



Western

DAN Department of Management
& Organizational Studies

**Faculty of
Social Science**

Fall/Winter 2023/24 Course Syllabus

MOS 3306 Section – 001

Aviation Law

In-Person

Instructor: Lucien Lamoureux, LL.B., Ph.D.
Office: I Meet Students in the Huron Dining Hall
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1. Course Information:

1.1 Class Location and Time: UC 2110

Thursday's 6:30pm – 9:30pm

1.2 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.

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.

1.3 Accessibility:

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.

Contact Academic Support & Engagement at <http://academicsupport.uwo.ca/> for information about Western's Accessible Education.

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

1.4 Land Acknowledgement:

We acknowledge that Western University is located on the traditional lands of the Anishinaabek, Haudenosaunee, Lūnaapéewak and Attawandaron peoples, on lands connected with the London Township and Sombra Treaties of 1796 and the Dish with One Spoon Covenant Wampum.

With this, we respect the longstanding relationships that Indigenous Nations have to this land, as they are the original caretakers. We acknowledge historical and ongoing injustices that Indigenous Peoples (e.g. First Nations, Métis and Inuit) endure in Canada, and we accept responsibility as a public institution to contribute toward revealing and correcting miseducation as well as renewing respectful relationships with Indigenous communities through our teaching, research and community service.

<https://indigenous.uwo.ca/initiatives/docs/indigenous-land-acknowledgment.pdf>

1.5 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 regard to the PREREQUISITE COURSES required.

Students not in BMOS are permitted to enroll in up to 1.0 MOS courses, per the Academic Timetable. The requirement that states you must be in BMOS is lifted during registration on the priority lift dates as noted in the [Timetable](#).

2. Course Materials

Required Texts and Legislation

- Boyd, N. *Canadian Law: An Introduction* 7th Ed. Toronto, ON: Nelson Education Ltd; 2019 (available at the University Book Store)
- Course pack: *Aviation Law – Readings* (available at the University Book Store)
- Course pack: *Aviation Law – Treaties and Legislation* (available at University Book Store)
- *Aeronautical Information Manual* (available at https://tc.canada.ca/sites/default/files/2022-09/aim-2022-2_access_e.pdf)

Treaties

- *Chicago Convention* (available in Course pack)
- *Warsaw Convention* (as amended): (available in Course pack)
- *The Montreal Convention 1999*: (available in Course pack)
- *Tokyo Convention* (<https://www.mcgill.ca/iasl/files/iasl/tokyo1963.pdf>)

Statutes

- *Aeronautics Act* R.S.C., 1985, c. A-2 (available in 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>)
- *Cape Town Convention* (<https://www.icao.int/sustainability/Pages/Capetown-Convention.aspx>)
- *Carriage By Air Act* R.S.C. 1985, c.C-26 (<http://laws-lois.justice.gc.ca/eng/acts/C-26/index.html>)
- *Civil Air Navigation Services Commercialization Act* S.C. 1996, c. 20 (<https://laws.justice.gc.ca/eng/acts/c-29.7/page-1.html>)
- *Constitution Act (1867)*, sections 91 and 92 (available in Course pack)
- *Criminal Code* R.S.C., 1985, c. C-46 (<http://laws-lois.justice.gc.ca/eng/acts/C-46/index.html>)
- *International Interests in Mobile Equipment Act* S.O. 2002, c. 18, Sched. B (<https://www.ontario.ca/laws/statute/02i18?search=International+Interests>)
- *Immigration and Refugee Protection Act* S.C. 2001, c. 27 (<http://laws-lois.justice.gc.ca/eng/acts/I-2.5/index.html>)
- *Occupier's Liability Act* R.S.O. 1990 c. O.2 (<https://www.ontario.ca/laws/statute/90o02>)
- *Personal Property Security Act* R.S.O. 1990, c. P.10 (<https://www.ontario.ca/laws/statute/90p10>)
- *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>)
- *Trespass to Property Act* R.S.O. 1990, c. T.21 (<https://www.ontario.ca/laws/statute/90t21?search=trespass>)

Regulations and Standards

- *Air Passenger Protection Regulations* (<https://laws.justice.gc.ca/eng/regulations/SOR-2019-150/page-1.html>)
- *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/>)
- *Contraventions Regulations* (<https://laws-lois.justice.gc.ca/eng/regulations/sor-96-313/index.html>)
- *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 syllabus uploaded on OWL.

3. 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.

3.1 Course objectives

The purpose of this course is to introduce students to the fundamentals of Canadian law in general, and aviation law in particular.

3.2 Course format

See the Syllabus on OWL.

4. Learning Outcomes

- 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.

5. Evaluation

Overview

Class Participation: 10%

Assignments: 20%

Midterm Exam: 30%

Final Exam: 40%

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 asked to sign an attendance sheet at the beginning of each class, and must be present for the entire class to receive an attendance grade for that class.

Notwithstanding that it may be worth less than 10%, academic accommodation for a missed attendance will only be granted according to Article 13.

Assignments

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 it may be worth less than 10%, academic accommodation for missed assignments will only be granted according to Article 13.

Exams are multiple and short answer in format. Each exam, in total, will be scheduled for 3 hours and is a closed book examination.

The midterm exam is scheduled for Thursday, February 15, 6:30 pm – 9:30 pm. It will cover assigned readings, lectures and class discussion from class 1 through class 4 inclusive.

The final exam (due date to be determined by the Registrar) will not be cumulative, i.e., it will only cover assigned readings, lectures, assignments and class discussion from class 5 through to 12 inclusive (note: there is no lecture material for class 6).

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. Exams will not be returned to students but may be reviewed by contacting your instructor.

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 3000-4000 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.

6. Lecture and Examination Schedule

See Syllabus on OWL.

7. Student Responsibilities

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.

7.1 Respect

Please act respectfully towards the classroom, the instructor 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 instructor. 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 your instructor.

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

7.2 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 instructor.

7.3 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 the written consent of your instructor.

8. Exam Policies

IN-PERSON

- 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 or wear smart watches, music players, cell phones, beepers, or other electronic devices to exams

9. E-mail Policies

The following policies apply to all emails between students and the instructor. Please respect the fact that your Instructor 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".

9.1 UWO.CA Email Addresses Only

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

9.2 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 Instructor teaches different courses and sections and cannot properly respond to questions if they do not know which course or section you are enrolled in.

9.3 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

9.4 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

10. Attendance

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

10.1 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.

10.2 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.

11. 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.

You, the student, are responsible for the grades earned.

12. 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.

13. University Policy Regarding Illness, Absence and Accommodation

13.1 Illness

Students will need to provide a Student Medical Certificate if the absence is medical or provide appropriate documentation if there are compassionate grounds for the absence in question. Students are encouraged to contact their Faculty Academic Counselling office to obtain more information about the relevant documentation.

For privacy reasons, students should also note that individual instructors should not receive documentation directly from a student, whether in support of an application for consideration on medical grounds, or for other reasons. All documentation required for absences must be submitted to the Academic Counselling office of a student's Home Faculty.

For details on the Policy on Accommodation for Medical Illness, go to:

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

Students can download the Student Medical Certificate (SMC) here:

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

13.2 Accessible Education

Students with disabilities work with Accessible Education (formerly SSD) which provides recommendations for accommodation based on medical documentation or psychological and cognitive testing. The accommodation policy can be found here:

[https://www.uwo.ca/univsec/pdf/academic_policies/appeals/Academic Accommodation_disabilities.pdf](https://www.uwo.ca/univsec/pdf/academic_policies/appeals/Academic_Accommodation_disabilities.pdf)

Students needing access to Accessible Education should register here:

http://academicsupport.uwo.ca/accessible_education/index.html

13.3 Religious Accommodation

Students should consult the University's list of recognized religious holidays, and should give reasonable notice in writing, prior to the holiday, to the Instructor and an Academic Counsellor if their course requirements will be affected by a religious observance. Additional information is given in the Western Multicultural Calendar.

13.4 Make Up Examinations

A student must write a make-up exam if any 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, 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.

14. University Policy on Cheating and Academic Misconduct

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 Web site: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf

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.

The use of AI and translation tools in written work beyond a dictionary is not permitted. Any work submitted must be the work of the student in its entirety.

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.

15. 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 of the Department of Management and Organizational Studies.
3. If the response of the Undergraduate Chair is considered unsatisfactory to the student, they 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 Office of the Ombudsperson.

16. Support Services

16.1 Support Services

The Registrar's office provides you with information on services, courses, student finances, resources, latest news, as well as Student Central's hours of operation 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/>

Academic Support & Engagement can be reached at: <http://academicsupport.uwo.ca>

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

16.2 Academic Concerns.

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