

**Public Health Law**  
**Autumn 2018**  
**Professor Elaine Gibson**

**Office**           320

**Phone**           494-6882

**Office Hours** 12:00 – 1:30 Wednesdays, or drop by, or by appointment

**Materials**     The materials required for this course are available on Brightspace.

**Objectives of the Course:**

Protection of the public's health has historically been one of the critical functions of the State; witness early laws regarding quarantine, sanitation, and food quality control. Both SARS and HIV have served as recent wake-up calls to remind us of the importance of regulation in the control of infectious disease outbreaks. The prevalence of obesity and diabetes prompts some to recommend state intervention in hitherto-unchecked areas of life often considered private. How is the balance to be set vis-a-vis state interference when juggling the values of individual liberty, privacy interests, protection of the public, and the promotion of health? This course examines these legal and ethical issues via the above topics as well as some of the following: compulsory testing and treatment for infectious disease; vaccination; drug and tobacco control; surveillance and research; genetics; maternity and parenting; and environmental impacts on health.

**Evaluation:**

There are three components to the grade in this course: 70% major paper; 15% class presentation; and 15% class participation.

**Major Paper: 70%**

Your topic must be selected by Friday October 5. We will meet individually prior to that date to discuss proposed topics. By Wednesday October 31, you are to submit a paper proposal of up to 5 pages, including a summary of your thesis question, an outline of the paper, and a preliminary bibliography. We will meet individually to review your paper proposal. Your major paper is due Tuesday December 4 by 3:30 p.m. in both hard copy and electronic. The hard copy must be submitted to the reception desk to be date and time stamped.

As to length, 25 pages is the minimum and more is usually needed to provide an adequate explication of the topic. The maximum is approximately 40 pages. The paper will be graded on the basis of research, coherence, literary quality, originality, and depth of analysis. A purely descriptive paper will not be acceptable. Please read the major paper guidelines in the calendar for further details.

Your paper must include footnotes, a table of contents, subheadings, and a bibliography (as per McGill Guide).

### **Presentation: 15%**

You will present the results of research on your selected paper topic. You are also expected to entertain discussion following your presentation.

### **Class Participation: 15%**

Class participation will be assessed on the basis of attendance, preparedness for informed discussion, willingness to contribute and to make space for others to contribute, and relevance of comments to the topic at hand. I am looking for quality and definitely not quantity.

### **Plagiarism**

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

### **Student Requests for Accommodation**

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean Michael Deturbide or the Director of Student Services as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require medical documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit [www.dal.ca/access](http://www.dal.ca/access) for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at 494-2836.

### **Submission of Assignments**

Students should submit assignments in the manner stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>

Please note that if hard copy is submitted, students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

### **Inclusivity**

Dalhousie University is committed to a welcoming and respectful working and learning environment that is free from harassment and discrimination. We encourage open dialogue, however members of the class are expected to refrain from speaking or behaving in ways that are harmful to others, through racism, homophobia, sexism, or other derogatory treatment based on characteristics protected under the Nova Scotia *Human Rights Act*. Please do not hesitate to speak with me if you have questions or concerns, or visit [http://www.dal.ca/campus\\_life/safety-respect.html](http://www.dal.ca/campus_life/safety-respect.html) for further information on resources and supports on campus and <http://www.dal.ca/cultureofrespect.html> for updates on university initiatives.