

POL3331G
Courts and the Constitution
The University of Western Ontario
Winter 2021

Professor: Caroline Dick
Email: cdick4@uwo.ca
Time: Wednesday 12:30-2:20 p.m.
Office Hours: Wednesdays 2:20-3:20 pm

Prerequisite(s): Political Science 2230E

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.

Required Readings

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

Other Sources

Format

Class format will vary depending on course enrolment.

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>).

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

Assignment Submission

Written assignments must be submitted to Turnitin.com via OWL prior to the start of class at **12:30 pm**. Assignments coming in after this time will be considered late.

Late penalty for written assignments

Written assignments may be handed in 1 week following the original due date with a 10% deduction. **Assignments that are more than 1 week late will not be accepted for grading.**

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.

Computer Problems

Students are expected to back up their written work and lecture/tutorial notes. Furthermore, students will be responsible for finding replacement lecture/tutorial notes where they fail to back-up their files. Extensions are not granted for computer-related problems.

Grade Appeals

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 (i.e. what do you think you did that should have been given more weight?). 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.

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.

Evaluation

Position Paper 1: 20% Due January 27, 2021

Legislation Mapping Assignment: 25% March 3, 2021

Position Paper 2: 35% Due April 7, 2021

Participation: 20% (grades assigned weekly)

Assignment Instructions and Participation Grading Guide

Week 3. Position Paper 1 (20%):

Canada's French-speaking minority and Indigenous peoples are often referred to as the 'nations within', each claiming rights to protect their vulnerable populations. *Should the bilingualism requirement for Supreme Court Justices be abandoned in the name of appointing Indigenous jurists to Canada's highest court?* Students should address at least one counter argument that can be advanced against their position.

You have **2 pages** to complete the assignment. Students may not exceed the two-page limit (**double-spaced, using standard margins and 12 point font**). Papers that are over-length will not be accepted for grading. Students must use footnotes, endnotes or in-text citations, formatted in the Chicago style. Endnote and bibliography pages will not be included in the page count. There is no need to go beyond the required readings in completing the assignment, but students can use additional sources if they would like to.

Assignments must be submitted to Turnitin.com prior to the start of class. Students who are unable to complete the assignment for medical reasons, or who use an SRA may be given a different assignment to address the fact that we will be discussing our answers to this question in class.

Week 8. Legislation Map (25%):

Mandatory education for newly appointed federal judges is a controversial public policy issue with a specific legislative history. The legislation map assignment has two components. First, students will map the legislative history of the proposal to require new federally appointed judges to complete mandatory sexual assault and social context training. Second, students will canvass the arguments offered both for and against the proposal, identifying who advanced said arguments. Please note that the legislation map assignment does **not** require students to take a position on the issue.

Research will have to be undertaken to complete the assignment. To help you get started, I offer two pieces of information: First, students can start their tracing with Rona Ambrose and Bill C-337, but there is considerable tracing to do from there.

Second, there were a host of submissions offered to Parliament concerning the former Bill C-337, which are readily available online. I have provided you with an example of a submission under the required readings.

To be clear, there is no expectation that students will identify all or most of the entities that spoke out on the issue. The idea is to get a sense of the competing arguments and which kinds of interests advanced positions for and against the measure.

Students have **3 pages (double-spaced, using standard margins and 12 point font)** in which to complete the assignment. Students may not exceed the three-page limit. Papers that are over-length will not be accepted for grading. Students must use footnotes, endnotes or in-text citations, formatted in the Chicago style. Endnote and bibliography pages will not be included in the page count.

Week 13. Position Paper 2 (35%):

In *R. v. Sullivan*, Ontario's Court of Appeal struck down a section of the *Criminal Code* barring voluntary intoxication as a defence in criminal proceedings. The provision was enacted by Parliament to protect women and children from (sexual) violence in the aftermath of the Supreme Court's decision in *R. v. Daviault*, [1994] 3 S.C.R. 63. <https://scc-csc.lexum.com/scc-csc/scc-csc/en/1172/1/document.do>

In *Daviault*, the accused had consumed vast amounts of alcohol and sexually assaulted a 65-year old disabled woman for whom he was running an errand. He argued that in his intoxicated state he had no awareness of his actions and could not form the intent to sexually assault the victim. Daviault was acquitted.

In *Sullivan*, the first accused had attempted suicide by overdose. Believing his mother was an alien, he stabbed her until she screamed: 'David, I'm your mother'. The second accused, Chan, killed his father after eating psychedelic mushrooms and becoming enraged about Satan. Both men claimed that they had no control over what they did because of their intoxication.

Numerous lower courts in Canada and the Ontario Court of Appeal have invalidated the Criminal Code provision barring the extreme voluntary intoxication defence on the basis that the law must protect the morally innocent. The Court of Appeal in *Sullivan* found that the rule violated sections 7 (life, liberty and security of the person) and 11(d) (right to be presumed innocent) of the *Charter of Rights and Freedoms*.

Question: Should an accused be allowed to rely on extreme voluntary intoxication as a defence in criminal proceedings? In answering the question, students should address both Daviault/sexual assault cases and Sullivan/assault or murder cases. Students should also address at least one of the most compelling counter arguments that can be advanced against their position.

Students have **5 pages (double-spaced, using standard margins and 12 point font)** in which to complete the assignment. Students may not exceed the five-page limit. Papers that are over-length will not be accepted for grading. Students must use footnotes, endnotes or in-text

citations, formatted in the Chicago style. Endnote and bibliography pages will not be included in the page count.

There is no need to go beyond the required readings in completing the assignment, but students can use additional sources if they would like to. While this is a *Charter* case, there is no expectation that students will provide a legal analysis of the case or have background knowledge of how the *Charter* functions. Students are addressing the pressing public policy issue.

Should students wish to cite the *Sullivan* case, do note that standard practice is to refer to paragraph numbers rather than page numbers. A standard cite would look as follows:

R. v. Sullivan, 2020 ONCA 333 at para.7.

R. v. Sullivan, 2020 ONCA 333 at paras. 7-8. (if citing more than one paragraph)

While I'm not sure that students will need to cite *Daviault* in completing the assignment, citing this case requires references to page numbers as older cases do not include paragraph numbers. A standard cite would look as follows:

R. v. Daviault, [1994] 3 S.C.R. 63 at 68.

R. v. Daviault, [1994] 3 S.C.R. 63 at 67-68. (if citing more than one page)

Participation

Course participation constitutes a weekly assignment. Participation grades will be assigned for each week=s class and will be based on the quality of the contribution made to the seminar discussion in accordance with the guidelines below. More specifically, the grades assigned will reflect *whether a student=s contribution to class discussions demonstrates a familiarity with, and understanding of, the week=s readings*. Students who attend seminar, but do not contribute orally to the seminar discussion, will be **assigned a grade of zero** for the week. Students who find participating in class discussions challenging should come to class with prepared discussion questions to pose to the class.

Students who miss more than two seminars will not pass the course or receive a course credit. Students who use an SRA to cover a missed class will be accommodated by being given the opportunity to complete a **one-page written assignment** (single spaced) set by the instructor. Failure to complete the assignment will result in a registered absence for the missed class.

Participation Grading Guide

Grade		Discussion	Reading
85-100	Always	Excellent: leads debate; offers analysis and comments; always has ideas on theme of reading; takes care not to dominate; asks questions	Clearly has done and prepared questions on virtually all readings; intelligently uses this understanding and these questions in discussion
75-84	Almost always	Very Good: thoughtful comments and questions for the most part; willing, able and frequent contributor	Has done most readings; provides competent analysis of reading when prompted by others
65-74	Frequent	Good: has basic grasp of key concepts and occasional ideas on the main theme of the reading; arguments are sporadic and at times incomplete or poorly supported; unwilling to ask questions	Displays familiarity with most readings, but tends not to analyze them or to relate them to the course material
50-64	Occasional	Somewhat Poor: remarks in class marred by misunderstandings of key concepts; seldom contributes effectively to discussion of the main theme; often digresses in unhelpful ways; sporadic	Actual knowledge of material is outweighed by improvised comments and remarks
0-49	Rare	Poor: rarely speaks; parrots text or comments of others	Little or no apparent familiarity with assigned material

Class Schedule

Week 1. January 13

Introduction to the Course

Week 2. January 20

Judicial Appointments: 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.

Week 3. January 27 *Position Paper 1 Due*****

Representation on the Supreme Court of Canada: Bilingualism and Indigenous Peoples

- St-Hilaire, Maxime, Alexis Wawanoloath, Stéphanie Chouinard and Marc-Antoine Gervais. “The False francophone-Indigenous conflict over SCC judges.” *Policy Options* (2017): 1-3.
<https://policyoptions.irpp.org/magazines/december-2017/the-false-francophone-indigenous-conflict-over-scc-judges/>
- Nasager, Alexandra. “The Supreme Court, Functional Bilingualism, and the Indigenous Candidate: Reconciling the Bench.” *Alberta Law Review* 57, no. 3 (2020): 797-816.

Week 4. February 3

Composition of the Bench – Does Diversity Matter?

- 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. “Family Matters: Justice Gender and Female Litigant Success in Family Law Cases in the Supreme Court of Canada” *Justice System Journal* 38, no. 4 (2017): 332-47. **(332-37 and 343-45 only)**

Week 5. February 10
Judicial Misconduct

****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 and 226-28 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 6. February 17
Reading Week

Week 7. February 24
IMTDI

Week 8. March 3 *Legislation Map Due*****
Regulating Judges: Mandatory Education or Ideological Indoctrination?

- Canadian Judicial Council. "Submissions on Bill C-337: *Judicial Accountability through Sexual Assault Training Act*." Ottawa: Canadian Judicial Council, 2017. <https://cjc-ccm.ca/sites/default/files/documents/2019/2017-04-20%20Council%27s%20response%20to%20Bill%20C-337.pdf>

Class time will be spent discussing your legislation mapping findings and thoughts on mandatory judicial education.

Week 9. March 10
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 17

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

****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, 55-69. Vancouver: UBC Press, 2016.
- 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): 255-88. **(255-69; 274; 278-80 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 24

Legal Ethics: Defence Counsel in Sexual Assault Trials

****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. **(925-34 and 948-61 only)**
- 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; 511-17 and 524-25 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 12. March 31

The Constitutional Rights of Aboriginal Peoples and Indigenous Resurgence

- Macklem, Patrick. "The Form and Substance of Aboriginal Title: Assimilation, Recognition, Reconciliation." In *The Oxford Handbook of the Canadian Constitution*, Peter Oliver, Patrick Macklem and Nathalie Des Rosiers ed., 326-48. New York: Oxford University Press, 2017.

- Coulthard, Glen Sean. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press, 2014. **(Conclusion only; you do NOT need to read Chapter 1)**

Week 13. April 7 *Position Paper 2 Due*****

Voluntary Intoxication

- Sheehy, Elizabeth, and Isabel Grant. “‘Extreme intoxication’ appeal decision is yet another low 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.
- *R. v. Sullivan*, 2020 ONCA 333. (paras. 1-30; 44-51; 63-94; 151-59; 162-68 only)
<https://www.canlii.org/en/on/onca/doc/2020/2020onca333/2020onca333.html?resultIndex=5>

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/pdf/academic_policies/appeals/scholastic_discipline_undergrad.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.

Attendance Regulations for Examinations

EXAMINATIONS/ATTENDANCE (Sen. Min. Feb.4/49, May 23/58, S.94, S.3538, S.3632, S.04-097) A student is entitled to be examined in courses in which registration is maintained, subject to the following limitations: 1) A student may be debarred from writing the final examination for failure to maintain satisfactory academic standing throughout the year. 2) Any student who, in the opinion of the instructor, is absent too frequently from class or laboratory periods in any course will be reported to the Dean of the Faculty offering the course (after due warning has been given). On the recommendation of the Department concerned, and with the permission of the Dean of that Faculty, the student will be debarred from taking the regular examination in the course. The Dean of the Faculty offering the course will communicate that decision to the Dean of the Faculty of registration.

Medical Policy, Late Assignments, etc.

Students registered in Social Science should refer to

https://counselling.ssc.uwo.ca/procedures/medical_accommodation.html 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.

University Policy on Cheating and Academic Misconduct

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. https://www.uwo.ca/univsec/academic_policies/index.html

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.

SUPPORT SERVICES

- The Registrar's office can be accessed for Student Support Services at www.registrar.uwo.ca
- Student Support Services (including the services provided by the USC listed here) can be reached at:

<https://westernusc.ca/your-services/>

- Student Development Services can be reached at: <http://sdc.uwo.ca/>
- Students who are in emotional/mental distress should refer to Mental Health@Western <https://www.uwo.ca/health/> for a complete list of options about how to obtain help.

Procedures for Requesting Academic Consideration

Students who experience an extenuating circumstance (illness, injury, or other extenuating circumstance) sufficiently significant to temporarily render them unable to meet academic requirements may submit a request for academic consideration through the following routes:

Submitting a Self-Reported Absence form provided that the conditions for submission are met;

- For medical absences, submitting a Student Medical Certificate (SMC) signed by a licensed medical or mental health practitioner in order to be eligible for Academic Consideration; or
- For non-medical absences, submitting appropriate documentation (e.g., obituary, police report, accident report, court order, etc.) to Academic Counselling in their Faculty of registration in order to

be eligible for academic consideration. Students are encouraged to contact their Academic Counselling unit to clarify what documentation is appropriate.

Students seeking academic consideration:

- are advised to consider carefully the implications of postponing tests or midterm exams or delaying handing in work;
- are encouraged to make appropriate decisions based on their specific circumstances, recognizing that minor ailments (upset stomach) or upsets (argument with a friend) are **not** an appropriate basis for a self-reported absence;
- must communicate with their instructors **no later than 24 hours** after the end of the period covered by either the self-reported absence or SMC, or immediately upon their return following a documented absence.

Academic consideration **is not** normally intended for students who require academic accommodation based on an ongoing physical or mental illness (recurring or chronic) or an existing disability. These students are expected to seek and arrange reasonable accommodations with Student Accessibility Services (SAS) as soon as possible in accordance with the Policy on Academic Accommodation for Students with Disability.

Students who experience high levels of stress related to academic performance (including completing assignments, taking part in presentations, or writing tests or examinations). These students should access support through Student Health and Wellness and Learning Skills Services in order to deal with this stress in a proactive and constructive manner.

Requests for Academic Consideration Using the Self-Reported Absence Form

Students who experience an unexpected illness or injury or an extenuating circumstance (48 hours or less) that is sufficiently severe to temporarily render them unable to meet academic requirements (e.g., attending lectures or labs, writing tests or midterm exams, completing and submitting assignments, participating in presentations) should self-declare using the **online Self-Reported Absence portal**. This option should be used in situations where the student expects to resume academic responsibilities **within 48 hours or less**.

The following conditions are in place for self-reporting of medical or extenuating circumstances:

Students will be allowed:

- a maximum of two self-reported absences between September and April;

- a maximum of one self-reported absence between May and August.

Any absences in excess of the number designated above, regardless of duration, will require students to present a Student Medical Certificate (SMC) no later than two business days after the date specified for resuming responsibilities.

- The duration of the excused absence will be for a maximum of 48 hours from the time the Self-Reported Absence form is completed through the online portal, or from 8:30 am the following morning if the form is submitted after 4:30 pm;
- The duration of the excused absence will terminate prior to the end of the 48 hour period should the student undertake significant academic responsibilities (write a test, submit a paper) during that time;
- The duration of an excused absence will terminate at 8:30 am on the day following the last day of classes each semester regardless of how many days of absence have elapsed;
- Self-reported absences **will not be** allowed for scheduled final examinations; for midterm examinations scheduled during the December examination period;
- Self-reporting **may not be** used for assessments (e.g. midterm exams, tests, reports, presentations, or essays) worth more than 30% of any given course.
- students must be in touch with their instructors **no later than 24 hours** after the end of the period covered by the Self-Reported Absence form, to clarify how they will be expected to fulfil the academic expectations they may have missed during the absence.

Request for Academic Consideration for a Medical Absence

Students seeking academic consideration for a medical absence not covered by existing Student Accessibility Services (SAS) accommodation, will be required to provide documentation in person to Academic Counselling in their Faculty of registration in the form of a completed, signed Student Medical Certificate (SMC) where the conditions for a Self-Reported Absence have not been met, including where the student has exceeded the maximum number of permissible Self-Reported Absences.

Request for Academic Consideration for a Non-Medical Absence

Students seeking academic consideration for a non-medical absence will be required to provide appropriate documentation to Academic Counselling in their Faculty of registration where the conditions for a Self-Reported Absence have not been met, including where the student has exceeded the maximum number of permissible Self-Reported Absences.