



We acknowledge that we are on the traditional, ancestral and unceded territory of the hən̓q̓əmin̓əm̓ speaking Musqueam people.

**The mission of UBC iSchool is to enhance humanity's capacity to engage information in effective, creative and diverse ways, through innovative research, education and design.**

### Course Number and Name – Course Syllabus (3)

<b>Program:</b>	Master of Archival Studies
<b>Year:</b>	Winter 2018, Term 1 (Wednesday, September 5 to Wednesday, November 28)
<b>Course Schedule:</b>	Wednesdays, 2:00 PM to 4:50 PM
<b>Location:</b>	Buchanan B310
<b>Instructor:</b>	Darra Hofman
<b>Office location:</b>	iSchool Adjunct Office
<b>Office phone:</b>	604-822-0051
<b>Office hours:</b>	Wednesdays, 12:00 PM to 1:50 PM, or arranged by email
<b>E-mail address:</b>	<a href="mailto:dhofman@mail.ubc.ca">dhofman@mail.ubc.ca</a>
<b>Learning Management Site:</b>	<a href="https://canvas.ubc.ca">canvas.ubc.ca</a>

#### Course Goal:

Following the life cycle of the record, to provide an understanding of the relationship between records, archives and the law.

#### Course Objectives:

##### Upon completion of this course students will be able to:

1. Understand the roles and responsibilities of archives in the Canadian legal system. [3.1, 5.1, 5.2]
2. Identify and understand legislation and case law relevant to individual records and to archives [1.2].
3. Apply the principles of evidence law to records throughout their life cycle [1.2, 1.3].
4. Understand the relationship between archives and copyright and intellectual property law [1.2, 1.3].
5. Recognize legal risks from contract, tort, and criminal law affecting archives and how to manage these risks [1.3, 3.2]
6. Understand the current trends in electronic discovery, including use of *The Sedona Canada Principles Addressing Electronic Discovery*. [1.2, 1.3, 4.1, 4.2]
7. Analyze and communicate effectively using various communications tools used in professional practice by working with real-world scenarios based on case law, legislation, policy, and practice matters commonly found in the RIM and archives professions [1.4, 2.1, 2.2]



## Course Topics:

- Overview of the Canadian legal system
- Legislation and case law affecting archival institutions, programs, or records
- Legislation and case law relevant to records
- Copyright and intellectual property law
- Legal risks and liability in contract, tort, and criminal law
- Managing legal risks and available legal defenses
- Principles of evidence law applied to records
- Records retention and improper destruction (spoliation) of evidence
- Current trends in electronic discovery and *The Sedona Canada Principles Addressing Electronic Discovery*

**Prerequisites:** MAS and Dual Students: completion of the MAS core plus 12 credits of which 6 credits must be ARST courses

MLIS students: completion of the MLIS core courses, plus permission of the SLAIS Graduate Adviser

**Format of the course:** Class meets for 3 hours each Wednesday. A diversity of teaching and learning methods will be used, including: lectures, class discussion, student presentations, in-class and out-of-class exercises.

**Required and Recommended Reading:** There is no textbook required. Background readings will be assigned. Assigned readings are available online or in hard copy through UBC libraries. Required reading for the first class will be available in Canvas.

## Course Assignments

For all written assignments, please use Times New Roman, 12 point font, 1" margins. Citations may be in your choice of style. For legal citations, please refer to the Legal Citation Guide available through the Allard School of Law here: <http://guides.library.ubc.ca/legalcitation>

Assignment Name	Due Date	Weight
Participation	Cumulative	10%
Legal Memorandum	October 3, 2018	10%
Midterm Examination	October 17, 2018	20%
Current Event Analysis	October 31, 2018	10%
Advocacy Assignment	November 14, 2018	10%
Final Examination	November 28, 2018	20%
Final Paper	December 5, 2018	20%

**Course Schedule [week-by-week]:**

Topic	Date	Assignments Due
Overview of the Canadian legal system	September 5, 2018	
Legislation and case law relevant to archival institutions or programs and records	September 12, 2018	
Managing legal risks and liability in contract, tort and criminal law; available defenses	September 19, 2018	
Managing legal risks and liability in contract, tort, and criminal law; available defenses	September 26, 2018	
Copyright and intellectual property law	October 3, 2018	Legal Memorandum
Copyright and intellectual property law	October 10, 2018	
Principles of evidence law applied to records	October 17, 2018	Midterm Examination
Principles of evidence law applied to records	October 24, 2018	
Archives accession, appraisal, and deaccessioning; we will have a brief lecture, then depart to SLAIS for Research Day	October 31, 2018	Current Event Analysis
Records retention and improper destruction (spoliation) of evidence	November 7, 2018	
Electronic Discovery and <i>The Sedona Canada Principles Addressing Electronic Discovery</i>	November 14, 2018	Advocacy Assignment
Managing legal compliance with Canada's Anti-Spam Law	November 21, 2018	
Last Class: Final Examination	November 28, 2018	Final Examination  Final Project Due December 5, 2018

**Attendance:** Attendance is expected, but not mandatory. Should you choose not to attend, it is your responsibility to ensure that you have mastery of all material from the missed class; apart from excused absences, I cannot provide time or material to make up for learning missed due to non-attendance. Please also note that participation is a substantial part of the mark for this course; excessive unexcused absences will of necessity lower that portion of your total mark.

**Evaluation:** All assignments will be marked using the evaluative criteria given on the [iSchool web site](#).



THE UNIVERSITY OF BRITISH COLUMBIA

iSchool (Library, Archival & Information Studies)  
Faculty of Arts

**Access & Diversity:** Access & Diversity works with the University to create an inclusive living and learning environment in which all students can thrive. The University accommodates students with disabilities who have registered with the Access and Diversity unit: [<https://students.ubc.ca/about-student-services/access-diversity>]. You must register with the Disability Resource Centre to be granted special accommodations for any on-going conditions.

**Religious Accommodation:** The University accommodates students whose religious obligations conflict with attendance, submitting assignments, or completing scheduled tests and examinations. Please let your instructor know in advance, preferably in the first week of class, if you will require any accommodation on these grounds. Students who plan to be absent for family obligations, or other similar commitments, cannot assume they will be accommodated, and should discuss with the instructor before the course drop date. UBC policy on Religious Holidays: <http://equity.ubc.ca/days-of-significance-calendar/>

## **Academic Integrity**

### Plagiarism

The Faculty of Arts considers plagiarism to be the most serious academic offence that a student can commit. Regardless of whether or not it was committed intentionally, plagiarism has serious academic consequences and can result in expulsion from the university. Plagiarism involves the improper use of somebody else's words or ideas in one's work. The UBC policy on Academic Misconduct is available here: <http://www.calendar.ubc.ca/Vancouver/index.cfm?tree=3,54,111,959>.

It is your responsibility to make sure you fully understand what plagiarism is. Many students who think they understand plagiarism do in fact commit what UBC calls "reckless plagiarism." The UBC Learning Commons has a resource page on how to avoid plagiarism, with policies on academic integrity and misconduct found here: [<http://learningcommons.ubc.ca/resource-guides/avoid-plagiarism/>]

If after reading these materials you still are unsure about how to properly use sources in your work, please ask your instructor for clarification.

**Other Course Policies as Relevant** – You are expected to come to class prepared to discuss the readings; the direct teaching in this course will be primarily Socratic, and you can expect to be called on to contribute to the discussion on a regular basis.

**Additional course information:** **[this section is optional – delete if not relevant to your course]**