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| COURSE: | LAWS 2501 B & W – Law, State and Constitution |
| TERM: | Winter 2021 |
| PREREQUISITES: | LAWS 1001, LAWS 1002, PSCI 1100, PSCI 1200, or PAPM 1000 (1.0) |
| CLASS: | Day & Time: Lectures will be pre-recorded and made available for review each week on Mondays at 8:35 am and will remain available for review at your convenience thereafter. |
| | Room: All Courses in the Winter 2021 term are offered online. Please check Carleton Central for current Class Schedule. |
| INSTRUCTOR: (CONTRACT) | Nick E. Milanovic |
| CONTACT: | Office Hrs: By appointment using Zoom |
| | Telephone: By appointment |
| | Email: cuLearn only |

CALENDAR COURSE DESCRIPTION

Law relating to the state, society and the constitution, with a focus on the historical framework, federalism, and constitutional reform in Canada.

COURSE DESCRIPTION

We will review the role of the state, examining the Constitution with an emphasis on the federal system, its interpretation, change, and reform. Among other things, we will look closely at the text of the Constitution, the social forces responsible for its creation, and several early legal decisions responsible for its initial application. As well, we will review modern Supreme Court rulings that deal with key areas of the Constitution in order to understand how that document has evolved as Canada has matured as a country.

This course is an online course where the instructor and students share information, ideas, and learning experiences in a virtual course space. Asynchronous courses do not have live, scheduled lectures online. However, students are expected to remain up to date with the deadlines and due dates provided by the instructor. These courses require high-speed Internet access and a computer. Students should read the assigned materials before viewing the relevant class as the readings will serve as a departure point for the topics discussed each lecture. For more, please refer to the public schedule on Carleton Central.

LEARNING OBJECTIVES

- a basic understanding of the history, structure, and functioning of Canada's Constitution, key conventions, the operation of core governing institutions and the interrelationship between the branches of government.
- a basic understanding of Canada's Parliamentary democracy and other significant concepts as they relate to the functioning of the state such as federalism, democracy, constitutionalism and the rule of law and the protection of minorities;
- Analytical reading and writing skills appropriate to legal studies at a second-year university level;
- Legal research, reasoning, and essay writing skills appropriate to legal studies at a second-year university level.

REQUIRED TEXTS

Nick E. Milanovic, ed., *Introduction to Public Law: Readings on the Law, State, and Constitution* (Concord: Captus Press, 2015). This textbook is available in the campus bookstore and may also be purchased through the Carleton University Bookstore website:
<https://www.bkstr.com/carletonstore/home>)

INTELLECTUAL PROPERTY AND COPYRIGHT POLICY

The course materials posted on this course's cuLearn page are designed for use as part of the LAWS 2501 course at Carleton University and are the intellectual property of the Instructor (© 2021, Nick E. Milanovic. All rights reserved.) unless otherwise stated in writing. Unless a user's right in Canada's *Copyright Act* covers the particular use, *you may not record, copy, publish, post on an internet site, sell, or otherwise distribute this course's content without the Instructor's express prior, written permission.*

Any third party copyrighted materials (such as book chapters, journal articles, music, videos, etc.) that may be used in this course have either been licensed for use in this course or fall under an exception or limitation in Canadian Copyright law.

EVALUATION

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.

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

- (a) Four quizzes on the readings (**held Jan. 27, Feb. 10, March 03, March 24** about 10 minutes each) 20 %
- (b) Essay (**due on or before March 17, 2021** topics to be announced in class) 40%
- (c) Final Exam (**during April 11 – 23, 2021** formally scheduled, up to 2 hours in length, open book) 40%

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Late penalties will consist of a deduction of 4 % for each day or partial day an assignment is overdue without valid excuse. These penalties will only be waived by the instructor in writing if a student presents a valid excuse (e.g. family death, illness etc.) in a timely manner.

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

SCHEDULE

The topics below generally correspond to the headings in the Table of Contents at the beginning of the required textbook. The assigned readings are to be read before the relevant class. The date at the left side of the outline below indicates the Monday of each week of the course “Ch.” indicates the corresponding chapter(s) of the assigned reading to be completed prior to the lecture delivered each week.

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| 1. | January 11 | Introduction *Note: Winter classes begin Jan. 11, 2021 | No Reading |
| 2. | January 18 | Law and Public Law | Ch. 1 |
| 3. | January 25 | The Constitution * Reminder Reading Quiz #1 on Jan. 27, 2021 | Ch. 2 & Ch. 8 |
| 4. | February 01 | The Constitution Act, 1867 | Ch. 3 |
| 5. | February 08 | The Judiciary * Reminder Reading Quiz #2 on Feb. 10, 2021 *Note: February 15 Statutory holiday *Note: February 15 – 19 Winter Break, no classes. | Ch. 4 |
| 6. | February 22 | JCPC Early Decisions | Ch. 5 & Ch. 6 |
| 7. | March 01 | POGG, Trade & Commerce * Reminder Reading Quiz #3 on March 03, 2021 | Ch. 7 |
| 8. | March 08 | Constitution Act, 1982 and After | Ch. 9 |
| 9. | March 15 | Constitution Act 1982, Specific Aspects *Please note: Essay due March 17, 2021 | Ch. 10 |

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| 10. | March 22 | Formal & Informal Constitutional Change Ch. 11 * Reminder Reading Quiz #4 on March 24, 2021 | |
| 11. | March 29 | Secession, Unity, and the Future | Ch. 12 |
| 12. | April 05 | Review & Recap | No Reading |

***Note: April 9 Winter term ends**
***Note: April 11 – 23 Formally scheduled exam period**

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

Pregnancy obligation

Please contact 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 Department of Equity and Inclusive Communities (EIC): <https://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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) <https://carleton.ca/pmc>

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:
<https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/studentsupport/svpolicy/>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

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