

Western University
School of Health Studies & Faculty of Law
Health Sciences 3101B & Law 3101B
Health Care Law

Instructor: Professor Jacob Shelley
Email: jshelle6@uwo.ca
Office:
Office Hours: As posted.

Course Co-ordinator:
Email:
Office:

TAs: TBA

Course Time:

Location:

Course Information

This course surveys the law governing the provision of treatment, counselling and care in Ontario, with focus on two populations: patients and health care professionals. “Health care professionals” here is defined broadly, but this course will focus on regulated health professionals. Topics covered include: the role of law in the health care system, the regulation of health care professionals, including duties and rights, patient rights, consent, capacity to consent, reproduction, decisions around one’s body and mind, treatment decisions, and end-of-life decision making. Particular attention will be paid to how vulnerable and marginalized populations navigate the health care system. The course is open to all Western undergraduates (other than law students enrolled in the J.D. program).

Course Objectives

This course aims to provide an understanding of the role of law in health care in Ontario. Upon successful completion of the course, students will be able to:

1. Identify the legal foundations of health care in Ontario.
2. Identify the legal framework governing health care professionals and health care decisions.
3. Identify the legal duties and rights of health care professionals in Ontario.
4. Identify and analyze the rights of patients within the health care system.
5. Understand how the law informs approaches to treatment, including the role of consent, capacity assessments and substitute decision-makers, and to identify how mental health issues impact these domains.
6. Reflect on how the law governs decision-making throughout the life course (e.g., reproduction, treatments, end-of-life).
7. Recognize the obligations of health care professionals with respect to records, reporting, confidentiality and privacy.

8. Identify and analyze when health care professionals may be legal responsible for harms, whether through tort law, criminal law, professional standards, or other legislative requirements.

Course Materials

As this course will be offered in a hybrid model, with Thursday classes being online. The Course Site will contain all required readings. A full reading list will be provided at the start of the term.

The required text for the course are:

Sarah Polley, *Run Towards the Danger* (Penguin Random House: 2024).

Recommended text:

Hardcastle, *Introduction to Health Law in Canada*

Teaching Assistants

Teaching Assistants schedule for this course will be announced at the start of the semester.

Hybrid Format

This course will be run in a hybrid format, with Thursday classes being online. Class materials will be available as of Thursday mornings, but the online quiz will only be available as of 2:30 pm (see below about quizzes). Students will be expected to work through the online materials. All of the required materials will be possible to complete within the 50 minutes allotted, excluding the reading materials. When resources are provided that are not examinable, as may occur from time to time, this will be clearly identified.

As a hybrid course, a strong internet connection is highly recommended.

Email Policy

Email is the primary method I will use (to your UWO email) to communicate with students. Be sure to check your email regularly or you may miss important information. If you wish to forward your mail to some other address, make sure you set your UWO account to do so properly. Also, please ensure that your UWO mailbox (and the one being forwarded to) does not get so full that emails are rejected.

IMPORTANT: please do not send the instructor or TAs emails – you are required to post all course-related inquires to the discussion board. Email should be used as a last resort and should be used for confidential matters only. For such emails, please use “Law 3101” or “Health Sciences 3101” in the subject line.

Schedule & Public Health Policy

It is critical that students pay attention to the course schedule, distributed at the start of term. It is possible that due to ongoing public health concerns that this course will need to be delivered online. If that occurs, all Tuesday lectures will be recorded and posted to the course website by the regular start of class. More guidance on this, should it occur, will be provided.

Evaluation

The grades in the course are based on three components: (a) online quizzes (worth 20%); (b) two assignments (20%, 10% each); and (c) examinations, including a midterm examination in February (worth 25%) and a final examination in April (worth 35%). As required by University rules, students are hereby informed that software will be used to check for unusual coincidences in answer patterns that may indicate cheating.

(a) Online Quizzes – 20%

Every Thursday, there will be an online quiz associated with the materials. Quizzes will be worth 2% each. These will be based on the materials posted for the week, the lecture, and video content. Each quiz will be made available upon completion of the online Thursday class materials. One started, students will have 20 minutes to complete the quiz. Quizzes will need to be completed by the following Tuesday's class. **NOTE: I'm still working on how to make this available only after the content has been viewed – i.e., you can't just write quiz, you need to watch the content. Language will need to change here.**

Quizzes will be worth 2% each. There will be a quiz on the following dates: January 16th, 23rd, 30th; February 6th, 13th; March 6th, 13th, 20th, 27th; and April 3rd.

(b) Assignment – 20%

Students will be asked to complete two assignments, one in February and one in March. Details to be provided in class.

(c) Examinations – 60%

Midterm Examination (worth 25%)

The two-hour closed-book midterm exam will take place on **Tuesday, February 25th** in class. The midterm exam will be based on materials covered up until Thursday, February 13th.

Please see below (under "Scholastic Offences") for potential information about use of exam analysis software. There will be an opportunity to rewrite a missed midterm. T

Final Examination (worth 35%)

The two-and-a-half-hour multiple-choice closed-book final exam will take place in April at a date and time set by the Registrar's Office. The final exam will have two main sections: the first part, which will be worth 25% of the mark (of the 35%) will focus on materials covered after the midterm examination (classes beginning Thursday, February 27th). 10% of the mark (of the 35%) will be based on a case study, drawing on materials drawn from the entire term.

Additional Statements

1. The website for Registrar 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 March 7th, 2024.

A+	90-100	<i>One could scarcely expect better from a student at this level</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>