

## RIGHTS AND THE LAW

Prof.: Dr. Julian Hermida  
Course number: JURI 3706 A E (3 credits)  
Prerequisites: JURI 1105 or JURI 1106/1107.  
Teaching hours: Mondays 7 pm  
Term: Winter  
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## EXPLORATION (Formerly known as course description)

This course is a rigorous and fascinating exploration of rights-oriented approaches to law. We will analyze theoretical and historical foundations of rights-oriented approaches, the evolution of charters, declarations, and bills of right, and critiques of rights-oriented approaches in Canada and abroad.



## LEARNING OUTCOMES



If you actively engage in this course, upon its successful completion you will be able to:

- demonstrate a deep understanding of rights-oriented approaches to law.
- critically analyze complex and contemporary problems dealing with rights from diverse legal traditions, theoretical perspectives, and Social Science disciplines related to Law;

- generate your own –sophisticated -solutions to problems involving rights and their violation, identify and evaluate the political and social implications of your proposed solutions, and compare these solutions to those offered in other legal traditions and cultures;
- read academic texts dealing with rights and law deeply; and communicate complex arguments on this topic effectively both orally and in writing; and
- make connections to theories, readings, class discussions, and class activities when analyzing complex legal issues involving rights; and theorize, generalize, and hypothesize on these issues.

**WHAT WE WILL DO IN OUR EXPLORATION**

We will immerse in this exploration through a myriad of exciting activities, which will include the analysis of captivating readings, group discussions, Socratic dialogues, cooperative group problem solving, games, analysis of video segments depicting scenes relevant to rights and law, online searches of academic materials, debates, construction of web sites, interpretation and production of audiovisual materials, group presentations, and analysis of legal and sociolegal texts from all over the world.



**CALENDAR**

Class	Topic	Readings
Class 1 Jan. 5	Introduction and orientation	Course syllabus
Class 2 Jan. 12	Rights-oriented approaches to law Theoretical and historical foundations. Law and Rights. Notions of law.	Brian Tamanaha, An Analytical Map of Social Scientific Approaches to the Concept of Law Oxford Journal of Legal Studies, Vol. 15, No. 4. (Winter, 1995), pp. 501-535.
Class 3 Jan. 19	The rule of law and the state of rights Totalitarian states Enemy’s Criminal Law	John Hasnas. "The Myth of the Rule of Law." <i>Wisconsin Law Review</i> 1995 (1995).  William B. Harvey “The Challenge of the Rule of Law” Michigan Law Review Vol. 59, 1961.
Class 4 Jan. 26	Charter of Rights and Freedoms Effective presentation	Hogg, Peter W.; Bushell, Allison A., Charter Dialogue between Courts and Legislatures, The (Or Perhaps the Charter of Rights Isn't Such a Bad Thing after All), 35 Osgoode Hall L. J. 75 (1997).
Class 5 Feb. 2	Charter: legal rights Review for test	Charles R. Epp, Do Bills of Rights Matter? The Canadian Charter of Rights and Freedoms, The American Political Science Review, Vol. 90, No. 4, 1996, pp. 765-779
Class 6 Feb. 9	Test	
Class 7	Consumers’ rights	George P. Fletcher, Two Modes of Legal Thought, <i>The Yale Law Journal</i> , Vol. 90, 1981), pp. 970-1003.

Feb. 23		
Class 8 March 2	Airline passengers rights	Donald N. McCloskey, The Rhetoric of Law and Economics, Michigan Law Review, Vol. 86, No. 4, 1988, pp. 752-767.
Class 9 March 9	Students presentations Critiques of rights-oriented approaches in Canada and abroad.	Paul Marshall, Two Types of Rights, Canadian Journal of Political Science / Revue canadienne de science politique, Vol. 25, No. 4, 1992, pp. 661-676.
Class 10 March 16	Students presentations	
Class 11 March 23	Distribution of final take-home	
Class 12 March 30	Submission of final take-home	

This is a tentative calendar of what we will do. If class discussions or class activities take longer than originally estimated, I will not cut them short to follow this schedule. I will simply put the scheduled topics off for the following class; or I will reschedule them. This includes presentations. Additionally, I may substitute new topics for some of the ones included here, particularly if most of you show an interest for some issues not planned to be covered. Changes will be announced in class. Please note that preparation for these activities, as well as the reviews for the evaluations, also constitutes a fundamental part of the course and is considered an integral part of class instruction. When appropriate, in-class time will be used for preparation for activities, assignments, and evaluations.

**A CONVERSATION ABOUT YOUR LEARNING AND DISCOVERIES**  
(Formerly known as method of evaluation)

In our exploration of rights-oriented approaches to law, we will stop several times so that we can talk about your learning. I will be providing you with formative feedback along the way. There will be plenty of opportunities to experiment, try, fail, and receive formative feedback in advance of and separate from summative evaluation. I will also help you develop the metacognitive tools and strategies so that you can assess your own learning progress. By the end of this exploratory process, you will have showed me what you have taken out of it, what you have learned, and how your thinking has changed. I will be particularly interested in seeing how well you have achieved the learning outcomes. I will want to see if you can perform the learning outcomes in a way which shows creativity, originality, and critical thinking skills, ideally beyond information given in the course.



I will assess the evidence you will show me holistically and synoptically. And I will make a judgment about whether you have attained the intended learning outcomes, and if so –to what level. I will assess your evidence qualitatively and in its entirety –not by adding marks to its various parts. I will be interested in knowing how well you have learned and not how much. My judgement –like any judgement or assessment– will be subjective, but let me assure you that it will not be arbitrary. It will be based on my expertise as

both a legal scholar and a teacher, not unlike a juror at a film festival judges films or a curator judges pictures for a museum exhibition. For this purpose, I will judge the quality of your learning against criteria based on John Bigg's Solo Taxonomy, which I have posted on the course website, and which I will explain extensively in class. As you can see from the chart below, the SOLO Taxonomy is consistent with the University grading scheme. To communicate my judgment in a clear way, I will resort to several means, including rubrics.

According to University policy requirements, which prescribe a final global examination and some kind of partition of the summative assessment, I have divided the assessment in four parts, even if I do not believe in fragmenting knowledge and assessment. So, I will be assessing how well you have achieved the intended learning outcomes through your active class participation, which is worth 30% of your final grade, an in-class test worth 20% of the final grade, a presentation worth 20% of the final grade, and the final global-take home evaluation, which is worth 30%. This syllabus includes a chart that translates the SOLO taxonomy levels into grades according to University policy. For further clarification, there is no conflict between University policy and the SOLO taxonomy. University policy is a general framework; and the SOLO taxonomy is a specific instrument, which I use to implement the general University framework.

### Summary of the assessment

Evaluation tool	Grade weight	Deadline
Class participation	30%	Every class.
Classroom test	20%	February 9, 2015 in class.
Presentation	20%	According to schedule above.
Final Global take-home evaluation	30%	March 30, 2015 in class.

### Class participation

**Class participation is the single most important aspect of the course.** You are expected to actively participate in every class with a positive attitude and to treat your classmates and teacher with respect. You are expected to get actively involved with the class activities, to critically analyze the proposed problems and situations, to actively participate in small group discussions, to contribute your analysis to the whole class, and to complete all reading and written assignments. You will also conduct oral presentations throughout the course. Class participation also entails asking meaningful questions in the lectures, answering questions, and volunteering comments related to the content of the lectures and the class activities. I will also call on you throughout the course to answer questions or to provide your opinion. We will resort to a broad range of class activities. Some will be conducted individually and others in small groups. Each of you is expected to write down your answers to the class activities, even if you work in small groups, and to keep all activities. You also need to keep record of your oral interventions at the small and whole group levels. A reflective journal is an ideal tool to do this. Many class activities will include the writing and editing of short essays. Other activities will deal with projects and audiovisual presentations. You are expected to be prepared for every class, i.e., you need to do the required readings for each class, and to complete the reading guides and other homework assignments, which you must bring to class. You must also bring a printed copy of the class activities or your laptop to class, as well as the textbook, the journal articles, the course outline, record of your oral interventions, and your class notes to work on the class activities. You have to keep all your class activities, together with these materials, in a portfolio. You have to bring the portfolio to every class. You will not be able to participate when you do not bring these materials to class, as you will be unable to work. Even if you have a laptop, you must also bring a notebook and pens and be prepared to hand in written class assignments to me when required.

On several occasions throughout the course, I will ask you to hand in the class activities or the entire portfolio for me to give you formative feedback. You are required to take the initiative and come to my office during my office hours to discuss your class performance several times throughout the course. Your class participation must reflect that you have done the required readings and that you have thought about what you read. Simply talking in class is not enough to get a good grade under this evaluation component.

But, if you do not talk and participate in class, you will not receive any credit at all. Please note that the written assignments and reading quizzes are conceived to help you prepare to talk in class and fully participate in the class activities. **You will not get a passing grade under class participation if you only do the written assignments but do not contribute to class discussions and class activities.** I expect that active class participation will foster, among many other skills, your oral communication and presentation skills. Class attendance is a prerequisite to obtain the corresponding percentage of the grade under this category. I will evaluate your participation every class. If you miss class you will not receive any kind of credit for that missed class regardless of the reason for your absence, even if you decide to complete the written class activity.

**Evaluation criteria for class participation**

I will assess whether and how well you have achieved the learning outcomes of the course for the class participation component of the grade according to the following five levels of John Bigg’s Solo taxonomy.

<b>Pre-structural</b>
<p>The student does not participate actively in most classes. The student does not show that he/she has read the assigned texts. The student does not participate in an appropriate manner that contributes to class discussions and does not show a positive attitude toward his or her classmates, the instructor, and the activities. The student does not work in small groups and does not volunteer to lead activities, debates, and debriefs. The student seldom asks questions in class.</p> <p>The student responses to the class activities contain irrelevant information; and they miss the point. The responses have no logical relationship to the question. The student gives bits of unconnected information, which have no organization, and make no sense. The student does not make connections to the theoretical issues, readings, class discussions, and class activities done throughout the course. The response to the class activities does not show an understanding of the issues dealt with.</p>
<b>Unistructural</b>
<p>The student participates actively in most classes. In most classes, the student shows that he/she has read the assigned texts. The student generally participates in an appropriate manner that contributes to class discussions and shows a positive attitude toward his or her classmates, the instructor, and the activities. The student works in small groups, but does not always volunteer to lead activities, debates, and debriefs. The student sometimes asks useful questions that contribute to the development of the class and fosters collective understanding or usually asks simple questions that do not contribute to the development of the class.</p> <p>The student responses to the class activities contain one relevant item, but they miss others that might modify or contradict the response. There is a rapid closure that oversimplifies the legal issue or problem. The student makes simple and obvious connections to some of the theoretical issues, readings, class discussions, and class activities done throughout the course, but the significance of the connections is not demonstrated. In most class activities, the student can identify and list the legal issues or questions presented in class. The response to the class activities does not show an understanding of the issues dealt with or it demonstrates only a very superficial understanding.</p>
<b>Multi-structural</b>
<p>The student participates actively and meaningfully in most classes. In most classes, the student shows that he/she has read the assigned texts and that he/she has reflected about the required readings. The student participates in an appropriate manner that contributes to class discussions and shows a positive attitude toward his or her classmates, the instructor, and the activities. The student works productively in small groups and volunteers to lead activities, debates, and debriefs on most classes. The student generally asks useful questions that contribute to the development of the class and fosters collective understanding.</p> <p>The student responses to the class activities contain several relevant items, but only those that are consistent with the chosen conclusion are stated, and the significance of the relationship between connections is not always demonstrated.</p>

Closure in the class activities is generally selective and premature. The student makes a number of connections to theoretical issues, readings, class discussions, and class activities done throughout the course, but the meta-connections between them are missed, as is their significance for the whole. In most class activities, the student can enumerate, describe, combine, and list the legal issues or questions presented in class. The student uses some of the relevant data.

#### **Relational**

The student participates actively and meaningfully in every class. The student shows every class that he/she has read the assigned texts quite deeply and that he/she has critically reflected about the required readings. The student participates in an appropriate manner that contributes to class discussions and shows a positive attitude toward his or her classmates, the instructor, and the activities. The student works productively in small groups and volunteers to lead activities, debates, and debriefs every class or most classes. The student asks useful questions that contribute to the development of the class and fosters collective understanding.

The student makes connections to theoretical issues, readings, class discussions, and class activities done throughout the course. In general, students demonstrate the relationship between connections and the whole. In every class activity, the student can focus on several relevant aspects, but these aspects are generally considered independently. Response to the class activities is a collection of multiple items that are not always related within the context of the exercise. In all class activities, the student is able to classify, compare, contrast, combine, enumerate, explain causes, and analyze the legal issues or questions presented in class. The student uses most or all of the relevant data, and he/she resolves conflicts by the use of a relating concept that applies to the given context of the question or problem.

#### **Extended abstract**

The student participates actively and meaningfully in every class. The student shows every class that he/she has read the assigned texts deeply and that he/she has critically reflected about the required readings. The student participates in an appropriate manner that contributes to class discussions and shows a positive attitude toward his or her classmates, the instructor, and the activities. The student works productively in small groups and volunteers to lead activities, debates, and debriefs every class. The student asks useful questions that contribute to the development of the class and fosters collective understanding.

The student makes connections not only to theoretical issues, readings, class discussions, and class activities done throughout the course but also to issues, theories, and problems beyond information arising from class. In every class activity, the student shows the capacity to theorize, generalize, hypothesize, and reflect beyond the information given. The student even produces new relevant hypotheses or theories. In every class, the student can link and integrate several parts, such as class activities, readings, class discussions, and theories, into a coherent whole. The student links details to conclusions and shows that he/she understands deeply the meaning of issues and problems under analysis. The student questions basic assumptions, and gives counter examples and new data that did not form part of the original question or problem.

### **CLASS-ROOM TEST**

The class-room test will aim at testing functional knowledge of the problems and issues discussed in class. It will be done on February 9, 2015 in class. See the evaluation criteria below.

### **PRESENTATION**

A list of presentation topics is posted on the course website and will be circulated in class. The list includes a tentative date for your presentation. Since as mentioned above, class activities may change, all groups must be ready to present at any time as from the day of the first scheduled presentation. The presentation must elaborate on the theories, and issues analyzed in class, and must make specific reference to debates, class activities, and problems discussed in class. You must select a topic, prepare a brief outline, and submit it to me in writing in class for approval and feedback by January 26. You are expected to research about the topic and to read from several sources for the presentation. You may resort to video, photography, or any other audiovisual resources. You may not use Powerpoint slides, and you may not show videos from YouTube or other similar sites, unless

you produced them yourself. You are expected to work and present in teams made up of 3 or 4 students. The length of the presentation will be communicated in class depending on final enrollment. It will probably be around 45 minutes. You are encouraged to meet with me for consultation, suggestions, and feedback on the evolution of the presentation. If research for the presentation involves human beings, such as interviewing or observing, you will need to obtain authorization from the Research Ethics Board BEFORE you start dealing with people. I can help you with this. Please let me know as soon as possible.

**Evaluation criteria for the global take home evaluation and for the in-class test**

I will resort to the Solo taxonomy to judge how well you have achieved the learning outcomes in the global take-home evaluation and the in-class test.

<b>Pre-structural</b>
The presentation contains irrelevant information and it misses the point. The presentation has no logical relationship to the selected topic. The presentation deals bits of unconnected information. It has no organization, and it makes no sense. The student does not make connections to the theoretical issues, readings, class discussions, and class activities done throughout the course. The presentation does not show an understanding of the issues dealt with.
<b>Unistructural</b>
The presentation contains one relevant item, but it misses others that might modify or contradict the position taken. There is a rapid closure that oversimplifies the legal issue or problem. The student makes simple and obvious connections to some of the theoretical issues, readings, class discussions, and class activities done throughout the course, but the significance of the connections is not demonstrated. The student can identify and list the legal issues or questions discussed in class. The presentation does not show an understanding of the issues dealt with or it demonstrates only a very superficial understanding.
<b>Multi-structural</b>
The presentation contains several relevant items, but only those that are consistent with the chosen position are stated, and the significance of the relationship between connections is not always demonstrated. Closure is generally selective and premature. The student makes a number of connections to theoretical issues, readings, class discussions, and class activities done throughout the course, but the meta-connections between them are missed, as is their significance for the whole. The student enumerates, describes, combines, and lists the legal issues or questions presented in class. The student uses only some of the relevant data in the presentation.
<b>Relational</b>
The presentation is a collection of multiple items that are not always related within the context of the selected topic. The student classifies, compares, contrasts, combines, enumerates, explains causes, and analyzes the legal issues or questions presented. The student uses most or all of the relevant data, and he/she resolves conflicts by the use of a relating concept that applies to the given context of the selected issue. The student makes connections to theoretical issues, readings, class discussions, and class activities done throughout the course. In general, the presentation demonstrates the relationship between connections and the whole. The student focuses on several relevant aspects, but these aspects are generally considered independently.
<b>Extended abstract</b>
The presentation makes connections not only to theoretical issues, readings, class discussions, and class activities done throughout the course but also to issues, theories, and problems beyond information arising from class. The student shows the capacity to theorize, generalize, hypothesize, and reflect beyond the information given. The student even produces new relevant hypotheses or theories. The student can link and integrate several parts, such as class activities, readings, and theories, into a coherent whole. The student links details to conclusions and shows that he/she understands deeply the meaning of issues and problems under analysis. The student questions basic assumptions, and gives counter examples and new data that did not form part of the original question or problem.

## FINAL GLOBAL TAKE-HOME EVALUATION

The purpose of the global take-home evaluation is to assess whether and how well you have achieved the intended learning outcomes. The global take-home examination will be distributed as determined in the class schedule above; and you will have to **submit it personally in class on March 30, 2015 at 7 pm.**

### Evaluation criteria for the final take home evaluation and for the in-class test

I will resort to the Solo taxonomy to judge how well you have achieved the learning outcomes in the final take-home evaluation and the in-class test.

<b>Pre-structural</b>
The student responses to questions and problems contain irrelevant information and they miss the point. The responses have no logical relationship to the question. The student gives bits of unconnected information, which have no organization, and make no sense. The student does not make connections to the theoretical issues, readings, class discussions, and class activities done throughout the course. The response to the questions and problems does not show an understanding of the issues dealt with.
<b>Unistructural</b>
The student responses to the questions and problems contain one relevant item, but they miss others that might modify or contradict the response. There is a rapid closure that oversimplifies the legal issue or problem. The student makes simple and obvious connections to some of the theoretical issues, readings, class discussions, and class activities done throughout the course, but the significance of the connections is not demonstrated. The student can identify and list the legal issues or questions discussed in class. The responses do not show an understanding of the issues dealt with or it demonstrates only a very superficial understanding.
<b>Multi-structural</b>
The student responses to questions and problems contain several relevant items, but only those that are consistent with the chosen conclusion are stated, and the significance of the relationship between connections is not always demonstrated. Closure is generally selective and premature. The student makes a number of connections to theoretical issues, readings, class discussions, and class activities done throughout the course, but the meta-connections between them are missed, as is their significance for the whole. The student can enumerate, describe, combine, and list the legal issues or questions presented in class. The student uses some of the relevant data.
<b>Relational</b>
Response to the questions or problems is a collection of multiple items that are not always related within the context of the exercise. The student is able to classify, compare, contrast, combine, enumerate, explain causes, and analyze the legal issues or questions presented. The student uses most or all of the relevant data, and he/she resolves conflicts by the use of a relating concept that applies to the given context of the question or problem. The student makes connections to theoretical issues, readings, class discussions, and class activities done throughout the course. In general, students demonstrate the relationship between connections and the whole. The student can focus on several relevant aspects, but these aspects are generally considered independently.



### Extended abstract

The student makes connections not only to theoretical issues, readings, class discussions, and class activities done throughout the course but also to issues, theories, and problems beyond information arising from class. The student shows the capacity to theorize, generalize, hypothesize, and reflect beyond the information given. The student even produces new relevant hypotheses or theories. The student can link and integrate several parts, such as class activities, readings, and theories, into a coherent whole. The student links details to conclusions and shows that he/she understands deeply the meaning of issues and problems under analysis. The student questions basic assumptions, and gives counter examples and new data that did not form part of the original question or problem.

### CONVERSION OF GRADING SYSTEM

In order to comply with University policy, which we will all abide by, and in order to facilitate the reading of the SOLO taxonomy, the following chart translates the SOLO taxonomy's five levels into the University grading scheme. As you can see, the descriptions of the levels of the SOLO taxonomy and the University grading scheme mean the same, even if they are expressed in different terms.

SOLO Taxonomy	Grade	Percentage of Grade Value	Definition	
Extended abstract	A	80-100	Exceptional Performance	Comprehensive knowledge in depth of the principles and materials treated in the course, fluency in communicating that knowledge and originality and independence in applying material and principles.
Relational	B	70-79	Good Performance	Thorough understanding of the breadth of materials and principles treated in the course and ability to apply and communicate that understanding effectively.
Multistructural	C	60-69	Satisfactory Performance	Basic understanding of the breadth of principles and material treated in the course and an ability to apply and communicate that understanding competently.
Unistructural	D	50-59	Minimally Competent Performance	Adequate understanding of most principles and material treated in the course, but significant weakness in some areas and in the ability to apply and communicate that understanding.
Pre-structural	F	0-49	Inadequate Performance	Inadequate or fragmentary knowledge of the principles and material treated in the course, or failure to complete the work required in the course.

Please note that in many cases, you may perform at a level in some aspects of a certain evaluation component of the course and at a different level in other aspects. In those cases, for the purpose of the summative assessment, I will determine which level is most representative of your learning. Strategic answers and interventions will be considered at the surface level, i.e., unistructural or multistructural.

### RESOURCES

You will need to read all the articles listed above deeply. You are responsible to get them from the Library databases. You must read these texts and any other text which you may find it necessary to prepare to participate in class. A web site is available at <http://www.julianhermida.com>. You will be able to explore and consult the course syllabus, the class activities, and other useful information. **You must regularly check both the course website and your Algoma University email account.** I am here to guide you all

throughout this process of exploration. Think of me as your expedition experienced companion, i.e., someone who has travelled this route several times before but is still amazed at the wonders discovered along the route.

### **RULES AND POLICIES**

This exploration may only be successful if you engage in it; and if you work honestly and enthusiastically. Since this is a collective exploration, you also need to follow certain rules and policies so that the learning process will be fair to all. Here are the rules and policies. They may sound strict. They are. But, trust me, they have been conceived so that this exploration is as smooth and productive as possible.

### **OFFICE HOURS POLICY**

I do hope you will visit during my office hours. Come individually or with friends. It is a chance to get to know each other and to talk about the course, assignments, tests, study strategies, or whatever else you would like to discuss. I am also available to write letters of reference and to help you plan for future graduate studies or a professional career. Also, if you find yourself having difficulty with anything in the course, please do come. But, remember, you do not have to have a problem to visit. If my office hours are impossible for you, please let me know so that we can make an appointment for another time. In addition to regular office hours and seeing me by appointment, I will every so often end class 5 minutes early and invite students who have questions to meet with me right then and there.

### **WRITTEN ASSIGNMENT POLICY**

Unless otherwise authorized by me in writing, all writing assignments must be submitted personally in hard copy IN CLASS on the due date. For further clarification, written assignments submitted to the Faculty Secretaries, left in my mailbox, sent by email, or slid under my office door, will not be accepted for marking, and you will not receive any credit. Unless I have approved an extension in writing, at my discretion, written assignments submitted after the deadline will either not be accepted for marking, or will be accepted for marking with late penalties. Late penalties will be as followed. If the written assignment is submitted the class following the deadline, a 25% late penalty will be deducted from the mark. A 50% late penalty will be applied to those assignments submitted two classes after the deadline, and no mark will be given if submitted after two classes following the deadline. In those exceptional cases where I grant an extension, you will have to submit your assignment personally IN CLASS on the new specified date.

I will return all written assignments as soon as possible given the number of students registered in the course. Whenever feasible, I will try to return tests and other written assignments the class following the scheduled date for the test or the deadline for submission, respectively. You are expected to get the assignments back from me that class. If you did not come to class, you will have to come to my office during my office hours to get your test or written assignment back. I will presume you did not attend class if you did not get your assignment from me when I distributed them. It is your responsibility to keep a backup copy of each assignment that you submit.

## UNIVERSITY ATTENDANCE POLICY

The general regulations of the university require punctual and regular attendance at the various academic exercises. If there are extenuating circumstances related to an absence, the instructor should be notified in writing. Absences in excess of 20% may jeopardize receipt of credit for the course. **Given the nature of the course, I will strictly enforce this policy.**

## ATTENDANCE POLICY FOR THIS COURSE

Your presence and participation in every class are an essential part of the learning process for you and your classmates. Therefore, attendance will be taken at all classes and is mandatory. I will take attendance in a variety of ways, including, sign-up sheets, submission of written activities, and return of assignments. I may also simply write down the names of those students that I noticed that were absent. Arriving late or leaving early without a proper justification will count as an absence. Forgetting to sign the attendance sheet will constitute an absence. You are expected to let me know if you must be absent due to medical or religious reasons, in which case I will do my best to make the necessary accommodations. **Students that have an absence in more than 20% of the classes will NOT receive credit for this course regardless of the reason for the absence**, including, without limitation, absences due to sports competitions and employment obligations. If you missed classes because you were not registered in the course, those classes that you missed will count as absences in order to calculate this 20% rule. This is because I firmly believe that the class constitutes a unique learning environment and most of what you will learn takes place in class, not in solitude. So missing classes –for whatever reason- will hurt your scholastic performance. For further clarification, participation in sports competitions does not exempt you from attending class or for complying with other course requirements. If your sports activities prevent you from regularly attending class, please consider dropping this course as your grade may be seriously affected. Again, this is so because the course is conceived so that you will learn collaboratively with your colleagues and with my guidance. As a matter of courtesy, I may permit a student athlete to write a test on a different day if there is a conflict with one of their sports obligations, provided the student has regularly worked hard in class. But, this will be considered on a case-by-case basis. I will not normally authorize you to reschedule more than one test in the course. I will not authorize student athletes or any other student to reschedule, or extend the deadline for, the global take-home. **Under no circumstances will a student that missed a class receive credit under the class participation evaluation component for that class.** Written class activities not done in class on the day originally conducted will not be rescheduled or accepted for marking. Written assignments not submitted personally in class on the due date will not be accepted for marking either.

## PRIVILEGES: EXTENSIONS, WAIVERS, AND OTHER AUTHORIZATIONS

Extensions, waivers, reschedules, rewrites, make-ups, and extra-credit activities are considered privileges, given on a case by case basis and as a matter of courtesy. For further clarification, I may or may not grant them or I may grant them to some students and not to others, depending on a number of factors. In general, I will only grant privileges in exceptional circumstances. The following are examples of circumstances that may never be considered exceptional: internet outages, computer or printing problems, compliance with a job supervisor's request to do overtime or an extra shift, or sports commitments. You must plan ahead in order to comply with all the course requirements. This means, among other things, not starting your work the night before the deadline. You must request a privilege in writing. If I grant it, you must keep a copy of the privilege given by me in writing. Privileges not requested in writing and not given in writing are not valid. Occasionally, I may give you the possibility of rewriting a written assignment or some questions from a test. If so, you will forfeit that possibility if you did not attend the class when I returned the original tests or the written assignments. Also, you must rewrite the questions from a test – or hand in the rewritten

assignment- on the very next class IN CLASS. Otherwise, you forfeit your privilege to rewrite the questions from a test or to hand in the assignment. Under exceptional, extenuating, and extraordinary circumstances, I may give you as a final grade a grade that is more than the sum of each evaluation component or I may waive a course requirement other than class participation. I may also give you the possibility of doing activities for extra-credit. If you do not come to class when I distribute the questions or problems for the extra-credit activities, you may not do the extra-credit activities, regardless of the reason for your absence. I may post further rules for extra-credit activities on the course website, which rules may change from time to time. I may also change the attendance policy –or some aspects thereof- in the event classes are interrupted due to a pandemic, or if students have to miss class because of duly documented injury or illness. Please note that medical policies duly adopted by the University may supersede the rules in this course outline, which is not intended to contradict any such University policy.

### **STUDENTS WITH DISABILITIES**

Students with disabilities who would like to discuss classroom and/or exam accommodations should contact me as soon as possible.

### **ACTION RESEARCH**

In order to improve my teaching practice and to enhance student learning, I always conduct classroom action research. For this purpose, I will collect some information about the course and your learning. Sometimes, I will ask you to complete surveys, questionnaires, or other instruments. These are anonymous and voluntary. Your responses will be kept strictly confidential. Other times, I will use your class work as evidence. In all cases, the information will be reported in general terms without specific reference to individual responses or actual names. Completion of the survey, questionnaire, or other instruments implies your consent to participate in the research. If you do not wish to participate, simply let me know before the second class of this course. You will not be penalized for this at all. If you have any questions or concerns about my action research projects, please contact me. Please note that surveys, questionnaires, and other instruments that I will specifically use for action research projects will be anonymous; and they will not be considered for the class participation grade or for any other grade in the course. For further clarification, whether you decide to complete these instruments or not, and your responses to these instruments in the event that you decide to participate, will never be taken into account for grading purposes.

### **ACADEMIC DISHONESTY**

The University takes a very serious view of such offences as plagiarism, cheating, and impersonation. Penalties for dealing with such offences will be strictly enforced. Please read the Student Code of Conduct (Academic) on plagiarism and other offences against academic honesty. Please note that any self-misrepresentation in order to avoid attendance, meeting of assignment deadlines, writing of tests or examinations and/or completion of assignments, constitutes academic dishonesty. The following web site contains a complete policy statement on academic dishonesty and attendance. You are encouraged to read it for further clarification: [http://www.algomau.ca/uploads/file/pdf/chapter\\_3.pdf](http://www.algomau.ca/uploads/file/pdf/chapter_3.pdf).

### **TEACHING EVALUATIONS**

Please remember to complete the electronic teaching evaluations towards the end of the course. The University considers the evaluation instrumental in assessing teaching. The University will announce the period and instructions for completing the evaluations.

### **RESEARCH ETHICS**

None of the class activities include research involving human beings. However, if you decide that you want to do research involving human beings, such as interviewing or observing, you will need to obtain authorization from the Research Ethics Board BEFORE you start dealing with people. In this case, let me know as soon as possible. I can help you with this process.

### **TRIGGER WARNINGS**

Some materials in this course may be sensitive. Course materials, including lectures, class activities, hypotheticals, scenarios, examples, court cases, and films shown in class, may have mature content, including violent, sexual, and strong language, content. Except for newspaper articles and court cases, all class activities are hypothetical and fictitious. Any resemblance to actual persons, institutions, or events is purely coincidental. All activities are meant to facilitate the discussion and study of Law. They are not meant to advocate or promote any crime or unlawful action. Discretion advised before signing up for this course.

### **FILM COPYRIGHT**

If you decide to show a video in class for a class activity or presentation, you must make sure that the University has the copyright to show that video in class, even if it is only an excerpt. This includes videos that you may find online and DVDs that you rent or own. Currently, the University is subscribed to Audio Cine Films and Criterion Pictures, two licensing organizations. Algoma University has also acquired rights to show some films from the National Film Board. BEFORE showing a video in class, please make sure that you will be able to show it without infringing copyright law. If in doubt, please ask me. You can also check with the library.