

POL3331
Controversies in Canadian Legal Justice
The University of Western Ontario
Fall 2026

Instructor: Dr. Caroline Dick

Email: cdick4@uwo.ca

Time:

Zoom Office Hours:

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, judicial (mis)behaviour and its (lack of) regulation, lawyer ethics, 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.

Required Readings

All readings are available either via a link on the course outline or on OWL.

Format

Each class will consist of both a lecture component and a discussion component. Lecture outlines will be posted weekly before class to help you organize your notes.

Evaluation

Legislative Mapping Assignment: 30% (October 5 @ 10:00 am)

Case Commentary: 30% (Due on the day the case is discussed in class @ 10:00 am)

Final Exam: 40%

AI Use Prohibited

The use of generative AI tools (such as ChatGPT, DALL-E, etc.) are not permitted in this class; therefore, any use of AI tools for work in this class may be considered a violation of the University of Western Ontario's [Academic Misconduct](#) which may constitute a [Scholastic Offence](#). The use of unauthorized AI tools will result in: a failure to receive full grades, the need to resubmit the assignment, need to orally present the assignment in office hours, or a failure to complete the requirements of the course.

Class Schedule

Week 1. September 14

Introduction to the Course

Week 2. September 21

Indigenous Peoples I: 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)**

Corn tassell, 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. September 28

Indigenous Peoples II: 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. "Indigenous People in Federal Custody Surpasses 30%: Correctional Investigator Issues Statement and Challenge." Press Release. January 21, 2020. <https://www.canada.ca/en/public-safety-canada/news/2020/01/indigenous-people-in-federal-custody-surpasses-30-correctional-investigator-issues-statement-and-challenge.html>

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. October 5 **Legislative Mapping Assignment Due 10:00 am**
The Judiciary I: Judicial Misconduct and its Regulation

****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**

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. (199-210; 226-238 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. (133-top 4 lines of 135 and 139-149 only)

Week 5. October 12
No Class

Week 6. October 19
The Judiciary II: Judicial Education

****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**

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 7. October 26
Racism in the Legal Profession I

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)

Backhouse, Constance. "Turning the Tables on RDS: Racially Revealing Questions Asked by White Judges." *Dalhousie Law Journal* 44, no. 1 (2021): 181-208. **(182-194 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. **(55-58 and 61-66 only)**

Week 8. November 2

Racism in the Legal Profession II: Systemic Bias in the Criminal Legal System

****TW:** Please note that the Randall reading includes details of (sexual) violence against adults, children and children with disabilities.******

Randall, Melanie. "The Shackled Sexual Assault Victim: Trauma, Resistance, and Criminal Justice Violations of an Indigenous Woman." *Minnesota Journal of Law and Inequality* 39, no. 2 (2021): 317-386. **(334-363 only)**

Roach, Kent. *Canadian Justice, Indigenous Injustice: The Gerald Stanley and Colten Boushie Case*. Montreal and Kingston: McGill-Queen's University Press, 2019. **(pages 3-5 and Chapter 5 only)**

Week 9. November 9

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

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

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.

McGillivray, 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)**

Week 10. November 16

Legal Ethics II: 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******

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)**

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)**

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 11. November 23

Consent I: Extreme Voluntary Intoxication

Lawrence, Michelle S. "Voluntary Intoxication and the *Charter*: Revisiting the Constitutionality of Section 33.1 of the *Criminal Code*." *Manitoba Law Journal* 40, no. 3 (2017): 391-423. **(392-395; 405-407 and 420-423 only)**

Ashley, Florence. "Nuancing Feminist Perspectives on the Voluntary Intoxication Defence." *Manitoba Law Journal* 43, no. 5 (2020): 65-94. **(66-75 and 79-85 only)**

Froc, Kerri A. and Elizabeth Sheehy. "Last Among Equals: Women's Equality, R v Brown, and the Extreme Intoxication Defence." *University of New Brunswick Law Journal* 73 (2022): 268-300. **(268-272; 275-284; 287-291 and 295-98 only)**

CASE: *R. v. Barrett*, 2025 BCPC 94.

<https://www.canlii.org/en/bc/bcpc/doc/2025/2025bcpc94/2025bcpc94.html?resultId=4b6b5bf75f604d6fb2b7be968c5e9193&searchId=2025-07-18T14:25:29:428/4a418d92578d4bb39d48d7362a207b4d>

Week 12. November 30

Consent II: The Hockey Canada Trial

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

MacKinnon, Catharine A. "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence." *Signs: Journal of Women in Culture and Society* 8, no. 4 (1983): 635-58. **(648-55 only)**

Christie, Nils. "The Ideal Victim." In *Revisiting the Ideal Victim: Developments in Critical Victimology*, edited by Marian Duggan, 11-23. Bristol: Policy Press, 2018. **(11-15 only)**

CASE: *R. v. McLeod*, et al., 2025 ONSC 4319.

Week 13. December 2

Catch Up

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 the student explains the meaning and significance of the direct quotation, in their own words.

1. Legislation Mapping Assignment (30%)

Due: October 5, 2026 @ 10:00 am

****This assessment is central to the learning objectives for this course. Accordingly, students seeking academic consideration for this assessment will be required to provide formal supporting documentation. Students who are granted academic consideration for this assessment will be provided with the opportunity to submit their work at a later date as determined via the accommodation process.**

The Task:

In criminal proceedings, peremptory challenges allow both the prosecution and defence to dismiss potential jurors without providing a reason to justify their exclusion from the jury panel. In 2018, the Trudeau government sought to abolish the use of peremptory challenges in criminal trials with the introduction of Bill C-75: *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*. As one would expect, there was both support for and opposition to the amendment.

This legislating mapping assignment has three components.

First, students must address the purpose of the legislative proposal. What issues was the Bill trying to address? What did the government sponsor of the Bill contend?

Second, students must trace the path of the Bill through the House and Senate, starting with the introduction of Bill C-57 in the House of Commons all the way to royal assent.

- Tracing should cover the Bill's path through both chambers of Parliament as well as the parliamentary committees that studied the Bill.
- This tracing exercise should include relevant dates about the progress of the Bill.
- If significant substantive changes were made to the legislative proposal about peremptory challenges as it moved through the parliamentary process, these changes to the Bill should be noted.

Third, students must explain why certain interests either supported or opposed the abolition of peremptory challenges. The key here is to look at the submissions made by various advocacy groups and associations about the Bill, rather than members of Parliament.

- Which interests offered submissions on the Bill and what positions did they take? Be sure to address both proponents and opponents of the proposal in this section.
- There is no expectation that students will identify all groups that offered submissions to Parliament. The idea is to discuss a representative sample of submissions to get a sense of the competing arguments that were made for and against the legislative proposal and the kinds of interests that advanced those arguments.

Please keep in mind that only the issue of preemptory challenges is relevant to the assignment. Other issues raised by Bill C-75 are beyond the assignment's scope.

Research will have to be undertaken to complete the assignment, and extensive citation is required in all parts of the assignment.

This is not a conventional assignment where scholarly literature offers the answers you need. This is a research-intensive assignment. Be prepared to search the Hansard (record of the Debates of Parliament), to examine the records of relevant House (Justice and Human Rights) and Senate (Legal and Constitutional Affairs) committee meetings, and to find submissions made by organizations respecting the Bill.

Where should you start? See LEGISinfo (<https://www.parl.ca/legisinfo/>)

Students have 1200 words (double-spaced, using standard margins and 12 point font), **excluding notes, bibliography and title page** in which to complete the assignment. Papers that are over-length will receive a deduction that is proportionate to the word overage. **Please provide a word count on your title page that excludes your notes, bibliography and title page.**

As mentioned above, students must cite extensively to complete the assignment. Students must use footnotes, endnotes or in-text citations, formatted in the Chicago style. Your first citation for each source must be a full citation with all publication information, with subsequent citations using a shortened form. Cites must include pinpoints where page numbers or other signifiers, such as numbers in brackets, are available in the source being used. Failing to format assignments in correct Chicago format will lead to deductions. Failing to provide pinpoints will result in a failing grade.

If you are citing the Hansard, there are two options for pinpoints. Students may use the online version of the Hansard and provide pinpoints using the numbers found in round brackets. Alternatively, students may use the PDF version of the Hansard and cite using page numbers. All citations must include these pinpoints.

If you are citing the record of a House or Senate Standing Committee, the same rules above apply (either use numbers in round brackets or page numbers using the pdf version to provide pinpoints).

If you are citing the ideas of witnesses who offered written submission either to Parliament or a standing committee, you should use the page numbers from the submitted document to cite. If,

on the other hand, you are gleaning information about what different interests argued from the Hansard or from the record committee proceedings, the Hansard rule noted above applies (either use numbers in round brackets or page numbers using the pdf version to provide pinpoints).

Help with citing government documents in Chicago can be found here, though you may also need to consult other sites to find an example of the document you wish to cite:

<https://www.lib.sfu.ca/help/cite-write/citation-style-guides/gov-docs-chicago>

<https://guides.library.queensu.ca/gov/thematic-guides/citation#committees>

2. Case Commentary 30%

****Please note that this assessment is central to the learning objectives for this course.**

Accordingly, students seeking academic consideration for this assessment will be required to provide formal supporting documentation. Students who are granted academic consideration for this assessment will be provided with the opportunity to submit their work at a later date as determined via the accommodation process.

Students will complete a case commentary for the case assigned in either week 11 or 12. The cases selected speak to and illustrate ideas set out in the required readings for the week.

This assignment must be completed before the class in which the case and readings are discussed. Accordingly, no extensions are available for this assignment unless documented academic consideration is in place and the student did not attend the class in which the case was discussed.

This is an open-ended assignment in which students will share their thoughts, ideas, critical insights, questions and reflections about the case, the legal outcome generated in the case and the connection between the case and the required readings. It is up to each student to decide what they wish to highlight from the case and the week's readings and how they would like to organize their work. **Please note that students must do more than summarize the case to successfully complete the assignment. The idea is to analyze and critically assess the case and its outcome in the context of the assigned readings.**

Students have no more than 1500 words (double-spaced, using standard margins and 12 point font), **excluding notes, bibliography and title page** in which to complete the assignment.

Papers that are over-length will receive a deduction proportionate to the word overage. **Please provide a word count on your title page that excludes your notes, bibliography and title page.**

Students must use footnotes, endnotes or in-text citations, formatted in the Chicago style and cite extensively. Where using notes, your first citation for each source must be a full citation with all publication information, with subsequent citations using a shortened form. Cites must include pinpoints where page numbers or other signifiers, such as numbers in brackets, are available in the source being used. Failing to format assignments in correct Chicago format will lead to deductions. Failing to provide pinpoints will result in a failing grade.

Note that standard practice for legal citation is to refer to paragraph numbers rather than page numbers (ie. *R. v. Johnson*, 2021 BCSC 2472 at para. 88).

Final Exam 40%

The final exam will cover all weeks in the course and take place during the December examination period. Details about the format of the exam will be announced closer to the exam date.

Course Policies and Information

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.

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.

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.

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>).

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 1 week 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.

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

Missed Classes and Lecture Notes

The instructor does not procure lecture notes for students who miss classes; nor does academic counselling make recommendations to that effect. Where students miss a class for any reason, it is up to the student to ask their classmates for assistance. If you don't know anyone in the class, make contact with one or two course members early in the term for the purpose of sharing notes.

Extensions

Extensions are not given by the instructor. However, when there are genuine and unavoidable family or medical circumstances or where students have flexible deadline accommodation from Accessible Education, students may seek academic accommodation, as detailed below. If you fail to hand in an assignment but are pursuing academic accommodation, please advise your Professor of this fact.

Academic Consideration

If a situation should arise where a student requires academic consideration, students should access the Student Absence Portal and register either a documented or undocumented absence, depending on the circumstance. Information about academic consideration can be found here, as can the link to the portal: https://registrar.uwo.ca/academics/academic_considerations/index.html

Students registered with Accessible Education, who require accommodation such as an extension should contact their faculty's Academic Counselling office so that an academic counsellor can make a recommendation for academic accommodation to the student's Professor.

This procedure means that you do not provide your Instructor with any details of your situation.

Students may not approach the Instructor directly for accommodation and should never forward medical documentation to the Instructor.

Computer Problems

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

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.

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.