

Course Outline

COURSE:	LAWS 3500A – Constitutional Law
TERM:	Winter 2016
PREREQUISITES:	LAWS 2501 or PSCI 2003
CLASS:	Day & Time: Wednesdays – 6:05 pm - 8:55 pm
	Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Bahaa I. Sunallah, of the Ontario Bar
CONTACT:	Office: B442 LA (Loeb)
	Office Hrs: By Appointment
	Email: bahaa.sunallah@carleton.ca

Academic Accommodations

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://carleton.ca/pmc/students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance

compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:

<http://carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

COURSE DESCRIPTION

An investigation of the Canadian constitution. Sovereignty, the nature and units of executive, legislative, and judicial power in Canada as interpreted by the courts. The distribution of powers under the Canadian constitution, including an investigation of contemporary problems of federalism. Problems of judicial review.

REQUIRED TEXT

Selected Cases and Text in Constitutional Law, Carleton University Custom, 2015, Emond Montgomery Publications. ISBN: 978-1-77255-5040-5, available from the University Bookstore. Other selected readings will be made available through the online Library system.

IMPORTANT NOTES

1. Carleton University Calendar

Link to current Carleton Undergraduate Calendar: <http://calendar.carleton.ca/undergrad/>

2. Pertinent Dates and Holidays

Pertinent dates and holidays can be found in the 2015-2016 Undergraduate Calendar.

3. Deferred Final Examinations

Deferrals for final examinations are granted following successful application by the student to the Registrar's Office. Please note specifically section 2.5: Deferred Final Examination of the Undergraduate Calendar:

"The granting of a deferral also requires that the student has performed satisfactorily in the course according to the evaluation scheme established in the Course Outline, excluding the final examination for which deferral privileges are requested. Reasons for denial of a deferral may include, among other conditions, a failure to (i) achieve a minimum score in the course before the final examination; (ii) attend a minimum number of classes; (iii) successfully complete a specific task (e.g. term paper, critical report, group project, computer or other assignment); (iv) complete laboratory work; (v) successfully complete one or more midterms; or (vi) meet other reasonable conditions of successful performance."

EVALUATION PROCEDURES**(All components must be completed in order to get a passing grade)**

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

Attendance (10%)**Mid-term Exam (40%)**

2.0 hours. In-class on Wednesday February 10, 2016

Final Exam (50%)

3.0 hours. Formally scheduled during the University's final examination period (April 11 – 23, 2016).

The following percentage equivalents apply to all final grades at Carleton (see section 2.0, Course Evaluation of the Undergraduate Calendar):

<http://calendar.carleton.ca/undergrad/regulations/academicregulationsoftheuniversity/acadregsuniv2/>

A+ 90-100	B+ 77-79	C+ 67-69	D+ 57-59	F 0-49
A 85-89	B 73-76	C 63-66	D 53-56	
A- 80-84	B- 70-72	C- 60-62	D- 50-52	

F (Failure). The grade of F is assigned when the student has failed to meet the conditions of “satisfactory performance” defined in the Course Outline. F carries 0.0 grade points.

FND Failure with no deferred final examination allowed. The grade FND is assigned only when the student has failed the course on the basis of inadequate term work as specified in the Course Outline. FND carries 0.0 grade points.

ABS Absent from a required final examination. ABS is assigned only when the student is absent from the required final examination and has achieved satisfactory performance during the term as specified in the course outline. ABS is equivalent to an F and it carries 0.0 grade points.

DEF Final grade deferred for documented personal or medical conditions. DEF is an interim notation assigned by the Registrar's Office. DEF must be replaced by a grade within the prescribed time or it is replaced with an F. (See section 2.5, Deferred Final Examinations of the Undergraduate Calendar.)

SCHEDULE

The first class will be held on Wednesday January 6, 2016 and will include an ice-breaker, course orientation, a discussion of the evaluation methods and a substantive introduction to Constitutional Law. Please ensure that you attend the entire class.

- #1 January 6**
Course Orientation and Class Introduction
Chapter 1: Introduction to Constitutional Law
- #2 January 13**
Chapter 2: Judicial Review and Constitutional Interpretation: JR and the Legitimacy Issue
- #3 January 20**
Chapter 2: Judicial Review and Constitutional Interpretation: Constitutional Interpretation & Triggering Judicial Review
Chapter 3: Recurring Constitutional Principles in Canadian Public Law: The Constitution
- #4 January 27**
Chapter 3: Recurring Constitutional Principles in Canadian Public Law: Six Principles of Public Law
- #5 February 3**
Chapter 3: Recurring Constitutional Principles in Canadian Public Law: Constitutional Amendment
Midterm Review
- #6 February 10**
Midterm
- February 17**
(Winter Break. No Class)
- #7 February 24**
Chapter 4: The Courts and the Judiciary: Structure of the Canadian Court System & Judicial Appointments
- #8 March 2**
Chapter 4: The Courts and the Judiciary: Judicial Independence
- #9 March 9**
Constitutional Conventions
Re: Resolution to amend the Constitution, [1981] 1 S.C.R. 753
<http://scc-csc.lexum.com/decisia-scc-csc/scc-csc/scc-csc/en/item/2519/index.do>
- #10 March 16**
Chapter 5: When Conventions Fail: Constitutional Governance Without Clear Rules
- #11 March 23**
Division of Powers: ss. 91 & 92 of the *Constitution Act, 1867* (readings in Library reserves)
- #12 March 30**
Division of Powers: ss. 91 & 92 of the *Constitution Act, 1867* (readings in Library reserves)
Final Exam Review

April 11-23, 2016
Final Examination in Winter Term Courses