

## Course Outline

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<b>COURSE:</b>	<b>LAWS 3206 A - Banking Law</b>
<b>TERM:</b>	<b>Winter 2025</b>
<b>PREREQUISITES:</b>	<b>LAWS 2202 or BUSI 2601 - and 0.5 credit in LAWS at the 2000 level</b>
<b>CLASS:</b>	<b>Day &amp; Time: Mondays 8:35am-11:25am</b> <b>Room: Please check Carleton Central for current Class Schedule</b>
<b>INSTRUCTOR:</b>	<b>Stephen Waxman BA (Hon) LLB</b>
<b>CONTACT:</b>	<b>Office Hrs: By appointment</b> <b>Telephone: 613-286-2788</b> <b>Email: <a href="mailto:stephen.waxman@carleton.ca">stephen.waxman@carleton.ca</a></b>
<b>BRIGHTSPACE:</b>	<b><a href="https://brightspace.carleton.ca/21/home/285159">https://brightspace.carleton.ca/21/home/285159</a></b>

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### **CALENDAR COURSE DESCRIPTION**

The law relating to banks and banking; the nature of the legal relationship created; legal rights and duties of the parties involved. Consumer and corporate aspects of banking (including computerization and electronic funds transfers); regulations of banking.

### **COURSE DESCRIPTION**

The course will explore the laws of Canada relating to banking, and the students will be exposed to the constitutional and regulatory framework of banking in Canada. The course will also examine the key relationships amongst banks, account holders and borrowers. The rights and obligations of customers will be examined. Elements of creditor/debtor laws will be considered. The course will also examine the legal implications of e-commerce and e-banking and its effect on Canadian Society.

**LEARNING OUTCOMES**

Upon the successful completion of this course, the students will be able to:

- Explain and use legal terminologies, concepts and principles related to banking law.
- Explain the principles related to relationships between banks and customers.
- Identify legal rules/issues and apply the relevant legal principles on banking law.
- Develop critical thinking skills when solving practical problems on banking law.
- Actively participate in classroom discussions, and apply the principles of independent work and leadership in banking laws. Students will gain a basic understand of the laws pertaining to banking and Indigenous Peoples.

**REQUIRED TEXTS**

1. Bank and Consumer Law in Canada, M. H. Ogilvie, available in CU Bookstore (New cost: \$74.75; Used: \$56.25)
2. Banking Law, Cases and Materials, 5th Edition; M. H. Ogilvie, available in CU Bookstore (New cost: \$66.75; used \$50.25)

Students can either opt for curbside pick-up or order from [www.carletonshop.ca](http://www.carletonshop.ca). The textbooks will be received within 2 business days anywhere within Canada.

**EVALUATION**

Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

**1. Essay (40% - Due Monday, April 7th, 2025)**

Students will write an essay on a topic agreed upon with the instructor. The instructor will discuss in class a range of possible topics. The paper will be between 2500 and 3000 words (10 - 12 double spaced pages). Maximum length is 3500 or approximately 15 double spaced pages. The marking of the essays will be in letter grades. Late assignments will be penalized at the rate of 1/2 full letter grade per day (e.g., original mark B; one day late B-, two days late C, etc.). The paper should include a cover sheet, which should include the title of the paper and student number. Please ensure that the paper is securely fastened. Do not use paper clips. Do not use plastic or other covers. Quality of expression is essential. Care must be taken to ensure proper spelling, grammar and style, as each will be taken into account in assigning a mark. Use headings for each section of the paper. Include a table of contents, with page numbers, for each section of the paper. The title should accurately reflect the subject matter of the paper. The introduction should define the topic and indicate the problem to be addressed. The body of the paper should include analysis, and demonstrate that research has been done which includes course materials and other publications. Possible reform options should be explored. A conclusion which concisely and cogently summarizes the paper is invaluable. MLA or APA footnotes required (i.e., citation found at the bottom, or foot, of the page corresponding to the

superscript number found in the body of the work). Bibliography required; may use any commonly accepted style. All components must be successfully completed in order to get a passing grade.

## **2. Presentation (25%)**

Each student is responsible for making a presentation of 15 minutes before the class based on the subject matter of the paper. The presentation will outline the main issues raised in the paper and the student must be prepared to address any questions posed as a result of the exercise.

## **3. Essay Outline (10% - Due Friday, February 14th, 2025)**

Each student is required to submit an outline regarding the subject matter of their paper. The outline should describe in general the paper to be researched and submitted at the end of the term, and should not be more than 3 pages single spaced.

## **4. Participation (10%)**

Students will be graded for their participation in class.

## **5. Take Home Assignment (15%)**

This assignment will be posted on Brightspace on Tuesday, March 18th, 2025, and it is due on Friday, March 21st, 2025. Students will be required to respond to 2 questions posted on Brightspace concerning key areas in Banking Law discussed during the term. The maximum length of each response should not exceed 3 pages single spaced.

### **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

Late assignments will be penalized at the rate of ½ full letter grade per day (e.g. original mark B: one day late B-, two days late C etc.).

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for short-term extensions, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework/>.

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

**SCHEDULE**

**Please Note:** Each week we will examine the application of the laws pertaining to Indigenous People and Banking. This will include discussions concerning the application of Section 35 of the Constitution Act, as well as other pertinent laws and regulations.

**Class 1 (Jan 6th):** Introduction, course expectations and a review of Banks and how they are defined

**Class 2 (Jan 13th):** Textbook Chapter 1: Banks and Banking Defined

- Case Book, pages-1-23
- Cases and Materials, pages 2-27

**Class 3 (Jan 20th):** Textbook Chapter 2: The Domestic and International Framework of Banking Law

- Case Book, pages 24-37

**Class 4 (Jan 27th):** Textbook Chapter 3: Regulations of Banks and Banking in Canada

- Case Book, pages 38-86
- Cases and Materials, pages 61-74

**Class 5 (Feb 3rd):** Textbook Chapter 4: Banks as Business Corporations

- Case Book, pages 87-152
- Cases and Materials, pages 61-81

**Class 6 (Feb 10th):** Textbook Chapter 5: Banking Business

- Case Book, pages 153-182
- Cases and Materials, pages 84-120

**Class 7 (Feb 24th):** Textbook Chapter 6: Banks and Customer Relationships

- Case Book, pages 183-237
- Cases and Materials, pages 186-292

**Class 8 (Mar 3rd):** Textbook Chapter 6 (con't) and Textbook Chapter 7: Bank Accounts

- Case Book, pages 238-266

**Class 9 (Mar 10th):** Textbook Chapter 8: Bank Account Operation

- Case Book, pages 267-338
- Cases and Materials, pages 297-325

**Class 10 (Mar 17th):** Textbook Chapter 9: Electronic Funds Transfer Systems

- Case Book, pages 339-370

**Class 11 (Mar 24th):** Textbook Chapter 10: Electronic Payments

- Case Book, pages 371-400
- Cases and Materials, pages 446-474

**Class 12 (Mar 31st):** Textbook Chapter 11: Credit Cards and Other Payment Mechanisms Bank AND Textbook Chapter 12: Safekeeping

- Case Book, pages 401-429
- Case Book, pages 430-436

**Class 13 (Apr 7th):** Textbook Chapter 13: Bank and Customer Dispute Resolution AND Course Wrap Up

<b>Winter 2025 Sessional Dates and University Closures</b>	
<i>Please find a full list of important academic dates on the calendar website: <a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a></i>	
<b>January 6, 2025</b>	Winter term begins.
<b>January 17, 2025</b>	Last day for registration and course changes (including auditing) in winter courses.
<b>January 31, 2025</b>	Last day to withdraw from full winter courses and the winter portion of fall/winter courses with a full fee adjustment.
<b>February 17-21, 2025</b>	Winter break, no classes.
<b>March 15, 2025</b>	Last day for academic withdrawal from winter courses.
<b>March 25, 2025</b>	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in winter term or fall/winter undergraduate courses, before the official April final examination period.
<b>April 8, 2025</b>	Winter term ends.
	Last day of winter and fall/winter classes.
	Last day for final take-home examinations to be assigned.
<b>April 9-10, 2025</b>	No classes or examinations take place.
<b>April 11-26, 2025</b>	Final examinations in winter and fall/winter courses will be held.
<b>April 18, 2025</b>	Statutory holiday. University closed.
<b>April 26, 2025</b>	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.

## **University and Departmental Policies**

### **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, literacy compositions and phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, 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, including the unauthorized use of generative AI tools (e.g., ChatGPT); any use of generative AI tools to produce assessed content is considered a violation of academic integrity standards;
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignments;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; 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 instructor suspects a pieces of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

### **PERMISSIBILITY OF SUBMITTING SUBSTANTIALLY THE SAME PIECE OF WORK FOR ACADEMIC CREDIT**

Students are strictly prohibited from submitting any work that has been previously submitted for academic credit in another course. Any such submission will result in a grade of 0, and the student will be referred to the university's academic integrity office for review. Re-using any portion of previous work, regardless of its extent, will be treated as a violation of academic integrity.

**USE OF GENERATIVE ARTIFICIAL INTELLIGENCE (AI) TOOLS**

The use of AI tools, such as ChatGPT, to produce any part of an assignment or test is strictly forbidden. Any use of AI for content creation, even for small edits, will result in an automatic grade of 0, and the student will be referred to the academic integrity office for disciplinary action.

**STATEMENT ON STUDENT MENTAL HEALTH**

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://wellness.carleton.ca/get-help-now/>

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/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

**ACADEMIC ACCOMMODATIONS**

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website ([students.carleton.ca/course-outline](https://students.carleton.ca/course-outline)).

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

**Pregnancy Obligation and Family-Status Related Accommodations**

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

### **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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

### **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](mailto:pmc@carleton.ca) for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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/>.

### **Academic Consideration for Medical and Other Extenuating Circumstances**



Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).