EDUC 525: Law and Ethics in Education  
Fall 2022

<table>
<thead>
<tr>
<th>Instructor</th>
<th>Location</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rhiannon Jones</td>
<td>ST 140</td>
<td><a href="mailto:rc.jones@ucalgary.ca">rc.jones@ucalgary.ca</a></td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Teaching Assistants</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Razieh Alba</td>
<td></td>
<td><a href="mailto:razieh.hekmat@ucalgary.ca">razieh.hekmat@ucalgary.ca</a></td>
</tr>
<tr>
<td>Simren Trehin</td>
<td></td>
<td><a href="mailto:simren.trehin@ucalgary.ca">simren.trehin@ucalgary.ca</a></td>
</tr>
<tr>
<td>Zahra Golneshan</td>
<td></td>
<td><a href="mailto:zgolnesh@ucalgary.ca">zgolnesh@ucalgary.ca</a></td>
</tr>
<tr>
<td>Cameron (Timothy) Carley</td>
<td></td>
<td><a href="mailto:timothy.carley@ucalgary.ca">timothy.carley@ucalgary.ca</a></td>
</tr>
</tbody>
</table>

Territorial Acknowledgement: As the instructor of this course, I take this opportunity to acknowledge the traditional territories of the people of the Treaty 7 region in Southern Alberta, which includes the Blackfoot Confederacy (comprising the Siksika, Piikani, and Kainai First Nations), as well as the Tsuut’ina First Nation, and the Stoney Nakoda (including the Chiniki, Bearspaw, and Wesley First Nations). The City of Calgary is also home to Métis Nation of Alberta, Region 3. I also note that the University of Calgary is situated on land adjacent to where the Bow River meets the Elbow River, and that the traditional Blackfoot name of this place is “Moh’kins’tsis”, which we now call the City of Calgary.

Course Dates: September 6 - October 27, 2022

Last Day to Add/Drop/Swap: Due to the non-standard dates associated with this program, please check your Student Centre for the important dates pertaining to your section.

Pre-requisite: Due to the multiple pathways in the Bachelor of Education, please consult Undergraduate Programs in Education for questions related to pre-requisite courses.

Office Hours: By appointment only.

**COURSE DESCRIPTION:**
This course is an introduction to the historical genesis and institutional structure of Alberta’s system of education; an understanding of its legal underpinnings; and an opportunity for dialogue in small groups on current major issues in educational law and on ethical decision-making surrounding educational issues.

**LEARNER OUTCOMES:**
Students will be knowledgeable about:
1. The genesis of public education in Alberta.
2. The legal rights and responsibilities of student teachers, teachers, students, and parents.
3. Various schools of ethical thought.

**COURSE DESIGN AND DELIVERY:** The lectures will be delivered in person, on Tuesdays and Thursdays from 8:00 am – 10:20 am.

There are two recommended texts for this course:


All other resources will be posted on D2L or may be accessed at the hyperlinks provided in the Weekly Course Schedule below.

### LEARNING TASKS OVERVIEW

<table>
<thead>
<tr>
<th><strong>LEARNING TASK</strong></th>
<th><strong>DESCRIPTION OF LEARNING TASK</strong></th>
<th><strong>GROUP / INDIVIDUAL</strong></th>
<th><strong>WEIGHT</strong></th>
<th><strong>DUE DATE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Assignment 1</td>
<td>Law Assignment</td>
<td>Group</td>
<td>50%</td>
<td>Wednesday October 12, 2022, at 11:59 pm</td>
</tr>
<tr>
<td>Assignment 2</td>
<td>Ethics Assignment</td>
<td>Group</td>
<td>50%</td>
<td>Thursday October 27, 2022, at 11:59 pm</td>
</tr>
</tbody>
</table>

### WEEKLY COURSE SCHEDULE: The course schedule and readings are subject to change upon reasonable notice to the class.

### CHANGES TO SCHEDULE:
Please note that changes to the schedule may occur to meet the emerging needs and dynamics of the participants in the course. We will also be inviting guest speakers into the class, so the schedule may change based on the needs of the speakers.

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Readings</th>
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</table>
**Recommended:**  
*Education Law in Canada* [“ELIC”], Chapter 3: The Role of Courts in Education  
ELIC, Chapter 1: From My Side of the Desk: A Case for School Law  
ELIC, Chapter 2: The Legal and Administrative Framework of Education in Canada  
ELIC, Chapter 4: Educator Rights and Duties |
Edmonton School District No. 7 v. Dorval, 2016 Alberta Court of Appeal  
The Teaching Quality Standard. Retrieved from  
| Week Two: September 15, 2022 | Student Rights | Students’ minority language educational rights  
Students’ (and parents’) freedom of religion  
*L(S) c Des Chênes (Commission scolaire),* 2012 SCC 7 (CanLII),  
[<http://canlii.ca/t/fq4b5>](http://canlii.ca/t/fq4b5) at paras 1-43.  
*Multani v Commission scolaire Marguerite-Bourgeoys,* 2006 SCC 6 (CanLII),  
[<http://canlii.ca/t/1mnj2>](http://canlii.ca/t/1mnj2) at paras 1-14, 32-83.  
*Servatius v Alberni School District,* 2020 BCSC 15 (CanLII),  
[<http://canlii.ca/t/j4fvy>](http://canlii.ca/t/j4fvy) at paras 1-108. |
Students’ (and parents’) freedom of expression

*Pridgen v University of Calgary*, 2010 ABQB 644 (CanLII), <http://canlii.ca/t/2cxd9> at paras 1-15 and 70-83, aff’d 2012 ABCA 139.

*Elkow v Sana*, 2015 ABQB 803 (CanLII), <http://canlii.ca/t/gmnjt> at paras 1-35, 82-223

Recommended:

Charterpedia on s. 1: https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art1.html


*Conseil scolaire francophone de la Colombie-Britannique v British Columbia*, 2020 SCC 13 (CanLII), <http://canlii.ca/t/j882q> at paras 1-163 and 188-264.

*Pridgen v University of Calgary*, 2012 ABCA 139 (CanLII), <http://canlii.ca/t/fr7w6> at paras 1-42 and 113-128.

**Week Three:** September 20, 2022

**Student Rights continued**

Students’ freedom against unreasonable search and seizure


*Constant-Daniels (Litigation Guardian of) v Tournier*, 2014 SKQB 353 (CanLII), <http://canlii.ca/t/gf7s9> at paras 1-41.

**Procedural fairness**

*JO (Next Friend of) v Strathcona-Tweedsmuir School*, 2010 ABQB 559 at paras 1-47, https://canlii.ca/t/2cfsc

**Week Three:** September 22, 2022

**Educators’ Negligence and Liability**

**Negligence**

*MacCabe v Westlock Roman Catholic Separate School District No 110*, 2001 ABCA 257 (CanLII), <http://canlii.ca/t/5rcq> at paras 1-79.
**Week Four: September 27, 2022**

**Educators’ Negligence and Liability**

Deborah Tilli *v* Hamilton-Wentworth Catholic District School Board, 2019 ONSC 1783 (CanLII), [CanLII](http://canlii.ca/t/j0qc4).

Hamilton *v* School District No 37, 2010 BCSC 712 (CanLII), [CanLII](http://canlii.ca/t/29v33).

Patrick *v* St Clair Catholic District School Board, 2013 ONSC 4025 (CanLII), [CanLII](http://canlii.ca/t/g2vjr).

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**Week Four: September 29, 2022**

**Issues of Misconduct**

Sexual abuse¹

R *c* Audet, 1996 CanLII 198 (SCC), [CanLII](http://canlii.ca/t/1fr9r) at paras 1-28 and 32-49, [1996] 2 SCR 171.

SGH *v* Gorsline, 2001 ABQB 163 (CanLII), [CanLII](http://canlii.ca/t/h2qq6) at paras 1-29, 49-125.

AB *v* CD, 2011 BCSC 775 (CanLII), [CanLII](http://canlii.ca/t/flvt5) at paras 1-158.

MM *v* PM, 2000 BCSC 1597 (CanLII), [CanLII](http://canlii.ca/t/1fmfr) at paras 1-7 and 31-71.


Corporal punishment

Alberta Teachers’ Association, “Teachers and Section 43 of the *Criminal Code*” (2007) 3:7 Leadership Update, online:

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¹ These readings include descriptions of sexual assault and abuse. They form an important part of the course, and it is impossible to discuss these issues in the requisite degree of detail without getting into their facts. That being said, if you wish to avoid reading these materials for any reason, please contact the instructor directly, and I will work with you to come up with an alternate arrangement, no questions asked.
<table>
<thead>
<tr>
<th>Week Five: October 4, 2022</th>
<th>Issues of Misconduct</th>
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</thead>
<tbody>
<tr>
<td>Educators’ freedom of expression and religion</td>
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*Morin v Prince Edward Island School Board, Regional Administrative Unit No 3, 2002 PESCAD 9 (CanLII),* <http://canlii.ca/t/4tkj> at paras 1-115.

Sanctionable misconduct

*British Columbia Public School Employers’ Association v British Columbia Teachers’ Federation, 2018 CanLII 102019 (BC LA),* <http://canlii.ca/t/hvtbf> at paras 1-186, [2018] BCCAAA No 68.

*Kempling v College of Teachers (British Columbia), 2005 BCCA 327 (CanLII),* <http://canlii.ca/t/1l029> at paras 1-11 and 28-84.


**Recommended:**

*Audet, supra* at paras 50-76, Major J, dissenting (Sopinka J concurring).


*Trinity Western University v College of Teachers (British Columbia), 2001 SCC 31 (CanLII),* <http://canlii.ca/t/dmd>.


*Canadian Foundation for Children, Youth & the Law v Canada (Attorney General), 2004 SCC 4 (CanLII),* <http://canlii.ca/t/1g990>.
<table>
<thead>
<tr>
<th>Week</th>
<th>Date</th>
<th>Event</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week Five:</td>
<td>October 6, 2022</td>
<td>Law: Wrap up</td>
<td>Guest Speaker (TBD – R. Wake)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wrap up- The law</td>
<td></td>
</tr>
<tr>
<td>Week Six:</td>
<td>October 11, 2022</td>
<td>No new material: Lecture time will be set aside for assignment</td>
<td>questions drop-in and work on assignments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>*LT1 Due on October 12, 2022 at 11:59 pm</td>
<td></td>
</tr>
<tr>
<td>Week Six:</td>
<td>October 13, 2022</td>
<td>Ethical Schools of Thought for Educators</td>
<td>Guest Speaker (JK Donlevy)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alberta Teachers’ Association, <em>Declaration of Rights and Responsibilities for Teachers</em> (2018), online: &lt;<a href="https://www.teachers.ab.ca/SiteCollectionDocuments/ATA/Publicat">https://www.teachers.ab.ca/SiteCollectionDocuments/ATA/Publicat</a></td>
<td></td>
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LEARNING TASKS AND ASSESSMENT

There are three required Learning Tasks for this course.

LEARNING TASK: ASSIGNMENT 1 – DUE: Wednesday, October 12, 2022, at 11:59 PM

Students will self-select into groups of three to five. Students may submit a request to work in a different size of group. Upon approval, the instructor may vary the word count range on a discretionary basis to ensure that larger groups are doing approximately the same amount of work per capita as smaller groups. The instructor will explain further details of the group selection process before the semester begins.

I will post three questions pertaining to the education law topics we learn in Weeks 1-5. Each group will select one question and prepare a single written response to be submitted to the D2L drop box by the due date.

References to materials must be formatted in APA. Guidance will be provided on citing cases and legal materials.

The document must be submitted in Microsoft Word format, double-spaced, 12-point font (Times New Roman or Arial). The cover page must list group members in alphabetical order by surname. Assignments must be 1,500-2,000 words in length (excluding title page and references) unless you are working in a group of more or less than three to five students and the instructor stipulates a different word count range.

If you have any questions regarding formatting, citation, or writing style, please contact your professor.

CRITERIA FOR ASSESSMENT OF ASSIGNMENT 1

Assignment 1 will be assessed using the following criteria:

I. Clarity of expression; writing (10 points)
II. Logic and coherence of organization; (10 points) paper/assignment flow (transitions, APA, logic, etc.)
III. Case law usage and application of relevant legal tests; and (15 points)
IV. Quality of analysis, including identification of legal issues. (15 points)

LEARNING TASK: ASSIGNMENT 2 – DUE: Thursday, October 27, 2022, at 11:59 PM

Students may work with the same group as for Assignment 1. Students who wish to change their groups may submit a request on the same terms as stated above for Assignment 1.

I will post three questions pertaining the ethics concepts we learn in Weeks 6 and 7. Each group will select one question and prepare a single written response to be submitted to the D2L drop box by the due date. All formatting and citation requirements are the same as for Assignment 1.

I understand that you have many assignments due that same week. Therefore, I will ensure that everything you need to complete this assignment – including the assignment itself – will be posted to D2L no later than September 25, 2022.

CRITERIA FOR ASSESSMENT OF ASSIGNMENT 2

Assignment 1 will be assessed using the following criteria:

I. Clarity of expression; (10 points)
II. Logic and coherence of organization; (10 points)
III. Application of the various ethical perspectives and the ATA Professional Code of Conduct, and how these interrelate; and (15 points)
IV. Quality of analysis, including identification of ethical issues. (15 points)

THE EXPECTATION OF EXCELLENCE IN PROFESSIONAL WORK

Please review the Academic Calendar carefully. It describes the program and provides detailed schedules and important dates. It contains information on expectations for student work and professional conduct. In addition, procedures are described regarding concern about student performance in the program. Please pay especially careful attention to details and descriptions in the following topic areas:

- The Importance of Attendance and Participation in Every Class
  As this is a professional program, experiences are designed with the expectation that all members will be fully involved in all classes and in all coursework experiences. As you are a member of a learning community your contribution is vital and highly valued, just as it will be when you take on the professional responsibilities of being a teacher. We expect that you will not be absent from class with the exception of documented instances of personal or family illness or for religious requirements.

- Engagement in Class Discussion and Inquiry
  Another reason for the importance of attendance and participation in every class is that the course involves working with fellow students to share ideas and thinking. For example, each class you will work with a small group to engage fellow students in discussions on work being considered in class. You will also help other groups by providing ideas for scholarly inquiry in assignments. If you find that you are experiencing difficulties as a group collaborating, please inform the instructor.
EXPECTATIONS FOR WRITING

All written assignments will be assessed at least partly on writing skills. Writing skills include not only surface correctness (grammar, punctuation, sentence structure, etc.) but also general clarity and organization. Sources used in research papers must be properly documented. If you need help with your writing, you may use the writing support services through the Student Success Centre. For further information, please refer to the official online University of Calgary Calendar, Academic Regulations, E. Course Information, E.2: Writing Across the Curriculum: http://www.ucalgary.ca/pubs/calendar/current/e-2.html

LATE SUBMISSIONS

All late submissions of assignments must be discussed with the instructor prior to the due date. Students may be required to provide written documentation of extenuating circumstances (e.g. statutory declaration, doctor’s note, note from the University of Calgary Wellness Centre, obituary notice). A deferral of up to 30 days may be granted at the discretion of the Associate Dean of Undergraduate Programs with accompanying written evidence.

ISSUES WITH GROUP TASKS

With respect to group work, if your group is having difficulty collaborating effectively, please contact the instructor immediately. If a group is unable to collaborate effectively or discuss course materials online in a timely manner, the instructor may re-assign members to different groups or assign individual work for completion.

GRADING

<table>
<thead>
<tr>
<th>Grade</th>
<th>GPA Value</th>
<th>%</th>
<th>Description per U of C Calendar</th>
</tr>
</thead>
<tbody>
<tr>
<td>A+</td>
<td>4.0</td>
<td>95-100</td>
<td>Outstanding</td>
</tr>
<tr>
<td>A</td>
<td>4.0</td>
<td>90-94</td>
<td>Excellent – Superior performance showing comprehensive understanding of the subject matter</td>
</tr>
<tr>
<td>A-</td>
<td>3.7</td>
<td>85-89</td>
<td>Good - clearly above average performance with knowledge of subject matter generally complete</td>
</tr>
<tr>
<td>B+</td>
<td>3.3</td>
<td>80-84</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>3.0</td>
<td>75-79</td>
<td></td>
</tr>
<tr>
<td>B-</td>
<td>2.7</td>
<td>70-74</td>
<td></td>
</tr>
<tr>
<td>C+</td>
<td>2.3</td>
<td>65-69</td>
<td>Satisfactory - basic understanding of the subject matter</td>
</tr>
<tr>
<td>C</td>
<td>2.0</td>
<td>60-64</td>
<td></td>
</tr>
<tr>
<td>C-</td>
<td>1.7</td>
<td>55-59</td>
<td></td>
</tr>
<tr>
<td>D+</td>
<td>1.3</td>
<td>52-54</td>
<td>Minimal pass - Marginal performance</td>
</tr>
<tr>
<td>D</td>
<td>1.0</td>
<td>50-51</td>
<td></td>
</tr>
<tr>
<td>F</td>
<td>0.0</td>
<td>49 and lower</td>
<td>Fail - Unsatisfactory performance</td>
</tr>
</tbody>
</table>

Students in the B.Ed. program must have an overall GPA of 2.5 in the semester to continue in the program without repeating courses.
**Academic Accommodation**

Students seeking an accommodation based on disability or medical concerns should contact Student Accessibility Services; SAS will process the request and issue letters of accommodation to instructors. For additional information on support services and accommodations for students with disabilities, visit www.ucalgary.ca/access/. Students who require an accommodation in relation to their coursework based on a protected ground other than disability should communicate this need in writing to their Instructor. The full policy on Student Accommodations is available at http://www.ucalgary.ca/policies/files/policies/student-accommodation-policy.pdf.

**Academic Misconduct**

For information on academic misconduct and its consequences, please see the University of Calgary Calendar at http://www.ucalgary.ca/pubs/calendar/current/k.html.

**Attendance/ Prolonged Absence**

Students may be asked to provide supporting documentation for an exemption/special request. This may include, but is not limited to, a prolonged absence from a course where participation is required, a missed course assessment, a deferred examination, or an appeal. Students are encouraged to submit documentation that will support their situation. Supporting documentation may be dependent on the reason noted in their personal statement/explanation provided to explain their situation. This could be medical certificate/documentation, references, police reports, invitation letter, third party letter of support or a statutory declaration etc. The decision to provide supporting documentation that best suits the situation is at the discretion of the student.

Falsification of any supporting documentation will be taken very seriously and may result in disciplinary action through the Academic Discipline regulations or the Student Non-Academic Misconduct policy. https://www.ucalgary.ca/pubs/calendar/current/n-1.html

**The Freedom of Information Protection of Privacy Act** prevents instructors from placing assignments or examinations in a public place for pickup and prevents students from access to exams or assignments other than their own. Therefore, students and instructors may use one of the following options: return/collect assignments during class time or during instructors’ office hours, students provide instructors with a self-addressed stamped envelope, or submit/return assignments as electronic files attached to private e-mail messages.

For additional resources including, but not limited to, those aimed at wellness and mental health, student success or to connect with the Student Ombuds Office, please visit https://www.ucalgary.ca/registrar/registration/course-outlines

**Education Students Association (ESA) President for the academic year is Kevin Dang, esa@ucalgary.ca.**

**Werklund SU Representative is Dhwani Joshi, educrep@su.ucalgary.ca.**