

# FYSM 1502P Selected Topics in Legal Studies

## Law and Cyberspace

### Syllabus (2007 - 2008)

#### Course Description

Cyberspace, a term coined by William Gibson in his 1984 novel [Neuromancer](#), refers to the computer systems and networks in which digital information is stored and communications take place. [Facebook](#), [Wikipedia](#), [blogs](#), [instant messaging](#), [Second Life](#), [EBay](#), [music and video downloading](#) are just a few of the elements of cyberspace that are transforming how we communicate, how and with whom we socialize, how we shop, and how we entertain ourselves. These and other information and communication technologies pose numerous challenges for law. The existence of networked information systems raises considerable concern for [privacy](#), and facilitates the growth of a [surveillance](#) society, especially in a post [9/11](#) world. The ease with which people can communicate cheaply, quickly and to mass audiences across traditional political borders challenges national sovereignty and raises fears that law may not be able to cope to preserve cherished values and protect the vulnerable from harm. This course will use a [problem-based learning](#) approach to develop an understanding of the regulatory and policy choices facing legal decision-makers trying to cope in reconciling real-world concerns with the complexities of cyberspace.

Limited enrolment.

Prerequisite: Normally restricted to students entering the First year of a B.A. program.

Seminars three hours a week.

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#### Instructor Information

Instructor: Michael Mac Neil

Office: D387 Loeb

Phone: 520-2600 ext. 2783

Email: [michael\\_macneil@carleton.ca](mailto:michael_macneil@carleton.ca)

Course Website: [WebCT \(http://webct6.carleton.ca\)](http://webct6.carleton.ca)

Office Hours: Mondays 1:00-2:00; Thursdays 3:00-4:00; or by appointment

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## Class Information

Location: 213 Tory

Day	Time
Tuesday	1:00 - 2:30
Thursday	1:00 - 2:30

## Important Dates

September 6- First Day of Classes (Fall Term)

October 5- University Day - No classes scheduled

October 8- Thanksgiving Day - Holiday - No Classes Scheduled

November 29 - Last Class in Fall Term for FYSM 1502P

December 3 - Last Day of Classes - Fall Term

December 6 - December 22 - Formal Examination Period

January 7, 2008- First Day of Classes, Winter Term (January 8th is first class for FYSM 1502P)

February 18-22, 2008 - Winter Break

April 3, 2008 - Last Class for FYSM 1502P

April 7, 2008 - Last Day of Winter Term Classes (Note: Some classes may be scheduled in Review Period, April 8, 9)

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## Required Texts

Lester Faigley, Roger Graves, Heather Graves, *The Brief Penguin Handbook (Custom Edition for Carleton University)* available in the University Bookstore, will be bundled with a password that provides you access to an Online Writing service, called MyCanadianCompLab; you must buy the version that provides you with this password.

Other readings will be regularly assigned, or you will be expected to find material on your own that is relevant to the topic that we are covering.. Most of these will be available over the Internet, through Library reserves, in class handouts, or based on independent research in the library or elsewhere. **Students are expected to have access to a computer and access to the Internet.** For students who do not own a computer, you should expect to make regular use of the computer labs available on campus. Internet access is available for all students through a Carleton University Student Computer account. If you do not already have such an account, [it can be set up online here at http://apps.carleton.ca/ccs/acct/student/new.asp](http://apps.carleton.ca/ccs/acct/student/new.asp).

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## Law Department's Policy and Procedure Statement

This First Year Seminar is offered through the Department of Law. Your attention is drawn to the Department of Law's statement of [Course-related Policy and Procedures](#). It contains important information about such matters as prerequisites, instructional offences, language policy, submission of assignments, arrangements for deferrals, and

review/appeal of grades. Some of the provisions (e.g. reference to examinations and prerequisites) may not be applicable to you, but other material, e.g. dealing with instructional offences and language policy should be carefully read.

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## **First Year Seminar Goals**

As a first year B.A. student, you have been required to register in a First Year Seminar. The First Year Seminar experience is designed to ensure that there is at least one course in your first year where the numbers are limited, giving you the chance to get to know other students in the class and your instructor, and vice versa. The goal of the First Year Seminars is to provide an engaging, interactive learning experience, where you will have the opportunity to participate in close analysis of stimulating issues and develop a wide variety of skills that will enhance the likelihood of your success at university. You will have the opportunity to work individually and with your peers on projects that will enable you to learn by doing, and to integrate what you have learned throughout the year. Because the class is relatively small, there will be time for early and more continuous evaluation of your performance, with the goal of assisting you in adapting to university expectations. Again, because of the smaller class size, the instructor is in a better position to be able to play an advisor role. Don't hesitate to talk to me, either specifically about the course content, or more generally about university life or the problems of the world. I may be able to point you to a resource or form of assistance that you would not otherwise have thought about.

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## **Course Objectives**

- identify the institutions responsible for governing cyberspace
  - summarize major theories about governing cyberspace
  - identify assumptions related to those theories
  - critically evaluate those theories
  - research current legal frameworks governing the Internet
  - critically evaluate statutes, subordinate legislation, caselaw, academic articles, government documents, and other relevant literature
  - research relevant sources using both traditional library resources as well as on-line resources
  - synthesize and summarize a body of research literature
  - develop a proposal for, and complete a research project concerning the governing of cyberspace
  - communicate orally, and through written work, the results of your thinking and research
  - write an essay which communicates the results of your research project
  - work collaboratively with others to investigate specific applied problems relating to the governance of cyberspace
  - present the results of your collaborative research both in class and in a web site
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## **Problem Based Learning**

Problem Based Learning (PBL) is an approach to learning that emphasizes learning in the context of trying to solve real or simulated problems. A key element of PBL is for students to work in groups to identify what thing they already know that might help them achieve a solution to the problem, to identify a set of learning goals, to distribute the workload among members of the group in gathering the information, skills and knowledge needed to work through the problem, to come together to share among the group what each member of the group has learned, and to reflect on whether they have reached an adequate level of learning to deal with the problem at hand. Keys to successful PBL include successful teamwork, individual responsibility, and reflection on the learning process. PBL approaches will be used throughout the term, with the goal that students will, by the end of the course, have become more autonomous learners who can transfer their PBL skills to a wide variety of learning situations, whether in the classroom or outside.

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## **Student Participation**

This is a seminar course which gives you a unique opportunity during your first year at Carleton University to engage, within a relatively small group, in an enquiry concerning a current, important, and challenging issue. Because it is a seminar, there is considerable emphasis on your active participation in the classroom, and ongoing collaboration with the other students in the class. There will be less time spent in lecturing than may be common in other first year classes. You will be expected to come to class having read assigned material, completed regular assignment, and prepared to engage in discussion of that material. In addition, you will be expected to share the results of your ongoing reading, reflection and research, especially in PBL groups. Both oral and written communication of your efforts will be a regular part of your obligations as a student in the class. One of the ongoing projects within the seminar will be to develop the topics to be examined and to help determine the appropriate assigned readings. Much of the reading will be available online, and a regular task will involve the identification of material that will be useful in exploring issues of cyberspace governance. I will be here, not primarily as a lecturer, but as a learning facilitator, helping you in meeting the course objectives.

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## **Web Enhancements**

This course will be enhanced by using a variety of Internet based tools. All students at Carleton have access to a Student Computer Account, which enables you to use University computers (in labs, in the Library, etc) to access the Internet and University resources. The account includes access to email, MyCarleton portal, the World Wide Web, and other features of the Internet. For this course, WebCT will be used to manage a variety of course related tools, including posting of assignments, student web pages and a course discussion list or blog. You use your Carleton Student Account ID and password to access WebCT, and you can then use any Internet browser to access the course material. One of the goals of the course is to ensure that you become proficient, if you are not already so, in the use of these tools.

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## Online Discussion Participation

Online discussion groups provide a means of extending conversation outside the classroom, so that we are no longer confined by geographical or temporal boundaries with respect to the ways in which we interact as a community of learners. As well, in a seminar, it is important to share your ongoing questioning, learning and research efforts with your colleagues, not only with your instructor. The use of web sites as a place for disseminating your work among other students provides opportunities for feedback, as well as enriching the learning experience for others. Hence, the opportunity to use newsgroups/blogs and websites is built into the assignments. A course discussion group and/or blog will be set up in course WebCT site, and will provide a vehicle for continuing communication about issues raised in the seminar. Ongoing, active participation in online discussions is a significant element in the participation for the course. You are expected to monitor the online forum regularly, and to participate by posting messages and responding to postings by others. The postings may raise questions, answer questions raised by others, analyze readings or recent developments, or post other relevant material related to course issues.

## COURSE EVALUATION

Assignment	Percentage
Participation	5
Writing Assignment 1	5
Writing Assignment 2	5
Writing Assignment 3	10
Group Project 1	20
Fall Term Total	45%
Participation	5
Writing Assignment 4	10
Research Paper	20
Group Project 2	20
Winter Term Total	55%
Total	100%

### Participation (5% each term)

Participation marks can be earned in a number of ways.

First of all, regular attendance in class is a necessary (but not a sufficient) condition for obtaining a participation mark. The highest participation mark you can obtain for the term will be in accordance with the following scheme:

3 or fewer absences	5
4	4
5	3
6	2
7-8	1
9 or more absences	0

However, merely attending class does not guarantee the participation mark. There are a variety of ways in which you can earn participation marks.

One way is to attend **study skills sessions** offered through Learning Support Services in the Learning Commons. There are about 40 different workshops offered over the course of the year. Each lasts about 20 minutes. For this component of the participation grade, you would attend the workshops outside class time. Learning Support Services will keep track of the workshops you attend, and will provide me a list at the end of each term. For each unique workshop you attend during a term, you can earn 0.5 participation marks, to a maximum of 2.5 marks for the term. In other words, if you attend 5 workshops in the Fall term, you are guaranteed 2.5 marks towards your participation for the term (subject to the attendance requirement described above). A schedule of the available workshops is available at the [Learning Support Services Workshops](#) page.

A second way to earn discussion marks is to make **substantive postings on the course discussion board in WebCT**. These postings may be responses to questions posed by the instructor, commentary on a current news story related to the course, or responses to substantive postings made by other students.. The commentary must demonstrate some level of analysis (not just the statement of an opinion, or the summary of a news story.). Each such posting should be at least 150 words, and no more than 300 words. For each posting, you may earn 0.5 participation marks, up to a maximum of 2.5 marks for the term, again subject to the attendance limitations described above. No more than one posting per week (Sunday to Saturday) will count toward the participation mark.

A third way of earning participation marks is by coming to class prepared, having read any assigned readings or completed any assigned writing or learning tasks, and **participating in discussions in class** on a regular basis. Your contributions to discussion are expected to demonstrate that you have read and reflected about the questions being explored and the topics being discussed. Merely speaking up to provide an opinion, if the opinion is not clearly based on a consideration of the assigned readings, will not earn participation marks. A maximum of 2.5 marks per term can be awarded on the basis of your participation in class discussions. If the quality of your participation is in the A range, you would receive 2.5 marks, B range would earn 2.0 marks, C range would earn 1.5 marks, D range would earn between .5 and 1 mark, and once again, finally, subject to the attendance limitations described above.

**Writing Assignments (20% Fall term; 10% Winter term)**

In the Fall term, you will be expected to submit three individual written assignments, and in the Winter term, one written assignment (plus a research essay, please see below.). These will take diverse forms, such as article and/or case annotations and analyses, and similar exercises. Specific instructions will be provided for each assignment. The assignments are designed to assist you in developing your reading skills, your communication skills and your analytical/critical thinking skills.

**Tentative due dates**

Writing Assignment 1: September 25th (5%)

Writing Assignment 2: October 11th (5%)

Writing Assignment 3: November 8 (10%)

Writing Assignment 4: January 29 (10%)

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**Group Project (20% - Fall Term; 20% - Winter Term)**

The group project will undertake an exploration of a current problem. As part of the project you will be expected to engage in research, engage in both written and oral communication of your research and analysis, and to improve your teamwork and work management skills. A portion of the mark will be based on the group work as a whole, and a portion will be based on an assessment of individual contributions to the project.

Due Date: Throughout November (Fall Term) and March (Winter Term). Precise schedule to be arranged in class and posted to course web page

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**Research Paper (20% - Winter Term)**

This research paper should be about 2000 words in length. It will provide a review of relevant literature relating to some aspect of cyberspace and criminal regulation. The preparation of a research paper will be discussed in the seminar.

Due Date: Thursday, March 6, 2008

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**ACADEMIC INTEGRITY**

Academic integrity is built on a commitment to core values of honesty, diligence and civility in the search for truth. (Donald McCabe and Gary Pavela, "Ten Principles of Academic Integrity" online: <http://www.collegepubs.com/ref/10PrinAcaInteg.shtml>). A letter by Professor Bill Taylor to his students [online: [http://www.academicintegrity.org/educational\\_resources/pdf/Letter\\_To\\_My\\_Students.pdf](http://www.academicintegrity.org/educational_resources/pdf/Letter_To_My_Students.pdf)] provides an extensive reflection on what academic integrity demands of

students and instructors. Crucial to the academic project that we are jointly engaged in is the need to build a climate of trust; honesty and civility are precursors to trust.

### **Carleton University Policy**

The complete text of Carleton University's Academic Integrity Policy is available [here](#). The policy notes that:

"Carleton University is a community of scholars dedicated to teaching, learning and research. Sound scholarship rests on a commitment to a code of academic integrity that stresses principles of honesty, trust, respect, fairness and responsibility. The University demands integrity of scholarship from all of its members including students. The quality and integrity of academic work is paramount in achieving student success.

The University states unequivocally that it demands academic integrity from all its members. Academic dishonesty, in whatever form is ultimately destructive to the values of the University. Furthermore, it is unfair and discouraging to those students who pursue their studies honestly. The integrity of university academic life and the degrees conferred by the university is dependent upon the honesty and soundness of scholarship. Conduct by any person that adversely affects this process is a serious matter. Students who violate the principles of academic integrity through dishonest practices undermine the value of the Carleton degree. Dishonesty in scholarly activity cannot be tolerated. Any student who violates the standards of academic integrity will be subject to appropriate sanctions."

Obviously, the University takes the matter of academic integrity very seriously. So should you. So will I.

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## **ACADEMIC ACCOMMODATION**

### **For Students with Disabilities:**

Students with disabilities needing academic accommodations are required to contact a co-ordinator at the Paul Menton Centre to complete the necessary letters of accommodation. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangements.

### **For Religious Observance:**

Students requesting academic accommodation on the basis of religious observance should make a formal, written request to their instructors for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory academic event. Accommodation is to be worked out directly and on an individual basis between the



student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Students or instructors who have questions or want to confirm accommodation eligibility of a religious event or practice may refer to the Equity Services website for a list of holy days and Carleton's Academic Accommodation policies, or may contact an Equity Services Advisor in the Equity Services Department for assistance.

**For Pregnancy:**

Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a letter of accommodation. The student must then make an appointment to discuss her needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.