

Course Outline

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<b>COURSE:</b>	<b>LAWS 3509A – The Charter of Rights Topics</b>
<b>TERM:</b>	<b>WINTER 2019</b>
<b>PREREQUISITES:</b>	<b>(0.5 Credit from LAWS 2105, LAWS 2201, LAWS 2302, LAWS 2502) and 0.5 credit in LAWS at the 2000 level.</b>
<b>CLASS:</b>	<b>Day &amp; Time: Thursdays, 6:05pm – 8:55pm</b>
	<b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Bahaa I. Sunallah, of the Ontario Bar</b>
<b>CONTACT:</b>	<b>Office: B442 Loeb Building (Contract Instructor's Office)</b>
	<b>Office Hrs: By appointment (please email)</b>
	<b>Email: bahaa.sunallah@carleton.ca</b>

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**CALENDAR COURSE DESCRIPTION**

Selected issues in the Canadian Charter of Rights and Freedoms. The topics of this course may vary from year to year, and are announced in advance of registration.

**COURSE DESCRIPTION**

The purpose of this course is to explore issues surrounding equality rights under the *Charter of Rights and Freedoms (Charter)* in addition to a study of the applicability of the *Charter* and remedies available to the Courts.

The course will then examine the current approach of the Supreme Court to equality and the litigation arising under the equality guarantee in s. 15. We will examine equality rights in contexts such as employment, health and social benefits where the deferential treatment is based on the grounds of: age, marital /common-law status, sexual orientation, citizenship, and aboriginal status amongst other enumerated or analogous grounds. The course will first briefly examine the application of the *Charter* under s. 32, and the limitation clause in s. 1 of the *Charter* and the remedies available under s. 52 of the *Constitution Act*. Consideration will be given to the relationship, and dialogue, between Parliament and the Courts.

The course format is lecture style, with emphasis on class discussions and students' participation based on your readings of the course materials and the academic views being discussed. 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.

**REQUIRED TEXTS**

Required readings for this course include Supreme Court of Canada decisions as well as selected readings from authoritative textbooks, articles and commentaries.

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 two (2) customized textbooks containing the most relevant materials. They are available in two volumes, one for sale from the University Library and the other available on cuLearn.

Selected Readings in *The Canadian Charter of Rights and Freedoms (Equality Rights)*, LAWS 3509 (Winter 2019), Bahaa I. Sunallah, LexisNexis. ISBN 978-0-433-50122-0. This textbook is referred to as *Selected Readings*. The *Selected Readings* contain the most relevant materials from leading texts available from LexisNexis. This custom textbook is designed exclusively for LAWS 3509 and is available for purchase at the University's bookstore only.

A digital casebook entitled Selected Cases and Text in *The Canadian Charter of Rights and Freedoms (Equality Rights)*, LAWS 3509 (Winter 2019) available in cuLearn. This textbook is referred to as *Selected Cases and Text*.

Other readings may be assigned and would be available online or through the online Library system.

### **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.

#### **Attendance (11%):**

1% per class to a total of 11%, excluding the midterm. Students who register late will have the attendance mark prorated to the remainder number of classes.

#### **e-Assignments: (9%):**

1% per assignment to a total of nine (9) assignments, submitted only by email to the TA and myself. The assignment is your reflections on the reading for the upcoming class. The assignment is due at 5:00 PM on the due date indicated in the SCHEDULE below: 5:00 PM on the day of class on weeks 3, 4, 5, 7, 8, 9, 10, 11 and 12.

**Late submissions for the e-Assignments** will be penalized by half-percent (0.5%) if the assignment is submitted after the deadline but within 24 hours. Any submission that is more than 24 hours late will receive zero grade. Students who register late (last date for registration is January 18, 2019), are unable to meet the deadline for submission on week 3, must submit two e-Assignments on week 4.

#### **Mid-term Exam (30%)**

2.0 hours. In-class on Thursday February 14, 2019

#### **Final Exam (50%)**

3.0 hours. Formally scheduled during the University's final examination period (April 12-27, 2019).

### **IMPORTANT NOTES**

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.

Reading and participation are very important. Please come to class having read the assigned materials and prepared to participate meaningfully.

**CLASSROOM ETIQUETTE**

Laptops are to be used in class only for note taking or accessing the virtual campus. It is easy for your laptop to become a distraction to you and to those around you, and therefore you are asked to avoid using computers for entertainment during class. If you fail to honour this request, you will be asked to leave the classroom. Repeated or particularly egregious disregard of this laptop etiquette request will result in a referral of the matter to the Department's Chairperson for appropriate sanction.

The instructor will occasionally call for "laptops down" and conduct a brief discussion or exercise with all laptop screens down.

Finally, please turn off cell phones when you are in the classroom.

**SCHEDULE**

The first full class will be held on Thursday January 10, 2019 and will include an ice-breaker, course orientation, a discussion of the evaluation methods and a substantive introduction to the *Canadian Charter of Rights and Freedoms*. Please ensure that you attend the entire class.

**January 8, 2018: Winter term classes begin****#1 January 10**

Course Orientation

Course Introduction and Overview

Chapter 1 *Selected Cases and Texts*

Application of the *Charter* and the Notwithstanding Clause

Chapter 2 *Selected Cases and Texts*

**#2 January 17**

Early Section 15 Jurisprudence

Chapter 3 *Selected Cases and Text*

Pages 951 - 960 *Selected Readings*

**#3 January 24**

e-Assignment due at 5:00 PM

The Purposive and Contextual Approach to Equality

Chapter 4 *Selected Cases and Text*

Pages 960 - 979 *Selected Readings*

**#4 January 31**

e-Assignment due at 5:00 PM

The Purposive and Contextual Approach to Equality (Cont'd)

Chapter 4 *Selected Cases and Text*

Pages 960 - 979 *Selected Readings*

**#5 February 7**

e-Assignment due at 5:00 PM

Comparator Groups – the Road to *Withler*

Chapter 5 *Selected Cases and Text*

Pages 980 - 985 *Selected Readings*

Midterm Review

- #6 February 14**  
**Midterm**
- February 21**  
**(February 18-22, 2019, Winter break, classes are suspended)**
- #7 February 28**  
e-Assignment due at 5:00 PM  
Comparator Groups – the Road to *Withler* (Cont'd)  
Chapter 5 *Selected Cases and Text*  
Pages 980 - 985 *Selected Readings*
- #8 March 7**  
e-Assignment due at 5:00 PM  
Analogous Grounds  
Chapter 6 *Selected Cases and Text*  
Pages 985 - 999 *Selected Readings*
- #9 March 14**  
e-Assignment due at 5:00 PM  
Analogous Grounds (Cont'd)  
Chapter 6 *Selected Cases and Text*  
Pages 985 - 999 *Selected Readings*  
Contextual Factors  
Chapter 7 *Selected Cases and Text*  
Pages 1000 - 1013 *Selected Readings*
- #10 March 21**  
e-Assignment due at 5:00 PM  
Contextual Factors (Cont'd)  
Chapter 7 *Selected Cases and Text*  
Pages 1000 - 1013 *Selected Readings*
- #11 March 28**  
e-Assignment due at 5:00 PM  
*Charter* Justification: s. 1 of the *Charter*  
Chapter 8 *Selected Cases and Text*  
Pages 1019 - 1028 *Selected Readings*  
Pages 585 - 601 *Selected Readings*
- #12 April 4**  
e-Assignment due at 5:00 PM  
Constitutional Remedies: s. 52 of the *Constitution Act, 1982* and s. 24 of the *Charter*  
Chapter 9 *Selected Cases and Text*  
*Judicial Review and the Role of Parliament and the Courts*  
Chapter 10 *Selected Cases and Text*  
Final Exam review

**April 12-27, 2019 Final examinations in Winter term courses.**

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## **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:** 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 Equity Services website: [carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf](http://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf)

**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: [carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf](http://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf)

**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](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 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) [www.carleton.ca/pmc](http://www.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: <http://carleton.ca/studentaffairs/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: [carleton.ca/sexual-violence-support](http://carleton.ca/sexual-violence-support)

### **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: [students.carleton.ca/course-outline](https://students.carleton.ca/course-outline)

### **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/>