

## Course Outline

<b>COURSE:</b>	<b>LAWS 3503B – Equality &amp; Discrimination</b>
<b>TERM:</b>	<b>Winter 2014</b>
<b>PREREQUISITES:</b>	<b>LAWS 2105 or LAWS 2302 or LAWS 2502</b>
<b>CLASS:</b>	<b>Day &amp; Time: Fridays 8:35 – 11:25 am</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR:</b>	<b>Amy Conroy</b>
<b>CONTACT:</b>	<b>Office: Loeb B442</b> <b>Office Hrs: Fridays 11:30am – 1:00pm</b> <b>Email: amyconroy@connect.carleton.ca</b>

---

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://www2.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://www2.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](mailto: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://www2.carleton.ca/pmc/new-and-current-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://www2.carleton.ca/equity/>

---

## **COURSE DESCRIPTION**

This course will explore the concepts of equality and discrimination in Canadian law from both a historical and modern day perspective. The interpretation of Human Rights Codes and the *Charter of Rights and Freedoms* will be considered alongside specific equality claims that have been made in Canadian courts and potential claims that may reach the courts in the future. Both group-based and individual claims of inequality will be analyzed with an overall aim of encouraging critical thinking about Canadian law and its role in preventing/perpetuating inequality in today's society. The course will reference a number of special topics while examining these issues, including women's poverty, domestic violence, modern views on marriage and the family, discrimination in the context of police investigations, and finally indefinite detention and the use of state torture in the name of national security. Students will be evaluated based on lecture attendance, an in-class midterm, a case brief, and a take-home final exam.

## **REQUIRED TEXTS**

Fay Faraday, Margaret Denike, and M. Kate Stephenson (eds.) *Making Equality Rights Real: Securing Substantive Equality Under the Charter* (Toronto: Irwin Law, 2009): "the course text".

Additional course readings will be available online and/or made available on the course website.

## **EVALUATION**

\*All components must be completed in order to get a passing grade. Failure to complete any one component will result in a failing grade in the course.

Attendance	Ongoing. Attendance may be taken at anytime during the lecture. Students must be present at the moment that attendance is taken to receive credit for their attendance. Attendance may sometimes be taken through participation in group activities or short individual written submissions on in-class discussion.	10%
Midterm	In-class February 28 <sup>th</sup> . Closed-book exam based on all readings, lectures, class discussions, and materials presented from January 10 <sup>th</sup> up to and including February 14 <sup>th</sup> .	25%
Case Brief	I will identify the case for this assignment in class on March 7 <sup>th</sup> . All students must use the case that is assigned. The case brief should provide an analysis of the facts, issues, decision, ratio, and reasons of the court, as well as a student commentary. Further direction on how to brief cases will be provided in class. The case brief is due in the drop box at the Department of Law and Legal Studies by Thursday March 13 <sup>th</sup> by 3pm. Late submissions will be marked down by 10% per day (including weekends). Please note that no email submissions will be accepted.	25%
Final Exam	Take-home final exam to be distributed in class on April 4 <sup>th</sup> . Responses are due April 10 <sup>th</sup> at noon in the drop box at the Department of Law and Legal Studies. Late submissions will be marked down by 10% per day (including weekends). Please note that no email submissions will be accepted.	40%

**LATE ASSIGNMENTS AND EXTENSIONS:**

Late assignments will be marked down 10% per day from the due date onwards (including weekend days). Extensions will only be granted in extreme circumstances, such as severe illness of the student or death of a family member. Please do not assume that an extension will be granted: you must contact me as soon as you become aware that an extension may be needed. Supporting documentation will be required for all extensions. Please note that no extensions will be granted for computer failure or conflicts with work schedules. If you are requesting an extension on or after the due date, be prepared to show that you have worked on the assignment up to that point.

**PLAGIARISM AND OTHER INSTRUCTIONAL OFFENCES:**

The University's policy concerning plagiarism and other instructional offences is outlined in the Undergraduate Calendar (see particularly regulation 14 – Instructional Offences). Please familiarize yourself with this policy and note that all cases of suspected plagiarism will be reported to the Department. For more information on Carleton's Academic Integrity Policy, see: <http://www1.carleton.ca/studentaffairs/academic-integrity/>.

Please take note of the following resources available to you through the University:

- The Writing Tutorial Service
- Student Academic Success Centre
- The Learning Commons

**COURSE WEBSITE:**

Please note that this course will be administered with the use of a CULearn course website. You are responsible for checking the course page regularly for updates and important messages.

**LECTURE SCHEDULE AND WEEKLY READINGS**

<b>Date</b>	<b>Topic</b>	<b>Readings</b>
Jan. 10 <sup>th</sup>	Introduction and Course Overview	N/A
Jan. 17 <sup>th</sup>	Understanding Inequality	Sophia Moreau, “The Wrongs of Unequal Treatment” in the course text.  The Right Honourable Beverley McLachlin, “Equality: The Most Difficult Right” (2001) 14 Supreme Court L. Rev. 17, available online: <a href="http://pi.library.yorku.ca/ojs/index.php/sclr/article/view/34758">http://pi.library.yorku.ca/ojs/index.php/sclr/article/view/34758</a> .
Jan. 24 <sup>th</sup>	Equality and Domestic Violence	Melanie Randall, “Equality Rights and the <i>Charter</i> : Reconceptualizing State Accountability for Ending Domestic Violence” in the course text.
Jan. 31 <sup>st</sup>	Connecting Equality and Dignity	*Guest Lecture by Smita Bharadia (Equity Advisor, Equity Services at Carleton) and Carolyn Johnston (Equity Advisor, Coordinator of Sexual Assault Services at Carleton).  Denise G. Reaume, “Discrimination and Dignity” in the course text.
Feb. 7 <sup>th</sup>	Governmental Responsibility for Individual Equality	“ <i>Law v Meiorin</i> : Exploring the Governmental Responsibility to Promote Equality Under Section 15 of the <i>Charter</i> ” in the course text.
Feb. 14 <sup>th</sup>	The Concept of Choice in the Equality Debate	Diana Majury, “Women Are Themselves to Blame: Choice as a Justification for Unequal Treatment” in the course text.
Feb. 21 <sup>st</sup>	Winter Break	N/A
Feb. 28 <sup>th</sup>	Mid-Term Exam	N/A
Mar. 7 <sup>th</sup>	Women’s Poverty and Today’s Workforce	Gwen Brodsky & Shelagh Day, “Women’s Poverty is an Equality Violation” in the course text.
Mar. 14 <sup>th</sup>	Guantanamo Bay: The Presumption of Innocence, Indefinite Detention, and State Use of Torture	*The film “The Guantanamo Trap” (New York, NY: Films Media Group, 2011) will be shown in class.  Jeremy Waldron. “Torture and Positive Law: Jurisprudence for the White House” <i>Columbia Law Review</i> 105, no. 6 (2005): 1681–1750. <a href="http://bit.ly/e147fn">http://bit.ly/e147fn</a>
Mar. 21 <sup>st</sup>	Donor-Conceived Offspring and the Section 15 Claim	Vanessa Gruben & Daphne Gilbert, “Donor Unknown: Assessing the Section 15 Rights of Donor Conceived Offspring” (2011) 27 <i>Canadian Journal of Family Law</i> 247.
Mar. 28 <sup>th</sup>	Racial Inequality in the Justice System: Familial Searching and DNA Evidence	Henry T. Greely, Daniel P Riordan, Nanibaa’ A. Garrison & Joanna L. Mountain, “Family Ties: The Use of DNA Offender Databases to Catch Offenders’ Kin” (2006) <i>Journal of Law, Medicine &amp; Ethics</i> 248.
Apr. 4 <sup>th</sup>	Distribution of Take-	Question(s) for the exam will be discussed in class along with

	Home Exam	directions for the exam submissions.
--	-----------	--------------------------------------