

Course Outline

COURSE:	LAWS 4308 C – Sentencing
TERM:	Winter 2025
PREREQUISITES:	<u>LAWS 2908</u>, <u>CRCJ 3001</u>, or <u>CRCJ 3002</u> and <u>LAWS 2301</u>, <u>LAWS 2302</u> and fourth-year Honours standing.
CLASS:	Day & Time: Fridays 11:35 to 2:25 Room: Please check Carleton Central for current Class Schedule Classes are synchronous in-person
INSTRUCTOR:	Violet Ford
CONTACT:	Office Hrs: By Appointment – Loeb Building D483 Email: <u>VioletFord@cunet.carleton.ca</u>
BRIGHTSPACE:	<u>https://brightspace.carleton.ca/d2l/home/285191</u>

Course Description

Theories of sentencing, current sentencing laws and practices, perceptions of sentencing. Data on sentencing practice across Canada. Reforms in other jurisdictions. Critical review of the Canadian Sentencing Commission. Multidisciplinary approach using research and theory in law, criminology, social psychology and sociology.

Sentencing principles and Indigenous context

The course begins with a brief overview of sentencing principles in a Canadian context. The course then goes on to explore the sentencing principles application in an Indigenous context and examines the Gladue principles of sentencing and looks at Indigenous sentencing circles and other procedural mechanisms.

Class expectations

Weekly activities

Each week's allotted class time will consist of lectures, discussions, and other group activities. You will be expected to participate in all activities.

Communications and questions

Please post course and assignment related question in the "Course questions" discussion forum in Brightspace. Make sure to add the topic of your question in the subject box. Please do not send course questions via Brightspace email.

When you have a question, please review the discussion forum and first check if the question has been asked already before posting your own. For privacy, please do not post questions of personal nature in the forum and email me instead.

I will respond to questions and emails within 24 hours, Monday to Friday 9am-3pm. I will not respond to emails over the weekend. For example, if you send me an email on Friday afternoon, it will not be answered until the following week.

Learning outcomes

At the end of the course, you will be able to:

- Apply your knowledge of the principles of sentencing
- Evaluate sentencing options in a variety of fact situations
- Discuss Indigenous sentencing options
- Demonstrate your understanding of Indigenous Sentencing Circles

Texts and course materials

The course will draw on the following materials:

Required text

Manson, A. (2001). The law of Sentencing. Irwin Law. ISBN: 9781552210291.

A hard copy is available at the campus bookstore. The cost is \$42.95. A digital version is available via MacOdrum Library.

See course schedule for chapter breakdown.

Additional materials

See course schedule for reading list.

Evaluation

Your knowledge will be assessed through the following.

Attendance and participation – 20%

Participation requires each one of us to fulfill our responsibilities to help each other engage with the material and ideas in the course. This includes attending lectures, being prepared to discuss the course materials provided, and engaging with your peers who are leading the in-class discussion.

Those who contribute to the class discussion each week, will receive full marks for participation. Lesser participation will result in a correspondingly lesser mark.

Research article presentation – 30%

Each week, 2-3 students will be required to present. You will be assigned a presentation day on the first day of class.

This is an individual assignment. It consists of two components:

- In-class presentation – 20%
- Written reflection – 10%

You will be required to locate one recent, good-quality, research article or report. Then, you will present it during class time and lead a discussion based on your article. The topic of your article must be directly relevant to the subject covered in that week's seminar. Following the presentation, you will submit a written personal reflection.

For the in-class presentation, you will be asked to present a critical summary of the article or report, contextualize the article within the assigned readings for the week, and prepare 4-5 questions to facilitate a group discussion.

The personal reflection will be submitted via Brightspace. You will reflect on the questions and related topics that came up during the group discussion. The reflection must be 1-2 pages long, Times New Roman 12pt, double spaced, and follow the [McGill citation format](#). The reflection will be due one week after your presentation.

Paper – 50%

All parts of this assignment will be submitted via Brightspace. The assignment consists of two components:

- Final paper proposal – 10%
- Final paper – 40%

The paper proposal will consist of an outline of your chosen topic, including a brief description of the topic and a list of at least three main arguments you will be using to defend your topic, as well as an annotated bibliography of 5 academic sources you will be using in your paper. The proposal must be 3 pages long -no more and no less.

The final paper will be an essay on a topic of your choosing, with guidance from the professor, and will incorporate themes from the course. The paper must be 10 pages, no more and no less, not including cover page, footnotes, and bibliography. The paper must be Times New Roman 12pt, double spaced, and follow the [McGill citation format](#). The Law and Legal Studies research librarian will speak to the class to provide guidance on conducting research and on citing sources in the McGill citation format.

Late policy

Extensions will only be granted within reasonable circumstances and cannot exceed more than 5 days from the original due date. Without an extension request, late papers will lose 5% per day, for a maximum of 5 days late. 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 short-term extensions, please complete the [Academic Consideration for Coursework Form](#) and submit it to the instructor prior to the assignment due date.

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the [Academic Accommodations webpage](#).

Final grade approval

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.

Course schedule

Please note: Assignments will be due on Fridays (day of class) at 11:59pm.

Week	Date	Topic	Readings	Assessment
1	Jan 10	Introduction to the topics		
2	Jan 17	A brief history of punishment and sentencing	Chapters 1-2	
3	Jan 24	Justifications, judicial discretion and the methodology of sentencing	Chapters 3-4	
4	Jan 31	Substantive principles of sentencing	Chapter 5	
5	Feb 7	Rules of sentencing	Chapter 6	
6	Feb 14	Aggravating and Mitigating factors	Chapter 7	
7	Reading week (Feb 17-21) - No classes			
8	Feb 28	The sentencing hearing: establishing the factual basis for sentencing	Chapter 8	
9	Mar 7	Sentencing options	Chapters 9 p. 208-244	Paper proposal due

Week	Date	Topic	Readings	Assessment
10	Mar 14	Culturally appropriate sentencing	Murdocca, Carmela. "Re-imagining "serving time" in Indigenous communities." <i>Canadian Journal of Women and the Law</i> 32, no. 1 (2020): 31-60.	
11	Mar 21	Gladue principles and factors revisited	Ewing, Benjamin, and Lisa Kerr. "Reconstructing Gladue." <i>University of Toronto Law Journal</i> 74, no. 2 (2024): 156-197.	
12	Mar 28	Indigenous Sentencing circles	McNamara, Luke. "The locus of decision-making authority in circle sentencing: The significance of criteria and guidelines." <i>Windsor YB Access Just.</i> 18 (2000): 60.	Final paper due
13	Apr 4	Emerging issues in Sentencing	Samuel J. Spiegel, "Climate injustice, criminalisation of land protection and anti-colonial solidarity: Courtroom ethnography in an age of fossil fuel violence" Political Geography, Volume 84, 2021	

University and Departmental Policies

Department policies and regulations

Please review the [Student Experience and Resources webpage](#) with regards to standard departmental protocols and academic integrity requirements.

Permissibility of submitting substantially the same piece of work more than once for academic credit.

You should not-re-use your own work from a different course/assignment, without seeking permission to do so. At time of seeking permission defining what is “substantially the same” will be discussed in detail.

Permissibility of group or collaborative work

If group or collaborative work is expected or allowed, the extent and scope of collaboration in the completion of written assignments will be discussed on a case by case basis.

Permissibility of the use of generative artificial intelligence tools (e.g. ChatGPT).

Any use of generative AI tools to produce assessed content is considered a violation of academic integrity standards and is prohibited.

Plagiarism

The University Academic Integrity Policy defines plagiarism as “presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- Any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT)
- Using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment
- Using another’s data or research findings without appropriate acknowledgement
- Submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own
- Failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student,

when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

Statement on student mental health

As a university student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. For more information, please consult the [Mental Health and Wellness webpage](#).

Emergency Resources (on and off campus):

- [Key Contacts and phone numbers](#)

Carleton Resources:

- [Mental Health and Wellbeing](#)
- [Health and Counselling Services](#)
- [Paul Menton Centre](#)
- [Academic Advising Centre \(AAC\)](#)
- [Centre for Student Academic Support \(CSAS\)](#)
- [Equity and Inclusivity Communities](#)

Off Campus Resources:

- [Distress Centre of Ottawa and Region](#): (613) 238-3311 or TEXT: 343-306-5550
- [Mental Health Crisis Service](#): (613) 722-6914, 1-866-996-0991
- [Empower Me](#): 1-844-741-6389
- [Good2Talk](#): 1-866-925-5454,
- [The Walk-In Counselling Clinic](#)

Academic accommodation

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the [Academic Accommodations website](#).

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

- Students should also consult the [Course Outline Information on Academic Accommodations](#) for more information. For detailed information about the procedure for requesting academic review the [Procedure for Academic Consideration for Medical and other Extenuating Circumstances](#) document.

- **Pregnancy and Family-Status Related Accommodation:** Please write to me with any requests for academic accommodation during the first few weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.
- **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 consult the [Religious/Spiritual Observances webpage](#).
- **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, please request your accommodations for this course through the [Ventus Student Portal](#) 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*). Requests made within two weeks will be reviewed on a case-by-case basis. For final exams, the deadlines to request accommodations are published in the [University Academic Calendars](#). 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).
- **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 where 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 the [Sexual Violence Prevention and Survivor Support webpage](#).
- **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 will be provided to students who compete or perform at the national or international level. 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 information review the [Senate Policy on Accommodation for Student Activities](#) document.

Academic Consideration for Medical and Other Extenuating Circumstances: Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a [webform specifically for appeals to the Chair](#). *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found on the [Academic Accommodations webpage](#).