

**Legal Issues In Kinesiology (4259F)  
 Fall 2024**

<p><u>Instructor: Steven Teal</u>  <u>Office: n/a</u>  <u>Email: steal@uwo.ca</u>  <u>Phone: n/a – please email</u>  <u>Office Hours: by appointment (email to schedule)</u></p> <p><u>TAs:</u>  <u>Thomas Irish (tirish4@uwo.ca)</u>  <u>Yanei Lezama Ramirez (ylezamar@uwo.ca)</u></p>	<p><u>Lectures: Monday, Wednesday and Friday</u>  <u>10:30am-11:30am</u>  <u>FIMS &amp; Nursing Building (FNB)</u>  <u>Room 1200</u></p> <p><u>Fall 2024</u>  <u>Instruction Mode: primarily in-person lectures, unless the University requires a move to online delivery</u></p>
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**NOTE:** All course information including grades, assignment outlines, deadlines, etc. are available via [OWL Brightspace](#). Download the Brightspace Pulse App to stay up-to-date on course communication and enable your notification settings within “Communications” in the top toolbar. Check the website regularly for course announcements. If students need assistance with OWL Brightspace, they can seek support on the [OWL Brightspace Help](#) page. Alternatively, they can contact the [Western Technology Services Helpdesk](#) online or by phone at 519-661-3800 or ext. 83800 for technical support. Current versions of all popular browsers (e.g., Safari, Chrome, Edge, Firefox) are supported with OWL Brightspace; what is most important is that you update your browser frequently to ensure it is current. All JavaScript and cookies should be enabled.

**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 2024.

**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 pre-requisites, 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. In addition to identifying the potential issues that may arise, the principles and case examples discussed will provide students with a better appreciation of the most beneficial actions to consider taking to minimize risks or other negative outcomes.

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

- 1. Legal Overview (Legislation, Court Systems, Caselaw, Arbitrations)**
- 2. Tort Law – Intentional Torts**
- 3. Tort Law – Negligence**
- 4. Criminal Law**
- 5. Administrative Law**
- 6. Human Rights**
- 7. Consent in the Health Care Industry**
- 8. Professional Obligations in the Health Care Industry**
- 9. Current Issues and Potential Future Evolution**

## Required Course Material:

All readings will be accessible through the legal database <https://www.canlii.org/en/> or otherwise made available on OWL. The list of readings for each lecture will be contained in the preceding week's lecture slides or otherwise provided on OWL. The lecture slides will be posted on OWL, either before the lecture or following the lecture (subject to any restrictions with guest lecturers).

## Course Evaluation:

1. Participation	5%
2. OWL Forum Posts/Responses	20%
3. Quizzes 2 x 20%	40%
4. Final Paper (Essay)	35%

Quizzes will be multiple choice and/or short answer/short essay and given during a lecture period. Each quiz is worth 20% of your grade.

The dates of the two quizzes are:

- October 9, 2024
- November 13, 2024

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.

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). Grades for this portion of the course will be evaluated on a qualitative basis and any sources must be cited. The use of generative artificial intelligence tools is strictly prohibited.

Final Paper (Essay) Students will be given a choice of final paper topics on or before October 11, 2024. 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 4, 2024. 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 (essay) 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, 9<sup>th</sup> ed. (McGill Guide) or APA (7<sup>th</sup> ed.) guidelines. Length should be no less than 2,500 words and no more than 3,000 words (excluding title page and references).

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. The use of generative artificial intelligence tools is strictly prohibited. Due date for the final paper (essay) is Friday, December 6, 2024 at 5:00pm. In order to pass the course, students must complete and receive at least a D (passing grade) on the final paper (essay).

## **University/Academic Policies and Statements**

### **Support Services**

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

1. Academic Support and Engagement - <http://academicsupport.uwo.ca>
2. Wellness and Well-being - <https://www.uwo.ca/health/>
3. Registrar's Office -- <http://www.registrar.uwo.ca/>
4. Ombuds Office -- <http://www.uwo.ca/ombuds/>

The websites for Registrarial Services (<http://www.registrar.uwo.ca>), and the same for affiliated university colleges when appropriate, and any appropriate Student Support Services (including the services provided by the USC listed here: <http://westernusc.ca/services/>) and the Student Development Services, should be provided for easy access.

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

### **Statement on Gender-Based and Sexual Violence**

Western is committed to reducing incidents of gender-based and sexual violence and providing compassionate support to anyone who has gone through these traumatic events. If you have experienced sexual or gender-based violence (either recently or in the past), you will find information about support services for survivors, including emergency contacts at:

[https://www.uwo.ca/health/student\\_support/survivor\\_support/get-help.html](https://www.uwo.ca/health/student_support/survivor_support/get-help.html).

### **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>

### **Absence from Course Commitments**

Students must familiarize themselves with the Policy on [Academic Consideration – Undergraduate Students in First Entry Programs](#)

Students missing course work for medical, compassionate, or extenuating circumstances can request academic consideration by completing a request at the central [academic consideration portal](#). Students are permitted one academic consideration request per course per term **without** supporting documentation. Note that supporting documentation is

**always** required for academic consideration requests for examinations scheduled by the office of the registrar (e.g., December and April exams) and for practical laboratory and performance tests (typically scheduled during the last week of the term).

Students should also note that the instructor may **designate** one assessment per course per term that requires supporting documentation. This designated assessment is described elsewhere in this document. Academic consideration requests may be denied when flexibility in assessment has already been included. Examples of flexibility in assessment include when there are assessments not required for calculation of the final grade (e.g. 8 out of 10 quizzes), when there is flexibility in the submission timeframe (e.g. 72 hour no late penalty period), or when timed assessments (e.g., quizzes) are available over an extended period of time (e.g., when you are given a 72 hour time period to start – and finish – the assessment).

Please note that any academic considerations granted in this course will be determined by the instructor of this course, in consultation with the academic advisors in your Faculty of Registration, in accordance with information presented in this course syllabus. Supporting documentation for academic considerations for absences due to illness should use the [Student Medical Certificate](#) or, where that is not possible, equivalent documentation by a health care practitioner.

### **Accommodation for Religious Holidays**

Students should review the policy for [Accommodation for Religious Holidays](#). Where a student will be unable to write examinations and term tests due to a conflicting religious holiday, they should inform their instructors as soon as possible but not later than two weeks prior to writing the examination/term test. In the case of conflict with a midterm test, students should inform their instructor as soon as possible but not later than one week prior to the midterm.

### **Special Examinations**

A Special Examination is any examination other than the regular examination, and it may be offered only with the permission of the Dean of the Faculty in which the student is registered, in consultation with the instructor and Department Chair. Permission to write a Special Examination may be given on the basis of compassionate or medical grounds with appropriate supporting documents. To provide an opportunity for students to recover from the circumstances resulting in a Special Examination, the University has implemented Special Examination dates. The Faculty of Health Sciences has set School-specific dates for these Special Examinations. Please speak with your instructor about the date on which the Special Examination for this course will be held.

### **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, at the following website: [http://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/scholastic\\_discipline\\_undergrad.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf).

### **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](http://www.turnitin.com)).

### **Use of Artificial Intelligence for the Completion of Course Work**

Within this course, you may only use artificial intelligence tools (e.g., "ChatGPT") in ways that are specifically authorized by the course instructor. All submitted work must reflect your own thoughts and independent written work.

### **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.

### **Accessibility Statement**

Please contact the course instructor if you require material in an alternate format or if you require any other arrangements to make this course more accessible to you. You may also wish to contact Accessible Education (AE) at 661-2111 x 82147 for any specific question regarding an accommodation or review [The policy on Accommodation for Students with Disabilities](#)

### **Correspondence Statement**

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 their official university address is attended to in a timely manner. Students are further expected to attend to announcements presented through Brightspace, and to read emails generated in this way.

### **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 (e.g., cell phones, tablets, cameras, smart glass, smart watches, or iPods) during ANY tests, quizzes, midterms, examinations, or other in-class evaluations. **These devices MUST either be left at home or with your belongings at the front of the room. They MUST NOT be at your test/exam desk or in your pocket. Any student found with a prohibited device will receive an automatic grade of zero on the test or exam.**

## 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.

## Copyright and Audio/Video Recording Statement

Course material produced by faculty is copyrighted and to reproduce this material for any purposes other than your own educational use contravenes Canadian Copyright Laws. 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.

## 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 Brightspace 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.

## 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>.

## 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.

- November 13th, 2024 (for first term half-courses)
- November 30th, 2024 (for full-year courses)
- March 7th, 2025 (for second term half-courses)

A+	90-100	<i>One could scarcely expect better from a student at this</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 31<sup>st</sup> (for first-term half courses) or June 30<sup>th</sup> (for second-term half courses or full-year courses).