POL S 390
LAW & POLITICS

WINTER 2018
MWF 10-10:50 AM, Tory 1-103

Instructor

Dr. Judy Garber — **contact:** jgarber@ualberta.ca, 12-23 Tory
office hours: Monday 11-12:30, Thursday 2-3:30 or by appointment

Teaching Assistant

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office hours: Wednesday 1-2:30 or by appointment

Policy about course outlines can be found in the Evaluation Procedures and Grading System section of the University *Calendar*.

COURSE DESCRIPTION

This course asks you to examine courts, judges, the justice system, law, and their relationship to politics in Canada and the United States. One major objective is to learn about the court systems in both countries, public policy questions embedded in the two legal frameworks, the distinctive issues related to civil and criminal justice, and similarities and differences in the Canadian and American contexts. A second major objective to think critically about the general relationship between law and politics: how what we call "law" contains and communicates political values about power, justice, and equality; how legal processes and law-related public policies are influenced by elections, legislatures, interest groups, media, popular culture, and the public; and what the appropriate role is for law *versus* other political institutions.

COURSE PREREQUISITES

You must have completed a 200-level POL S core course (211, 212, 224, 225, 235, 250, 261) to register on Beartracks. Otherwise, you may seek permission to register. Ms. Cindy Anderson, the Political Science Undergraduate Advisor (10- 11 Tory), can help you with issues like these.

LEARNING OUTCOMES

Students completing the requirements for this course will develop skills related to:

- thinking critically;
- analyzing the causes and effects of real-world events;
- understanding specialized ideas, theories, and facts;
- working and speaking in groups;
- locating and using various research sources; and
- communicating your ideas as effectively as possible in writing.

CLASS FORMAT

Classes will be organized primarily around lectures, but with some small- and large-group discussions and exercises. Current events inherently enter into the course, so frequent updates on relevant items in the news are key to the learning outcomes set out above.

CLASSROOM ELECTRONIC DEVICES POLICY

During class time, your phones, computers, tablets, etc. are for class purposes only; otherwise, they are annoying and you are being disrespectful. To stay engaged, please place the electronic device you're using for class *on your desk*. If anyone is expecting a pressing communication we will be excused to take it outside the classroom.

POSTING, RECORDING OF LECTURES

Audio or video recording, digital or otherwise, of lectures, labs, seminars or any other teaching environment by students is allowed only with the prior written consent of the content author(s) or as a part of an approved accommodation plan. Student or instructor content, digital or otherwise, created and/or used within the context of the course is to be used solely for personal study, and is not to be used or distributed for any other purpose without prior written consent from the content author(s).

Thus, if you tweet, post, or blog your instructor's or TA's comments, or those of your colleagues, you're not paying attention and violating strict University policy

REQUIREMENTS AND EVALUATION

Both students and instructors are responsible for:

- attending class on time;
- being prepared for class, based on STAR;
- taking seriously all components of the papers and exam essays;
- participating in class discussions and exercises;
- paying respectful attention to whoever has the floor;
- using comments, even when disagreeing, to advance discussion and learning;
- submitting/returning work in a timely fashion;
- following current events through some serious news source(s); and
- sharing – thank you – hints for legally obtaining relevant materials and research sources.

Components of Course Grade

Your course grade will be determined by your performance on two in-class essay examinations and two papers. Students should note that in all but exceptional situations, all components of the course must be completed to receive a passing grade.

COURSE GRADE: COMPONENTS, DATES, AND WEIGHTING

Midterm exam – **Friday, February 9, in class**	**20%**
Commentary article – **due Tuesday, March 6, 4 pm**	**30%**
Fact or fiction? paper -- due **Wednesday, April 4, 4 pm**	**20%**
Final exam – **Wednesday, April 25, 9-11 am, in class**	**30%**
	100%

Deferred final exam (provisional) – Friday, April 27

EXAMS
For the midterm and final exams you will write essays answering questions that cover lectures, readings/video materials, and class discussions. The exams evaluate your ability to *explain*, *apply*, *connect*, and *craft a discussion about* the information and ideas presented in the course.
You answer one question on the 50-minute mid-term (20%) and **two questions on the two-hour final (30%).** To clarify, I provide you a study sheet with several questions, make the exam out of a subset of those *exact* study questions, and give you some choice which you answer. The final exam is focused on the material after the midterm. Note that one the two questions you answer will be about the book *The Fourth Amendment in Flux*. **Expect the exams to be closed note/book.**

PAPERS
Separate assignment sheets posted on eClass will detail: the general criteria and goals of each paper, suggested topics, research guidelines and sources, sample annotated bibliography entries, citation standards, acceptable formatting, and grading rubrics. *In both instances, you'll need to clear your topic with me. In both instances, I will provide a list of suggested topics. In both instances, you'll get help with finding sources.*

The **commentary article with annotated bibliography (30%)** is a 900-1000 word piece like those published daily in credible news media and blogs. It is a persuasive paper – you'll argue succinctly, for a lay reader, your position on an issue or debate relevant to law and politics. Your *annotated bibliography* of a variety of 12-14 sources that you consulted: a) ensures that you are speaking from position of authority and b) gives you a low-threat opportunity to dip into research about law.

The **Fact or Fiction?™ paper (20%)** is a presentation of what you discover about the thruthfulness/accuracy of something you are really interested in watching or reading about law and politics (defined generously). Most people will likely pick a documentary or biopic (film or TV); some people will pick a non-fiction book. This will be 1800-2000 words and cite several sources.

Access to Past or Representative Evaluative Course Material
The exam questions are drawn from study guides, the final exam is the same format as the mid-term. Paper rubrics will be included in the assignments.

Attendance, Absences, and Missed Grade Components
Class attendance/participation is not a graded component of this course. **That being said,** regular, on-time attendance is essential for optimal performance in this and any course. Be aware that unexcused absences from exams, lateness to exams, or late submission of assignments will typically result in partial or total loss of grades for that component of the course.

- Absences stemming from incapacitating illness, severe domestic affliction, or religious reasons are generally excusable under the University's Duty to Accommodate Procedure. To address the course component missed – exams or papers – as a result, consult the University

Calendar's Attendance (23.3) and Examinations (23.5) sections. All other accommodation requests covered by the Duty to Accommodate Procedure should be discussed with the instructor(s) as soon as the student is able, having regard to the underlying circumstance.

- In all cases, instructors may request adequate documentation to substantiate the reason for the absence at their discretion, which in the Faculty of Arts is a completed *Request for Deferral of Term Examinations and/or Term Work*. Although a medical note cannot be required, if a student chooses to provide a medical note, the *U of A Medical Statement* Form may be downloaded from the Online Services section of www.registrarsoffice.ualberta.ca.
- At the discretion of your instructors, penalties may be waived in the case of other genuine, documentable emergencies or life problems. **Arrange pleasure, celebratory, or extracurricular events around the exams and the paper due dates**.

Penalties for Late Papers

An on-time paper is submitted *when it is due, with all components, and in a version – hard and/or electronic copy, as specified – that meets the assignment criteria*. For policy on what counts as excused lateness or a reason for a possible extension, see **Attendance, Absences, and Missed Grade Components** (above).

Otherwise, late penalties attach after the submission deadline of **4 pm for each paper**. The penalty scheme is fair to those who meet the deadline, *and it also* invites you to submit even a really late paper:

- If you submit the paper **by 4 pm the day after it's due** the late penalty is **2 +/- grades**.
- **Every day after that at 4 pm** you will be docked another **1 +/- grade**.
- Late **penalties max out 4 +/- grades** to encourage you to get a paper in even if it's really late (please confer with me in such instances).

GRADING

The grading scale:

In this course, *everything* – each exam question and paper – *is graded on the University of Alberta grading scale* (below), where each letter grade has a numeric value that can be calculated. (The course grade A+ will be assigned if a student's overall performance distinguishes itself from an A.)

COURSE GRADES OBTAINED BY UNDERGRADUATE STUDENTS		
Descriptor	**Letter Grade**	**Grade Point Value**
Excellent	A+ A A-	4.0 4.0 3.7
Good	B+ B B-	3.3 3.0 2.7
Satisfactory	C+ C C-	2.3 2.0 1.7
Poor	D+	1.3
Minimal Pass	D	1.0
Failure	F	0.0

Bases of assessment:
Exam and papers grades are always evaluated using a combination of absolute measures of achievement and relative performance across all students in the course. Papers are graded according to rubrics.

Calculating the total value of your grade components:

.20 x midterm grade +
.30 x commentary paper grade +
.20 x Fact or Fiction? paper grade +
.30 x final exam grade (.15% + .15%)
total value of all work (0.00-4.00) for translation into the closest letter grade

How the total value of all your graded work determines your course letter grade:

- If the total value is *at least half-way* between letter grades, you earn the higher letter grade.
- If the total value is *less than half-way* between letter grades, you earn the lower letter grade.

Examples (see chart above):

- To earn a B for the course, your total value must be at least 2.85
- To earn a C+ for the course, your total value must be at least 2.15
- To earn an A- for the course, your total value must be at least 3.50

The Faculty of Arts recommends that the class average for 300-level Arts courses fall in a range around the Faculty historical average grades of 2.72 - 3.32 (the B range of letter grades).

Grade Appeals
To appeal a grade on a paper or exam handed back before the final exam, you must initiate the appeal with Dr. Garber before the final exam. If your concern is not resolved, see Dr. Rob Aitken, Undergraduate Chair (raitken@ualberta.ca, 10-29 Tory). Faculty of Arts Grade Appeals Procedures come into effect after any appeal at the Department level.

ACADEMIC HONESTY

The University of Alberta is committed to the highest standards of academic integrity and honesty. Students are expected to be familiar with these standards and to uphold the policies of the University in this respect. You are particularly urged to familiarize yourself with the provisions of the *Code of Student Behaviour* (below) to avoid any behavior that could result in suspicions of **cheating**, **plagiarism**, **misrepresentation of facts**, and/or **participation in an offence**. Academic dishonesty is a serious offense whose consequences can be suspension or expulsion from the University of Alberta.

LEARNING AND WORKING ENVIRONMENT

The University, Faculty, and Department are committed to ensuring that all students, faculty, and staff are able to study and work in an environment that is safe and free from discrimination or harassment. The University does not tolerate behavior that undermines that environment, as laid out in its *Discrimination, Harassment, and Duty to Accommodate Policy* and *Sexual Violence Policy*. Anyone who feels that this policy is being violated is urged to:

- try to discuss the matter with the person whose behavior is causing concerns;
- if necessary, contact the Chair of Political Science, Dr. Lois Harder (10-16 Tory, 780-492-3429 to book an appointment);
- for additional advice or assistance contact the Office of the Student Ombuds (780-492-4689, ombuds@ualberta to book an appointment); or
- file a report at Disclosure Services (300 Campus Tower).

STUDENT ACCESSIBILITY SERVICES

If you have special needs that could affect your performance in this course, please let us know during the first week of the term so that appropriate arrangements can be made. If you are not already registered with Student Accessibility Services (SAS), contact the office immediately (1-80 SUB, sasrec@ualberta.ca, 780-492-3381). Once registered with SAS, it is your responsibility to provide a Letter of Introduction and, if relevant, the Exam Instruction & Authorization form before any exam.

NEED HELP?

Among other **campus student services** that may be helpful are: University Health Services (2-200 SUB), Sexual Assault Centre (2-705 SUB); University Counselling and Clinical Services (2-600 SUB), Student Success Centre (2-300 SUB); Campus Food Bank (1-81 SUB), Student Legal Services of Edmonton (780-492-2226), Emergency Funding (on-line), Bursaries (on-line), SU Peer Support Centre (2-217 SUB), Aboriginal Student Services Centre (2-400 SUB), International Student Services (Telus Centre); and The Landing (0-86a SUB).

REQUIRED BOOKS

These books are required and are available for purchase – new and used (as of Jan 8) – at the SU Bookstore. The library may have a copy of *Canadian Courts* to put on reserve:

- Lori Hausegger, Troy Riddell, and Matthew Hennigar, *Canadian Courts*, 2nd ed. (Oxford University Press, 2015)
- Michael C. Gizzi and R. Craig Curtis, *The Fourth Amendment in Flux: The Roberts Court, Crime Control, and Digital Privacy* (University Press of Kansas, 2016)

OTHER READINGS

Also expect that short, topical readings, graphics, or videos will be posted directly on eClass, as things happen. Familiarizing yourself with these posts is part of the expectation of your following current events about law and politics. The posts themselves may be highlighted as something that helps explain or illustrate material covered in the course.

Check eClass frequently. There is a direct relationship between course performance and three behaviors: 1) coming to class, 2) doing the readings, and 3) reviewing postings on eClass and course performance.

SCHEDULE OF TOPICS, ASSIGNMENTS, AND READINGS (STAR)

Posted on eClass separately, STAR gives a class-by-class schedule of what is happening in class and what you need to do to prepare for it. I will always let you know if I update STAR; the current version is always what's posted on eClass.

In contrast to STAR, *this* document does not change unless there's a typo!

Amendments to the Code of Student Behaviour occur throughout the year. For the most recent version of the Code, visit http://www.governance.ualberta.ca/

NOTICE TO INSTRUCTORS REGARDING PLAGIARISM, CHEATING, MISREPRESENTATION OF FACTS AND PARTICIPATION IN AN OFFENCE

The U of A considers plagiarism, cheating, misrepresentation of facts and participation in an offence to be serious academic offences. Plagiarism, cheating, misrepresentation of facts and participation in an offence can be avoided if students are told what these offences are and if possible sanctions are made clear at the outset. Instructors should understand that the principles embodied in the *Code* are essential to our academic purpose. For this reason, instructors will be fully supported by Departments, Faculties and the University in their endeavours to rightfully discover and pursue cases of academic dishonesty in accordance with the *Code*.

At the beginning of each term, we ask you to review with your students the definitions of plagiarism and cheating. We are now also asking you to review with your students the definition of Misrepresentation of Facts and Participation in an Offence. Your co-operation and assistance in this matter are much appreciated.

30.3.2(1) Plagiarism

No Student shall submit the words, ideas, images or data of another person as the Student's own in any academic writing, essay, thesis, project, assignment, presentation or poster in a course or program of study.

30.3.2(2) Cheating

30.3.2(2)a No Student shall in the course of an examination or other similar activity, obtain or attempt to obtain information from another Student or other unauthorized source, give or attempt to give information to another Student, or use, attempt to use or possess for the purposes of use any unauthorized material.

30.3.2(2)b No Student shall represent or attempt to represent him or herself as another or have or attempt to have himself or herself represented by another in the taking of an examination, preparation of a paper or other similar activity. See also misrepresentation in 30.3.6(4).

Cheating (Continued)

30.3.2(2)c No Student shall represent another's substantial editorial or compositional assistance on an assignment as the Student's own work.

30.3.2(2)d No Student shall submit in any course or program of study, without the written approval of the course Instructor, all or a substantial portion of any academic writing, essay, thesis, research report, project, assignment, presentation or poster for which credit has previously been obtained by the Student or which has been or is being submitted by the Student in another course or program of study in the University or elsewhere.

30.3.2(2)e No Student shall submit in any course or program of study any academic writing, essay, thesis, report, project, assignment, presentation or poster containing a statement of fact known by the Student to be false or a reference to a source the Student knows to contain fabricated claims (unless acknowledged by the Student), or a fabricated reference to a source.

30.3.6(4) Misrepresentation of Facts

No Student shall misrepresent pertinent facts to any member of the University community for the purpose of obtaining academic or other advantage. This includes such acts as the failure to provide pertinent information on an application for admission or the altering of an educational document/transcript.

30.3.6(5) Participation in an Offence

No Student shall counsel or encourage or knowingly aid or assist, directly or indirectly, another person in the commission of any offence under this Code.

More information can be found at: http://www.osja.ualberta.ca/en.aspx

EXCERPTS FROM THE CODE OF STUDENT BEHAVIOUR
FOR REVIEW WITH EACH CLASS AT THE BEGINNING OF EVERY TERM

Procedures for Instructors Regarding

Plagiarism, Cheating,

Misrepresentation of Facts and Participation in an Offence

The following procedures are drawn from the *Code of Student Behaviour* as approved by GFC and the Board of Governors. The guidelines summarize what instructors must do when they have reason to believe that a student has plagiarized, cheated, misrepresented facts or participated in an offence. If you have questions about these guidelines, or about the policies, please talk with the senior administrator in your Faculty responsible for dealing with student discipline—usually an Associate Dean – or the Appeals and Compliance Officer (Appeals Coordinator), University Governance (2-2655).

30.5.4 Procedures for Instructors in Cases Respecting Inappropriate Academic Behaviour

30.5.4(1) When an Instructor believes that a Student may have committed an Inappropriate Academic Behaviour Offence [30.3.2] or that there has been Misrepresentation of Facts [30.3.6(4)] or Participation in an Offence [30.3.6(5)] in cases respecting Inappropriate Academic Behaviour in the course that he or she instructs, the Instructor will meet with the Student. Before such a meeting, the Instructor shall inform the Student of the purpose of the meeting. In the event that the Student refuses or fails to meet with the Instructor within a reasonable period of time specified by the Instructor, the Instructor shall, taking into account the available information, decide whether a report to the Dean is warranted.

30.5.4(2) If the Instructor believes there has been a violation of the Code, the Instructor shall, as soon as possible after the event occurred, report that violation to the Dean and provide a written statement of the details of the case. The instructor may also include a recommendation for sanction.

Possible Sanctions

One or more of the following sanctions given in 30.4.3 (2) and (3) of the Code are commonly used for plagiarism, cheating, participation in an offence, and misrepresentation of facts:

- 30.4.3(2) a.i — a mark reduction or a mark of 0 on any term work or examination for reason of Inappropriate Academic Behaviour
- 30.4.3(2) a.ii — Reduction of a grade in a course
- 30.4.3(2) a.iii — a grade of F for a course
- 30.4.3(2) a.iv — a remark on a transcript of 8 (or 9 for failing graduate student grades), indicating Inappropriate Academic Behaviour, in addition to 30.4.3(2)a.i, 30.4.3(2)a.ii or 30.4.3(2)a.iii
- 30.4.3(3) b — Expulsion
- 30.4.3(3) c — Suspension

The following sanctions may be used in rare cases:

- 30.4.3(3) e — Suspension of a Degree already awarded
- 30.4.3(3) f — Rescission of a Degree already awarded

30.6.1 Initiation of an Appeal

30.6.1(1) When a Student has been found to have committed an offence under the Code of Student Behaviour or an Applicant is found to have committed an offence under the Code of Applicant Behaviour, whether or not that Student or Applicant has been given a sanction, the Student or Applicant may appeal that decision, except in the case of a decision of the Discipline Officer under 30.5.6(2)e.ii, which remains final and is not subject to appeal. In cases where a severe sanction has been recommended to the Discipline Officer, once the student receives the final decision of the Discipline Officer, the student can appeal the decisions of both Dean and the Discipline Officer at the same time. The written appeal must be presented to the Appeals Coordinator in University Governance within 15 Working Days of the deemed receipt of the decision by the Student or Applicant. The finding that an offence has been committed, the sanction imposed or both may form the basis of appeal. The written appeal must also state the full grounds of appeal and be signed by the Appellant. The appeal shall be heard by the UAB.

PROFESSOR STEVEN PENNEY
CHAIR, CAMPUS LAW REVIEW COMMITTEE

DR STEVEN DEW
PROVOST AND VICE-PRESIDENT (ACADEMIC)

* The Campus Law Review Committee is a standing committee of General Faculties Council (GFC) responsible for the review of the *Code of Student Behaviour* and of student disciplinary procedures.

Updated: 27/08/2015