

**CARLETON UNIVERSITY**

**DEPARTMENT OF LAW**

**COURSE OUTLINE**

**LAWS 3501A**

**Law in the Information Society**

**Winter 2012**

**PREREQUISITES**

1.0 credit from LAWS 2003 [1.0] (no longer offered), LAWS 2004 [1.0] (no longer offered), LAWS 2005 [1.0] (no longer offered), LAWS 2201, LAWS 2202, LAWS 2301, LAWS 2302, LAWS 2501, LAWS 2502

**TERM**

Winter 2012

**Day & Time:**

Wednesday: 8:35 A.M. – 11:25 A.M.

**Room:**

Please check Carleton Central for up to date Room Allocation

**INSTRUCTOR:**

**Michael Mac Neil**

D598 Loeb

613-520-2600 x 3684

[michael\\_macneil@carleton.ca](mailto:michael_macneil@carleton.ca) (best way to contact me!)

**OFFICE HOURS:**

Tuesday: 12:00 PM -1:00 PM;

Wednesday: 12:00 PM -1:00 PM.

Or by appointment. Many issues can be dealt with before or after class, but if you want to set up a more formal appointment, contact me by email or by phone.

**Email:** Because of the spam filtering tools I use, I would greatly prefer if any email communication with me either comes from your Carleton Connect email address or has "3501" in the Subject line of the email. Unless one of these two conditions is met, there is a very high likelihood that your email will end up in a junk folder, and may not be seen.

## ACADEMIC ACCOMMODATION

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website

<http://www2.carleton.ca/equity/accommodation/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website

<http://www2.carleton.ca/equity/accommodation/>

**Students with disabilities** requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities could include but are not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, 613-520-6608, every term to ensure that I receive your Letter of Accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you only require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by the deadlines published on the PMC website: <http://www2.carleton.ca/pmc/newand-current-students/dates-and-deadlines/>

---

## COURSE DESCRIPTION (from University Undergraduate Calendar)

Legal responses to challenges of the information society. Topics may include privacy, surveillance and monitoring, access to information, freedom of expression, control of objectionable content, Charter and human rights issues, and security.

## COURSE OVERVIEW

The idea that we live in an information society correlates with the development and increasing ubiquity of communication technologies, the economic and social importance of information,

and the angst ridden debates about what to do about issues such as privacy, copyright, controlling Internet content, etc. The Internet, in particular, has given rise to a new set of possibilities and concerns, or raised old concerns to a new level because of its power to facilitate cheap, virtually instantaneous, and global communications.

This course will focus on Internet regulation and governance, and the impact of the Internet on legal issues. It will assess the potential of the Internet for realizing goals such as greater equality, maximizing expressive freedom and promoting democratic participation, as well as address the fear that law will be unable to control the bad things made possible by Internet communications. Some questions to be considered throughout the course include:

- What role can and should law play in the regulation of the Internet and Internet activity?
- How does law interact with other regulatory mechanisms that have a significant impact on the shape of the Internet and practices in Internet communications?
- Does cyberspace pose a challenge to the foundations of law?
- Can state sovereignty through law be maintained over activity that is difficult to localize?
- Is there an emerging global approach to governance of the information society?
- How can privacy, intellectual property, and undesirable Internet activity be regulated in a globalized environment?
- How is Canada, in particular, addressing Internet regulatory and governance issues?

## **COURSE OBJECTIVES**

- Identify characteristics of the information society that pose challenges for law
- Develop an understanding of the legal framework governing the information society
- Gain an understanding of a diverse set of scholarly opinions concerning the interaction of law and information society
- Develop abilities to critically analyze scholarly literature
- Improve skills in assessing legal, regulatory and governance policy options
- Assess comparative approaches to information society issues, especially in a globalized social and economic environment
- Enhance communicative skills through classroom participation, group work, and in class presentations
- Refine research skills
- Facilitate collaborative learning and teamwork through classroom participation, group projects and online discussion groups

## REQUIRED TEXTS

Lawrence Lessig, *Code, Version 2.0*, (New York, Basic Books: 2006).

The book is also accessible online under a Creative Commons licence at <http://codev2.cc/download+remix/Lessig-Codev2.pdf>. If you want a printed version, it is cheaper to buy it from the bookstore than to print it off. If you don't mind reading from a computer screen, then you can save yourself a few dollars, but you might want to consider making a donation to the Creative Commons Foundation, to which all royalties from the book are donated.

Additional readings will be assigned throughout the term, and will primarily be available on the Internet with hypertext links posted on WebCT. Some readings may be put on reserve in the McOdrum Library.

Students are expected to read assigned material before coming to class. Analysis of the assigned material will take the form of classroom discussion in which everyone is expected to participate, supplemented by lecturing. Problems may be assigned from time to time for review in class, and all students are expected to prepare answers in advance. Only by participation in class discussions combined with advanced preparation can you expect to obtain maximum benefits from the course.

## WEBCT, CARLETON CONNECT

This course will make extensive use of WebCT. WebCT allows me to provide you with links to relevant readings, to post course notes, commentary, and assignments, to facilitate the electronic submission of assignments, and to provide you with access to your grades. It also contains a discussion group facility, the ability for students to create their own webpages and webpages for group presentations. Not all of the WebCT facilities will be used, but it is absolutely essential that you regularly check the WebCT site for the course. WebCT is accessible through the Internet from off-campus or through the University's computer labs, using compatible web browsers. The URL for WebCT is <http://webct.carleton.ca>.

## EVALUATION

		Due Date
Term Project	60%	Group and individual elements; due dates throughout the term
Final Exam	40%	To be Scheduled

In order to obtain a passing grade in this course, the Final Exam must be written.

**Term Project (60%)**

The project will be broken into five stages, some of which will require group submissions and some of which will require individual submissions. Students will be assigned to groups, and each group will be assigned a topic on which they will be expected to do a presentation towards the end of the term. To help prepare for the group presentation, each individual member of the group will individually complete a bibliography related to the topic with annotations, and a briefing paper on some issue relating to the group's topic. The group will take responsibility for ensuring that each member of the group covers a different aspect of the topic on which the group will be doing its presentation.

Stage	Task	Group or Individual	Due Date	Marks
1	Bibliography; 15 scholarly sources; 5 annotated and short proposal	Individual	February 1	10
2	Paper - ~2000 words	Individual	March 7	25
3	Class Presentation	Group	March 21 or 28	15
4	Time Log – Assessment of Contributions to Group	Individual	March 28	None, but mandatory
5	Assessment of Briefing Papers and Group Presentation	Individual	April 4	10

**Final Exam (40%)**

The final exam will be a three hour exam during the formally scheduled final examination period. It will contain a variety of short answer and essay questions. Students will be permitted to bring into the exam two sheets (no larger than 8 1/2" x 11") with notes they you have made yourself. You can write on both sides of the sheets. More precise details as to the format will be discussed in class later in the term. Note that final exams are not returned to students. They are retained by the instructor. Contact me if you want to review it.

**CLASS SCHEDULE**(Subject to Change – List of required readings will be posted in WebCT)

Class 1	Jan 4	Introduction
Class 2	Jan 11	Challenges and Regulatory Frameworks
Class 3	Jan 18	Borders and Sovereignty
Class 4	Jan 25	Privacy I
Class 5	Feb 1	Privacy II
Class 6	Feb 8	Protection of Children
Class 7	Feb 15	Hurtful/Dangerous Speech
Class 8	Feb 29	Copyright I
Class 9	Mar 7	Copyright II

Class 10	Mar 14	Internet Governance
Class 11	Mar 21	Group Presentations
Class 12	Mar 28	Group Presentations
Class 13	Apr 4	Review

## GENERAL GUIDELINES ON ASSIGNMENTS FOR THIS COURSE

### Late Policy

Assignments that are due in-class are deemed late if not submitted at the start of the class. Assignments that are required to be posted to WebCT or to other sites are deemed late if not submitted by the time stipulated. Late assignments will be penalized **one grade point per day** that they are late (i.e. B to B-, B- to C+, etc ). See the departmental policy regarding assignment submission on the last page.

The Law Department outlines its general policies regarding assignments in its [Policy and Procedure Statement](#) that is attached to this syllabus. You should be familiar with these regulations. If you require any clarification please ask me.

## ACADEMIC INTEGRITY

*The University Senate defines plagiarism as “presenting, whether intentional or not, the ideas, expression of ideas or work of others as one’s own.”* This can include:

- reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source;
- submitting a take-home examination, essay, laboratory report or other assignment written, in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, or paraphrased material, concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings;
- failing to acknowledge sources through the use of proper citations when using another’s works and/or failing to use quotation marks;
- handing in "substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs."

Plagiarism is a serious offence which cannot be resolved directly with the course instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

Please consult the complete [Academic Integrity Policy](http://www2.carleton.ca/studentaffairs/ccms/wp-content/ccms-files/academic_integrity_policy.pdf) at [http://www2.carleton.ca/studentaffairs/ccms/wp-content/ccms-files/academic\\_integrity\\_policy.pdf](http://www2.carleton.ca/studentaffairs/ccms/wp-content/ccms-files/academic_integrity_policy.pdf).