



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.

Course Number and Name – ARST 580 2020 - 2021 W Term II (3)

Program:	Master of Archival Studies
Year:	2020 - 2021, Term 2 (Friday, Jan 8 – Thursday, April 8)
Course Schedule:	Fridays, 9:00am-11:50am
Location:	Online
Instructor:	Elissa How
Office location:	TBA
Office phone:	TBA
Office hours:	TBA
E-mail address:	TBA
Learning Management Site:	http://lthub.ubc.ca/guides/canvas/

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

FNCC specialization: The assignments in this course can serve the requirements of the First Nations Curriculum Concentration (FNCC). If students would like to take this course for FNCC credit, they are invited to contact me to discuss this option.

Learning Outcomes:

Upon completion of this course students will be able to:

1. Understand the roles and responsibilities of archives in the Canadian legal system. [1.4]
2. Identify and understand legislation and case law relevant to individual records and to archives. [1.2]
3. Recognize legal risks from criminal, tort, and contract law affecting archives and how to manage these risks. [1.3, 3.2]
4. Understand the relationship between archives and copyright and intellectual property law. [1.2, 1.3]
5. Apply the principles of evidence law to records. [1.2, 1.3, 4.1]
6. Understand the current trends in electronic discovery, including the use of *The Sedona Canada Principles Addressing Electronic Discovery*. [1.2, 1.3]
7. Understand the relationship between records professionals and the law regarding records retention and the improper destruction of evidence. [1.2, 1.3]
8. 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 experienced by records professionals. [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
- Legal risks and liability in contract, tort, and criminal law relevant to records professionals
- Managing legal risks and available legal defences
- Copyright and intellectual property law
- Principles of evidence law applied to records
- Current trends in electronic discovery and *The Sedona Canada Principles Addressing Electronic Discovery*
- Records retention and improper destruction (spoliation) of evidence

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 iSchool Graduate Advisor

Format of the course: Class meets online for 1.5-2 hours beginning at 9:00am each Friday. Although the course is technically synchronous - with the ideal scenario of students viewing the lecture portion of the class online at the same time to facilitate discussion - if the student is unable to attend during this time period for any reason, the lecture will be available online for viewing during the week. This is done to promote flexibility but it does mean the course could act akin to an asynchronous course if or when the need arises. After the lecture portion of the class, students will complete online discussions (primarily through written discussion on Canvas) at some point during the week before the next class. A diversity of teaching and learning methods will be used, including lectures, class discussions, student presentations, and out-of-class exercises.

Estimated number of weekly hours students should dedicate to this class (preparation activities + class activities): 10 hours.

Required and Recommended Reading: There is no recommended textbook or other materials required for this class. Background readings will be assigned and available online. There is no required reading for the first class.

Course Assignments:

Assignment Name	Due Date	Weight	Graduate Competencies
Participation	Ongoing	20%	2.1, 5.1
Secondary Source Analysis	Friday, Feb 5, 2021	15%	2.1, 4.1
Legal Memorandum	Friday, March 5, 2021	25%	1.3, 1.4, 2.1, 4.1
Advocacy Assignment	Friday, April 9, 2021	30%	1.1, 1.3, 1.4, 2.1, 2.2, 5.2
Final Reflection	Wednesday, April 14, 2021	10%	1.4, 4.1

Course Schedule [week-by-week]:



Topic	Date
Overview of course and Why study the law?	Friday, Jan 15, 2021
Introduction to the Canadian legal system	Friday, Jan 22, 2021
Legislation and case law relevant to records (identifying and interpreting)	Friday, Jan 29, 2021
Managing legal risks and liability and available defences in criminal law, tort law, and contract law	Friday, Feb 5, 2021
Copyright and intellectual property law (week 1)	Friday, Feb 12, 2021
NO CLASS – MIDTERM BREAK	Friday, Feb 19, 2021
Copyright and intellectual property law (week 2)	Friday, Feb 26, 2021
Principles of evidence law applied to records	Friday, Mar 5, 2021
Records Management and the law: e-discovery, records retention and spoliation	Friday, Mar 12, 2021
Archives accession, appraisal, and deaccessioning	Friday, Mar 19, 2021
Privacy law for records professionals	Friday, Mar 26, 2021
NO CLASS – GOOD FRIDAY	Friday, Apr 2, 2021
Student Advocacy Presentations	Friday, Apr 9, 2021

Attendance: Attendance by way of viewing the online lecture at some point during the week is expected but not mandatory. You will note that participation is a substantial part of this course and that this participation, done online largely through written posts, will require that you have viewed the posted lecture for that week. That being said, especially now, I am most interested in flexibility and fostering a supportive student environment. For this reason, if you will be unable to participate online for more than one week in a row, kindly notify me to explain the situation.

Evaluation: All assignments will be marked using the evaluative criteria given on the [iSchool web site](#). Late submissions will have 5% total marks for the assignment deducted for each day beyond the due date unless discussed with me.

Required Materials: There are no learning materials required to be purchased. Since this is an online course, you will require access to Canvas.

Academic Concession: If you miss marked coursework for the first time (assignment, exam, presentation, participation in class) and the course is still in-progress, **speak with me immediately** to find a solution for your missed coursework. Any concessions that will result in a change to the student record (such as late withdrawal from the course) will be referred to the Faculty of Graduate and Postdoctoral Studies for evaluation. If this is not the first time you have requested concession or classes are over, please consult the [Faculty of Graduate and Postdoctoral Studies' webpage on academic concession](#), and then contact me where appropriate.

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>)



Academic Integrity: The academic enterprise is founded on honesty, civility, and integrity. As members of this enterprise, all students are expected to know, understand, and follow the codes of conduct regarding academic integrity. At the most basic level, this means submitting only original work done by you and acknowledging all sources of information or ideas and attributing them to others as required. This also means you should not cheat, copy, or mislead others about what is your work. Violations of academic integrity (i.e., misconduct) lead to the breakdown of the academic enterprise, and therefore serious consequences arise and harsh sanctions are imposed. For example, incidences of plagiarism or cheating may result in a mark of zero on the assignment or exam and more serious consequences may apply when the matter is referred to the Office of the Dean. Careful records are kept in order to monitor and prevent recurrences. A more detailed description of academic integrity, including the University's policies and procedures, may be found in the [UBC Calendar: Student Conduct and Discipline](#). Academic misconduct includes cheating, plagiarism, and self-plagiarism <http://www.calendar.ubc.ca/vancouver/index.cfm?tree=3,54,111,959> (§7)

Academic Accommodation for Students with Disabilities: Academic accommodations help students with a disability or ongoing medical condition overcome challenges that may affect their academic success. Students requiring academic accommodations must register with the [Centre for Accessibility](#) (previously known as Access & Diversity). The Centre will determine that student's eligibility for accommodations in accordance with [Policy LR7: Accommodation for Students with Disabilities \(Joint Senate and Board Policy\)](#). Academic accommodations are not determined by your instructors, and instructors should not ask you about the nature of your disability or ongoing medical condition, or request copies of your disability documentation. However, your instructor may consult with the Centre for Accessibility should the accommodations affect the essential learning outcomes of a course.

Other Course Policies as Relevant: My goal is to see you succeed and to help you navigate this class in whatever way I can. If for any reasons – personal or academic – you find yourself struggling with this course, please do not hesitate to speak with me.