



CAPILANO UNIVERSITY

COURSE OUTLINE		
TERM: Fall 2021	COURSE NO: LAW 325	
INSTRUCTOR:	COURSE TITLE: CONSTITUTIONAL LAW	
OFFICE: LOCAL: E-MAIL: @capilanou.ca	SECTION NO(S):	CREDITS: 3
OFFICE HOURS:		
COURSE WEBSITE:		

Capilano University acknowledges with respect the Lil'wat, Musqueam, Squamish, Sechelt, and Tseil-Waututh people on whose territories our campuses are located.

COURSE PREREQUISITES:

LAW 101, 110, and 210; OR 45 credits of 100-level or higher coursework.

COURSE FORMAT:

This course will be offered alternatively in either a classroom or on-line format, four hours per week for a 15-week semester, which includes two weeks for final exams. For the on-line format, the instructor will provide written lectures and weekly case readings to students in advance, and students will work, either with an on-line partner or on-line group, to complete weekly exercises and discussions. For the classroom format, three out of the four instructional hours will be completed with lectures in the classroom and a fourth hour will consist of a combination of at-home and online work supported through eLearn.

CALENDAR DESCRIPTION:

This course is designed to introduce students to the role of constitutional law in shaping Canadian society, with an emphasis on the major Supreme Court of Canada decisions that have had a substantial impact on people's lives, civil rights, and the economy. The course will examine both the substantial issues addressed in these pivotal cases and the role of the Supreme Court and the judiciary as a whole in Canada's legal, political, and economic system.

COURSE NOTE:

LAW 325 is an approved Self and Society course for Cap Core requirements.

REQUIRED TEXT AND RESOURCES:

PW Hogg, *Constitutional Law of Canada, 2019 Student Edition*, (Toronto, Thomson Reuters, 2019) (the "Text").

Instructors' supplemental materials, legislation, and case law posted to eLearn.

RECOMMENDED TEXTS

Patrick Macklem, Carol Rogerson, John Borrows, RCB Risk, Robin Elliot, Kent Roach, Jean-Francois Gaudreault-DesBiens, Bruce Ryder, Donna Greschner, David Schneiderman, Jean Leclair, Lorraine Weinrib, Ian Lee, Richard Albert, Richard Moon, and Hamish Stewart, *Canadian Constitutional Law*, 5th ed (Toronto: Emond, 2016).

Peter H Russell, Rainer Knopff, Thomas MJ Bateman, and Janet L Hiebert, *The Court and the Constitution: Leading Cases*, 2nd ed (Toronto: Emond, 2017).

COURSE STUDENT LEARNING OUTCOMES:

Upon successful completion of this course, students should be able to demonstrate competence in the following abilities and skills:

1. Effectively communicate to explain major ideas in constitutional legal cases;
2. Apply written and on-line tools effectively to discuss and examine major constitutional court cases and their treatment in the media and academic literature;
3. Analyse and critique how major constitutional court decisions have affected Canadian society and how culture affects the decisions;
4. Analyse the implications of major constitutional court decisions on politics, social relations, and on business and the economy;
5. Apply research of basic issues on constitutional law through online resources;
6. Analyse complex constitutional law issues through a legal memorandum;
7. Identify and analyze the role of the judiciary and in particular the Supreme Court of Canada and the judiciary in relation to the other branches of government and to society as a whole;
8. Synthesize the differences in the way major constitutional issues are addressed by Canadian courts.

Students who complete this Self and Society course will be able to do the following:

1. Identify potential root causes of local/global problems and how they affect local/global cultures, economies, politics, and policies;
2. Analyse the impact of colonialism and racism on Indigenous peoples;
3. Synthesize a range of differing community perspectives on ethics and justice and explain how these perspectives can inform structural change;
4. Generate strategies for reconciling Indigenous and Canadian relations; and
5. Explain how contexts (e.g. cultural, historical, colonial, economic, technological) shape identity formation and social structures.

COURSE CONTENT:

WEEKLY COURSE CONTENT	
WEEK	CONTENT
	PART I – BASIC CONCEPTS

WEEKLY COURSE CONTENT	
WEEK	CONTENT
1	INTRODUCTION TO CONSTITUTIONAL LAW The introductory lecture looks at the types and sources of constitutional law, an overview of the Constitution, and the reception and role of law in Canada.
2	FEDERALISM, RESPONSIBLE GOVERNMENT & DELEGATION This lecture looks at the distribution of governmental power, the branches of government, the concept of responsible government, parliamentary sovereignty, and the power of the legislatures to delegate to a subordinate body the power to make laws or subordinate legislation.
	PART II – DISTRIBUTION OF POWERS
3	JUDICIAL REVIEW ON FEDERAL GROUNDS & PARAMOUNTCY This week examines the power of the courts to determine whether any particular law is valid or invalid. In other words, whether the law was enacted within the powers allocated by the Constitution to whichever legislative body enacted the law. It will also look at conflicts between statutes of the federal Parliament and a statute of a provincial legislature and the doctrine of federal paramountcy.
4	PEACE, ORDER, AND GOOD GOVERNMENT & CRIMINAL LAW This lecture examines the federal Parliament “POGG” power and the criminal law power.
5	ECONOMIC REGULATION & PROPERTY AND CIVIL RIGHTS This week of the course will examine regulation over trade, commerce, transportation, and communication and its relationship with property and civil rights.
6	ABORIGINAL PERSONS AND THE CONSTITUTION In this lecture we look at the Constitution and its application to aboriginal persons under both federal and provincial laws, including aboriginal and treaty rights.
7	MID-TERM EXAM
	PART III – CIVIL LIBERTIES
8	THE CHARTER OF RIGHTS AND FREEDOMS The next lecture will begin with an overview of civil liberties before moving on to the <i>Charter of Rights and Freedoms</i> , which will include a look at its application and limitations.

WEEKLY COURSE CONTENT	
WEEK	CONTENT
9	FUNDAMENTAL FREEDOMS For this week of the course we will examine fundamental freedoms, including freedom of religion, expression, and association.
10	EQUALITY In this lecture we examine the extent to which to which each level of government may promote or deny or limit egalitarian values. The main focus will be on discrimination.
11	AUTONOMY This week looks at what is known as the right to life, liberty, and security of the person and principles of fundamental justice.
12	LANGUAGE RIGHTS This lecture looks at the distribution of powers over language and the constitutional protection for minority languages.
13	PROCEDURAL JUSTICE & ENFORCEMENT OF RIGHTS The final lecture in the course will focus on fairness in the law, responsibility, and remedies.
14-15	FINAL EXAM

EVALUATION PROFILE:

Mid-Term Exam	30-35%
Final Exam	30-35%
Group Discussions & Participation	0-10%
Research Paper	<u>25-30%</u>
TOTAL	100%

Research Paper

This course will include a research paper on a matter related to constitutional law.

Participation

If a participation grade is provided, then it is allocated to the consistency, quality, and frequency of contributions to class discussions and class presentations. Consistency means attending every class and actively contributing to discussions on a regular basis. Quality means demonstrating respect for

peers and their contributions, listening attentively during lectures and when other students are speaking, and participating in all activities with an open and inquisitive mind.

Mid-Term and Final Exams

There will be a mid-term exam in Week 7 covering Weeks 1-6 of the materials and a final exam covering Weeks 8-13 of the materials. The format of the exams will be determined by the instructor and may include a combination of true/false, multiple choice, matching, short answer, and essay questions. The final exam will be scheduled at a date to be determined by the Registrar's Office. Please plan to be available to write the final exam at any point during the final exam period.

GRADING PROFILE:

A+	90-100%	B+	77-79%	C+	67-69%	D	50-59%
A	85-89%	B	73-76%	C	63-66%	F	0-49%
A-	80-84%	B-	70-72%	C-	60-62%		

Incomplete Grades

Grades of Incomplete "I" will not be assigned in this course.

Late Assignments

Homework assignments are due at the **start of class** on the due date unless otherwise advised by your instructor. Late assignments will only be accepted if prior approval for a late submission date has been given by the instructor.

Missed Exams and Quizzes

Missed exams or quizzes will receive a grade of "0" unless PRIOR arrangements (wherever possible) are made with the instructor. Permission to make up an exam will only be given in extraordinary situations such as illness of the student or the death of a close family member. A doctor's certificate, or other proof supporting the reason for the absence, may be required.

Attendance

Regular attendance and punctuality are both essential and expected due to the nature and format of the course materials.

English Usage

All assignments are marked for correct English usage, proofreading, and formatting.

Electronic Devices

Students may use electronic devices during class for note-taking only.

On-line Communication (email, eLearn, etc.)

Outside of the classroom, instructors will (if necessary) communicate with students using either their official Capilano University email or eLearn; please check both regularly. Official communication between Capilano University and students is delivered to students' Capilano University email addresses only.

UNIVERSITY OPERATIONAL DETAILS

Tools for Success

Many services are available to support student success for Capilano University students. A central navigation point for all services can be found at: <https://www.capilanou.ca/student-life/>

Capilano University Security: download the [CapU Mobile Safety App](#)

Policy Statement (S2009-06)

Capilano University has policies on Academic Appeals (including appeal of final grade), Student Conduct, Academic Integrity, Academic Probation and other educational issues. These and other policies are available on the University website.

Academic Integrity (S2017-05)

Any instance of academic dishonesty or breach of the standards of academic integrity is serious and students will be held accountable for their actions, whether acting alone or in a group. See policy and procedures S2017-05 Academic Integrity for more information: <https://www.capilanou.ca/about-capu/governance/policies/>

Violations of academic integrity, including dishonesty in assignments, examinations, or other academic performances, are prohibited and will be handled in accordance with the Student Academic Integrity Procedures.

Academic dishonesty is any act that breaches one or more of the principles of academic integrity. Acts of academic dishonesty may include but are not limited to the following types:

Cheating: Using or providing unauthorized aids, assistance or materials while preparing or completing assessments, or when completing practical work (in clinical, practicum, or lab settings), including but not limited to the following:

- Copying or attempting to copy the work of another during an assessment;
- Communicating work to another student during an examination;
- Using unauthorized aids, notes, or electronic devices or means during an examination;
- Unauthorized possession of an assessment or answer key; and/or,
- Submitting of a substantially similar assessment by two or more students, except in the case where such submission is specifically authorized by the instructor.

Fraud: Creation or use of falsified documents.

Misuse or misrepresentation of sources: Presenting source material in such a way as to distort its original purpose or implication(s); misattributing words, ideas, etc. to someone other than the original source; misrepresenting or manipulating research findings or data; and/or suppressing aspects of findings or data in order to present conclusions in a light other than the research, taken as a whole, would support.

Plagiarism: Presenting or submitting, as one's own work, the research, words, ideas, artistic imagery, arguments, calculations, illustrations, or diagrams of another person or persons without explicit or accurate citation or credit.

Self-Plagiarism: Submitting one's own work for credit in more than one course without the permission of the instructors, or re-submitting work, in whole or in part, for which credit has already been granted without permission of the instructors.

Prohibited Conduct: The following are examples of other conduct specifically prohibited:

- Taking unauthorized possession of the work of another student (for example, intercepting and removing such work from a photocopier or printer, or collecting the graded work of another student from a stack of papers);
- Falsifying one's own and/or other students' attendance in a course;
- Impersonating or allowing the impersonation of an individual;
- Modifying a graded assessment then submitting it for re-grading; or,
- Assisting or attempting to assist another person to commit any breach of academic integrity.

Sexual Violence and Misconduct

All Members of the University Community have the right to work, teach and study in an environment that is free from all forms of sexual violence and misconduct. Policy B401 defines sexual assault as follows:

Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent, including the threat of sexual contact without consent. Sexual assault can be committed by a stranger, someone known to the survivor or an intimate partner.

Safety and security at the University are a priority and any form of sexual violence and misconduct will not be tolerated or condoned. The University expects all Students and Members of the University Community to abide by all laws and University policies, including B.401 Sexual Violence and Misconduct Policy and B.401.1 Sexual Violence and Misconduct Procedure (found on Policy page <https://www.capilanou.ca/about-capu/governance/policies/>)

Emergencies: Students are expected to familiarise themselves with the emergency policies where appropriate and the emergency procedures posted on the wall of the classroom.