

Course Outline

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| COURSE: | LAWS 4903 A – Advanced Special Topics in Legal Studies - Indigenous Legal Orders within Legal Pluralism |
| TERM: | Fall 2024 |
| PREREQUISITES: | <u>LAWS 2908</u> and fourth-year Honours standing. |
| CLASS: | Day & Time: Fridays, 11:35 am – 2:25 pm Room: Please check Carleton Central for current Class Schedule Classes are synchronos in-person |
| INSTRUCTOR: | Violet Ford |
| CONTACT: | Office Hrs: By Appointment – Loeb Building D483 Email: VioletFord@cunet.carleton.ca |
| BRIGHTSPACE: | https://brightspace.carleton.ca/d2l/home/290293 |

Course Description

This course will explore colonization and impacts on Indigenous legal traditions and interactions between Canadian legislation and Indigenous legal traditions with a focus on an Indigenous group in Canada. The course also examines Indigenous legal traditions incorporated within the context of Indigenous self-determination and self- government processes and moving forward from the impacts of colonization.

This course is presented in a modular format comprising of the following 4 modules:

- Module 1: Indigenous laws as laws and sources of law
- Module 2: Articulation of Indigenous laws
- Module 3: Stories and their application
- Module 4: Reconciliation, Inuit law and its incorporation into Canadian law

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 questions 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:

- Demonstrate an understanding of Indigenous law as law and sources of law and its related legal principles
- Discuss the impacts of colonization on Indigenous legal traditions
- Articulate and apply Indigenous laws
- Analyze and evaluate how Indigenous laws are legitimized in contemporary society

Texts and course materials

The course will draw on the following materials.

Required text and materials

- **Borrows, J. (2010). Canada's Indigenous Constitution ISBN 978-1-4426-1038-5.** A hard copy is available at the campus bookstore. An online version is available via MacOdrum Library.
- **Collaborative Indigenous Learning Bundle: Indigenous Law and Conceptions of Human Rights.** The bundle will be accessed via Brightspace.

Additional materials

Other course materials will become available two weeks prior to the respective scheduled class. These will be available through the Brightspace course and in the Ares Course Reserve.

Suggested Readings

- Napoleon, V., & National Centre for First Nations Governance. (2007). Thinking about Indigenous Legal Orders. West Vancouver, B.C: National Centre for First Nations Governance.
- Napoleon, V., & Overstall, R. (2007). Indigenous laws: some issues, considerations and experiences. Winnipeg, Man.: Centre for Indigenous Environmental Resources.

Evaluation

Your knowledge will be assessed through the following.

Attendance and participation – 30%

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.

Presentation – 20%

This group presentation will be 15 minutes in length and must demonstrate knowledge gained from the assigned course materials and in-class discussions. You will be given some time during class time to work on your group presentation.

Mini quizzes – 10%

Quizzes will be 2.5% each and completed in Brightspace. Each quiz will be open for a period of **3 days**, and you will have three attempts to get the highest grade. Each quiz will cover the following material:

- Quiz 1: Module 1
- Quiz 2: Module 2
- Quiz 3: Module 3
- Quiz 4: Module 4

Final paper – 40%

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

- Final paper proposal – 10%
- Final paper – 30%

The paper, 3500-word count, will be on a topic of your choosing. The topics available for this paper will be assigned by week 7.

The 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.

Late policy

The course allows for flexible due dates on the two paper assignments. However, such extensions will only be granted within reasonable circumstances and cannot exceed more than 5 days from the original due date. Any further extensions beyond the flexible dates will be granted only under extenuating or emergency circumstances, such as severe illness of the student or death of a family member. You must submit a flexible date or extension request at least 24 hours prior to the due date of the assignment.

Appropriate documentation will be required to accompany any extension requests past the 5-day flexible date. Without an extension, 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 form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework-form/>.

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

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 a Monday at 10am. The exception is the Final Paper Proposal which is due on Sunday at 11:59pm. All quizzes will open on a Friday at 10am and close on a Monday at 10am.

| Week | Date | Topic | Module | Learning materials | Assessment |
|------|--------|--|--------|---|-------------------------------|
| 1 | Sep 6 | Introduction to the topics | | | |
| 2 | Sep 13 | Indigenous laws as law | 1 | PDF: What is indigenous law? A small discussion V. Napoleon - Indigenous Law Research Unit, 2016 - ilru.ca | |
| 3 | Sep 20 | Sources of law | 1 | J. Borrows – Ch. 2 p. 23-58 “Sources and scope of Indigenous Legal Traditions” | |
| 4 | Sep 27 | Inuit stories and articulation methods | 1 | Napoleon, V. & Friedland, H. (2016). An inside job: Engaging with Indigenous legal traditions through | Quiz #1 (Open Sep 27 – 30) |

| Week | Date | Topic | Module | Learning materials | Assessment |
|------|--------|--|--------|--|--|
| | | | | stories. McGill Law Journal, 61(4), 725-754. Doi:10.7202/1038487ar | |
| 5 | Oct 4 | Inuit stories and legal principles | 2 | | Group presentation Group presentation (During class time Oct 4) |
| 6 | Oct 11 | Legitimacy of laws: colonization and its impacts | 2 | | Quiz #2 (Open Oct 11 – 14) |
| 7 | Oct 18 | Application of Inuit legal principles through reasoning challenges and opportunities | 3 | | Final paper proposal (Due Oct 20 11:59pm) |
| 8 | Oct 25 | Reading week (Oct 21-26) - No classes | | | |
| 9 | Nov 1 | Inuit laws and Canadian laws | 3 | | Quiz #3 (Open Nov 1 – 4) |
| 10 | Nov 8 | Moving forward and reconciliation | 4 | [PDF] Ngā ture o ngā iwi taketake—Indigenous law, legal pluralism and reconciliation V Napoleon - Maori Law Review, 2019. | |
| 11 | Nov 15 | Inuit laws application in achieving self-governance | 4 | | |
| 12 | Nov 22 | Inuit laws and its incorporation into | 4 | | Final paper |

| Week | Date | Topic | Module | Learning materials | Assessment |
|------|--------|---|--------|--------------------|----------------------------------|
| | | Canadian laws case study | | | (Due Nov 25) |
| 13 | Nov 29 | Incorporation of Inuit laws: other case studies | 4 | | Quiz #4 (Open Nov 29 – Dec 2) |
| 14 | Dec 6 | Last class and review | | | |

University and Departmental Policies

Department policies and regulations

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

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 <https://wellness.carleton.ca/>

- **Emergency Resources (on and off campus):** <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>
- **Carleton Resources:**
 - Mental Health and Wellbeing: <https://carleton.ca/wellness/>
 - Health & Counselling Services: <https://carleton.ca/health/>
 - Paul Menton Centre: <https://carleton.ca/pmc/>
 - Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
 - Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
 - Equity & Inclusivity Communities: <https://carleton.ca/equity/>
- **Off Campus Resources:**
 - Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
 - Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
 - Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
 - The Walk-In Counselling Clinic: <https://walkincounselling.com>

Academic accommodation

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

- **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 [click here](#).
- **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: <https://carleton.ca/equity/sexual-assault-support-services>

- **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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

- **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, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *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 [here](#).