
MOS 3306B Section – 001

Aviation Law

Fall/Winter 2019

Course Outline

1. Course Information:

Class Location and Time: SSC 3010; Thursdays, 6:30-9:30 pm

1.1 Contact Information:

Instructor: Lucien Lamoureux, LL.B., Ph.D.

Office: SSC 4434

Office Hours Thursdays, 4:30 – 6:15pm

Phone: 519-702-6517 (cell)

Email: llamour2@uwo.ca

DAN Department of Management & 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 also wish to contact Services for Students with Disabilities (SSD) at 519-661-2147 for any specific question regarding an accommodation.

More information about “Accessibility at Western” is available at: <http://accessibility.uwo.ca>

2. Calendar Description

2.1 Course Description:

The fundamentals of aviation law emphasizing factors guiding operational decision-making by aviation managers and professional pilots. Topics will include the regulation of aviation traffic and commercial and public airports, personnel licensing and training, general operating and flight rules, air transport regulators and associations.

3 lecture hours, 0.5 course

Antirequisite(s): None

Prerequisite(s): Enrollment in 3rd or 4th year of the Commercial Aviation Management module of BMOS or Geography and Commercial Aviation Management module.

Senate Regulations

Senate Regulations state, “unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you will 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.”

This regulation is in regards to the COURSES required. Students not in BMOS are permitted to enroll in up to 1.0 MOS courses, per the Academic Timetable.

3. Resources

Required Texts and Legislation

- Boyd, N. *Canadian Law: An Introduction* 7th Ed. Toronto, ON: Nelson Education Ltd; 2019 (required, available at the University Book Store)
- *Aviation Law – Readings* (required, available at the University Book Store)
- *Aviation Law – Treaties and Legislation* (required, available at University Book Store)
- *Aeronautical Information Manual* (required, available at <https://www.tc.gc.ca/media/documents/ca-publications/AIM.pdf>)

Treaties

- *Chicago Convention* (course pack)
- *Warsaw Convention* (as amended): Schedules I-V of *Carriage By Air Act* R.S.C. 1985, c.C-26 (<http://laws-lois.justice.gc.ca/eng/acts/C-26/index.html>) (unified text in course pack)
- *The Montreal Convention 1999*: Schedule VI of *Carriage By Air Act* R.S.C. 1985, c.C-26 (<http://laws-lois.justice.gc.ca/eng/acts/C-26/index.html>) (course pack)
- *Tokyo Convention* (<https://www.mcgill.ca/iasl/files/iasl/tokyo1963.pdf>)

Statutes

- *Aeronautics Act* R.S.C., 1985, c. A-2 (course pack)
- *Canada Border Services Agency Act* S.C. 2005, c. 38 (<http://laws-lois.justice.gc.ca/eng/acts/C-1.4/index.html>)
- *Canada Transportation Act* S.C. 1996, c.10 (<http://laws-lois.justice.gc.ca/eng/acts/C-10.4/index.html>)
- *Canadian Air Transport Security Authority Act* S.C. 2002, c.9, s.2 (<http://laws-lois.justice.gc.ca/eng/acts/C-11.2/index.html>)
- *Canadian Charter of Rights and Freedoms (Constitution Act (1982))* (<http://laws-lois.justice.gc.ca/eng/Const/index.html>)
- *Canadian Transportation Accident Investigation and Safety Board Act* S.C. 1989, c.3 (<http://laws-lois.justice.gc.ca/eng/acts/C-23.4/index.html>)
- *Carriage By Air Act* R.S.C. 1985, c.C-26 (<http://laws-lois.justice.gc.ca/eng/acts/C-26/index.html>)
- *Constitution Act (1867)*, sections 91 and 92 (in Course Book, Chapter 3)
- *Criminal Code* R.S.C., 1985, c. C-46 (<http://laws-lois.justice.gc.ca/eng/acts/C-46/index.html>)
- *Immigration and Refugee Protection Act* S.C. 2001, c. 27 (<http://laws-lois.justice.gc.ca/eng/acts/I-2.5/index.html>)
- *Secure Air Travel Act* S.C., 2015, c. C-20 (<https://laws-lois.justice.gc.ca/eng/acts/S-6.7/>)
- *Transportation Appeal Tribunal of Canada Act* S.C. 2001, c. 29 (<http://laws-lois.justice.gc.ca/eng/acts/T-18.5/index.html>)

Regulations and Standards

- *Canadian Aviation Regulations and Standards* (<https://www.tc.gc.ca/en/transport-canada/corporate/acts-regulations/regulations/sor-96-433.html>)
- *Canadian Aviation Security Regulations, 2012* S.O.R./2011-38 (<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2011-318/>)
- *Immigration and Refugee Protection Regulations* (<http://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/>)

- *Secure Air Travel Act Regulations* (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2015-181/FullText.html>)

Other

- International Civil Aviation Organization (ICAO) (<http://www.icao.int/>)
- International Air Transport Association (IATA) (<http://www.iata.org/Pages/default.aspx>)
- International Council of Aircraft Owner and Pilot Associations (IAOPA) (<http://www.iaopa.org>)
- Canadian Owners and Pilots Association (COPA) (<http://www.copanational.org>)
- Transport Canada, Civil Aviation (TCCA) (<https://www.tc.gc.ca/eng/air-menu.htm>)
- Canadian Aviation Regulation Advisory Council (CARAC) (<https://www.tc.gc.ca/eng/civilaviation/regserv/affairs-carac-menu-755.htm>)
- Transportation Appeal Tribunal of Canada (TATC) (<https://www.tatc.gc.ca/en/home.html>)
- The Transportation Safety Board of Canada (TSB) (<http://www.tsb.gc.ca/eng/index.asp>)
- NAV Canada (NAV Can) (<http://www.navcanada.ca>)
- Canadian Air Transport Security Authority (CATSA) (<http://www.catsa.gc.ca/home>)
- Canada Border Services Agency (CBSA) (<http://www.cbsa-asfc.gc.ca/menu-eng.html>)

Selected provisions and content of the forgoing statutes, regulations and other material will be assigned and listed in the reading syllabus uploaded on OWL.

4. Course Objectives and Format

The DAN Department of Management and Organizational Studies as a whole draws upon an evidence-based management approach. Evidence-based management is the systematic process of gathering evidence from multiple sources, critically appraising the evidence, and using that evidence in making and evaluating management decisions to improve organizational performance.

4.1 Course objectives

The purpose of this course is to introduce students to the fundamentals of aviation law.

4.2 Course format

See Syllabus on OWL.

5. Learning Outcomes

At the end of this course students will be able to:

- Describe the basic sources of law (treaty, constitutional, statutory, regulatory, judge-made) applicable to aviation.
- Understand substantive and procedural aspects of aviation law, and the role of legal counsel.
- Demonstrate how abstract legal principles are applied in concrete factual settings.
- Evaluate concrete factual settings and present arguments for particular legal outcomes.
- Respect, discuss and compare competing points of view.
- Persuade others of a well-reasoned legal stance or action.
- Demonstrate effective critical thinking skills.

6. Evaluation

Overview

Class Participation: 10%
Assignments: 20%
Midterm Exam (February 13): 31%
Final Exam: 39%

Participation

Students are expected to have completed all assigned readings in a timely fashion and be prepared to discuss such material in class. The participation grade will be assigned on the basis of two sources of evidence:

- Students will be asked to sign an attendance sheet at the beginning of each 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 adding to the classroom discourse.

Assignment

Written assignments are due at the beginning of class on assigned dates indicated on the reading syllabus. Both the reading syllabus and the assignments are uploaded in OWL.

Notwithstanding that they may be worth less than 10%, academic accommodation for missed attendances or assignments will only be granted according to Article 14.

Exams

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

- The mid-term examination to be written during class time on date noted in the course syllabus. It will cover assigned readings, lectures and class discussion from class 1 through class 4 inclusive.
- The final examination to be written during the April final examination period will cover assigned readings, lectures, assignments and class discussion from class 5 through to 12 inclusive (note: there is no lecture material for class 6).

Exams are closed book examinations. Dictionaries are NOT allowed into the examinations.

Electronic devices of any kind (including cell phones, smart watches and calculators) are NOT permitted at exams.

Students are responsible for material covered in the lectures as well as the assigned chapters/sections in the text. The midterm will be in class time. The final exam will be scheduled during the exam period. Exams will not be returned to students but may be reviewed in the instructor's office.

Students are **REQUIRED TO COMPLETE ALL COMPONENTS** of this course. There are no exceptions to this. Extra assignments to improve grades **will NOT** be allowed.

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.

The DAN Department has a grade policy which states that for courses in the 3000-4999 range, the class average must fall between 70% and 77% 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 Undergraduate Chair or Chair. Class averages are not grounds for appeal.

7. Lecture and Examination Schedule

See Schedule/Syllabus on OWL

8. Student Responsibilities

For Students should familiarize themselves with Western University Senate Regulations, please see: http://www.uwo.ca/univsec/academic_policies/index.html.

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.

8.1 Respect

Please act respectfully towards the classroom, the Professor and your fellow students. Acting respectfully means arriving on time, turning off phones, avoiding private discussions during lectures, refraining from viewing non-course material on your laptops, and cleaning up after yourself. Acting respectfully provides a better learning experience for everyone.

Private in-class discussions are distracting to students and the Professor. If other students are distracting your attention from the material, you should ask them to be quiet. If you feel uncomfortable doing this (or the problem persists), please see the instructor.

Late arrivals are also distracting. Please try to arrive on time for classes.

8.2 No Recording of Classes

Students are not permitted to record any portion of a class, audio or video, without the prior written permission of the professor.

8.3 Copyright Notice

Lectures and course materials, including power point presentations, outlines, and similar materials, are protected by copyright. You may take notes and make copies of course materials for your own educational use. You may **not** record lectures, reproduce (or allow others to reproduce), post or distribute lecture notes, wiki material, and other course materials publicly and/or for commercial purposes without my written consent.

9. Exam Policies

- 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, or other electronic devices to exams.
- To ensure fairness to all students, questions will not be answered during exams.

10. E-mail Policies

The following policies apply to all emails between students and the Professor. Please respect the fact that the Professor receives hundreds of emails from students and must deal with those emails in a fair and organized manner. Unacceptable emails will receive a reply saying only "Please see Email Policies on the course outline".

10.1 UWO.CA Email Addresses Only

For privacy reasons, students must use their Western email accounts to contact the Professor. The Professor will not respond to emails from non-uwo.ca addresses (e.g. hotmail.com, gmail.com, etc.).

10.2 Subject Line Must Include Course and Section Number

The subject line of emails must contain the name or number of the course, and the section number in which the student is enrolled. The Professor teaches different courses and sections and cannot properly respond to questions if he does not know which course or section you are enrolled in.

10.3 Acceptable Emails

- questions about the course content or materials
- asking to set up an appointment to ask questions or review an exam
- notification of illness or other special circumstances
- providing constructive comments or feedback about the course

10.4 Unacceptable Emails

- questions that may be answered on OWL or on this course outline
- asking when grades will be posted
- asking what grade a student received
- asking where or when an exam is scheduled or the material covered on an exam
- requests for grade increases, extra assignments, or reweighting of course components

11. Attendance

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.

11.1 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.

11.2 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.

12. Grade Fairness

Fairness requires that all students be treated equally and be evaluated using the criteria set out in this course outline. The evaluation criteria are based on actual achievement and not on how hard a student has tried.

Claims by students of an excellent academic history, good attendance record, need to obtain or maintain a scholarship, desire to be admitted to Ivey or graduate school, or other personal issues, cannot be used to justify a higher grade in the course or a reweighting of course components. There is no extra work or assignments available for extra credit or to "make up" for a course component that was missed or performed poorly.

13. Posting of Grades

Midterm exam grades will be posted on OWL once the grades are available. Final exam grades and final course grades are not posted on OWL and are available once they have been posted by the Registrar under "Academic Summary" at the [Student Centre](#) website.

14. University Policy Regarding Illness

14.1 Illness

For details on University Policy and student responsibilities go to:

https://www.uwo.ca/univsec/pdf/academic_policies/appeals/Academic_Consideration_for_absences.pdf

Students who experience an extenuating circumstance (illness, injury, or other extenuating circumstance) sufficiently significant to temporarily render them unable to meet academic requirements may submit a request for academic consideration through the following routes:

- i. Submitting a Self-Reported Absence form provided that the conditions for submission are met (maximum of 2 from September to April, valid for 48 hours or less, on course work worth less than or equal to 30%); or
- ii. For medical absences, submitting a Student Medical Certificate (SMC) : https://www.uwo.ca/univsec/pdf/academic_policies/appeals/medicalform.pdf signed by a licensed medical or mental health practitioner in order to be eligible for Academic Consideration; or
- iii. For non-medical absences, submitting appropriate documentation (e.g., obituary, police report, accident report, court order, etc.) to Academic Counselling in order to be eligible for academic consideration. Students are encouraged to contact their Academic Counselling unit to clarify what documentation is appropriate.

Students seeking academic consideration:

- are advised to **consider carefully the implications** of postponing tests or midterm exams or delaying handing in work;
- are encouraged to make appropriate decisions based on their specific circumstances, recognizing that minor ailments (upset stomach) or upsets (argument with a friend) are not an appropriate basis for a self-reported absence;
- **must communicate with their instructors no later than 24 hours** after the end of the period covered by either the self-reported absence or SMC, or immediately upon their return following a documented absence.

14.2 Make Up Examinations

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 Counseling office](#)).

The date and time of the make-up examination will be set by the instructor, who will communicate the date to the student.

If a student is unable to meet the scheduled make-up as agreed, then the student is responsible for obtaining new accommodations from Academic Counselling, and seeking a new make-up date with the instructor within a reasonable time frame.

15. University Policy on Cheating and Academic Misconduct

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.

A copy of guidelines about how to avoid cheating can be obtained from the office of the Ombudsperson, Room 3135 WSSB, (519) 661-3573, ombuds@uwo.ca.

Cheating on exams will not be tolerated; students are referred to the university policy on scholastic offenses. 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.

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.

16. Procedures For Appealing Academic Evaluations

1. In the first instance, all appeals of a grade must be made to the course instructor (informal consultation).
2. If the student is not satisfied with the decision of the course instructor, a written appeal must be sent to the Undergraduate Chair: Student Affairs of the Department of Management and Organizational Studies.
3. If the response of the Undergraduate Chair 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.
4. 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.

17. Support Services

17.1 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/>

Student Development Services can be reached at: <http://www.sdc.uwo.ca/>

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

17.2 Academic Concerns.

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