

DEPARTMENT OF LAW AND LEGAL STUDIES
Winter 2023
Professor Brettel Dawson

COMPREHENSIVE COURSE OUTLINE¹

COURSE:	LAWS 5903W Special Topic Judges and Judging
TERM:	CRN 13683 Winter 2023
PREREQUISITES:	n/a
CLASS:	Delivery Mode IN PERSON
Day & Time	Class time: Fridays 11.35AM -2.25PM
	Nichol Building 3022 First Class: January 13, 2023 Last Class: April 07, 2023. No Class (Reading Week) February 24, 2023
INSTRUCTOR:	Professor T Brettel Dawson Loeb D587
CONTACT:	Office Hrs <u>Wednesdays 3.00PM – 4.30PM</u> – in person; or by appointment (normally Zoom). Telephone: n/a Email: Brettel.dawson@carleton.ca I will normally reply within 24 hours on weekdays.

DESCRIPTION

This course focuses on judges and judging grounded in contemporary principles of the judicial function in our common law system. Judicial decisions have 'the force of law'; indeed, they are law. As such, they are consequential for the litigants, for the normative content of law, and the organization of society. Some decisions settle or unsettle the law. Some spark 'dialogue' with the legislature. Some spark outrage and galvanize social movements while others inspire and secure social change. Most are unremarkable. All are made through an intensely human process requiring the exercise of judgment in an environment of genuine constraint and genuine choice. Judges navigate tensions between values of certainty, predictability, and order on the one hand, and values of flexibility, responsiveness, and justice on the other.² They "aspire to make the right or best possible decision... according to law in an open and public process."³ In this course we examine how judges reach decisions and generate law. We undertake our study using 'insiders' perspectives' (jurists and legal academics) within the emerging field of judicial studies.

¹ As of January 10, 2023. Subject to correction.

² Per Joe McIntyre, *The Judicial Function*

³ Per Robert Sharpe, *Good Judgment* at 73 & 34

OVERVIEW

The opening section of the course provides an orientation to judges (what is it to be a judge). We then consider theories of judging (the judicial function), drawing closely on the work of McIntyre (a legal academic) and Sharpe (a retired senior judge). What gives legitimacy and value) to the judicial function as a core instrument of governance? What is the core value of judicial impartiality and how is it protected (judicial independence) and promoted (diversity of judicial appointments). We will explore 'judicial archetypes' (identities and role morality) in formulating a contextual model of how judges' reason and make decisions. In doing so we will contrast and critique both 'formalist' and 'realist' accounts of judging. We will read a range of cases at each stage of our inquiry and other primary legal material. I invite you to pose and consider discussion questions and to connect the material in this course to your own research interests of law and the legal in society.

Notes:

Also of interest: I will be joined by several judges (mostly by zoom) for some topics in my companion course LAWS 4903C, *Judges and Courts*. You are welcome to attend these zooms to 'meet judges' and hear their experience of judging.

LEARNING OBJECTIVES/OUTCOMES

Though participating in this course, students will be better able to:

1. Interrogate their understandings of judges and judging.
2. Define the nature and scope of the judicial function (provide an account of the need for/benefits of the judicial function).
3. Outline how judges engage with (interpret, construct, apply) law, facts and context in decision-making.
4. Critically assess how judges engage with and reconcile two fundamental features of judging: judicial choice and judicial discipline.

And, thereby, will be able to:

5. Integrate common law (judicial decisions and methods) into their conception of law.
6. Engage robustly with judicial decisions in their legal studies research and as citizens.
7. Articulate a judicial theory within the (emerging) field of judicial studies.

READINGS

Core (recurring) texts, as set out below. Relevant additional articles. Judicial decisions related to themes/topics. Legislative or policy frameworks applicable to judges in Canada (see URLs in Appendix).

Will be available via ARES/Brightspace or URL. I will post detailed plans for each class as part of an overall course schedule.

Basic principle for me is to try not to overload you! Even so, **plan to spend 3-4 hours a week on reading (ideally, much of it before class).**

In selecting the readings, I have endeavoured to include an academic perspective (mostly McIntyre), a judicial perspective (mostly Sharpe and Thomas), and case example (or other specific 'artefact' of judging. I think of this as judges and academics talking about judges thinking, and then examining judges 'doing' through critical reading of cases. In other words we will be reading cases for the light they can shine on the operation of the judicial function.

The cases we'll consider will reflect my comment in the Course Description: "Some [judicial decisions] spark 'dialogue' with the legislature. Some spark outrage and galvanize social movements while others inspire and secure social change. Most are unremarkable. All are made through an intensely human process requiring the exercise of judgment in an environment of genuine constraint and genuine choice."

CORE TEXTS

Joe McIntyre, *The Judicial Function: Fundamental Principles of Contemporary Judging* (Singapore: Springer 2019). Library e-book unlimited users. You do not need to acquire this text as you will be able access through the library.

Robert J Sharpe, *Good Judgment: Making Judicial Decisions* (Toronto: University of Toronto Press, 2018). Library access limited to TWO users at a time. I will place as much relevant content as permitted on ARES Reserve. It is available for purchase directly from the University of Toronto Press as an e-book or print book \$46.95 as of writing at: <https://utorontopress.com/9781487522438/good-judgment/>

E.W. Thomas, *The Judicial Process: Realism, Pragmatism, Practical Reasoning and Principles* (Cambridge: Cambridge University Press, 2005). Available in the Carleton University library as an e-book. And you will be able to consult through the library. I will use it as a supplemental text.

EVALUATION

See Chart that follows for Due Dates

Participation/Engagement

- [14 marks] Weekly seminar attendance and participation/engagement as expected at the graduate level. (Best of 8: 1 mark to attend; 0.75 participation)
- [16 marks] Lead discussion for an assigned week; prepare and post in advance three Discussion Questions (6 marks) on readings or contemporary applications; facilitate class discussion (10 marks)
- [12 marks] Constructive, written, Peer Feedback on two Research Outlines of other course members. (Each feedback, 6%)
- [10 marks] Present/discuss your in-progress Research Essay (Week 11 or 12).

Research: Research paper on an aspect of judging and judicial decision-making (paper topic to correlate with themes, topics in the course) with the following graded steps include:

- [Pass/Fail] Select research topic; prepare preliminary research abstract.
- [12 marks] Research Outline: prepare a detailed research plan for your essay.

- [36 marks] Final Research paper (approx. 20 pages or 5000 words max). Due on or before April 19, 2023.

At the graduate level, I expect you to take responsibility for your progress in the course. Good standing in the MA in Legal Studies anticipates work of a B+ standard or higher. All written components must be completed to get a passing grade in the course.

Your work must be your own individual work substantially prepared for this course. You may not use more than half of any work submitted in any other course. You must fully comply with the Academic Integrity Policy available here: <https://carleton.ca/registrar/academic-integrity/>

CHART Evaluation Components Active Weeks/ Due Dates

Week	Class Participation	DQs/Facilitation	Peer Review Work	Research
1	Jan 13			
2	Jan 20			
3	Jan 27	<input checked="" type="checkbox"/>		
4	Feb 03	<input checked="" type="checkbox"/>		
5	Feb 10	<input checked="" type="checkbox"/>		
6	Feb 17	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/> Abstract Due Feb 17
-	- -			
7	March 3	<input checked="" type="checkbox"/>		
8	March 10	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/> Outline Due March 10
9	March 17	<input checked="" type="checkbox"/>	Peer Feedback work	
10	March 24	<input checked="" type="checkbox"/>	Peer Feedback work Due March 25	
11	March 31	Research Presentations		
12	April 7	Research Presentations		
-	April 19			<input checked="" type="checkbox"/> Essay Due April 19
	(Best 8)	(DQ/Facilitate x1)	(x2)	

TOPICS AND SCHEDULE

(As revised Jan 15, 2023)

1. **Introduction** (we'll spend time with this Outline and explore ideas (images) of judges and judging.
2. **Judges and Justice** (An assumption? A definitional challenge? An oxymoron? Discuss)
3. **A Theory of Judges and Judging:** Judicial Form of Dispute Resolution and the Judicial Form of Social Governance; inherent duality; judicial function; independent concept focused upon the role and purpose of courts; independent concept focused upon the role and purpose of courts.
4. **Judicial Archetypes: Reconceiving the Judicial Ideal** (models of judging: dispelling the dichotomy of formalism (objective judging) and legal realism (the judge and her breakfast); reading cases; case summaries (Lexis Advance Quicklaw)
5. **Judicial (form of) Reasoning** (judicial method; developing the governing dispute resolution norm; constraining fetters and liberating discretions; living with legal uncertainty)
6. **Impartiality, Judicial Appointments and Diversity** (what constitutes judicial impartiality? How do judicial impartiality and judicial independence connect? The imperative of judicial diversity. Judicial reserve (socialization). The 'paper bag' discussion
7. **The Gloss Comes Off (or does it?): Sexual Assault** (with judicial guest) and **Judicial Education** (an inglorious judicial history; judicial inductive reasoning; accountability; education
8. **Extending (New) Legal Interpretation (or not): Part 1: Sentencing Black offenders.** Comparing appellate decision-making (reasoning); [R. v. Morris, \[2021\] O.J. No. 5108 \(carleton.ca\)](#); [R v Anderson, \[2021\] NSJ No 334](#)
9. **Extending (New) Legal Interpretation (or not): Part 2: Sentencing Indigenous offenders.** Comparing appellate decision-making (reasoning): [R. v. Kehoe, \[2023\] B.C.J. No. 2](#); [Her Majesty the Queen v. C.K. \[Indexed as: R. v. K. \(C.\)\], 159 O.R. \(3d\) 81](#); Does who the judge is matter (what do we think about that?)
10. **Judicial Habitus** (A judicial state of mind; reprise on the judicial function; return to word clouds)
11. **Student Research Presentations**
12. **Student Research Presentations**

THE DETAILED SCHEDULE AND READINGS IS POSTED ON BRIGHTSPACE

NOTE: The legislative framework on judges in Canada is appended. It also includes links on judicial appointments, judicial ethics and judicial complaint process (federally appointed judges).

A NOTE ON COURSE DESIGN

We are pioneering course conception and delivery in the study of judges and judging.

I created a first edition of this course in the graduate program in Winter 2022, Realizing the extensive scope material touched upon, I divided that course (more or less) into two newly designed courses being offered this Winter 2023: our course and a 4th year undergraduate honours seminar, *Judges and Courts*.

The process of designing a course is very intense! I bombarded myself with questions: What are the right (engaging) topics to cover? What is the right order (in terms of progression of learning)? How much depth, detail, and debate (perspectives) is needed? What examples will apply 'theory', and bring an area (proposition) to life? How can our study contribute to your own research directions in the graduate program? And, more practically, how much (what) will you already know (filtered through other disciplinary lenses)? How much will be more or less new (or newly examined and filtered through other lenses, be it dramatizations in movies and TV shows, or courses in other academic disciplines? At what level and pace should we proceed?

One clear bright line design decision on my part is that the judicial function (judges) matters in our society and is worth examining. Thus, the course is centered on judges and judging rather than other forms of regulation. McIntyre argues that judges make decisions and also "maintain a system of social governance through law" and the legal norms of a society."⁴ This inherent duality in the judicial function is "woven together in an elegant tension to create a single coherent function."⁵ Our course will take a keen interest in this duality and elegant tension!

Where the undergraduate honours course, *LAWS 4903C Judges and Courts*, is focused on judges in courts, mostly at the trial level, this course is focused on 'judges thinking'.

We will pay more attention in *LAWS 5903W Judges and Judging* to appellate courts. Brian Dickson, a judge who sat in each level of court and was Chief Justice of the Supreme Court of Canada cast the difference in the following terms, "[t]he appellate court judge deals primarily with records, briefs, appellate counsel and points of law. In contrast, the trial judge deals with witnesses, parties, live testimony and the theatre of the courtroom."⁶

At all levels of court, though, "to be a judge is to decide",⁷ so we must be practical and study those decisions – indeed a cascade of decisions (interpretations, discretionary choices, and final determinations). In general terms, judicial decision-making entails judges 1) determining the 'dispute resolution norm' (principles or rules); 2) determining 'what happened' (the evidentiary 'universe of the dispute'); and 3) undertaking an evaluative process of connecting the norm ('law') to the human narrative ('facts') and deciding on the outcome. At each step judges navigate "constraining fetters and liberating discretions".⁸ Who judges are and the archetype of judging that they adopt, together with the formal procedures court processes, influences each step of the process. This is the grist to our study.⁹

⁴ McIntyre, ch 4 at 49

⁵ Ibid at 72.

⁶ The Rt. Hon. Brian Dickson, "A Life in the Law: The Process of Judging" (2000), 63 Sask. L. Rev. 373-388 at para 20.

⁷ Christian Sebastien et al, "How Judges Learn to Be Judges" in *Judicial Education, Proceedings of the First and Second International Colloquium of the Chilean Judicial Academy* (Santiago, Chile: DER Editions, 2019) at 381-414.

⁸ McIntyre, ch 10 at 295.

⁹ Tempting as it would be to froth at the mouth for 3 months, we will not study the US Supreme Court in its current composition. I am not a scholar of the US judicial system. I am an observer (not dispassionate) of what appears to risk a descent into judicial partiality and undoing the legitimacy of the Court.

On Reading Cases

I am keen, then, to learn more about your experience of reading cases and how you have approached the task.

We will read a range of cases (judicial decisions) to explore (and test) theories of judging. We will not be searching for the 'ratio decidendi' (or legal rule) rather than to extract the legal 'rule' in a case. Instead, we will be reading (critiquing) judicial opinions (reasoning) with the following sorts of questions in mind: what 'model or approach to reasoning and decision is apparent on the part of the judge(s)? What choices did judges have/make in the case? What constraints did judges have/accept that limited their choices? How did judges exercise "a large measure of discretion and good judgment" in working through to a decision? What impact did (could or should) diversity among judges have on the reasoning and decision?

DETAILED INFORMATION ON COURSE EVALUATION ACTIVITIES

Note: Submission is via Brightspace on or before due date 11.59PM unless otherwise stated. The Due Dates are included in the Chart of Evaluation Components at page 4 of this Outline.

Weekly seminar attendance and participation/engagement (as expected at the graduate level; weeks you are not leading/presenting (on the basis that you are being assessed separately for those classes); allows for absences from two classes with advance notice. Bonus of 2 marks if you attend all classes! **Grading: 8 classes x 1.75 marks each.**¹⁰

You are expected to participate thoughtfully in the discussions through posing questions, offering examples, sharing relevant experiences, active listening, and critically analyzing the course materials and your own positions. Effective participation is premised upon completing the assigned readings every week, being prepared to discuss them in an informed manner, making constructive interventions to facilitate the production of group knowledge, and listening to colleagues with attention and respect.

I expect you to have read all of the core readings every week in a careful manner that enables your informed and engaged participation in each class. Lateness, low participation and/or absence without a legitimate reason (ideally communicated in advance) will have an impact your participation grade.

Class Facilitation with Discussion Questions

We will start this for Week 3. One or two students each week. Sign up early in the term. If you can't make 'your week', arrange to swap with another student.

Each week assigned students will be responsible for each preparing THREE Discussion Questions to animate a discussion on at least one of the readings (you pick). Students do not need to collaborate or coordinate on their questions. Student facilitators use their questions to facilitate class discussion of the material of the Week. I will provide overall coordination during the Class. We will cover many but likely not all of the prepared discussion questions.

Questions are to be POSTED on Brightspace Discussion Questions Module and emailed to me at brettel.dawson@carleton.ca by 5.00PM of Wednesday (Class is Friday).

To give you an idea of what I am looking for, your questions might be based on:

- a close reading of the assigned reading (selects a specific challenging or intriguing passage from one of the readings and offers a series of probes to unpack, trouble, engage, elaborate upon, etc. that author's point.)
- a thematic question that probes how a reading contributes to the broad lines of inquiry about judges and judging, theories of; archetypes of, diversity of as being considered in the course.
- an application or connection between a reading and a matter related to judges and judging; in theory, in practice; a judicial decision or controversy that is currently 'in the news'.

¹⁰ Semester: 12 weeks. Facilitating or Presenting: 2 weeks (which you attend, obviously!) Of remaining 10 weeks, working assumption is that you will be present for at least eight.

Please keep in mind that the primary goal of the questions is to simulate a rigorous and critical discussion of the readings and the issues they are exploring. Questions should seek to elicit analysis, not opinion or belief. To this end, they should not be answerable by “yes” or “no,” “good or bad,” or “loved it or hated it.” The objective of this component of the evaluation is to showcase your ability to read critically, to make connections to other ideas and consider the province of judging.

This is not an exercise in describing the readings. All questions should begin from the premise that all members of the class have read the readings carefully and are ready to discuss them at a high level. At the same time, once a question begins to resemble a small book, it becomes very challenging to answer. Please keep that in mind. If your questions – situate them and set out the basis of the question but don’t exceed 10 sentences (150 words) per question. Sometimes shorter is clearer!

RESEARCH

Spend some time thinking about a topic or issue or aspect of judges and judging that you find interesting and which raises questions which want to ‘excavate’ to better understand/engage in scholarly analysis. I will post a document with Essay Topic Suggestions. The following scaffolded assignments are designed to help you through this process as smoothly as possible!

[Pass/Fail] Research Abstract

Select your research topic on a subject related to judges and judging (likely in Canada). Course topics may provide a point of departure;¹¹ write an abstract (pitch) identifying the area you are interested in researching and the academic question(s) to be taken up; briefly state the kind of sources (material) to be researched including any parameters (such as date range, country of interest, types of source etc); (tentatively) how you might approach/analyze the research question(s) including theory/conceptual lens. Include a statement of what makes this research topic interesting to you. One page is enough, maximum is 350 words. Include at least two indicative sources. If you Fail, you must revise and resubmit prior to the due date for the Research Outline.

Research Outline

Building from your abstract and further consideration (feedback) write an outline of your essay which includes draft title, statement of the research question (and related, sub-questions), and elaborate on your focus, research sources and theoretical/conceptual approach). Your Outline should then provide a ‘table of contents’ for the sections of your essay noting the purpose of each section insofar as it assists you to answer your research question. Include a select bibliography of anticipated ‘top 3’ sources, in correct legal citation style. Submit on Brightspace and keep working on your research!

¹¹ The References Section after each chapter in the McIntyre book may be useful to mine for sources and topics/questions.

Constructive, written, Peer Feedback on two Research Outlines by other course members.

Everyone in the class must prepare a research outline for their research essay. Your Outline will be provided [by random draw] to two other students in the course who will be responsible for providing you with constructive feedback on your proposal.

This feedback should be completed and sent directly to your colleagues (with a copy to me) **within 10 days** of being assigned to provide feedback.. Upload to the applicable module on Brightspace for grading purposes.

A short guide to aid you in providing constructive feedback is appended.

Presentation of Research in Progress (Symposium Style)

Presentation of your draft final research paper. You will be graded on your presentation and engagement with discussion.

Presentations Weeks 11 & 12. Drawn by (mostly) random draw (let me know if there is a reason why one of these weeks is better for you than the other.)

Prepare a 10-12 minute presentation (time yourself). No PowerPoint. Anticipate 5-10 minutes of comments and questions to which you can respond.

Final Research Essay

Prepare your paper in standard format (normal margins, double-spaced, font 12pt (Arial, Calibri or Times New Roman); with indented paragraphs (or space between paragraphs). Submit in WORD or as a PDF. Do not submit in Pages or other word processor!

Include a cover page with your title (make it informative – linked to your central claim in the paper); give your name and student number.

Adopt and follow a recognized citation style throughout your paper. Be certain to attribute all your sources for quotes and any paraphrasing using the style you have adopted (e.g, footnotes, endnotes, in text). Quotes over 50 words are to be indented and single-spaced.¹²

Quotes over 50 words are to BE single-spaced and indented. No need for quotation marks.

You may use first person (In this essay I will....). However, first person always requires support from materials (I “think” or “consider” has to be supported from the literature).

¹² Consider using the McGill Guide to Canadian Legal Citation throughout your paper and use footnotes. See further: <https://library.carleton.ca/guides/help/legal-citation>.

Include a bibliography. I'll be anticipating around 20 relevant sources that are used in your paper (not just a list of relevant literature in the field). Use the Library Omni search to locate sources (you will find more than you end up using).

LEGISLATIVE FRAMEWORK - CANADIAN JUDICIARY

Administration

Judges Act, RSC 1985, c. J-1. <online at [Judges Act \(justice.gc.ca\)](https://laws-lois.justice.gc.ca/eng/acts/J-1/FullText.html) URL: <https://laws-lois.justice.gc.ca/eng/acts/J-1/FullText.html> and Act to Amend the Judges Act, SC 2021 c. 8

Courts of Justice Act, R.S.O. 1990, c. C.43 (Ontario). <online at [Courts of Justice Act, R.S.O. 1990, c. C.43 \(ontario.ca\)](https://www.ontario.ca/laws/statute/90c43). URL: <https://www.ontario.ca/laws/statute/90c43>.

Appointment

Ontario Provincial Court:

[Judicial Appointments Advisory Committee | Ontario Court of Justice \(ontariocourts.ca\)](https://www.ontariocourts.ca/ocj/jaac/) ; URL: <https://www.ontariocourts.ca/ocj/jaac/>

Superior Courts (federal appointments):

OCFJA: [Federal Judicial Appointments - Introduction \(fja-cmf.gc.ca\)](https://www.fja-cmf.gc.ca/appointments-nominations/index-eng.html)
URL: <https://www.fja-cmf.gc.ca/appointments-nominations/index-eng.html>

Supreme Court of Canada: <https://pm.gc.ca/en/news/news-releases/2016/08/02/prime-minister-announces-new-supreme-court-canada-judicial>

Ethical Principles

Ethical Principles for Canadian Judges (2021) <online at [Ethical Principles for Judges / Principes de déontologie judiciaire \(cjc-ccm.ca\)](https://www.cjc-ccm.ca/en/news/open-letter-canadians-canadian-judicial-council-0)>.

We look at these Principles in Week 2 but they are relevant throughout the course. They build our 'picture' of judging and judges.

Ethical Principles for provincially appointed judges (Ontario) are online at: [Principles of Judicial Office | Ontario Court of Justice \(ontariocourts.ca\)](https://www.ontariocourts.ca/principles-of-judicial-office/)

Judicial Conduct - Complaints Process

Judicial Conduct: online at <https://www.ontariocourts.ca/ocj/ojc/public-hearings-decisions/>

Superior and Appellate Courts (in process of amendment 2023)

Judicial Conduct: Reforming the Complaints Process (December 2021). URL: <https://www.justice.gc.ca/eng/csj-sjc/pl/jc-cj/index.html>

Bill C-9 An Act to Amend the Judges Act (Dec 16, 2021). URL:

<https://www.parl.ca/DocumentViewer/en/44-1/bill/C-9/first-reading>

Canadian Judicial Council, Open Letter to Canadians URL: <https://cjc-ccm.ca/en/news/open-letter-canadians-canadian-judicial-council-0>

Info graphic (comparing current and reformed process, URI: <https://www.justice.gc.ca/eng/csj-sjc/pl/jc-cj/infographic-infographique.html>

APPENDIX 1: GUIDE TO CONSTRUCTIVE FEEDBACK TO PEERS' RESEARCH OUTLINES¹³

All feedback should be respectful and constructive. It is not your job to *evaluate* the Outline, but to reflect back its strengths and identify possible areas of further strengthening. Please review the requirements for the Outline and research paper in the course outline before providing feedback as you are trying to help your colleague prepare their best possible research essay according to those criteria.

Questions and suggestions are more helpful than pronouncements and your peers will benefit from your engagement with their proposed paper, not your opinion of it. As well, while compliments are motivating and encouraging, too many don't really help the recipient to strengthen the paper. Please only provide feedback that you would be happy to receive.

Send the feedback to your colleague via email (note deadline and try to send earlier – this would be very helpful to your recipient. Be sure to send your feedback by email to each of your peers (cc. to me to confirm on time delivery!) For grading purposes, please also **upload on the applicable Brightspace module, same day.**

Please use the following questions to guide your feedback:

1. Is the central claim/question of the proposed paper clear and focused? Can its claims be supported (not just an opinion piece)? Do you have any suggestions for strengthening it? (This question is getting at the issue of do we really need to read the paper or is its claim so general and evident that we can just agree with the author and don't need to read the argument. What is the value added of the paper?)
2. Is the proposed paper connected to the themes of the class (judges and judging. Decision-making, context etc), and if that could be strengthened, what are your suggestions?
3. How strong is the fit between the theory or core concepts selected, the paper's claim or question, and the object of inquiry being analyzed? Do the various parts work well together? If any parts of the paper or the connections among them could be strengthened, what suggestions do you have?
4. What kinds of questions, issues, or thoughts did the outline inspire in you that might be helpful for your colleague to think about considering or alternatively, developing further?

¹³ Once again kudos to Professor Sheryl Hamilton for developing the Guide on which this document is based and thanks to her for sharing it with me for this course.

APPENDIX 2: ACADEMIC INTEGRITY: PLAGIARISM AND HOW TO AVOID IT....

INDIVIDUAL WORK ONLY!

Your work must be fully original to this course and prepared by you alone. You may not copy/collaborate/share files with anyone else in the course or other offerings of it. You may not reproduce substantially the same work (over 51% parallel content) completed for any other courses. Do not plagiarize your work! Do not use a document sourced from Course Hero or any similar site.

NO PLAGIARISM!

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This includes 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. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else
- using ideas or direct, verbatim quotations, paraphrased material, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s 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 and notation on your academic file.

(See further: Academic Integrity Policy online at: <https://carleton.ca/registrar/academic-integrity/>.)

It is your responsibility to learn how to meet the university’s expectations and your obligations as a scholar in terms of using and referencing source materials.

RESOURCES ON PREPARATION OF ACADEMIC WORK BEST PRACTICES ACADEMIC INTEGRITY

However, you are not on your own. There are many available resources that can help in this learning process. I encourage you to take advantage of them.

Here are some suggestions:

Consider completing the useful online workshop dealing with academic integrity – at this link: <https://carleton.ca/csas/learning-support/learning-support-workshops/>. It is

offered by Carleton's Centre for Student Academic Support (CSAS).

The Carleton Library has a video series on academic integrity. Here is a link to their video on citations: <https://www.youtube.com/watch?v=3q4FS4P11Us>.

The Library has a web page on academic integrity containing links to useful topics. It is available at <https://library.carleton.ca/guides/help/academic-integrity>.

Other helpful resources outside of Carleton are available on the internet, include the following:

- The University of Waterloo's web page on academic integrity has a section on referencing and research skills, including citing and paraphrasing. <https://uwaterloo.ca/academic-integrity/integrity-students/referencing-and-research-skills>.
- The Purdue University online writing lab also has useful resources. You might find their "plagiarism overview" page to be especially relevant at the following link: https://owl.purdue.edu/owl/avoiding_plagiarism/index.html.
- Yale University's Poorvu Center for Teaching and Learning has a website which discusses "using sources" and "understanding and avoiding plagiarism." It is available at the following link: <https://poorvucenter.yale.edu/using-sources>.
- On correctly paraphrasing, the short article at this link is instructive: <https://advice.writing.utoronto.ca/using-sources/paraphrase/>

APPENDIX 3: UNIVERSITY AND DEPARTMENTAL POLICIES AND INFORMATION

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UNIVERSITY POLICIES

Resources in Support of Student Mental Health

Emergency Resources (on and off campus): <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>

- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

Statement on Pandemic Measures

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you should follow Carleton's [symptom reporting protocols](#).

Masks: Masks are no longer mandatory in university buildings and facilities. However, we continue to recommend masking when indoors, particularly if physical distancing cannot be maintained. We are aware that personal preferences regarding optional mask use will vary greatly, and we ask that we all show consideration and care for each other during this transition.

Vaccines: While proof of vaccination is no longer required to access campus or participate in in-person Carleton activities, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca.

DEPARTMENT OF LAW AND LEGAL STUDIES POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

ACADEMIC ACCOMMODATIONS

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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

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 [click here](#).

Academic Accommodations for Students with Disabilities

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

Winter 2023 Semester Dates and University Closures

***Please find a full list of important academic dates on the calendar website:
<https://calendar.carleton.ca/academicyear/>***

January 9, 2023	Winter term begins.
January 20, 2023	Last day for registration and course changes (including auditing) in full winter and late winter courses.
February 20, 2023	Statutory holiday. University closed.
February 20-24, 2023	Winter Reading Week. No classes.
March 15, 2023	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
April 7, 2023	Statutory holiday. University closed.
April 12, 2023	Winter term ends. Last day of full winter, late winter, and fall/winter classes. Last to hand in term work.
April 15-27, 2023	Examination Period
April 27, 2023	All final take-home examinations are due on this day.