

Course Outline

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<b>COURSE:</b>	LAWS 3908 C – Approaches to Legal Studies Legal Studies II
<b>TERM:</b>	Fall 2016
<b>PREREQUISITES:</b>	Third-year Honours standing and LAWS 2908
<b>CLASS:</b>	<b>Day &amp; Time:</b> Wednesdays 18:05 – 20:55
	<b>Room:</b> Please check with Carleton Central for current room location
<b>INSTRUCTOR:</b> <b>(CONTRACT)</b>	Dr. Amy Conroy
<b>CONTACT:</b>	<b>Office:</b> Loeb B442 <b>Office Hrs:</b> By appointment <b>Email:</b> Amy.Conroy@carleton.ca

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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:** 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/>

**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://carleton.ca/pmc/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://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/>

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## **COURSE DESCRIPTION**

This course examines historical and systemic causes of inequality in Canadian society. The course begins by reviewing the basic principles of common law in order to critically assess the potential to use the courts to address systemic inequality in Canada. It then considers Critical Race Theory as a methodology that promotes a deeper understanding of the historical and root causes of inequality in today's society. The ongoing effects of colonization and continuing discrimination against Canada's Indigenous peoples is a central theme in the first half of the course. The second half of the course will critique the potential for the criminal justice system to address sexual violence against women and other crimes against vulnerable victims such as children and adults who are incapable of giving witness testimony. Students will choose from the post-midterm content to develop a final paper. The class will be primarily delivered in a lecture format; however group discussion will be encouraged and students should come prepared to voice their opinion on the readings and lecture content. Regular attendance and participation are crucial to success in this course.

## **REQUIRED TEXTS**

There is no required textbook. Course readings will be available online and/or through cuLearn. Cases can be accessed on CanLii or through Carleton's library resources.

## **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.

Short Paper	With this paper you will be asked to apply Critical Race Theory to examine a current form of discrimination against Canada's Indigenous peoples. Students may choose a topic to which the methodology can be applied (from the lectures covered between September 28 <sup>th</sup> and October 12 <sup>th</sup> ). Submissions are due in hardcopy by 6:10 in class on October 19 <sup>th</sup> . Late papers will be penalized 5% per day, including weekends.	25%
Midterm	In class on November 2 <sup>nd</sup> . The midterm will consist of multiple choice and short answer questions testing your knowledge of all readings, lecture discussions, and course material up to the date of the exam. The exam will last 1.5 hrs.	30%
Final Paper	The paper will be informed by our discussion of the criminal justice system and the <i>Charter of Rights and Freedoms</i> on November 9 <sup>th</sup> . A rights analysis will then be applied to one of the topics covered on either November 16 <sup>th</sup> or November 23 <sup>rd</sup> (the student may choose based on interest). Further guidelines on writing and general expectations for the final paper will be provided in class throughout the semester and reviewed on November 30 <sup>th</sup> . You are encouraged (but are not required) to work in pairs for the final paper. The papers will be due December 7 <sup>th</sup> in class. Late papers will be penalized 5% per day, including weekends.	45%

Please note:

\*You are responsible for checking our course website on a regular basis. Any updates to be communicated outside of class hours will be posted on cuLearn; however, attendance is crucial to success in this course and not all course content reviewed in class will be posted online.

\*\*The final exam period will be December 10-22, 2016.

## **SCHEDULE**

<b>Date</b>	<b>Topic</b>	<b>Readings</b>
Sept. 7 <sup>th</sup>	Introduction / Course overview	N/A
Sept. 14 <sup>th</sup>	Principles of Common Law	Please read <i>R v Morgentaler</i> [1993] 3 S.C.R. 463
Sept. 21 <sup>st</sup>	Critical Race Theory	Kimberlé Williams Crenshaw, "The First Decade: Critical Reflections, or 'A Foot in the Closing Door'" (2002) 49 U.C.L.A. L. Rev. 1343
Sept. 28 <sup>th</sup>	The Overrepresentation of Aboriginal Peoples in	Christopher Sewratten, "Apples, Oranges and Steel: The Effect of Mandatory Minimum Sentences For Drug Offences

	the Canadian Criminal Justice System	on the Equality Rights of Aboriginal Peoples” (2013) 46 U.B.C. L. Rev. 121.
Oct. 5 <sup>th</sup>	Aboriginal Families and the Child Welfare System	Cindy Blackstock, “Should Governments be Above the Law? The Canadian Human Rights Tribunal on First Nations Child Welfare” (2015) 40:2 Children Australia 95.
Oct. 12 <sup>th</sup>	The National Inquiry on Missing and Murdered Aboriginal Women	RCMP, “Missing and Murdered Aboriginal Women: A National Operational Overview” (2014) online: <a href="http://www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.pdf">http://www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.pdf</a>
Oct. 19 <sup>th</sup>	Submission of short papers and midterm review	N/A
<b>Oct. 26<sup>th</sup></b>	<b>Reading Week – no classes</b>	
Nov. 2 <sup>nd</sup>	Midterm	
Nov. 9 <sup>th</sup>	Equality and the Canadian Charter of Rights and Freedoms	Tanovich, David M. “The Charter of Whiteness: Twenty-Five Years of Maintaining Racial Injustice in the Canadian Criminal Justice System” (2008) 40 S.C.L.R. (2d) 655.
Nov. 16 <sup>th</sup>	Protecting Vulnerable Victims: Evidence in Criminal Courts and the Psychological Thresholds for Capacity for Child Witnesses	Nicholas Bala, Kang Lee, R.C.L. Lindsay and Victoria Talwar, “The Competency of Children to Testify: Psychological Research Informing Canadian Law Reform” 2010) 18 International Journal of Children’s Rights 53.  Please review the facts and decision in <i>R v D.A.I.</i> , [2012] 1 S.C.R. 149.
Nov. 23 <sup>rd</sup>	Systemic Bias in the Investigation of Sexual Violence Against Women	Amy Conroy and Teresa Scassa, “Balancing Transparency and Accountability with Privacy in Improving the Police Handling of Sexual Assaults” (forthcoming in the Canadian Journal of Women and the Law), available online at: <a href="http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2696120">http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2696120</a> .
Nov. 30 <sup>th</sup>	Review of Final Paper requirements and individual feedback sessions	N/A
Dec. 7 <sup>th</sup>	Course Wrap Up/ Submission of Final Papers	N/A