

Course Outline

COURSE:	LAWS 3003 B – Contracts
TERM:	Winter 2024
PREREQUISITES:	LAWS 2202 and 0.5 credits in LAWS at the 2000 level
CLASS:	Day & Time: Mondays 6:05 pm - 8:55 pm Room: Please check Carleton Central for current Class Schedule
INSTRUCTOR:	Hashim Oudeh
CONTACT:	Office: Virtual Office Hrs: By appointment through Zoom (please email to schedule an appointment) Telephone: Please note that the best (and often ONLY) way to reach the instructor is via email Email: Hashim.oudeh@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

The enforcement of promises and agreements; basic doctrines and underlying principles of the law of contract are studied from formation of the contract to remedies for breach of contract; role of contract for economic and social purposes is also considered.

COURSE DESCRIPTION

The main aim of this course is to provide the foundation necessary to critically analyse legal issues arising from agreements voluntarily entered into by two or more parties. We will study real and hypothetical cases with the goal of helping you to develop an understanding of how contracts are formed and how courts characterize and interpret contract terms as well as statements that are made in the contracting process but that are not part of the contract. In examining the cases, students are encouraged to critically reflect upon various theories of contract law and to carefully consider recent legislative and judicial shifts away from the traditional view that people are free to contract as they wish. Approaches to these issues in contexts involving Indigenous peoples will be discussed.

REQUIRED TEXTS

Contracts: Cases and Commentaries, Eleventh Edition Stephanie Ben-Ishai and David R. Percy. Available from the Carleton University Book Store and the Book Store's online portal: <https://www.bkstr.com/carletonstore/home>

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)

10% - Class participation.

To be discussed in class.

10% - Class presentation.

To be discussed in class.

40% - Assignment.

Mid-term assignment. Due February 26, 2024.

40% - Final exam.

Open book– during the final exam period – **April 13-25, 2024.**

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Deadlines for submission of assignments are set prior to the start of term and clearly communicated in class and in this course outline. Students encountering unforeseen and unforeseeable difficulties meeting a deadline should communicate their request for an extension to me via email and within 24 hours or as soon as possible of becoming aware of the need for an extension.

Extensions:

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

Reading	Date	Lecture Topic
Chapter 1	January 8	Introduction - The Law of Contract
Chapter 3	January 15	Formation of the Agreement - Offer and Acceptance
Chapter 5	January 22	Consideration and Reliance (Promissory Estoppel)
Chapter 6	January 29	Privity of Contract
Chapter 8	February 5	Types of Contract Terms: Conditions, warranties and innominate terms, parole evidence rule Assignment posted on Brightspace.
Posted online	February 12	The Good Faith Doctrine
February 19-23, 2024 Winter break, no classes		
Chapter 10	February 26	Standard Form Contracts and Exclusionary Clauses Assignment Due.
Chapter 11 & 12	March 4	Mistake and Frustration
Chapter 15	March 11	Remedies and Mitigation
Posted online	March 18	Indigenous Theory of Obligations
Chapter 13	March 25	The protection of weaker parties
Chapter 14	April 1	Illegality and Public Policy
	April 8	Review and Exam preparation
April 13-25, 2024 FORMALLY SCHEDULED EXAM PERIOD		

Winter 2024 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/	
January 8, 2024	Winter term begins.
January 19, 2024	Last day for registration and course changes (including auditing) in full winter and late winter courses.
January 31, 2024	Last day to withdraw from full winter and the winter portion of fall/winter courses with a full fee adjustment.
February 19, 2024	Statutory holiday. University closed.
February 19-23, 2024	Winter break. No classes.
March 15, 2024	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
March 27, 2024	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full winter term or fall/winter undergraduate courses, before the official April final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
March 29, 2024	Statutory holiday. University closed.
April 10, 2024	Winter term ends.
	Last day of full winter, late winter and fall/winter term classes.
	Classes follow a Friday schedule (full winter and later winter courses).
	Last day for handing in term work and the last day that can be specified by a course instructor as a due date for term work for full winter term and late winter courses.
	Last day for take home examinations to be assigned.
April 13-25, 2024	Final examinations in full winter, late winter and fall/winter term courses will be held. Examinations are normally held all seven days of the week.
April 25, 2024	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.

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/>.

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; and
- 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. More information on the University’s Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

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 accommodation regarding a formally-scheduled final exam, you must complete the Pregnancy Accommodation Form that can be found at:

<https://carleton.ca/equity/contact/form-pregnancy-accommodation/>

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

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. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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 accommodation 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 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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.