

**Legal Issues In Kinesiology (4259F)
Fall 2023**

<p><u>Instructor: John Petrella</u> <u>Office: n/a</u> <u>Email: jpetrel@uwo.ca</u> <u>Phone: n/a – please email</u> <u>Office Hrs: by appointment (email to schedule)</u></p> <p><u>TAs:</u> <u>Guanpeng Zhou – gzhou22@uwo.ca</u> <u>Ivy Osei – iousei2@uwo.ca</u></p>	<p><u>Lectures: Tuesdays</u> <u>6:30pm-9:30pm</u> <u>Spencer Engineering Building,</u> <u>Room 2202</u></p> <p><u>Fall 2023</u> <u>Instruction Mode: in-person lectures</u> <u>unless the University requires a move to</u> <u>online delivery</u></p>
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NOTE: All course information including grades, assignment outlines, deadlines, etc. are available via OWL. Check the website regularly for course announcements.

Calendar Course Description (including prerequisites/anti-requisites):

This course is intended to provide you with an overview of various legal issues relating to sport, physical activity, and the health care industry, including topics in, but not limited to, civil law, criminal law, human rights, and administrative law.

Prerequisite(s): One of [Kinesiology 2250A/B](#), [Kinesiology 2263F/G](#), [Kinesiology 2292F/G](#), [Kinesiology 2298A/B](#), [Kinesiology 3362F/G](#), [Kinesiology 3490F/G](#).

Antirequisite(s): [Kinesiology 4473A/B](#) if taken between 2017 and 2022.

Extra Information: 3 lecture hours.

Course Weight: 0.50

Breadth: CATEGORY A

Subject Code: KINESIOL

You are responsible for ensuring that you have successfully completed all course prerequisites, and that you have not taken an anti-requisite course.

Statement on Prerequisite Checking

Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites

NOTE: If you wish to enroll in this course without the stated pre-requisite(s), you must obtain written approval from the course instructor. The approval should then be forwarded to your academic counsellor.

My Course Description

This course is intended to provide you with an overview of various legal issues that arise in the health care industry and sport. We will discuss how the law intersects with regulated health professionals (i.e. Kinesiologists) and the legal issues that impact sport, athletes, coaches, and spectators. Our analysis of legal issues will incorporate private law (i.e. tort law) and public law (i.e. criminal law and administrative law). Throughout the course you are expected to complete readings, attend class and participate in discussions on the readings.

Learning Outcomes:

Upon completion of this course students will have a better understanding of legal issues relating to health professionals and sport.

Schedule: (order subject to change due to availability of instructor/guest lecturers)

- 1. General Overview and Introduction to Tort Law**
- 2. Tort Law Continued – Introduction to Negligence Law**
- 3. Professional Liability and Consent and Capacity**
- 4. Sport Tort Law Case Analyses**
- 5. Quiz # 1 and Criminal Law**
- 6. Criminal Law Continued - Introduction to Administrative Law and Sports**
- 7. Regulation of Health Professions**
- 8. Regulation of Health Professions Continued**
- 9. Quiz #2 and Human Rights**
- 10. Privacy and Emerging Issues**
- 11. College of Kinesiologists of Ontario Guest Lecture**
- 12. Question and Answer Session Regarding Final Paper**

Required Course Material:

All readings will be accessible through the legal database <https://www.canlii.org/en/> and the list of readings for each lecture will be contained in the preceding week's lecture slides. With the exception of the slides for lecture one, lecture slides will be posted on OWL at least one week in advance of the lecture (i.e. Lecture 2 slides will be posted at least one week prior to that lecture etc.).

Course Evaluation:

1. OWL Forum Posts/Responses	20%
2. Quizzes 2 x 20%	40%
3. Final Paper	40%

Quizzes will be multiple choice/short answer/short essay and given during a lecture period. Each quiz is worth 20% of your grade. There will be an in-class review session prior to each quiz.

The dates of the two quizzes are:

- October 10
- November 14

Discussion topics will be posted on OWL during the term to allow students the opportunity to engage in a thoughtful discussion of issues arising from the lectures. The instructor will post two discussion topics and students must engage thoughtfully in both of the discussion topics.

The two discussions posted by the instructor that students must engage with will be open for responses for approximately one week (class will be notified in advance of closing date to respond). The due date for responses to OWL discussion topic #1 is September 26, 2023 at 11:00 pm and the response to OWL discussion topic #1 is worth 10% of the course grade. The due date for responses to OWL discussion topic #2 is November 28, 2023 at 11:00 pm and the response to OWL discussion topic #2 is worth 10% of the course grade. Grades for this portion of the course will be evaluated on a qualitative basis and any sources must be cited.

Students will be given a choice of final paper topics on September 26, 2023. If a student would like to write a paper on an original topic related to legal issues in sport or healthcare, they must provide a brief (max 200 words) written proposal to the instructor by October 3. The proposal is not graded, but rather ensures that forethought has been given to the purpose, rationale, sources, and general outline of the paper so that the instructor can provide some upfront feedback and approval.

The final paper must be typewritten using double spacing, 12-point Times New Roman font, and must conform strictly to either the Canadian Guide to Uniform Legal Citation, 9th ed. (McGill Guide) or APA (7th ed.) guidelines. Length should be no more than 10 pages including references and title page. Do not include an abstract. Number pages in the top right corner. Evaluation will be based on content, writing style, and uniform citation of sources. Turnitin.com plagiarism software will be used. Due date for the final paper is Thursday, December 8, 2023 at 5:00pm.

Course/University Policies

Course Policies:

Lateness/Absences: Assignments are due as detailed in OWL and will not be accepted late, except under medical or other compassionate circumstances. Submitting

a late assignment without appropriate documentation will result in a zero (0) grade. A missed quiz without appropriate documentation will result in a zero (0) grade. Students will be offered an opportunity to write a makeup quiz, provided that they have received academic consideration. Makeup quizzes may not be offered in the same format as the original quiz.

At least 15% of course grades will be posted by November 10, 2023 (3 days prior to the last day to drop a course without academic penalty).

University Policies:

1. The website for Registrarial Services is <http://www.registrar.uwo.ca>.

In accordance with policy, the centrally administered e-mail account provided to students will be considered the individual's official university e-mail address. It is the responsibility of the account holder to ensure that e-mail received from the University at his/her official university address is attended to in a timely manner.

2. Academic Offences

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, in the Academic Calendar (westerncalendar.uwo.ca).

Plagiarism

Student work is expected to be original. Plagiarism is a serious academic offence and could lead to a zero on the assignment in question, a zero in this course, or your expulsion from the university. You are plagiarizing if you insert a phrase, sentence or paragraph taken directly from another author without acknowledging that the work belongs to him/her. Similarly, you are plagiarizing if you paraphrase or summarize another author's ideas without acknowledging that the ideas belong to someone else. All papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between Western University and Turnitin.com (www.turnitin.com).

Re-submission of Previously Graded Material

Without the explicit written permission of the instructor, you may not submit any academic work for which credit has been obtained previously, or for which credit is being sought, in another course or program of study in the University or elsewhere.

Use of Statistical Pattern Recognition on Multiple Choice Exams

Computer-marked multiple-choice tests and/or exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating.

3. Use of Electronic Devices

During Exams: Unless you have medical accommodations that require you to do so, or explicit permission from the instructor of the course, you may not use any electronic devices during ANY tests, quizzes, midterms, examinations, or other in-class evaluations.

During Lectures and Tutorials: Although you are welcome to use a computer during lecture and tutorial periods, you are expected to use the computer for scholastic purposes only, and refrain from engaging in any activities that may distract other students from learning. From time to time, your professor may ask the class to turn off all computers, to facilitate learning or discussion of the material presented in a particular class. **Unless explicitly noted otherwise, you may not make audio or video recordings of lectures – nor may you edit, re-use, distribute, or re-broadcast any of the material posted to the course website.**

Personal Response Systems (“clickers”) may be used in some classes. For those classes in which we use this technology, it is your responsibility to ensure that the device is activated and functional. You must speak with the course instructor immediately, if you have any concerns about whether or not your clicker is malfunctioning.

You must use only your own clicker. For all components of this course in which clicker records are used to compute a portion of the grade:

- The use of somebody else’s clicker in class constitutes a scholastic offence;
- The possession of a clicker belonging to another student will be interpreted as an attempt to commit a scholastic offense

4. **Academic Considerations and Absences from Lectures and Assessments**

Religious Accommodation

When a course requirement conflicts with a religious holiday that requires an absence from the University or prohibits certain activities, students should request (in writing) any necessary academic considerations at least two weeks prior to the holiday to the academic counsellors in their Home Department. Additional information is provided in the [Western Multicultural Calendar](#).

Academic Accommodation

Please contact the course instructor if you require lecture or printed material in an alternate format or if any other arrangements can make this course more accessible to you. Students with ongoing accommodation needs within this course are also encouraged to contact [Accessible Education](#), which provides recommendations for accommodation based on medical documentation or psychological and cognitive testing. The policy on Academic Accommodation for Students with Disabilities can be found [here](#).

Academic Consideration

The University recognizes that a student’s ability to meet their academic

responsibilities may, on occasion, be impaired by extenuating circumstances that are medical or compassionate in nature. These extenuating circumstances may be acute (short term), or it may be chronic (long term), or chronic with acute episodes. In all cases, students are advised to consult with the academic counsellors in their home units, at their earliest opportunity. Academic counsellors may refer students to Accessible Education for ongoing academic accommodations.

Most forms of academic consideration require documentation, and this documentation is to be submitted to academic counsellors within five (5) business days of their return to academic responsibilities. Any such documents will be retained in the student's file, and will be held in confidence in accordance with the University's Official Student Record Information Privacy Policy. Once the petition and supporting documents have been received and assessed, appropriate academic considerations shall be determined by academic counseling, in consultation with the student's instructor(s). Academic considerations may include extension of deadlines, waiver of attendance requirements for classes/labs/tutorials, arranging Special Exams or Incompletes, re-weighting course requirements, or granting late withdrawals without academic penalty. Academic considerations shall be granted only where the documentation indicates that the onset, duration and severity of the illness are such that the student could not reasonably be expected to complete their academic responsibilities. (Note – it will not be sufficient to provide documentation indicating simply that the student “was seen for a medical reason” or “was ill.”).

Whenever possible, students who require academic considerations should provide notification and documentation in advance of due dates, examinations, etc. Under no circumstances are students expected to submit rationales for (or documentation of) any absences, to course instructors. Students are, however, required to follow-up with course instructors, in a timely fashion, to identify the ways in which the academic consideration will be implemented.

Examination Conflicts

A student completing tests or examinations with flexible submission times (e.g., where one or more evaluation is a take-home assessment) cannot request alternative arrangements unless a conflict cannot be avoided by rescheduling writing the exam to a different time within the window specified by the instructor. This applies to direct conflicts as well as “heavy load” conflicts (e.g., three exams within a 23-hour period). The student should discuss any concerns about a potential conflict and/or request academic considerations with their academic counselling unit prior to the deadline to drop a course without academic penalty.

In the case of online tests and examinations, use of a “Conflict Room,” wherein student can write two proctored exams concurrently, will be interpreted as arrangements for continuous proctoring.

5. Contingency Plan for an In-Person Class Pivoting to 100% Online Learning

In the event of a situation that requires this course to pivot to online content delivery, all

remaining course content will be delivered entirely online, either synchronously (i.e., at the times indicated in the timetable) or asynchronously (e.g., posted on OWL for students to view at their convenience). The grading scheme will **not** change. Any remaining assessments will also be conducted online as determined by the course instructor

Note that disruptive behaviour of any type during online classes, including inappropriate use of the chat function, is unacceptable. Students found guilty of Zoom-bombing a class or of other serious online offenses may be subject to disciplinary measures under the Code of Student Conduct.

6. Online Proctoring

Tests and examinations in this course may be conducted using a remote proctoring service. By taking this course, you are consenting to the use of this software and acknowledge that you will be required to provide **personal information** (including some biometric data) and the session will be **recorded**. Completion of this course will require you to have a reliable internet connection and a device that meets the technical requirements for this service. More information about this remote proctoring service, including technical requirements, is available on Western's Remote Proctoring website at: <https://remoteproctoring.uwo.ca>.

7. Grades

Where possible assignment objectives and rubrics will be posted on OWL. Generally, students can expect some form of feedback on their performance in a course before the drop date of November 13, 2023 (for first term half-courses).

A+	90-100	<i>One could scarcely expect better from a student at</i>
A	80-89	<i>Superior work that is clearly above average</i>
B	70-79	<i>Good work, meeting all requirements and eminently satisfactory</i>
C	60-69	<i>Competent work, meeting requirements</i>
D	50-59	<i>Fair work, minimally acceptable.</i>
F	below 50	<i>Fail</i>

Rounding of Grades (for example, bumping a 79 to 80%):

This is a practice some students request. The final grade documented is the grade that you have achieved. There is no rounding to the next grade level, or 'giving away' of marks. Please don't ask me to do this for you; the response will be "please review the course outline where this is presented".

Appealing a Grade Within this Course

You have the right to appeal any grade within this course. The grounds for a grade appeal may be one or more of: medical or compassionate circumstances, extenuating circumstances beyond the student's control, bias, inaccuracy, or unfairness. All grounds advanced in a request for relief must be supported by a clear and detailed explanation of the reasons for the request together with all

supporting documentation.

Appeals generally proceed in this order:

1. Course instructor (informal consultation)
2. Department Chair (submission of written request)
3. The Dean of the Faculty (submission of written request)

In the case of perceived procedural unfairness, steps 2 and 3 are carried out within the Department and Faculty offering the course. In the case of extenuating medical or compassionate circumstances that impact on a grade, steps 2 and 3 are carried out within a student's Home Department and Faculty.

A request for relief against a mark or grade must be initiated with the instructor as soon as possible after the mark is issued. In the event that the instructor is not available to the student, or fails to act, or if the matter is not resolved satisfactorily with the instructor, a written request for relief must be submitted to the Chair of the Department within three weeks of the date that the mark was issued. In the case of a final grade in a course, the written request for relief must be submitted to the Chair of the department by January 31st (for first-term half courses) or June 30th (for second-term half courses or full-year courses)

8. Support Services

Health and Wellness:

Information regarding health and wellness-related services available to students may be found at <http://www.health.uwo.ca/>.

Students who are in emotional/mental distress should refer to Mental Health@Western (<http://www.health.uwo.ca/>) for a complete list of options about how to obtain help.

There are various support services around campus and these include, but are not limited to:

Student Development Centre -- <http://www.sdc.uwo.ca/ssd/>

Ombudsperson Office -- <http://www.uwo.ca/ombuds/>

9. Student Code of Conduct

The purpose of the Code of Student Conduct is to define the general standard of conduct expected of students registered at Western University, provide examples of behaviour that constitutes a breach of this standard of conduct, provide examples of sanctions that may be imposed and set out the disciplinary procedures that the University will follow. For more information, visit <https://www.uwo.ca/univsec/pdf/board/code.pdf>