

**MOS 3306B – AVIATION LAW  
WINTER 2013**

Thursdays, 7:00 p.m. – 10:00 p.m., Room 3028, Social Science Centre

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**COURSE DESCRIPTION:**

MOS 3306B - Aviation Law is an introduction to the law governing aviation in Canada and abroad. The objectives of the course are to provide students with a basic knowledge of the sources of aviation law and to give students an understanding of certain substantive and procedural aspects of aviation law. Subjects covered include an introduction to the common law system, jurisdiction over aviation in Canada, aerodromes, airports, airspace, licensing, enforcement, criminal offences related to aviation, aircraft registration and airworthiness, civil liability, aircraft and boarder security.

The class meets one time per week for up to three hours.

**COURSE READINGS**

Written Material

- (1) *Course Materials – Aviation Law* (required, available in the University Book Store)
- (2) *Aeronautical Information Manual* (required, available <http://www.tc.gc.ca/eng/civilaviation/publications/tp14371-menu-3092.htm>)

Statutes (selected provisions of the following statutes as assigned by the instructor and listed in the Course Reading List)

- (1) *Aeronautics Act* R.S.C., 1985, c. A-2  
<http://laws.justice.gc.ca/en/showtdm/cs/A-2>

- (2) *Canada Border Services Agency Act* S.C. 2005, c. 38  
<http://laws.justice.gc.ca/en/showtdm/ca/C-1.4>

Statutes (cont.)

- (3) *Canada Transportation Act* S.C. 1996, c.10  
<http://laws.justice.gc.ca/en/showtdm/cs/C-10.4>
- (4) *Canadian Air Transport Security Authority Act* S.C. 2002, c.9, s.2  
<http://laws.justice.gc.ca/en/showtdm/cs/C-11.2>
- (5) *Canadian Charter of Rights and Freedoms*  
<http://laws.justice.gc.ca/en/charter/index.html>
- (6) *Canadian Transportation Accidents Investigation and Safety Board Act* S.C. 1989, c.3  
<http://laws.justice.gc.ca/en/showtdm/cs/C-23.4>
- (7) *Carriage By Air Act* R.S.C. 1985, c.C-26  
<http://laws.justice.gc.ca/en/showtdm/cs/C-26>
- (8) *Civil Air Navigation Services Commercialization Act* S.C. 1996, c.20  
<http://laws.justice.gc.ca/en/showtdm/cs/C-29.7>
- (9) *Constitution Act (1867)*, sections 91 and 92  
<http://laws.justice.gc.ca/en/const/index.html>
- (10) *Criminal Code of Canada* R.S.C., 1985, c. C-46  
<http://laws.justice.gc.ca/en/showtdm/cs/C-46>
- (11) *Customs Act* R.S.C. 1985, c.1 (2<sup>nd</sup> Supp.)  
<http://laws.justice.gc.ca/en/showtdm/cs/C-52.6>
- (12) *Immigration and Refugee Protection Act* S.C. 2001, c. 27  
<http://laws.justice.gc.ca/en/showtdm/cs/I-2.5>
- (13) *Transportation Appeal Tribunal of Canada Act* S.C. 2001, c. 29  
<http://laws.justice.gc.ca/en/showtdm/cs/T-18.5>

Regulations

- (1) *Canadian Aviation Regulations (CARs)* S.O.R./2000-111  
<http://laws.justice.gc.ca/en/showtdm/cr/SOR-96-433>

- (2) *Canadian Aviation Security Regulations S.O.R./96-433*  
<http://laws.justice.gc.ca/en/showtdm/cr/SOR-2000-111>

Other

- (1) The Transportation Safety Board  
<http://www.tsb.gc.ca/eng/index.asp>
- (2) International Civil Aviation Organization (ICAO)  
<http://www.icao.int/>
- (3) International Air Transport Association (IATA)  
<http://www.iata.org/index.htm>
- (4) NAV Canada  
<http://www.navcanada.ca>
- (5) “Warsaw Convention”  
<http://www.iata.org/NR/ContentConnector/CS2000/Siteinterface/sites/legal/file/warsaw.pdf>

This list of statutes, regulations and other material is for reference purposes only to provide access to material as assigned by the instructor. Students are not required to read the entire statute, only the specific provisions identified in the course readings as assigned. Students are responsible for completing all assigned readings and are to be prepared to discuss such material in class.

**METHODS OF EVALUATION**

(1) Course Grading

Mid-term Test (Thursday, February 28, 2013)	30%
Group Presentation (as assigned)	30%
Class Participation	10%
Final Examination (held during the April examination period)	30%

(2) Class Participation

Students are expected to have completed all assigned readings in a timely fashion and be prepared to discuss such material in class. Students will be challenged to discuss and debate, with the instructor and their fellow students, the results of various cases studied. The instructor will note the degree and quality of participation of individual students throughout the term in addition to the classroom discourse and assign marks as part of the Class Participation component of the mark as a result.

It is also expected that students will give their undivided attention during class. To achieve this objective and to avoid unnecessary interruptions, all cell phones are to be turned off during class, no ipods or other personal devices are permitted. During class, students are not permitted to send text messages, use e-mail or use laptop computers for purposes other than related to class material.

### (3) Group Presentation

Students will be broken down into small groups and each group will be required to prepare a paper and presentation on a Canadian Aviation Regulation of their choice. These groups will be established by Thursday, January 24, 2013 and the topics confirmed with the instructor by January 31, 2013..

It is expected that the presentation will involve each member of the group, such presentation to take approximately 30 minutes with an additional 10 minutes being allowed for questions and discussion.

A paper will be submitted by the group, which will demonstrate the group's critical reading and research skills and their ability to prepare a concisely written commentary on the assigned topic. The paper shall be a minimum of 1500 and a maximum of 2000 words. The paper must be handed in at 7:00 p.m. on the day that the presentation is to be made. If the paper portion of the presentation is not available when due, a mark of zero will be assigned for that portion of the task. A more detailed written description of the required elements of the assignment will be provided during the course.

To protect against loss of a written assignment, students are advised to keep a duplicate copy of the assignment as submitted, and to retain his or her rough notes until final grades in the course have been determined.

### (4) Examinations

The format for the both the mid-term test and the final examination may include multiple-choice, short answer and short essay answers, or any combination thereof. These exams are closed book.

The mid-term examination to be written during class time on Thursday, February 28, 2013 will cover assigned readings, lectures and class discussions from class 1 through class 6 inclusive.

The final examination to be written during the April final examination period will cover assigned readings, lectures, guest speaker's material, group presentation material and class discussions for all of the material covered during the course from class 1 through to and including class 12.

Computers, books, dictionaries and written materials are NOT allowed into the test or examination. Calculators are not required and thus will not be allowed into the test or examination. Cell phones should be turned off and put away. There should be no reason to refer to a cell phone or to text during the exam and use may result in expulsion from the exam room and a zero assigned to the exam in question. Students are responsible for material covered in the lectures as well as the assigned chapters/sections in the text.

Students are required to complete all components of this course. There are no exceptions to this. Extra assignments to improve grades will not be offered or entertained. Exams may be scored using the program Scan Exam which examines the answer sheets for unusual coincidences in the pattern of answers given which may be indicative and used as supporting evidence of cheating. Grades will **not** be adjusted on the basis of need. It is important to monitor your performance in the course. Remember: *You* are responsible for your grades in this course.

### **ACCESSIBILITY**

DAN Management and Organizational Studies strives at all times to provide accessibility to all faculty, staff, students and visitors in a way that respects the dignity and independence of people with disabilities. 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 wish to contact Services for Students with Disabilities (SSD) at 519- 661-2111 #82147 for any specific questions regarding an accommodation. More information about “Accessibility at Western” is available at: <http://accessibility.uwo.ca>.

### **OTHER GENERAL POLICY INFORMATION FOR COURSE**

#### **1. University Policy Regarding Illness**

##### **1.1. Illness**

The University recognizes that a student’s ability to meet his/her academic responsibilities may, on occasion, be impaired by medical illness. Illness may be acute (short term), or it may be chronic (long term), or chronic with acute episodes. The University further recognizes that medical situations are deeply personal and respects the need for privacy and confidentiality in these matters. However, in order to ensure fairness and consistency for all students, academic accommodation for work representing 10% or more of the student’s overall grade in the course shall be granted only in those cases where there is documentation supplied (see below for process) indicating that the student was seriously affected by illness and could not reasonably be expected to meet his/her academic responsibilities.

Documentation shall be submitted, as soon as possible, to the appropriate Dean’s office (the Office of the Dean of the student’s Faculty of registration/home Faculty) together with a request for relief specifying the nature of the accommodation being requested.

These 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 [<http://www.uwo.ca/univsec/handbook/general/privacy.pdf>].

Once the petition and supporting documents have been received and assessed, appropriate academic accommodation shall be determined by the Dean's Office in consultation with the student's instructor(s). Academic accommodation 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 accommodation 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 his/her 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.)

A form to be completed by off-campus physicians is available at: <http://counselling.ssc.uwo.ca/forms/medicalNote.pdf>

Whenever possible, students who require academic accommodation should provide notification and documentation in advance of due dates, examinations, etc. Students must follow up with their professors and their Academic Counselling office in a timely manner.

In the case of a final examination in the course, the student must arrange for a Special Examination or Incomplete through their Dean's office, for which you will be required to provide acceptable documentation.

If you feel that you have a medical or personal problem that is interfering with your work, you should contact your instructor and the Faculty Academic Counselling Office as soon as possible. Problems may then be documented and possible arrangements to assist you can be discussed at the time of occurrence rather than on a retroactive basis. In general, retroactive requests for grade revisions on medical or compassionate grounds will not be considered.

## **1.2. Make Up Examinations**

- 1.2.1.** The student must write a make-up exam if the regularly scheduled exam is missed for reasons for which adequate documentation is received by the instructor (this documentation must be supplied by the Academic Counselling office).

### 1.3. Attendance

- 1.3.1. It is expected that students will attend all classes. The professor does not provide access to lecture notes. Students are encouraged to obtain missed lecture notes from a fellow student.

## 2. University Policy on Cheating and Academic Misconduct

- 2.1. Cheating on exams will not be tolerated; students are referred to the university policy on scholastic offenses (see section 9.0 below). Looking at the test of another student, allowing another student to view your exam, or obtaining information about a test in advance are all examples of cheating. Students found cheating will receive a zero (0%) on that exam. A number of safeguards will be employed to discourage cheating. For example, examination supervisors (proctors) of the tests may ask students to move to another seat during the exam, cover their paper, avert their eyes from other students' papers, remove baseball caps, etc. This is not meant as a personal affront nor as an accusation of cheating, rather as vigilant attempts at proctoring. A copy of guidelines about how to avoid cheating can be obtained from the office of the Ombudsperson, Room 251 University Community Centre, (519) 661-3573.
- 2.2. Students are responsible for understanding the nature of and avoiding the occurrence of plagiarism and other academic offenses. Students are urged to read the section on Scholastic Offenses in the Academic Calendar. Note that such offenses include plagiarism, cheating on an examination, submitting false or fraudulent assignments or credentials, impersonating a candidate, or submitting for credit in any course without the knowledge and approval of the instructor to whom it is submitted, any academic work for which credit has previously been obtained or is being sought in another course in the University or elsewhere. If you are in doubt about whether what you are doing is inappropriate, consult your instructor. A claim that "you didn't know it was wrong" will not be accepted as an excuse.
- 2.3. The penalties for a student guilty of a scholastic offense include refusal of a passing grade in the assignment, refusal of a passing grade in the course, suspension from the University, and expulsion from the University.

## 3. Procedures For Appealing Academic Evaluations

- 3.1. In the first instance, all appeals of a grade must be made to the course instructor (informal consultation). If the student is not satisfied with the decision of the course instructor, a written appeal must be sent to the Assistant Program Director or Designate of the BMOS program. If the response of the Assistant Director is considered unsatisfactory to the student, he/she may then appeal to the Dean of the Faculty in which the course of program was taken. Only after receiving a

final decision from the Dean, may a student appeal to the Senate Review Board Academic. A Guide to Appeals is available from the Ombudsperson's Office.

#### 4. Student Responsibilities

- 4.1. Material covered in lectures will not always be the same as material covered in the textbook. These two sources should be viewed as complimentary and not redundant. As such, students who want to do well in this course are strongly encouraged to attend lectures on a regular basis. Please note that the instructor will not be providing copies of lectures notes or overheads. Therefore, if you miss a lecture, you should try to obtain this material from another student.

In this class, some students may be unaware that their private discussions are distracting to other people. If you feel that students are distracting your attention from the material, then you should ask them to be quiet. If you feel uncomfortable doing this (or the problem persists), then please see the instructor. In addition, please avoid engaging in private discussions with other students during the lectures.

To avoid unnecessary distractions, please arrive to each class on time.

#### 5. Support Services

##### 5.1. Support Services

The Registrar's office can be accessed for Student Support Services at <http://www.registrar.uwo.ca> Student Support Services (*including the services provided by the USC listed here*) can be reached at: <http://westernusc.ca/services/>

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

#### 6. Other Issues

##### 6.1. Grade Policy

The DAN Program has a grade policy which states that for courses in the x000-y000 range, the class average must fall between x% and y% for all sections of a course taught by the same instructor. In very exceptional circumstances only, class averages outside this range may be approved by the Assistant Director or Director. Class averages are not grounds for appeal.

##### 6.2. Short Absences.

If you miss a class due to minor illness or other problems, check your course outlines for information regarding attendance requirements and make sure you are not missing a test



or exam. Cover any readings and arrange to borrow the missed lectures notes from a classmate.

### 6.3. Extended Absences.

If you are absent more than approximately two weeks or if you get too far behind to catch up, you should consider reducing your workload by dropping one or more courses. The Academic Counsellors can help you to consider the alternatives. At your request, they can also keep your instructors informed about your difficulties.

### 6.4. Academic Concerns.

If you are in academic difficulty, it is strongly recommended that you see your academic counsellor.

### 6.5. Important Dates: (Pick those that are relevant, delete others)

September 6, 2012 Fall Term classes begin.

September 14, 2012 Last day to add a full course or a first-term half course

October 8, 2012 Thanksgiving Holiday

November 5, 2012 Last day to drop a first-term half course without academic penalty

November 30, 2012 Last day to drop a full course without academic penalty

December 5, 2012 Fall Session classes end

December 6, 7, 2012 Study Days

December 8-19 Mid-year examination period

January 7, 2013 Winter Session classes begin.

January 15, 2013 Last day to add a second-term half course

February 18, 2013 Family Day

February 18-22, 2013 Reading Week

March 7, 2013 Last day to drop a second-term half course without academic penalty

March 29, 2013 Good Friday

April 11, 2013 Winter Session classes end.

April 12 & 13, 2013 Study Days.

April 14-30, 2013 April examination period.

## 7. Other Information

- Bring student identification to exams.
- Nothing is to be on/at one's desk during an exam except a pencil, an eraser, and the individual's student card
- Do not wear baseball caps to exams
- Do not bring music players, cell phones, beepers, or other electronic devices to exams

For The University of Western Ontario Senate Regulations, please see the Handbook of Academic and Scholarship Policy at: <http://www.uwo.ca/univsec/handbook/>