary as a resource, the amount of that bursary up to the amount of the graduate portion of tuition will be deducted from his/her financial resources, and only any remaining surplus will be included as a resource.

4.2.0 LIVING EXPENSES:

4.2.1 General Amounts

The general living expenses allowances used by the Canada student loan program and the University of Victoria Financial Aid Office will also be used for the purposes of Law bursaries. (These figures are updated annually.)
4.2.2 Exceptional Amounts

Applicants may also advise the Financial Aid Committee of any exceptional expenses they expect to incur during any given term or session. This may include, for example, amounts for medical, dental or optical care for themselves or their dependants. The FAC, in its discretion, may, in its discretion, allow all or part of such amounts as living expenses, subject to such documentation to verify these expenses as the Committee may require.

4.2.3 Travel and Moving Costs for Relocation

First year and other incoming students may make a one-time claim for reasonable and justifiable traveling and moving expenses incurred in re-locating to Victoria to take up residence, to a maximum of $1000. Bursary applications may be made on the basis of a reasonable estimation of such costs. However, applicants should retain copies of airline tickets and other receipts to verify the reasonableness of their claim if called upon to do so.

5.0 SPECIAL OR EMERGENCY BURSARIES

5.1 The FAC may establish policies and criteria for the administration of special or emergency bursaries (or forgivable loans) for students who can demonstrate financial need and who incur exceptional expenses not otherwise accounted for in the living costs allowances for "regular" bursaries. Such bursary assistance may be provided, for example, to assist students in paying for:

- travel costs associated with family emergencies (e.g. illness of death of family member)
- unexpected medical, dental or optical costs for self or dependants

5.2 Students may be eligible for such bursary assistance regardless of whether or not they have previously qualified for a Faculty of Law bursary during the relevant academic term.

5.3 Students receiving this kind of assistance must document the expenses incurred through such means as the FAC may require.

6.0 OVER-RIDING DISCRETION OF COMMITTEE

The Financial Aid Committee shall exercise an overriding discretion in the application of the principles and criteria set out in this document in order to do justice in an individual case, keeping in mind the need to treat all applicants in an equitable fashion in relation to both the determination of financial need and in the allocation of bursaries.

7.0 ANNUAL REPORT

The Financial Aid Committee shall keep under review the policies and criteria set out in this document and shall report annually to Faculty Council in regard to any changes that it finds to be desirable.