

Course Outline

COURSE:	LAWS 2502C – Law, State and Citizen
TERM:	Winter 2024
PREREQUISITES:	1.0 credit from LAWS 1001 and LAWS 1002 or PAPM 1001 and PSCI 2003
CLASS:	Day & Thursdays Time: 6:05pm – 8:55pm Room: Please check Carleton Central for current class schedule
INSTRUCTOR:	Ryan Koo
TEACHING ASSISTANT:	Anthony Galipeau (AnthonyGalipeau@cmail.carleton.ca)
CONTACT:	Office Hrs: By appointment only in person or using Zoom Email: RyanKoo4@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

Law relating to the state and its relationship to individuals and groups in society, with a focus on the administrative process, basic values and the Charter.

COURSE DESCRIPTION

This course is an introduction to public law in Canada, specifically the law governing the relationship between the state and its citizens. Classes and readings will focus on the main provisions of the *Canadian Charter of Rights and Freedoms (Charter)* which include the fundamental freedoms (e.g., freedom of conscience and religion and freedom of expression), legal rights and equality. The course will conclude by examining the core concepts of Aboriginal and treaty rights and administrative law. This course will be delivered on the basis of interactive lectures and requires participation from students.

In this course, the focus is on developing a foundational understanding of *Charter* jurisprudence and its influence on Canadian law and public administration. Upon successful completion of the course, students can expect to understand the key provisions of the *Charter*, and the role of the Supreme Court of Canada in the protection and promotion of *Charter* rights. Students can also expect to acquire an important foundation for understanding the fundamentals of administrative law.

REQUIRED TEXTS

There is one required textbook for the course:

- Robert J. Sharpe and Kent Roach, *The Charter of Rights and Freedoms*, 7th ed. (Toronto: Irwin Law, Inc., 2021)

The textbook is available as an eBook or in print. The paperback edition is available for purchase at the Carleton University Bookstore. An eBook can also be purchased through the publisher's [website](#).

SUPPLEMENTARY TEXTS

Recommended readings and resources are available at the following links:

- [Supreme Court of Canada - Cases](#)
- [Charterpedia](#)
- [David Asper Centre for Constitutional Rights – Supreme Court Case Materials](#)
- [Centre for Constitutional Studies – Charter series](#)

EVALUATION

Standing in a course is determined by the course instructor subject to the approval of the Department and 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 of the following components must be successfully completed in order to get a passing grade:**

Attendance and participation	15%
In-class midterm exam (February 29, 2024)	30%
Written assignment (due on March 28, 2024)	15%
Final exam (To be scheduled during the formal examination period)	40%

Students' attendance and participation in classes are necessary for their success in the course. I expect students to attend classes a) having read the required materials and b) ready to answer questions and engage in discussions. I do not expect to regularly call on students, but reserve the discretion to do so. If you will be away, please advise me beforehand. Please also advise me if you would have learning constraints that require different opportunities for or modes of class participation.

Throughout the course, students will be exposed to the Supreme Court of Canada's *Charter*

jurisprudence. There will be one written assignment based on discussion questions we explored in relation to these cases. Specific details will be made available in class.

Both midterm and final exams will be open book; however, students must complete the exams by themselves. Collaboration is prohibited. The exams will comprise short-answer questions and problems based on hypothetical fact patterns requiring students to analyze and apply legal principles critically. Students will be responsible for all of the required readings, as well as other materials covered in the lectures.

LATE PENALTIES AND REQUESTS FOR 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 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/wp-content/uploads/self-declaration.pdf>.

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>

SCHEDULE

January 11, 2024	Introduction to the Course
January 18, 2024	<p>Application of the <i>Charter</i></p> <p>Required Reading:</p> <ul style="list-style-type: none"> • Sharpe and Roach, "Chapter 3: Interpretation of the <i>Charter of Rights and Freedoms</i>," pp. 51-68. • Sharpe and Roach, "Chapter 6: Application," pp. 109-124.
January 25, 2024	<p>Fundamental Freedom I: Freedom of Conscience and Religion</p> <p>Required Reading:</p> <ul style="list-style-type: none"> • Sharpe and Roach, "Chapter 8: Freedom of Conscience and Religion," pp. 149-173.
February 1, 2024	<p>Fundamental Freedom II: Freedom of Expression</p> <p>Required reading:</p> <ul style="list-style-type: none"> • Sharpe and Roach, "Chapter 9: Freedom of Expression," pp. 176-213.
February 8, 2024	Legal Rights I

	<p>Required reading:</p> <ul style="list-style-type: none"> Sharpe and Roach, "Chapter 13: Life, Liberty, and Security of the Person and the Principles of Fundamental Justice," pp. 258-306.
February 15, 2024	<p style="text-align: center;">Legal Rights II</p> <p>Required reading:</p> <ul style="list-style-type: none"> Sharpe and Roach, "Chapter 14: Rights in the Criminal Process," pp. 309-371.
February 22, 2024	No Class – Winter Break
February 29, 2024	In-class Midterm Exam
March 7, 2024	<p style="text-align: center;">Equality I</p> <p>Required reading:</p> <ul style="list-style-type: none"> Sharpe and Roach, "Chapter 15: Equality," pp. 373-425.
March 14, 2024	<p style="text-align: center;">Equality II and <i>Charter</i> Remedies</p> <p>Required reading:</p> <ul style="list-style-type: none"> Sharpe and Roach, "Chapter 15: Equality," pp. 373-425. Sharpe and Roach, "Chapter 18: Remedies," pp. 491-529.
March 21, 2024	<p style="text-align: center;">Aboriginal and Treaty Rights</p> <p>Required reading:</p> <ul style="list-style-type: none"> Sharpe and Roach, "Chapter 17: Indigenous Rights," pp. 447-489.
March 28, 2024 (Assignment due)	<p style="text-align: center;">Administrative Law</p> <p>Required reading:</p> <ul style="list-style-type: none"> Procedural Fairness: <i>Baker v. Canada</i>, [1999] 2 SCR 817, paragraphs 18 – 45. Merits of Decisions (reasonableness): <i>Canada v. Vavilov</i>, 2019 SCC 65, paragraphs 73 – 142. Judicial Review: section 18.1 of the Federal Courts Act
April 4, 2024	Review
April 13-25, 2024	Final Exam (exact date and time TBD)

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.

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.

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/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

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 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 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/>