

Course Outline

COURSE:	LAWS 2501 A & B – Law, State and Constitution
TERM:	Fall 2021
PREREQUISITES:	LAWS 1001, LAWS 1002, PSCI 1100, PSCI 1200, or PAPM 1000 (1.0)
CLASS:	Day & Time: Lectures will be pre-recorded and made available for review each Monday of the week of the course and will remain available for review at your convenience thereafter.
	Room: Please check Carleton Central for current Class Schedule. This course is offered online through Brightspace.
INSTRUCTOR:	Nick E. Milanovic
CONTACT:	Office: By appointment using Zoom
	Office Hrs: By appointment
	Telephone:
	Email: Brightspace email only

CALENDAR COURSE DESCRIPTION

Law relating to the state, society and the constitution, with a focus on the historical framework, federalism, and constitutional reform in Canada.

COURSE DESCRIPTION

We will review the role of the state, examining the Constitution with an emphasis on the federal system, its interpretation, change, and reform. Among other things, we will look closely at the text of the Constitution, the social forces responsible for its creation, and several early legal decisions responsible for its initial application. As well, we will review modern Supreme Court rulings that deal with key areas of the Constitution in order to understand how that document has evolved as Canada has matured as a country.

This course is an online course where the instructor and students share information, ideas, and learning experiences in a virtual course space. Asynchronous courses do not have live, scheduled lectures online. However, students are expected to remain up to date with the deadlines and due dates provided by the instructor. These courses require high-speed

Internet access and a computer. Students should read the assigned materials before viewing the relevant class as the readings will serve as a departure point for the topics discussed each lecture. For more, please refer to the public schedule on Carleton Central.

REQUIRED TEXTS

Nick E. Milanovic, ed., *Introduction to Public Law: Readings on the Law, State, and Constitution* (Concord: Captus Press, 2015). This textbook is available in the campus bookstore and may also be purchased through the Carleton University Bookstore website: <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)

- (a) Four quizzes on the readings (**held Sept. 29, Oct. 20, Nov. 17, Dec. 1**) each quiz is about 10 minutes and are worth 5 % each for a total of **20 %**
- (b) Essay (**due on or before Nov. 10, 2021** topics to be announced in class) **40%**
- (c) Final Exam (**during Dec. 11 – 23, 2021** formally scheduled, up to 2 hours in length, open book) **40%**

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 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

The topics below generally correspond to the headings in the Table of Contents at the beginning of the required textbook. The assigned readings are to be read before the relevant class. The date at the left side of the outline below indicates the Monday of each week of the course "Ch." indicates the corresponding chapter(s) of the assigned reading to be completed prior to the lecture delivered each week.

1.	September 06	Introduction *Note: Sept. 6 – Statutory Holiday Fall classes begin Sept. 8, 2021	No Reading
2.	September 13	Law and Public Law	Ch. 1
3.	September 20	The Constitution	Ch. 2 & Ch. 8
4.	September 27	The Constitution Act, 1867 * Reminder Reading Quiz #1 on Sept. 29, 2021	Ch. 3
5.	October 04	The Judiciary	Ch. 4
6.	October 11	JCPC Early Decisions *Note: October 11 Statutory holiday	Ch. 5 & Ch. 6
7.	October 18	POGG, Trade & Commerce * Reminder Reading Quiz #2 on Oct. 20, 2021 *Note: October 25 – 29 Fall Break, no classes.	Ch. 7
8.	November 01	Constitution Act, 1982 and After	Ch. 9
9.	November 08	Constitution Act 1982, Specific Aspects *Please note: Essay due Nov. 10, 2021	Ch. 10
10.	November 15	Formal & Informal Constitutional Change * Reminder Reading Quiz #3 on Nov. 17, 2021	Ch. 11
11.	November 22	Secession, Unity, and the Future	Ch. 12
12.	November 29	Review & Recap * Reminder Reading Quiz #4 on Dec. 1, 2021 *Note: Dec. 10 Fall term ends *Note: Dec. 11 – 23 Formally scheduled exam period	No Reading

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

ACADEMIC ACCOMMODATIONS

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 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.](#)

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, 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 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>

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: <https://carleton.ca/registrar/academic-integrity/>.

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<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/>.

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: <https://carleton.ca/law/student-experience-resources/>