



THE UNIVERSITY OF BRITISH COLUMBIA
School of Social Work
Course Outline – SOWK 440H (921)

The UBC School of Social Work acknowledges that we are located on the traditional, ancestral, and unceded territory of the **xʷməθkʷəy̓əm (Musqueam)** people.

School Vision: Building upon a foundation of social justice and an ethic of care, we are a community of learners actively engaged in the development of critical, transformative knowledge for social work practice.

MSW Mission: The MSW program offers an accessible, advanced professional degree focused on social work practice in the fields of child and family welfare, health and social care, and international and social development, using a social justice lens. The purpose of this MSW program is to prepare our graduates to be competent social work professionals, equipped with state-of-the-art knowledge and skills, a critical analytic lens, and a social justice orientation.

Year/Term	2020 / Summer T1 (May 6 to June 19, 2020)
Course Title	SOWK 440H (921): Social Work and the Law
Credit Value	3 credits
Course Schedule	Monday & Wednesday 5:30 PM to 8:30 PM
Course Location	Remote contact

Instructor	Office Location	Office Phone	E-mail Address
Simon Davis, MSW, PhD		604-877-0340	simon.davis@ubc.ca
Office Hours	Please e-mail instructor with any questions/concerns		

PREREQUISITE and/or COREQUISITE

There are no pre- or co-requisites for this course.

COURSE DESCRIPTION

This course provides an introduction to Canadian and British Columbia Law as it intersects with the practice of Social Work. We will exam some of the many critical perspectives on law, the legal system and the legal processes that interact with our professional practice. Students will critically examine the interaction of ethics, laws, the culture of law, and the culture of social work. Since this course is an introduction to these concepts, only a few areas of law will be examined. These will include freedom of information; human rights; criminal and youth justice; drug laws; child welfare; mental health; disability; health care consent, and adult guardianship.

COURSE STRUCTURE AND LEARNING ACTIVITIES

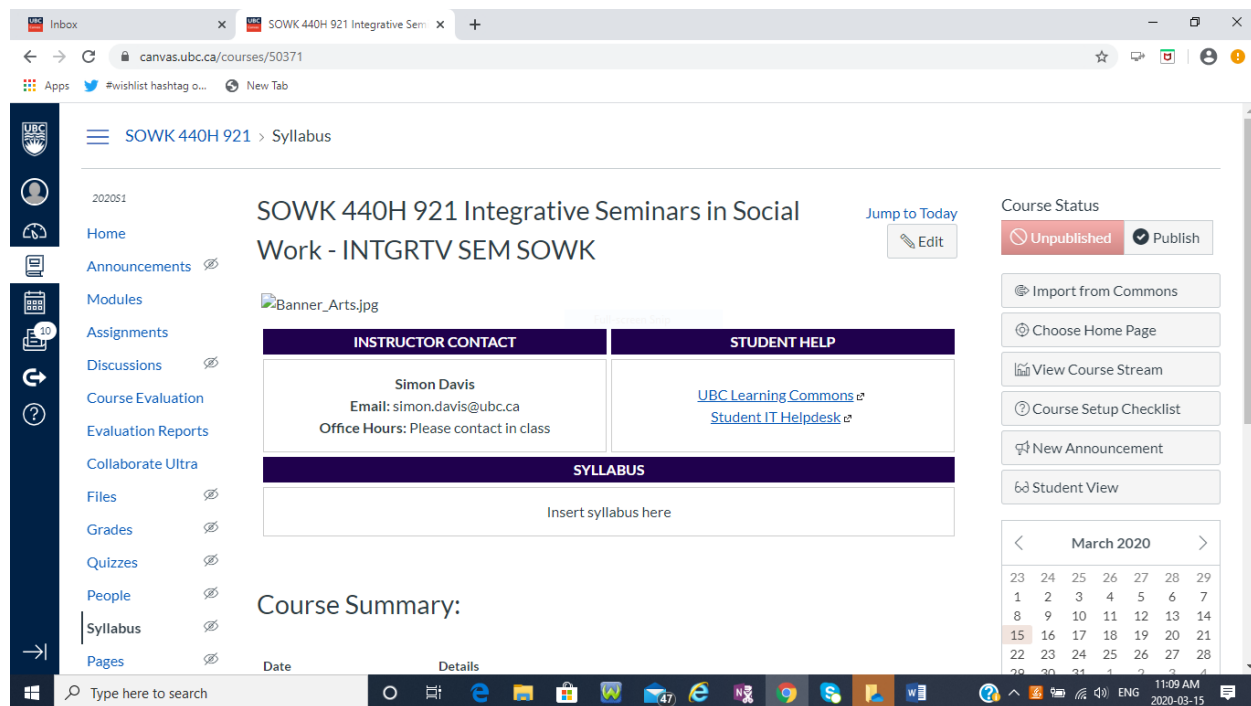
Online lectures. Because of the switch to online from in-class some adjustments are still being made – for example guest speakers - and this outline is subject to change.

ACCESSING SOWK 440H LECTURES ON COLLABORATE ULTRA

Collaborate Ultra is the application at the Canvas course-site that enables you to watch real-time lectures.

This application may not work as well with all web-browsers: Google Chrome is recommended.

The Collaborate Ultra link should be located on the left side of the course home page in Canvas (see below).



If you don't see the link you can activate Ultra this way:

1. In your course menu, click Settings
2. In Settings, at top, click the Navigation tab, and then scroll down to Collaborate Ultra.
3. At right of Collaborate Ultra, click the three dots.
4. In the drop-down menu that appears, click Enable.
5. When finished, scroll down and click Save. Collaborate Ultra now lists in the course menu.

To get to the lectures, live or recorded, click on the Collaborate Ultra link. You should come to a page that says "sessions." For live lectures, you should see a link to that day's lecture listed there. You can enter the lecture, which starts at 5:30 pm, up to 30 minutes early.

To go to a recorded lecture, on the sessions page click on the menu link – the three horizontal lines on the left of the dark banner. There will be a "recordings" option, which you can click to find a previous lecture.

While in a live lecture you will see a text box on the bottom right corner of the page. You can use this to type in and send comments and questions.

LEARNING OUTCOMES

At the completion of this course students will:

- Be able to apply a critical lens to the impact of legislation on affected client groups and the practice of social work, and how the law may differentially impact disadvantaged segments of the population.
 - Understand the influence of the Charter of Rights on social policy-making in Canada.
 - Be able to apply an ethical decision-making analysis in considering complex client scenarios.
 - Gain an understanding of key provisions of federal and provincial laws that inform social work practice in BC.
 - Understand the legal and ethical obligations of social workers, and attendant practice dilemmas.
 - Understand the role of players in the Canadian justice system, including prosecutors and the police.
 - Understand our responses to crime, the rationale for “punishment,” and alternative restorative justice approaches.
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WITHDRAWAL DATES

Last day to withdraw without a W standing:	May 15, 2020
Last day to withdraw with a W standing (course cannot be dropped after this date):	May 29, 2020

REQUIRED TEXTBOOK(S) AND LEARNING MATERIALS

Required text: Regehr, C., Kanani, K., McFadden, J. and Saini, M. (2016). *Essential Law for Social Work Practice in Canada. 3rd. Edition.* Toronto: Oxford University Press.

Links to other readings and resources will be given at the course Canvas website, and through hyperlinks on the course outline.

ASSESSMENT OF LEARNING

Term paper: 45%
Final exam: 45%
Class participation: 10%

See “Assignments” for more details.

COURSE SCHEDULE

Note that this is subject to change; updates will be announced in class and by e-mail.

SESSION 1:	Monday, May 11 2020
TOPIC 1:	Course introduction & overview
TOPIC 2:	Brief introduction to the law, the <i>Charter of Rights</i>, and Canadian legal systems
TOPIC 3:	Professional and ethical obligations and duties
TOPIC 4:	Freedom of information and protection of privacy
READING:	Course text (Regehr) Ch. 1, pp. 1-8, Ch. 6, pp. 149-152, and Ch. 12.
ADDITIONAL RESOURCES:	<ul style="list-style-type: none"> Article on the s. 1 limitations to the <i>Charter of Rights</i> and the <i>Oakes</i> test: http://ojen.ca/wp-content/uploads/In-Brief_STUDENT_Section-1-and-Oakes_0.pdf CASW Code of Ethics: https://casw-acts.ca/en/what-social-work/casw-code-ethics/code-ethics Young, J. and Everett, B. (2018). When patients choose to live at risk: What is an ethical approach to intervention? https://bcmj.org/sites/default/files/public/BCM_J_Vol60_No6_living_at_risk.pdf BC <i>Freedom of Information & Protection of Privacy Act</i>: http://www.bclaws.ca/Recon/document/ID/freeside/96165_07 Guide to the BC Mental Health Act: see pp. 119-125 re information sharing: http://www.health.gov.bc.ca/library/publications/year/2005/MentalHealthGuide.pdf Vancouver Coastal Health policies: http://www.vch.ca/about-us/accountability/policies
SESSION 2:	Wednesday, May 13, 2020
TOPIC 1:	Mental health law, part 1: Involuntary hospitalization and treatment
READING:	Course text (Regehr) Ch. 7, pp. 161-172.

ADDITIONAL RESOURCES:	<ul style="list-style-type: none"> • A report from the Community Legal Assistance Society of BC on the loss of freedoms experienced by persons being held under the BC Mental Health Act: https://d3n8a8pro7vnm.cloudfront.net/clas-test/pages/1794/attachments/original/1527278723/CLAS_Operating_in_Darkness_November_2017.pdf?1527278723 • 2019 BC Ombudspersons report on poor documentation with involuntary MH patients, for example not giving them rights information: https://bcombudsperson.ca/sites/default/files/OMB-Committed-to-Change-FINAL-web.pdf • Press release concerning a Charter challenge against the BC MH Act re involuntary treatment: http://www.clasbc.net/charter_challenge_of_forced_psychiatric_treatment (The challenge was dropped in late 2018 when the plaintiffs withdrew.) • Article (opinion piece) on the use of restraint in hospital emergency departments in the U.S.: https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2759272 • Article on “psychiatric refugees” fleeing BC, having to do the “deemed consent” aspect of the BC MH Act – see also above press release: https://www.cbc.ca/radio/the180/facts-vs-values-in-canadian-health-care-forced-psychiatric-care-and-urban-indigenous-people-need-a-voice-1.3764173/a-psychiatric-refugee-why-one-woman-fled-b-c-s-mental-health-laws-1.3764440
SESSION 3:	No class, Monday, May 18, 2020, Victoria Day holiday
SESSION 4:	Wednesday, May 20, 2020
TOPIC 1:	Mental health law, part 2: Interface between the MH and criminal justice systems
GUEST SPEAKER:	Renea Mohammed, “Lived experience of involuntary treatment.”
READING:	<ul style="list-style-type: none"> • Course text (Regehr) Ch. 7, pp. 172 - 176. • CMHA report on criminalization of mental illness (just first four pages): https://cmha.bc.ca/wp-content/uploads/2016/07/policesheets_all.pdf • CBC report on the police use of lethal force with mentally ill persons: https://www.cbc.ca/news/investigates/what-an-examination-of-every-canadian-police-involved-fatality-since-2000-tells-us-1.4602916 • CBC news editorial on controversial NCRMD case: https://www.cbc.ca/news/opinion/vince-li-discharge-1.3979861
ADDITIONAL RESOURCES:	“Hold Your Fire” – CBC documentary on the use of police force with mentally ill persons: https://www.cbc.ca/firsthand/episodes/hold-your-fire
SESSION 5:	Monday, May 25, 2020
TOPIC 1:	Laws concerning vulnerable adults, part 1: Consent & capacity in health care
TOPIC 2:	Medical assistance in death

	http://www.oacas.org/wp-content/uploads/2016/04/Eligibility-Spectrum-2016-6.75-x-8.5-EN.pdf
SESSION 8:	Wednesday, June 3, 2020
TOPIC 1:	Human Rights Law
READING:	Course text (Regehr) Ch. 2
ADDITIONAL RESOURCES:	<ul style="list-style-type: none"> • A report from the Mental Health Commission of Canada on structural stigma (Livingston, 2013): https://www.mentalhealthcommission.ca/sites/default/files/MHCC_Opening_Minds_MentalIllness-RelatedStructuralStigmaReport_ENG_0_0.pdf • Convention on the Rights of Persons with Disabilities (2006) from the UN website: https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html • News release (2018): “Canada accedes to the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities.” https://www.newswire.ca/news-releases/canada-accedes-to-the-optional-protocol-to-the-united-nations-convention-on-the-rights-of-persons-with-disabilities-701804101.html • Mendez, J. (2013). <i>United Nation Special Assembly: Report of the Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment</i>. Retrieved from: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf. • “Jack and Jill and employment equity” (Irvine, 1996). A paper critical of affirmative action authored by a UBC philosophy professor: http://www.safs.ca/meritdiversity/employmentequity.pdf • “It’s not just the RCMP: Police culture is toxic”: op/ed by Lesly Bikos, PhD student and former Canadian police officer: https://www.theglobeandmail.com/opinion/its-not-just-the-rcmp-police-culture-is-toxic/article35014971/ • Website for the Disability Alliance of BC, containing various resources & publications, including tip sheets for disability income assistance applications: http://disabilityalliancebc.org/ • Vancouver Coastal Health Respectful Workplace & Human Rights Policy: http://vchnews.ca/wp-content/uploads/2014/02/Respectful-Workplace-Policy-Final-Effective-Feb-26-2014.pdf • Article on US Supreme Court ruling on discrimination by sexual orientation: https://www.buzzfeednews.com/article/emaconnor/supreme-court-discrimination-lgbt-title-vii
SESSION 9:	Monday, June 8, 2020
TOPIC 1:	Criminal law & justice issues part 1
TOPIC 2:	Basic principles of criminal law and prosecution

TOPIC 3:	Victims of crime
READING:	Course text (Regehr) ch.9
ADDITIONAL RESOURCES:	<ul style="list-style-type: none"> Statistics Canada Criminal Victimization Survey (2014): https://www.statcan.gc.ca/pub/85-002-x/2015001/article/14241-eng.htm Disability Alliance Help Sheets for people with disabilities, to increase their understanding of the procedures and processes they will go through if they have been a victim of a crime: http://disabilityalliancebc.org/category/publications/violence-prevention/ The Canadian Resource Centre for Victims of Crime: https://crcvc.ca/ - see also the Canadian Victims' Bill of Rights: https://crcvc.ca/for-victims/rights/ Case of Calgary judge telling assault victim to "keep your knees together": https://www.theguardian.com/world/2017/mar/10/canada-judge-resigns-keep-your-knees-together-comment-rape-trial "The trouble with sex assault trials" from <i>Canadian Lawyer</i> magazine (2016); reviews court rulings on this matter and ongoing tensions: http://www.canadianlawyermag.com/author/shannon-kari/the-trouble-with-sex-assault-trials-3261/ Davison, C. (2016) The law of sexual assault in Canada: http://www.lawnow.org/the-law-of-sexual-assault-in-canada/ Summary of R. v. Ewanchuk (SCC decision in sexual assault case): https://canliiconnects.org/en/summaries/31833
SESSION 10:	Wednesday, June 10, 2020
TOPIC 1:	Criminal law & justice issues part 2
TOPIC 2:	Youth criminal justice
TOPIC 3:	Laws concerning the sex trade
ADDITIONAL RESOURCES:	<ul style="list-style-type: none"> Course text (Regehr) ch. 8 Article on concerns with Canada's sex trade laws, links to other reports: https://ottawacitizen.com/opinion/columnists/chu-clamen-and-santini-five-years-after-new-law-sex-workers-feel-anything-but-protected Department of Justice, (2013). The Youth Criminal Justice Act: Summary and Background. http://www.justice.gc.ca/eng/cj-jp/yj-jj/tools-outils/back-hist.html Makarenko, J. (2007). Youth Justice in Canada: History and Debates. https://www.mapleleafweb.com/features/youth-justice-canada-history-debates.html Cook, A and Roesch, R. (2012). "Tough on Crime" Reforms: What Psychology Has to Say about the Recent and Proposed Justice Policy in Canada. http://www.apa.org/pubs/journals/features/cap-53-3-217.pdf
SESSION 11:	Monday, June 15, 2020

TOPIC 1:	Course wrap-up, topics TBA
READING:	Course text (Regehr)
SESSION 12:	Wednesday, June 17, 2020
TOPIC 1:	FINAL EXAM

ASSIGNMENTS

Term paper: Due June 19, 2020 (45%)

For this paper you are to take a closer, critical look at an area of law and/or the legal system in Canada. Here are examples of possible topics:

- Medically assisted death
- Legalization of marijuana
- “Safe care” act(s) (short-term involuntary detention of at-risk youth)
- The over-representation of Indigenous persons in the criminal justice system
- The criminalization of mental illness
- Involuntary treatment in psychiatry
- Safe injection sites
- The Youth Criminal Justice Act
- End-of-life decision-making
- Diversion programs in the criminal justice system
- Laws concerning the sex trade
- Professional duties and obligations in social work practice.
- Structural discrimination and stigma, for example affecting mental health clients.
- Reconciling competing ethical/legal directives in child welfare
- Disability rights
- Laws & policies concerning gender identification
- Balancing victims’ rights and restorative justice approaches.

You may choose other topics, however before starting the paper please confirm the topic with the instructor either in class or by e-mail.

For your topic try to address the following points (not all will be salient):

- What is the social relevance and importance of this issue? What are the philosophical and/or ethical issues involved?
- Summarize the legislation and case law bearing on this issue, including how the law(s) may have changed or been amended over time (i.e. provide a historical context). Were there instances where the law was not enacted/blocked/repealed? How is it similar or different to laws in other jurisdictions? Are there any *Charter of Rights* issues (challenges or potential challenges)?
- What has the media been tending to say on the topic (if anything), i.e. how has it been “shaped?”
- What groups are most affected (referring to age, gender, ethnicity and other intersections)? Are there groups left out (for example re medically assisted death should psychiatric illness qualify?)
- What are the current key debates, and possible controversies or disagreements? For example, you could consider arguments *in favor* of marijuana legalization from a harm reduction perspective, and *against* it from a public health view that considers vulnerable young persons.
- Are there practical or clinical aspects of the administration of the law that are, or will be, problematic? In considering this you may draw on your own experience, or interview a social worker working within this legal context.
- What is the relevance of this issue to social work practice? In considering this you may use a case-based analysis, that is, describe a hypothetical (or actual, anonymized) client scenario where you are the worker involved, and speak about how the law is interpreted, ethical dilemmas you would face, and practical or clinical implications.

Length: Approx. 12 double-spaced pages (check with me if you are worried about being too “over or under”).

Marking guidelines

Did you:

- Address the bulleted points above.
- Integrate course material, and include references outside of this – a minimum of six published sources, cited as per APA.
- Write in a clear, coherent fashion, where there is a logical flow, and where attention is paid to grammar. (Tip: consider breaking the paper up under sub-headings). Note that 15 of the 40 marks are given for style points (grammar, spelling, sentence structure, clarity, cogency).

Final exam: June 20, 2020 (45%)

The final exam will be open-book, held on the last class, June 20th. Students will be given several case summaries, and are asked to apply elements of the law that have been covered in class to each case. For example, in a case describing the possible abuse of an older adult, students will be asked about applying the *Adult Guardianship Act*, what steps they would follow, and what information would be needed to be gathered to support an investigation. More details on this will be given in class.

Class participation (10%)

Class participation is 10%. This mark will be based on active involvement in class discussion, i.e. contributing questions or comments via the text function. Because discussion in a large online class is necessarily more restricted, the value of this component has been reduced from the in-class version of the course. Please see the “rubric” below for some general guidelines:

0	Absent
“C” level	<ul style="list-style-type: none">▪ Present, not disruptive.▪ Tries to respond when called on but does not offer much.▪ Demonstrates very infrequent involvement in discussion.
C plus – B minus	<ul style="list-style-type: none">▪ Demonstrates adequate preparation: knows basic case or reading facts, but does not show evidence of trying to interpret or analyze them.▪ Offers straightforward information (e.g., straight from the case or reading), without elaboration or very infrequently (perhaps once a class).▪ Does not offer to contribute to discussion, but contributes to a moderate degree when called on.▪ Demonstrates sporadic involvement.
B – B plus	<ul style="list-style-type: none">▪ Demonstrates good preparation: knows case or reading facts well, has thought through implications of them.▪ Offers interpretations and analysis of case material (more than just facts) to class.▪ Contributes well to discussion in an ongoing way: responds to other students’ points, thinks through own points, questions others in a constructive way, offers and supports suggestions that may be counter to the majority opinion.▪ Demonstrates consistent ongoing involvement.
A	<ul style="list-style-type: none">▪ Demonstrates excellent preparation: has analyzed case exceptionally well, relating it to readings and other material (e.g., readings, course material, discussions, experiences, etc.).▪ Offers analysis, synthesis, and evaluation of case material, e.g., puts together pieces of the discussion to develop new approaches that take the class further.▪ Contributes in a very significant way to ongoing discussion: keeps analysis focused, responds very thoughtfully to other students’ comments, contributes to the cooperative argument-building, suggests alternative ways of approaching material and helps class analyze which approaches are appropriate, etc.▪ Demonstrates ongoing very active involvement.

LEARNING RESOURCES

UBC Learning Commons has a variety of tools and information such as; borrowing equipment, academic integrity (**APA Citation Guide**), writing support, skills for class, skills for life and academic support to assist students in their learning. <https://learningcommons.ubc.ca/>

Library resources

Contact for UBC Law Library reference staff: <https://law.library.ubc.ca/refstaff/>

Contact for UBC Social Work librarian: <http://directory.library.ubc.ca/people/view/709>

UNIVERSITY POLICIES

Support: 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 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 at

<https://senate.ubc.ca/policies-resources-support-student-success>

LEARNING ANALYTICS

Learning analytics includes the collection and analysis of data about learners to improve teaching and learning. No learning analytics are being used in this class.

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Students may record classes for their own learning processes.

UBC GRADING CRITERIA

UBC GRADING CRITERIA			
Letter Grade	Percent Range	Mid-Point	
A + A A -	90-100 85-89 80-84	95 87 82	Represents work of exceptional quality. Content, organization and style are all at a high level. Student demonstrates excellent research and reference to literature where appropriate. Also, student uses sound critical thinking, has innovative ideas on the subject and shows personal engagement with the topic.
B + B B -	76-79 72-75 68-71	77.5 83.5 69.5	Represents work of good quality with no major weaknesses. Writing is clear and explicit and topic coverage and comprehension is more than adequate. Shows some degree of critical thinking and personal involvement in the work. Good use of existing knowledge on the subject.
C + C C -	64-67 60-63 55-59	65.5 62.5 57	Adequate and average work. Shows fair comprehension of the subject, but has some weaknesses in content, style and/or organization of the paper. Minimal critical awareness or personal involvement in the work. Adequate use of literature.
D	50-54	52	Minimally adequate work, barely at a passing level. Serious flaws in content, organization and/or style. Poor comprehension of the subject, and minimal involvement in the paper. Poor use of research and existing literature.
F	0-49		Failing work. Inadequate for successful completion of the course or submitted beyond final date of acceptance for paper.

About the instructor: Simon Davis is an adjunct professor at the UBC School of Social Work and an instructor at the Douglas College Post-Degree Program in Psychosocial Rehabilitation. He holds an MSW from UBC and a PhD in criminology from Simon Fraser University. His professional career has been as a clinician, researcher and administrator in the field of mental health and addictions. At the School he has taught courses in mental health (450), legal issues (440H) and research methods (320 and 554C).