

Course Outline

COURSE:	LAWS 3500A – Constitutional Law
TERM:	Winter 2017
PREREQUISITES:	LAWS 2501 or PSCI 2003
CLASS:	Day & Time: Tuesdays – 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/>

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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

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 Administrative Law, LAWS 3500 (Winter 2017), Bahaa I. Sunallah, Emond Montgomery Publications (EMP). ISBN: 978-77255-243-0. 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 2016-2017 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%)

Optional Assignment (10%)

Due date to be announced after the mid-term. If you chose this option, your midterm will count for 30%.

Mid-term Exam (40% or 30% if you chose the Optional Assignment)

2.0 hours. In-class on **Tuesday February 14, 2017**.

Final Exam (50%)

3.0 hours. Formally scheduled during the University's final examination period.

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 Tuesday January 10, 2017 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.

January 5, 2017: Winter term classes begin

- #1 January 10**
Orientation, Course Introduction and Objective
Chapter 1: Introduction to Constitutional Law & Unwritten Constitutional Principles
- #2 January 17**
Chapter 1: Unwritten Constitutional Principles
Chapter 2: Judicial Review and Constitutional Interpretation
- #3 January 24**
Chapter 2: Judicial Review and Constitutional Interpretation
- #4 January 31**
Chapter 3: Recurring Constitutional Principles in Canadian Public Law: Six Principles
- #5 February 7**
Chapter 3: Recurring Constitutional Principles in Canadian Public Law: Constitutional Amendment
Midterm Review
- #6 February 14**
Midterm
- February 21 (February 20-24 Winter Break. No Classes)**
- #7 February 28**
Chapter 4: The Courts and the Judiciary: Structure of the Canadian Court System & Judicial Appointments
- #8 March 7**
Chapter 4: The Courts and the Judiciary: Judicial Independence
- #9 March 14**
Chapter 3: pp 50-56: Constitutional Text and Constitutional Conventions
Chapter 5: When Conventions Fail: Constitutional Governance Without Clear Rules
- #10 March 21**
Federalism: Division of Powers, Sections 91 and 92 of the Constitution Act, 1867
(readings in Library reserves)
- #11 March 28**
The Canadian Charter of Rights and Freedoms, Freedoms, Section 2
(readings in Library reserves)
- #12 April 4**
The Canadian Charter of Rights and Freedoms, Life, Liberty and Security of the Person, Section
(readings in Library reserves)
Final Exam Review

April 10-25, 2017: Final Examination in Winter Term Courses