

POL3331
Controversies in Canadian Legal Justice
The University of Western Ontario
Winter 2023

Professor: Caroline Dick
Email: cdick4@uwo.ca
Time: Wednesdays 12:30-2:20 AHB: 2B04
Zoom Office Hours: Mondays 2:00-3:00 pm

Prerequisite(s): [Political Science 2230E](#) or [Political Science 2530F/G](#).

IMPORTANT NOTICE RE PREREQUISITES/ANTIREQUISITES

You are responsible for ensuring that you have successfully completed all course prerequisites, and that you have **not** taken an antirequisite course. Lack of prerequisites may not be used as a basis for appeal. If you are found to be **ineligible** for a course, you may be removed from it at any time and you will receive no adjustment to your fees. **This decision cannot be appealed.** If you find that you do not have the course requisites, it is in your best interest to drop the course well before the end of the add/drop period. Your prompt attention to this matter will not only help protect your academic record, but will ensure that spaces become available for students who require the course in question for graduation.

Course Description

From calls for Indigenous judges on the bench to defence counsel ethics in defending guilty clients, the legal system is filled with contentious issues and thorny questions. This course examines contemporary controversies in the legal realm, including the gendered and raced composition of the judiciary, the (mis)behaviour of judges and its regulation, the ethics of our lawyers, and the most pressing legal issues presently before our courts.

Learning Objectives

By the end of the course, students should be able to identify some of Canada's most pressing issues in the legal realm and explain the debates animating those issues. They should also be able to develop their own positions on those debates and to justify their positions against contrary points of view.

Technical requirements

Optimally, students will also have a computer with a microphone and/or webcam (or a smart device with these features) so that they can attend office hours via Zoom.

Required Readings

All of the readings are available either via a link on the course outline or in the Resources section of OWL.

Format

Each class will consist of both a lecture component and a discussion component.

Email

The Professor will respond to email and will do her best to reply within 48 hours (excluding weekends). Do note that university policy precludes Professors from responding to email messages that were not sent from a UWO email account.

Web Site

There is an OWL web site set up for this course. The course syllabus will be posted on the web site as will important announcements and links to turnitin.com. Accordingly, students should check the web site regularly.

Important Policies**Academic Offences**

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following web site: https://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf

Turnitin

All assignments are subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>).

Computer Problems

Students are expected to back up their written work and lecture/tutorial notes. Extensions are not granted for computer-related problems.

Missed Classes and Lecture Notes

It is up to students to ask their classmates for assistance. If you don't know anyone in the class, make contact with a couple of people early in the term for the purpose of sharing notes. The instructor does not procure lecture notes for students who miss classes.

Extensions

Extensions are not given. However, when there are genuine and unavoidable family or medical circumstances, students may seek academic accommodation, as detailed below, where self-reporting is not an option. If you fail to hand in an assignment but are pursuing academic accommodation, please advise your Professor of this fact.

Academic Accommodation

If a situation should arise where a student requires accommodation because of a medical or personal issue, the student should visit his or her faculty's Academic Counselling office so that

an academic counsellor can make a recommendation for academic accommodation to the student=s Professor(s). This procedure means that you do not provide your instructor with any details of your situation. It is your responsibility to speak with a counsellor as soon as possible after an issue arises. Academic accommodation ONLY will be provided if you speak with an Academic Counsellor and provide them with documentation of your issue, and if the issue is brought to their attention in a timely fashion.

Academic Counselling for the Faculty of Social Sciences is located at SSC 2105

Telephone: 519 661-2011

Recorded information: 519 661-2052

Fax: 519 661-3384

Email: ssaco@uwo.ca

Support Services

Students who are in emotional/mental distress should refer to Mental Health@Western <http://www.uwo.ca/uwocom/mentalhealth/> for a complete list of options about how to obtain help.

Western is committed to reducing incidents of gender-based and sexual violence and providing compassionate support to anyone who has gone through these traumatic events. If you have experienced sexual or gender-based violence (either recently or in the past), you will find information about support services for survivors, including emergency contacts at: https://www.uwo.ca/health/student_support/survivor_support/get-help.html.

Assignment Submission

Written assignments must be submitted to Turnitin.com via OWL prior to the assignment due date and time. Assignments coming in after this time will be considered late.

Late penalty for written assignments

Written assignments will receive a deduction of 2% per day inclusive of weekends, holidays and reading week. **Papers more than one week late will not be accepted for grading.**

Grade Appeals

Students must wait for 72 hours after the assignment has been returned to contact the professor about their assignment grade. If you are concerned that your assignment was not graded fairly, you may ask to have your assignment reviewed. To request a review of your assignment, you must provide a one-page statement explaining why you think your assignment was improperly graded. What do you think you did well that should have been given more weight? Which comments provided to justify the grade are inaccurate or unfounded? Appeals must be submitted to the Professor no later than 3 weeks after the assignment grades have been posted on OWL. Grades may be either **raised or lowered** on appeal.

Requests for Grade Changes, Grade Bumps and Make-Up Work

Many upper-year students are in the position of having applied for graduate school, law school, scholarships or other programs. Attaining certain grade thresholds becomes a matter of some urgency for those students hoping to gain entry to these programs or to meet the requirements of the program that they are in. As a former student who also sought entry to these programs, I do

understand the desire to perform well and meet entry requirements. However, I do not entertain requests for changing grades, bumping grades or make-up work. In my view, these requests are not fair to other students who accept their grades respectfully and who are competing for spots in the same programs. Every student will receive the grade that she/he/they earned in the class once assignment marks are totalled. Please understand that the role of the instructor is to fairly evaluate work in an impartial manner. It is not appropriate to 'prime' instructors by constantly advising them of the grades a student needs or is hoping for to gain entry to a certain program.

Evaluation

Legislative Mapping Assignment: (30% - 800 word maximum)

Position Papers (2 x 20% each – 750 word maximum)

Discussion Leader (15%)

Attendance/Participation (15%)

Assignment Instructions

Please review the appendix to the course outline and its plagiarism regulations. Plagiarism committed through carelessness is still plagiarism; plagiarism does not require intention. Ideas taken from the readings must either be re-written in your own words (and cited), or presented as verbatim text with quotation marks around the borrowed words (and cited).

It is imperative that students illustrate their own understanding of the materials. This means that direct quotations should be used sparingly and that when they are used, they must be accompanied by text in which students explain the meaning and significance of the direct quotation in their own words.

Legislation Mapping Assignment (30%)

Due: February 1 at 10:00 am

In 1996, the Canadian *Criminal Code* was amended to effect s.718.2(e). In essence this sentencing provision directed judges to consider alternatives to imprisonment for all offenders, with particular attention to the circumstances of Indigenous offenders. In 2014, the government sought to amend s.718.2(e) through Bill C-32, the *Canadian Victims Bill of Rights*.

This legislation mapping assignment has two components. First, students will map the legislative history of the 2014 proposal to amend s.718.2(e). Students should start by examining the wording and intent of the section **prior** to the amendment. Then, students should explain the nature of the change sought by the Bill C-32. Next, students should trace the path of the Bill through the House and Senate, including any committees that may have studied the Bill. If substantive changes were made to the Bill that impacted s.718.2(e) as it moved through the legislative process, these changes should be noted.

Second, students will explain why some members of Parliament and groups opposed the amendment. Why was the amendment respecting s.718.2(e) deemed to be problematic as it relates to **Indigenous offenders**? There is one key argument about the likely impact of the amendment on Indigenous offenders that students should identify.

Students have **800 words (double-spaced, using standard margins and 12 point font), including notes, bibliography and title page** in which to complete the assignment. Students **may not exceed** the 800 word limit. Papers that are over-length will receive a **substantial deduction**. Students must use footnotes, endnotes or in-text citations, formatted in the Chicago style. Endnote and bibliography pages will **not** be included in the word count. Cites must include page numbers where they are available.

This is not a conventional assignment where the scholarly literature will offer all of the answers you need. Be prepared to search the Hansard, to find submissions made by organizations respecting the Bill, to examine the records of relevant House and Senate committee meetings, and to search for relevant news stories. Good places to start are: LEGISinfo (<https://www.parl.ca/legisinfo/>) and openparliament (<https://openparliament.ca/>).

Position Papers (2 x 15% each)

Students will complete **2** position papers, choosing among 4 options set out below. Position papers must be written using course readings. **External sources may not be incorporated into position papers**, though students are free to incorporate course readings from other weeks into their assignments.

Position Paper 1: Composition of the Bench

Due: February 15 at 10:00 am

Weeks 2 through 5 focus on the position of Indigenous people in the legal and carceral realms as well as the issue of judicial appointments in a pluralistic Canada. Keeping in mind the content of these weeks, craft a position paper addressing the following question:

Canada is a pluralistic society, which includes two 'national minorities' (Indigenous Peoples and Québécois), and an increasingly diverse ethnoracialized population. Our judges, on the other hand, are not so diverse in terms of their 'race', ethnicity, Indigeneity and gender. Which underrepresented group do you think has the most compelling claim – whether a rights-based or needs-based claim - to greater representation on the bench? On what basis do you make this claim?

Maximum length: 750 words **including notes, bibliography and title page** (12 font; standard margins, double-spacing). Students who exceed the word limit will receive a deduction.

Students are expected to cite the course readings in completing the assignment. Papers must include a bibliography. Footnotes, endnotes or in-text citations are acceptable, though they must be in Chicago style format. A deduction will be taken for incorrect citation.

Position Paper 2. Judicial Self-Regulation (Weeks 6 and 8)

Due: March 8 at 10:00 am

The issues of judicial education and judicial misconduct have led some critics to argue that judicial self-regulation is problematic and that more oversight of the judiciary is required. Judges, on the other hand, argue that self-regulation is critical to judicial

independence and the administration of justice. Please address the following question, keeping counter arguments in mind as you complete the assignment.

In your view, given the issues identified around judicial education and misconduct, is it time for Canada to place checks of judicial self-regulation, or should judges be left to address these issues themselves?

Maximum length: 750 words **including notes, bibliography and title page** (12 font; standard margins, double-spacing). Students who exceed the word limit will receive a deduction.

Students are expected to cite the course readings in completing the assignment. Papers must include a bibliography. Footnotes, endnotes or in-text citations are acceptable, though they must be in Chicago style format. A deduction will be taken for incorrect citation.

Position Paper 3. Legal Ethics and Guilty Clients (Weeks 10 and 11)

Due: March 29 at 10:00 am

According to Abbe Smith, “. . . it is not unusual for defense lawyers to play into sexism, racism, or other biases when it might be advantageous to do so. Exploiting prejudice is part of advocacy. The ability to persuade sometimes relies on an underlying ability to recognize and play off biases and stereotypes” (Smith 2016, 284).

Do you agree with Smith’s ‘unmitigated zeal’ position when it comes to defending racialized minority clients? In crafting your answer, refer to Smith and at least one other author from weeks 4 or 5.

Maximum length: 750 words **including notes, bibliography and title page** (12 font; standard margins, double-spacing). Students who exceed the word limit will receive a deduction.

Students are expected to cite the course readings in completing the assignment. Papers must include a bibliography. Footnotes, endnotes or in-text citations are acceptable, though they must be in Chicago style format. A deduction will be taken for incorrect citation.

Position Paper 4. Voluntary Intoxication (Week 12)

Due: April 5, 10:00 am

While the Supreme Court of Canada’s 2022 decision in R. v. Brown did not involve sexual assault, the decision received significant criticism from feminist advocates who reject the suggestion that voluntary intoxication should be available as a defence to criminal acts.

Do you agree that an accused should be allowed to argue extreme voluntary intoxication as a defence to criminal acts, including sexual assault?

Maximum length: 750 words **including notes, bibliography and title page** (12 font; standard margins, double-spacing). Students who exceed the word limit will receive a deduction.

Students are expected to cite the course readings in completing the assignment. Papers must include a bibliography. Footnotes, endnotes or in-text citations are acceptable, though they must be in Chicago style format. A deduction will be taken for incorrect citation.

Discussion Leader (15%)

Each student will sign up for one class in which they will offer their own insights on the week's readings, as well as a discussion question for the class to consider. The assignment is meant to be conversational; it is not meant to be a scripted presentation. Students will be limited to **one minute** (timed) in which to offer their thoughts and pose their discussion question. A sign-up sheet will be available via OWL once the instructor has a sense of the course enrolment. There are limited spots per week. **All students are required to choose a class by January 18 at 5:00 pm.**

Attendance/Participation (15%)

This course component will be evenly split between attendance and participation. The participation component is aimed at rewarding comments that show a familiarity with and understanding of the week's readings. Each student will receive 2 'free' absences. Each student's two lowest participation grades will also be dropped. Make-up work for additional absences is only available where the instructor receives a recommendation from academic counselling.

Class Schedule

Week 1. January 11

Introduction to the Course

Week 2. January 18

The Constitutional Rights of Aboriginal Peoples and Indigenous Resurgence

- Borrows, John. "Challenging Historical Frameworks: Aboriginal Rights, the Trickster and Originalism." *Canadian Historical Review* 98, no 1 (2017): 114-35. **(114-117 and 119-127 only)**
- Alfred, Taiaiake. *Peace, Power, Righteousness: An Indigenous Manifesto*. Toronto: Oxford University Press, 1999. **(55-60 only)**
- Corntassel, Jeff. "Re-envisioning Resurgence: Indigenous Pathways to Decolonization and Sustainable Self-determination." *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 86-101.

Week 3. January 25

The Disproportionate Incarceration of Indigenous People

- Roberts, Julian V., and Andrew A Reid. "Aboriginal Incarceration in Canada since 1978: Every Picture Tells the Same Story." *Canadian Journal of Criminology and Criminal Justice* 59, no. 3 (2017): 313-345. **(313-326 only)**
- Canada. Office of the Correctional Investigator. <https://www.oci-bec.gc.ca/cnt/comm/press/press20200121-eng.aspx>

- Gorman, Wayne K. “The Sentencing of Indigenous Offenders in Canada.” *Court Review* 54, no. 2 (2018): 52-59.
- Rudin, Jonathan. “The (in)justice system and Indigenous people.” *Policy Options* (2018): 1-6. <https://policyoptions.irpp.org/magazines/april-2018/the-injustice-system-and-indigenous-people/>

Week 4. February 1 **Legislative Mapping Assignment Due**
Judicial Appointments: Diversity and the Supreme Court of Canada

- Devlin, Richard and Adam Dodek. “The Achilles heel of the Canadian judiciary: the ethics of judicial appointments in Canada.” *Legal Ethics* 20, no. 1 (2017): 43-63. **(48-53 only)**
- Grammond, Sébastien and Mark Power. “Should Supreme Court Judges be Required to be Bilingual? Working Paper, Institute of Intergovernmental Relations, School of Public Policy, Queens University, Kingston, ON, 2011. **(8-14 only)**
- Nasager, Alexandra. “The Supreme Court, Functional Bilingualism, and the Indigenous Candidate: Reconciling the Bench.” *Alberta Law Review* 57, no. 3 (2020): 797-816. **(805-10; 813-14 only)**
- Russell, Peter H. “Selecting Supreme Court Justices: Is Trudeau’s Sunny Way a Better Way?” *University of New Brunswick Law Journal* 68 (2017): 3-17. **(8-15 only)**

Week 5. February 8
Composition of the Bench: Does Diversity Make a Difference?

- Griffith, Andrew. “Diversity among federal and provincial judges.” *Policy Options* (2016): 1-11. <https://policyoptions.irpp.org/2016/05/04/diversity-among-federal-provincial-judges/>
- Levin, Avner, and Asher Alkoby. “Shouldn’t the bench be a mirror? The diversity of the Canadian judiciary.” *International Journal of the Legal Profession* 26, no. 1 (2019): 68-88.
- Johnson, Susan W. and Rebecca A. Reid. “Speaking Up: Women and Dissenting Behavior on the Supreme Court of Canada.” *Justice System Journal* 41, no. 3 (2020): 191-219.

Week 6. February 15 **Position Paper 1 Due**
Regulating Judges: Judicial Misconduct

****TW:** This week’s readings include discussions of cases that graphically describe (sexual) violence against women and the treatment of female complainants in sexual assault cases******

- **TW.** Morton, F.L. and Dave Snow eds. “Judicial Independence, Ethics and Discipline.” In *Law, Politics and the Judicial Process in Canada*, 4th ed. Calgary: University of Calgary Press, 2018. **(199-228 only)**
- Dick, Caroline. “Sex, Sexism and Judicial Misconduct: How the Canadian Judicial Council Perpetuates Sexism in the Legal Realm.” *Feminist Legal Studies* 28, no.2 (2020): 133-53. **(134-top 4 lines of 135 and 139-49 only)**

Week 7. February 22
Reading Week

Week 8. March 1

Judicial Education: Mandatory Education or Ideological Indoctrination?

****TW:** This week’s readings include discussions of cases that graphically describe (sexual) violence against women and the treatment of female complainants in sexual assault cases******

- **TW.** Cairns-Way, Rosemary and Donna Martinson. “Judging Sexual Assault: The Shifting Landscape of Judicial Education in Canada.” *The Canadian Bar Review* 97 (2019): 367-402.
- Savard, Megan, and Annamaria Enenajor. Submissions on Behalf of the Criminal Lawyers’ Association of Ontario to the Standing Senate Committee on Legal and Constitutional Affairs Studying Bill C-3. Criminal Lawyers’ Association (Ontario). Accessed December 30, 2022. **(1-8, covering II-IV only)**
https://sencanada.ca/content/sen/committee/432/LCJC/Briefs/CriminalLawyersAssociation_e.pdf

Week 9. March 8 **Position Paper 2 Due**
Racism in the Legal Profession

- Devlin, Richard F. “Begun in Faith, Continued in Determination: Burnley Allan (Rocky) Jones and the Egalitarian Practice of Law.” In *In Search of the Ethical Lawyer: Stories from the Canadian Legal Profession*, ed., Adam Dodek and Alice Woolley, 81-110. Vancouver: UBC Press, 2016. **(81-83 and 90-103 only)**
- Smith, Charles C. “Who is Afraid of the Big Bad Social Constructionists? Or Shedding Light on the Unpardonable Whiteness of the Canadian Legal Profession.” *Alberta Law Review* 45, no. 5 (2008): 55-73.

Week 10. March 15

Legal Ethics: The Guilty Client (Paul Bernardo and Karla Homolka)

****TW:** This week’s readings include discussions of cases that graphically describe (sexual) violence against women******

- **TW.** Hutchinson, Allan C. “Putting Up a Defence: Sex, Murder and Videotapes.” In *In Search of the Ethical Lawyer: Stories from the Canadian Legal Profession*, ed., Adam Dodek and Alice Woolley, 40-54. Vancouver: UBC Press, 2016.
- **TW.** McGillvray, Anne. “‘A moral vacuity in her which is difficult if not impossible to explain’: Law, psychiatry and the remaking of Karla Homolka.” *International Journal of the Legal Profession* 5, no. 2/3 (1998): 255-288. **(255-269; 274 only)**
- FYI: Toronto Star Convicted teen killer Karla Homolka volunteering at Montreal Elementary School May 31, 2017.
<https://www.thestar.com/news/canada/2017/05/31/convicted-serial-killer-karla-homolka-volunteering-at-montreal-elementary-school.html>

Week 11. March 22

Legal Ethics: Defence Counsel in Sexual Assault Trials

****TW:** This week’s readings include discussions of cases that graphically describe (sexual) violence against women and the treatment of female complainants in sexual assault cases**

- **TW.** Smith, Abbe. “Defending Defending: The Case for Unmitigated Zeal on Behalf of People Who Do Terrible Things.” *Hofstra Law Review* 28, no. 4 (2000): 925-62. **(925-934 and 948-961 only)**
- **TW.** David M. Tanovich, David M. "Whack No More: Infusing Equality into the Ethics of Defence Lawyering in Sexual Assault Cases," *Ottawa Law Review* 45, no. 3 (2013-2014): 495-526. **(498 to note 60 on 508; 511-517 and 524-525 only)**
- **TW.** Smith, Abbe. “Representing Rapists: The Cruelty of Cross Examination and Other Challenges for a Feminist Criminal Defense Lawyer.” *American Criminal Law Review* 53, no. 2 (2016): 255-310. **(283-292 only)**

Week 12. March 29 **Position Paper 3 Due**

Voluntary Intoxication

- Sheehy, Elizabeth, and Isabel Grant. “‘Extreme intoxication’ appeal decision is yet another blow to women.” *Policy Options* (2020): 1-4.
<https://policyoptions.irpp.org/magazines/july-2020/extreme-intoxication-appeal-decision-is-yet-another-blow-to-women/>
- Ashley, Florence. “Nuancing Feminist Perspectives on the Voluntary Intoxication Defence.” *Manitoba Law Journal* 43, no. 5 (2020): 65-94. **(65 to 79 only)**
- Supreme Court of Canada. “Case in Brief: *R. v. Brown*.” December 31, 2022,
<https://www.scc-csc.ca/case-dossier/cb/2022/39781-eng.aspx>

News Stories:

Where does Canadian law now stand on voluntary intoxication?

- Connolly, Amanda. "Canada's top court says voluntary extreme intoxication a defence in violent crimes." *Global News*. May 13, 2022. <https://globalnews.ca/news/8832723/supreme-court-canada-extreme-intoxication/>
- Zimonjic, Peter. "Liberals introduce bill to eliminate self-induced extreme intoxication as a legal defence." *CBC News*. June 17, 2022. <https://www.cbc.ca/news/politics/self-induced-extreme-intoxication-defence-legislation-1.6492679>

Week 13. April 5 **Position Paper 4 Due
Catch Up**

**APPENDIX TO UNDERGRADUATE COURSE OUTLINES
DEPARTMENT OF POLITICAL SCIENCE**

Prerequisite checking - the student's responsibility

"Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites."

Essay course requirements

With the exception of 1000-level courses, most courses in the Department of Political Science are essay courses. Total written assignments (excluding examinations) will be at least 3,000 words in Politics 1020E, at least 5,000 words in a full course numbered 2000 or above, and at least 2,500 words in a half course numbered 2000 or above.

Use of Personal Response Systems ("Clickers")

"Personal Response Systems ("clickers") may be used in some classes. If clickers are to be used in a class, it is the responsibility of the student to ensure that the device is activated and functional. Students must see their instructor if they have any concerns about whether the clicker is malfunctioning. Students must use only their own clicker. If clicker records are used to compute a portion of the course grade:

- the use of somebody else's clicker in class constitutes a scholastic offence,
- the possession of a clicker belonging to another student will be interpreted as an attempt to commit a scholastic offence."

Security and Confidentiality of Student Work (refer to current Western Academic Calendar (<http://www.westerncalendar.uwo.ca/>))

"Submitting or Returning Student Assignments, Tests and Exams - All student assignments, tests and exams will be handled in a secure and confidential manner. Particularly in this respect, leaving student work unattended in public areas for pickup is not permitted."

Duplication of work

Undergraduate students who submit similar assignments on closely related topics in two different courses must obtain the consent of both instructors prior to the submission of the assignment. If prior approval is not obtained, each instructor reserves the right not to accept the assignment.

Grade adjustments

In order to ensure that comparable standards are applied in political science courses, the Department may require instructors to adjust final marks to conform to Departmental guidelines.

Academic Offences

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site: <http://www.uwo.ca/univsec/handbook/appeals/scholoff.pdf> ."

Submission of Course Requirements

ESSAYS, ASSIGNMENTS, TAKE-HOME EXAMS MUST BE SUBMITTED ACCORDING TO PROCEDURES SPECIFIED BY YOUR INSTRUCTOR (I.E., IN CLASS, DURING OFFICE HOURS, TA'S OFFICE HOURS) OR UNDER THE INSTRUCTOR'S OFFICE DOOR.

THE MAIN OFFICE DOES NOT DATE-STAMP OR ACCEPT ANY OF THE ABOVE.

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. <http://www.uwo.ca/univsec/handbook/>

Students registered in Social Science should refer to <http://counselling.ssc.uwo.ca/> <http://counselling.ssc.uwo.ca/procedures/havingproblems.asp> for information on Medical Policy, Term Tests, Final Examinations, Late Assignments, Short Absences, Extended Absences, Documentation and other Academic Concerns. Non-Social Science students should refer to their home faculty's academic counselling office.

Plagiarism

"Plagiarism: Students must write their essays and assignments in their own words. Whenever students take an idea, or a passage from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major academic offence." (see Scholastic Offence Policy in the Western Academic Calendar).

Plagiarism Checking: "All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>)."

Multiple-choice tests/exams: "Computer-marked multiple-choice tests and/or exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating."

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. <http://www.uwo.ca/univsec/handbook/>

PLAGIARISM*

In writing scholarly papers, you must keep firmly in mind the need to avoid plagiarism. Plagiarism is the unacknowledged borrowing of another writer's words or ideas. Different forms of writing require different types of acknowledgement. The following rules pertain to the acknowledgements necessary in academic papers.

A. In using another writer's words, you must both place the words in quotation marks and acknowledge that the words are those of another writer.

You are plagiarizing if you use a sequence of words, a sentence or a paragraph taken from other writers without acknowledging them to be theirs. Acknowledgement is indicated either by (1) mentioning the author and work from which the words are borrowed in the text of your paper; or by (2) placing a footnote number at the end of the quotation in your text, and including a correspondingly numbered footnote at the bottom of the page (or in a separate reference section at the end of your essay). This footnote should indicate author, title of the work, place and date of publication, and page number.

Method (2) given above is usually preferable for academic essays because it provides the reader with more information about your sources and leaves your text uncluttered with parenthetical and tangential references. In either case words taken from another author must be enclosed in quotation marks or set off from your text by single spacing and indentation in such a way that they cannot be mistaken for your own words. Note that you cannot avoid indicating quotation simply by changing a word or phrase in a sentence or paragraph which is not your own.

B. In adopting other writers' ideas, you must acknowledge that they are theirs.

You are plagiarizing if you adopt, summarize, or paraphrase other writers' trains of argument, ideas or sequences of ideas without acknowledging their authorship according to the method of acknowledgement given in 'A' above. Since the words are your own, they need not be enclosed in quotation marks. Be certain, however, that the words you use are entirely your own; where you must use words or phrases from your source, these should be enclosed in quotation marks, as in 'A' above.

Clearly, it is possible for you to formulate arguments or ideas independently of another writer who has expounded the same ideas, and whom you have not read. Where you got your ideas is the important consideration here. Do not be afraid to present an argument or idea without acknowledgement to another writer, if you have arrived at it entirely independently. Acknowledge it if you have derived it from a source outside your own thinking on the subject.

In short, use of acknowledgements and, when necessary, quotation marks is necessary to distinguish clearly between what is yours and what is not. Since the rules have been explained to you, if you fail to make this distinction your instructor very likely will do so for you, and they will be forced to regard your omission as intentional literary theft. Plagiarism is a serious offence which may result in a student's receiving an 'F' in a course or, in extreme cases in their suspension from the University.

*Reprinted by permission of the Department of History Adopted by the council of the Faculty of Social Science, October, 1970; approved by the Dept. of History August 13, 1991

Accessibility at Western

Please contact poliscie@uwo.ca if you require any information in plain text format, or if any other accommodation can make the course material and/or physical space accessible to you.