



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

**iSchool Mission: Through innovative research, education and design, our mission is to enhance humanity's capacity to engage information in effective, creative and diverse ways.**

### ARST 580: Records, Archives and the Law – Course Syllabus (3)

<b>Program:</b>	Master of Archival Studies
<b>Year:</b>	2019 - 2020, Term 2 (Tuesday, Jan 7 – Tuesday, April 7)
<b>Course Schedule:</b>	Tuesdays, 8:00 AM – 10:50 AM
<b>Location:</b>	IKBLC 191
<b>Instructor:</b>	Darra Hofman
<b>Office location:</b>	iSchool Adjunct Office
<b>Office phone:</b>	604-822-0051
<b>Office hours:</b>	Tuesdays, 11:00 AM – 1:00 PM or by appointment
<b>E-mail address:</b>	<a href="mailto:dhofman@mail.ubc.ca">dhofman@mail.ubc.ca</a>
<b>Learning Management Site:</b>	<a href="http://lthub.ubc.ca/guides/canvas/">http://lthub.ubc.ca/guides/canvas/</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.
2. Identify and understand legislation and case law relevant to individual records and to archives [1.2].
1. Apply the principles of evidence law to records throughout their life cycle [1.2, 1.3].
2. Understand the relationship between archives and copyright and intellectual property law [1.2, 1.3].
3. Recognize legal risks from contract, tort, and criminal law affecting archives and how to manage these risks [1.3, 3.2]
4. Understand the current trends in electronic discovery, including use of *The Sedona Canada Principles Addressing Electronic Discovery*. [1.2, 1.3]
5. 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 Friday. A diversity of teaching and learning methods will be used, including lectures, class discussion, student presentations, in-class and out-of class exercises. Please note that the teaching style is primarily Socratic; students are expected to contribute regularly to the class discussion. If this imposes a hardship in any way, please speak to me early so we can find alternative ways for you to participate.

**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 is

**Course Assignments**

Assignment Name	Due Date	Weight	Graduate Competencies
Participation	Cumulative	20%	2.1, 5.1
Memorandum	February 4	15%	1.3, 1.4, 2.1, 4.1
Midterm Examination	February 25, 2020	20%	4.1
Advocacy Assignment	March 17, 2020	15%	1.1, 1.3, 1.4, 2.1, 2.2, 5.2
Final Examination	April 7, 2020	20%	4.1



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

Topic	Date	Assignment Due
Overview of the Canadian Legal System	January 7, 2020	
Legislation and case law relevant to archival institutions/programs and records	January 14, 2020	
Managing legal risks and liability in contract, tort, and criminal law; available defenses	January 21, 2020	
Managing legal risks and liability in contract, tort, and criminal law; available defenses	January 28, 2020	
Copyright and intellectual property law: Asynchronous class to be conducted on Canvas	February 4, 2020	Memorandum Due
Principles of evidence law applied to records	February 11, 2020	
No Class – Midterm Break	February 18, 2020	
Midterm Examination	February 25, 2020	Midterm Examination: In Class
Archives accession, appraisal, and deaccessioning	March 3, 2020	
Records Retention and improper destruction (spoliation) of evidence	March 10, 2020	
Electronic discovery and <i>The Sedona Canada Principles Addressing Electronic Discovery</i>	March 17, 2020	Advocacy Assignment Due
Managing legal compliance with Canada's Anti-Spam Law (CASL)	March 24, 2020	
Archives, records, law and ethics	March 31, 2020	
Last Class! Final Examination	April 7, 2020	Final Examination: In Class

**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](#); rubrics will be provided for all assignments.

**Policies and Resources to Support Student Success:** UBC provides resources to support student learning and to maintain healthy lifestyles but recognizes that sometimes crises arise and so there are additional resources to access including those for survivors of sexual violence. UBC values respect for the person and ideas of all members of the academic community. Harassment and discrimination are not tolerated nor is suppression of academic freedom. UBC provides appropriate accommodation for students with disabilities and for religious and cultural observances. UBC values academic honesty and students are expected to acknowledge the ideas generated by others and to uphold the highest academic standards in all of their actions. Details of the policies and how to access support are available here (<https://senate.ubc.ca/policies-resources-support-student-success>)



THE UNIVERSITY OF BRITISH COLUMBIA

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

**Centre for Accessibility:** Centre for Accessibility 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 Centre for Accessibility unit: [<https://students.ubc.ca/about-student-services/centre-for-accessibility>]. 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:** My goal is to see you succeed. If for any reason – personal or academic – you find yourself struggling, please talk to me as early as possible.