
MOS 3306B Aviation Law
Course Outline: 2018 / Winter Term

1. Course Information:

1.1. Class Location and Time:

Room: SSC 2020

Time: Thursdays, 6:30-9:30 pm

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

Office: SSC 4434

Office Hours: Thursdays, 4:30-6:30 pm

Cell Phone/Text: 519-702-6517

Email: llamour2@uwo.ca

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DAN Department of 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 also wish to contact Services for Students with Disabilities (SSD) at 519-661-2111 ext 82147 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.** The purpose of this course is to introduce students to 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.

- 2.2.** 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."

3. Resources

3.1. Required Texts and Legislation

- 3.1.1. Boyd, N. *Canadian Law: An Introduction* Sixth Ed. Toronto, ON: Nelson Education Ltd; 2015 (required, available at the University Book Store)
- 3.1.2. *Aviation Law – Readings* (required, available at the University Book Store)
- 3.1.3. *Aviation Law – Treaties and Legislation* (required, available at University Book Store)
- 3.1.4. *Aeronautical Information Manual* (required, available at <https://www.tc.gc.ca/eng/civilaviation/publications/tp14371-menu-3092.htm>)

3.2. Treaties

- 3.2.1. *Chicago Convention* (course pack)
- 3.2.2. *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)
- 3.2.3. *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)
- 3.2.4. *Tokyo Convention* (<http://www.mcgill.ca/iasl/sites/mcgill.ca/iasl/files/tokyo1963.pdf>)
- 3.2.5. *Montreal Protocol 2014* (<http://www.iata.org/policy/Documents/Montreal%20Protocol.pdf>)

3.3. Statutes

- 3.3.1. *Aeronautics Act* R.S.C., 1985, c. A-2 (course pack)
- 3.3.2. *Canada Border Services Agency Act* S.C. 2005, c. 38 (<http://laws-lois.justice.gc.ca/eng/acts/C-1.4/index.html>)
- 3.3.3. *Canada Transportation Act* S.C. 1996, c.10 (<http://laws-lois.justice.gc.ca/eng/acts/C-10.4/index.html>)
- 3.3.4. *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>)
- 3.3.5. *Canadian Charter of Rights and Freedoms* (*Constitution Act (1982)*) (<http://laws-lois.justice.gc.ca/eng/Const/index.html>)
- 3.3.6. *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>)
- 3.3.7. *Carriage By Air Act* R.S.C. 1985, c.C-26 (<http://laws-lois.justice.gc.ca/eng/acts/C-26/index.html>)
- 3.3.8. *Civil Air Navigation Services Commercialization Act* S.C. 1996, c.20 (<http://laws-lois.justice.gc.ca/eng/acts/C-29.7/index.html>)
- 3.3.9. *Constitution Act (1867)*, sections 91 and 92 (in Course Book, Chapter 3)
- 3.3.10. *Criminal Code* R.S.C., 1985, c. C-46 (<http://laws-lois.justice.gc.ca/eng/acts/C-46/index.html>)
- 3.3.11. *Customs Act* R.S.C. 1985, c.1 (2nd Supp.) (<http://laws-lois.justice.gc.ca/eng/acts/C-52.6/index.html>)
- 3.3.12. *Immigration and Refugee Protection Act* S.C. 2001, c. 27 (<http://laws-lois.justice.gc.ca/eng/acts/I-2.5/index.html>)
- 3.3.13. *Transportation Appeal Tribunal of Canada Act* S.C. 2001, c. 29 (<http://laws-lois.justice.gc.ca/eng/acts/T-18.5/index.html>)

3.4. Regulations and Standards

- 3.4.1. *Canadian Aviation Regulations (CARs)* S.O.R./2000-111 (<http://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/>)
- 3.4.2. *Canadian Aviation Standards* (<http://www.tc.gc.ca/eng/civilaviation/regserv/cars/menu.htm?campaign=Twitter-eng>)
- 3.4.3. *Canadian Aviation Security Regulations, 2012* S.O.R./2011-38 (<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2011-318/>)
- 3.4.4. *Immigration and Refugee Protection Regulations* (<http://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/>)

3.5. Other

- 3.5.1. International Civil Aviation Organization (ICAO) (<http://www.icao.int/>)
- 3.5.2. International Air Transport Association (IATA) (<http://www.iata.org/Pages/default.aspx>)
- 3.5.3. International Council of Aircraft Owner and Pilot Associations (IAOPA) (<http://www.iaopa.org>)
- 3.5.4. Canadian Owners and Pilots Association (COPA) (<http://www.copanational.org>)
- 3.5.5. Transport Canada, Civil Aviation (TCCA) (<https://www.tc.gc.ca/eng/air-menu.htm>)
- 3.5.6. Canadian Aviation Regulation Advisory Council (CARAC) (<https://www.tc.gc.ca/eng/civilaviation/regserv/affairs-carac-menu-755.htm>)
- 3.5.7. Transportation Appeal Tribunal of Canada (TATC) (<http://www.tatc.gc.ca/index.php?lang=eng>)
- 3.5.8. The Transportation Safety Board of Canada (TSB) (<http://www.tsb.gc.ca/eng/index.asp>)
- 3.5.9. NAV Canada (NAV Can) (<http://www.navcanada.ca>)
- 3.5.10. Canadian Air Transport Security Authority (CATSA) (<http://www.catsa.gc.ca/home>)
- 3.5.11. 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. Learning Outcomes

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

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

5. Evaluation

5.1. Overview

- 5.1.1. Class Participation: 10%
- 5.1.2. Assignments: 20%
- 5.1.3. Midterm Exam (February 15): 25%
- 5.1.4. Final Exam: 45%

5.2. 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:

- 5.2.1. Students will be asked to sign an attendance sheet at the beginning of each class.
- 5.2.2. 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.

5.3. 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.

5.4. 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.

5.4.1. 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.

5.4.2. 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 7).

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.

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.

6. Lectures, Readings and Examination Schedule

See Reading Syllabus on OWL.

7. University Policy Regarding Illness

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

7.2. Make Up Examinations

7.2.1. 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 Counseling office).

7.3. Attendance

7.3.1. 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.

8. University Policy on Cheating and Academic Misconduct

- 8.1.** 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 3135 WSS, (519) 661-3573.
- 8.2.** 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.
- 8.3.** 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.

9. Procedures For Appealing Academic Evaluations

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.

10. Student Responsibilities

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.

11. Support Services

11.1. 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/>.

11.2. 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.

12. Other Issues

12.1. Grade Policy

The DAN Department has a grade policy which states that for courses in the 3300-4499 range, the class average must fall between 70% and 75% 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.

12.2. 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.

12.3. 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.

12.4. Academic Concerns.

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

12.5. Important Dates:

January 8, 2018 Winter Session classes begin.

February 19, 2018 Family Day

February 19 - 23, 2018 Reading Week

April 11, 2018 Winter Session classes end.

April 12-13, 2018 Study Days

April 14 - 30, 2018 April examination period

13. 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/academic_policies/index.html