



## UNSW Course Outline

# CRIM3020 The Criminal Trial - 2024

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## General Course Information

**Course Code :** CRIM3020

**Year :** 2024

**Term :** Term 2

**Teaching Period :** T2

**Is a multi-term course? :** No

**Faculty :** Faculty of Law and Justice

**Academic Unit :** School of Law, Society and Criminology

**Delivery Mode :** In Person

**Delivery Format :** Standard

**Delivery Location :** Kensington

**Campus :** Sydney

**Study Level :** Undergraduate

**Units of Credit :** 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

The criminal trial forms a public stage upon which criminal justice is performed. But, what is 'justice', and is it really being done? In this course, we place the common law criminal trial on trial to critically explore the dynamics and features that characterise the trial, and the values that underpin it. You will examine the criminal trial from a range of perspectives to gain an

understanding of the trial process in Australia. You will then cross-examine the trial using a comparative approach that introduces you to alternative trial systems around the world. Through a close interrogation of the roles, rights and powers of trial participants in different systems, and the varying objectives of criminal trials, you will deliberate and pass judgment on the successes and failures of our criminal trial and consider possibilities for reform.

## Course Learning Outcomes

| Course Learning Outcomes  |
|---|
| CLO1 : Evaluate human rights elements and key criminal justice principles, processes and policies in relation to Australian criminal trials   |
| CLO2 : Analyse strengths and weaknesses in contemporary legal policies with particular reference to the social, race, gender and diversity implications of current criminal trial practices |
| CLO3 : Explain the key differences and similarities in criminal trial process between the Australian adversarial tradition and at least one other legal tradition                           |
| CLO4 : Explain criminal trial processes, goals and policies through scholarly discussion, debate, in class presentation and written analysis  |

| Course Learning Outcomes  | Assessment Item   |
|---|---|
| CLO1 : Evaluate human rights elements and key criminal justice principles, processes and policies in relation to Australian criminal trials   | <ul style="list-style-type: none"><li>• Class participation</li><li>• Group presentation</li></ul>  |
| CLO2 : Analyse strengths and weaknesses in contemporary legal policies with particular reference to the social, race, gender and diversity implications of current criminal trial practices | <ul style="list-style-type: none"><li>• Reflective note</li><li>• Class participation</li><li>• Group presentation</li></ul>                          |
| CLO3 : Explain the key differences and similarities in criminal trial process between the Australian adversarial tradition and at least one other legal tradition                           | <ul style="list-style-type: none"><li>• Research essay</li><li>• Reflective note</li></ul>  |
| CLO4 : Explain criminal trial processes, goals and policies through scholarly discussion, debate, in class presentation and written analysis  | <ul style="list-style-type: none"><li>• Research essay</li><li>• Class participation</li><li>• Group presentation</li><li>• Reflective note</li></ul> |

## Learning and Teaching Technologies

Moodle - Learning Management System

# Assessments

## Assessment Structure

| Assessment Item                                      | Weight | Relevant Dates  |
|--|--------|---|
| Research essay<br>Assessment Format: Individual      | 50%    | Start Date: See Moodle.<br>Due Date: Week 11: 05 August - 11 August   |
| Class participation<br>Assessment Format: Individual | 10%    | Start Date: Not Applicable<br>Due Date: See Moodle.   |
| Group presentation<br>Assessment Format: Group       | 20%    | Start Date: See Moodle.<br>Due Date: Week 9: 22 July - 28 July  |
| Reflective note<br>Assessment Format: Individual     | 20%    | Start Date: See Moodle.<br>Due Date: Reflective Notes are due one week after the class chosen as the subject of the task. |

## Assessment Details

### Research essay

#### Assessment Overview

Students will submit a 2500 word research essay responding to one of a number of set questions provided on Moodle. Students are required to draw on key course materials, independent academic research, and where relevant, independent empirical research, to critically evaluate an aspect of the criminal trial.

Formal written feedback will be provided.

#### Course Learning Outcomes

- CLO3 : Explain the key differences and similarities in criminal trial process between the Australian adversarial tradition and at least one other legal tradition
- CLO4 : Explain criminal trial processes, goals and policies through scholarly discussion, debate, in class presentation and written analysis

#### Assessment Length

2500 words

#### Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

# **Class participation**

## Assessment Overview

Participation in seminar discussion is assessed against specified standards communicated to students in advance. Students have the opportunity to meet with course convenor to discuss participation throughout Term.

Students will receive verbal feedback and class participation marks via Moodle.

## Course Learning Outcomes

- CLO1 : Evaluate human rights elements and key criminal justice principles, processes and policies in relation to Australian criminal trials
- CLO2 : Analyse strengths and weaknesses in contemporary legal policies with particular reference to the social, race, gender and diversity implications of current criminal trial practices
- CLO4 : Explain criminal trial processes, goals and policies through scholarly discussion, debate, in class presentation and written analysis

## Assessment Length

n/a

## Assignment submission Turnitin type

Not Applicable

# **Group presentation**

## Assessment Overview

Students will work in groups of 3-4 to produce a 5 minute pre-recorded presentation. Each group will also submit a group journal, and each student will submit an individual self and peer evaluation.

Written feedback will be provided on each component of the assessment.

## Course Learning Outcomes

- CLO1 : Evaluate human rights elements and key criminal justice principles, processes and policies in relation to Australian criminal trials
- CLO2 : Analyse strengths and weaknesses in contemporary legal policies with particular reference to the social, race, gender and diversity implications of current criminal trial practices
- CLO4 : Explain criminal trial processes, goals and policies through scholarly discussion, debate, in class presentation and written analysis

### Assessment Length

5 minutes

### Assignment submission Turnitin type

This is not a Turnitin assignment

### **Reflective note**

#### Assessment Overview

Students will submit a 1000 word reflective note responding to one class of their choice in the first half of the term.

Written feedback will be provided via Moodle.

#### Course Learning Outcomes

- CLO2 : Analyse strengths and weaknesses in contemporary legal policies with particular reference to the social, race, gender and diversity implications of current criminal trial practices
- CLO3 : Explain the key differences and similarities in criminal trial process between the Australian adversarial tradition and at least one other legal tradition
- CLO4 : Explain criminal trial processes, goals and policies through scholarly discussion, debate, in class presentation and written analysis

### Assessment Length

1000 words

### Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

## **General Assessment Information**

### Grading Basis

Standard

# Course Schedule

| Teaching Week/Module         | Activity Type   | Content                                 |
|------------------------------|-----------------|---|
| Week 1 : 27 May - 2 June     | Seminar         | Introduction to the Criminal Trial      |
| Week 2 : 3 June - 9 June     | Seminar         | The Defendant in the Criminal Trial     |
| Week 3 : 10 June - 16 June   | Online Activity | The Victim in the Criminal Trial        |
| Week 4 : 17 June - 23 June   | Seminar         | Children in the Criminal Trial          |
| Week 5 : 24 June - 30 June   | Seminar         | The Jury in the Criminal Trial          |
| Week 7 : 8 July - 14 July    | Seminar         | The Judge in the Criminal Trial         |
| Week 8 : 15 July - 21 July   | Seminar         | The Media, Criminal Trials, and Justice |
| Week 9 : 22 July - 28 July   | Seminar         | Miscarriages of Justice                 |
| Week 10 : 29 July - 4 August | Seminar         | The Future of the Criminal Trial        |

## Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.Vi

## Course Resources

### Prescribed Resources

Provided on Moodle.

### Recommended Resources

F Pakes, *Comparative Criminal Justice 4<sup>th</sup> edn* (Hoboken: Taylor and Francis 2019)

## Course Evaluation and Development

Students are invited to provide feedback directly to teachers during the term. Formal feedback on the course is also collected through the myExperience survey each term.

Changes and improvements to the course made as a result of student feedback are detailed on Moodle.

# Staff Details

| Position | Name          | Email | Location                           | Phone | Availability   | Equitable Learning Services Contact | Primary Contact |
|----------|---------------|-------|------------------------------------|-------|----------------|-------------------------------------|-----------------|
| Convenor | Leah Williams |       | Law and Justice Building, Room 354 |       | By appointment | Yes                                 | Yes             |

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

### UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

### Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

### Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up,

then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.