

Course Outline

COURSE:	LAWS 3506A - Administrative Law
TERM:	Winter 2015
PREREQUISITES:	LAWS 2502 or LAWS 3005
CLASS:	Day & Time: Tuesdays 18:05-20:55 Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Bahaa I. Sunallah, Of the Ontario Bar
CONTACT:	Office: LA-B442 Office Hrs: By appointment. Please email 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://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 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/>

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://www.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://www.carleton.ca/law/student-resources/department-policies/>

COURSE DESCRIPTION

This course will consider the structure and procedure of Canadian administrative authorities; policy, statutory and judicial environments in which they operate. Topics include techniques for implementing public policy and structuring public authorities; statutory interpretation; procedural safeguards; exercise of statutory discretion; reconciling efficiency and fairness.

Administrative law is a branch of public law. It places legal limitation on a wide range of government actions, and provides for the remedies which are available through appeals before administrative tribunals and judicial reviews before the Courts.

The course will generally cover the following topics: I. The Administrative State and the Rule of Law; II. Administrative Agencies and Tribunals; III. The Role of Judicial Review; IV. The Foundation of Administrative Law; V. Fairness: The Right to be Heard; VI. Fairness: Bias; and VII. The Standard of Review.

REQUIRED TEXT

Selected Readings in Administrative Law, Carleton Custom, 2014, Emond Montgomery Publications (EMP) ISBN: 978-1-55239-659-9

I am aware that most of us are on a tight budget. To reduce the cost of purchasing multiple textbooks to achieve the course description, I designed a customized textbook containing the most relevant materials from leading Administrative Law texts available from EMP. This custom textbook is designed exclusively for LAWS 3506 and is available for purchase at the University's bookstore only.

SUPPLEMENTARY WEB BASED RESOURCES

Articles, news clippings, and administrative law appellate decisions will be assigned from time to time. Relevant web links will be posted and sent by email via cuLearn. Blogs by academics and legal practitioners will be recommended and followed from time-to-time.

IMPORTANT NOTES

1. **Carleton University Undergraduate Calendar** has a lot of resources about your academic life. Use it to your advantage: <http://calendar.carleton.ca/undergrad/>
2. **Pertinent Dates and Holidays** are published in the Undergraduate Calendar as well: <http://calendar.carleton.ca/undergrad/undergraduniversity/academicyear/>
3. **I am available to help you.** If you have any questions, please contact me. Do not wait until a few days before the deadline of an assignment or an examination to reach out for help. Plan ahead.
4. **Smart Phones:** Texting in class is distracting and takes away from the learning environment.
5. **Reading and Participation** are very important for this class to succeed. Please come to class having read the assigned materials and prepared to participate meaningfully.
6. **The teaching component of the course is lecture-style.** Note however that I emphasize class discussions and students' participation based on your readings of the assigned readings. You are expected to participate actively in class discussions. It is recognized that the class will include students with various and diverse views, and a respectful dialogue should be maintained at all times. You are, of course, free to disagree with opinions expressed by other students and myself, but should do so in a respectful and non-personalized way. All students should be permitted an equal opportunity to voice their opinions.

EVALUATION**(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.

This course will require considerable ongoing attention every week. Your engagement is necessary for your successful completion of this course.

cuLearn Assignments:	10%
In Class Presentation:	25%
Submission of Questions for Midterm:	5%
Midterm exam:	30%
Final Examination:	30%

cuLearn Assignments: (10%): 1% per assignment submitted on cuLearn, to a total of 10 assignments. The assignment is your reflections on the reading for the upcoming class. The assignment is due at 3:00 PM on the due date.

Late submissions for the Assignments will be penalized by half-percent (0.5%) if the assignment is submitted after the deadline but within 24 hours.

In-class Presentation (25%): Working in groups, each student will be asked to present the main conceptual ideas of one of the weeks during class. Each presentation should be well planned, rehearsed, and executed. Presentations should employ a combination of PowerPoint and at least one class activity that engages fellow students to think through the issues of the week. A detailed outline and list of expectations will be distributed in the first class.

Submission of Multiple Choice Questions for the Midterm (5%): Due on February 10, 2015 at 3:00 PM via cuLearn. Students will write and submit four multiple-choice questions that will potentially be included on the midterm exam. With a total value of 5% of the final grade, questions will be graded on the basis of clarity, complexity, and writing style (e.g. grammar, spelling, etc.). Each question should provide four possible answers with one correct option. Questions will be submitted via cuLearn.

Late submissions for the Multiple Choice Questions will be penalized one-percent (1%), every 24 hours. The last date and time for the submission is therefore February 14 at 2:59 PM to a maximum of 1%.

Extension of time for the Submission of the Multiple Choice Questions can be requested for serious illness or family and personal emergencies. Any student making a request for an extension must provide official supporting documentation and must contact me prior to the assignment deadline. Please note that an extension will not be granted for computer problems of any kind. You are encouraged to back up your work regularly. A cold or the flu is not a sufficient reason for an extension. Competing workloads in other courses is not a sufficient reason for an extension. Work schedule or family schedule conflicts are not sufficient reasons for an extension.

Midterm Exam (30%): February 24, 2014, in class. Please bring your laptops or tablets. The midterm exam will be multiple-choice and will be taken twice by each student. First, the exam will be completed individually via cuLearn in class. This portion counts for 70% of the midterm grade (70% of %30 = 21%). Second, students will retake the same exam in their specified groups, on the same night, with each group discussing amongst themselves what the correct answer is. Here, unlike in the individual portion, each group will continue to submit answers for each question until arriving at the correct one. Each incorrect submission will lower the value of the correct answer for that question. The group portion counts for the remaining 30% of the final midterm grade (i.e. 9%).

Any student who misses the midterm for legitimate and documented reasons will write a similar exam individually only. Their grade will be worth 100% of the midterm grade.

Final Examination (30%) Formally scheduled during the University’s Final Examination period from April 11-23, 2015. The exam is 3 hours, closed book.

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.)

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:

<http://calendar.carleton.ca/undergrad/regulations/academicregulationsoftheuniversity/acadregsuniv2/#2.5>

"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."

SCHEDULE

The course readings will cover the following seven (7) topics: i. The Administrative State and the Rule of Law; ii. Administrative Agencies and Tribunals; iii. The Role of Judicial Review; iv. The Foundation of Administrative Law; v. Fairness: The Right to be Heard; vi. Fairness: Bias; and vii. The Standard of Review

A detailed list of readings for each week will be available at the first class of the semester. Keep in mind that readings may change to accommodate shifting class needs (student or instructor requirements). Changes will be made with advance notice when possible and will be announced in class and posted in cuLearn.

The first full class will be held on Tuesday January 6, 2015 and will include an ice-breaker, course orientation, a discussion of the evaluation methods and a substantive introduction to Administrative Law. Please ensure that you attend the entire class.

There are no classes during the University's Winter Break from February 16-20, 2015. Our last class will be on Tuesday April 7, 2015.