

## Course Outline

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<b>COURSE:</b>	<b>LAWS 2502A – Law, State and Citizen</b>
<b>TERM:</b>	<b>Fall 2021</b>
<b>PREREQUISITES:</b>	<b>1.0 CREDIT FROM LAWS 1001, LAWS 1002, PSCI 1100, PSCI 1200, OR PAPM 1000 [1.0].</b>
<b>CLASS:</b>	<b>Day &amp; Time: Thursdays 6:05PM - 8:55PM Room: Minto Centre 2000, in person</b>
<b>INSTRUCTOR:</b>	<b>Dylan McGuinty, MA, JD</b>
<b>CONTACT:</b>	<b>Office:</b> <b>Office Hrs:</b> By appointment on Zoom <b>Telephone:</b> <b>Email:</b>

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### 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 in “Law, State and Citizen” reviews the 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 Canadian Charter of Rights and Freedoms (“Charter”). The course will first consider the theories of the state and then move to an evaluation of administrative law including judicial review. Finally, we will study basic constitutional rights including the Charter, and conclude by examining core concepts of public international law. This class will be delivered on the basis of interactive lectures. Students will be expected to regularly attend classes; attempt to answer questions put to them and discuss the topics under consideration in a respectful and courteous manner. Students should read the assigned materials before attending the relevant class.

**REQUIRED TEXTS**

Nick E. Milanovic, ed., Introduction to Public Law: Readings on the Law, State, and Citizen, (Concord: Captus Press, 2015).

The text may be purchased at the University bookstore. Earlier versions of this text will be out of date.

**SUPPLEMENTARY TEXTS**

The following are suggested sources of optional readings which might further your understanding of this course.

Note: None of these books needs to be purchased for this course

Cairns, A., Citizens Plus (Vancouver: UBC Press, 2000)

Cheffins, Ronald I. and Patricia A. Johnson, The Revised Canadian Constitution: Politics as Law (Toronto: McGraw-Hill Ryerson, 1986)

Flanagan, T., First Nations? Second Thoughts (Montreal and Kingston: McGill-Queen's University Press, 2000)

Gibbins, Roger, Conflict and Unity, 3rd ed. (Scarborough: Nelson Canada, 1994)

Hogg, Peter W., Constitutional Law of Canada, Student ed. (Scarborough: Carswell, 2000)

Jones, David Ph. and Anne S. de Villars, Principles of Administrative Law, 3rd ed. (Scarborough: Carswell, 1999)

Knopff, R. and F.L. Morton, Charter Politics (Scarborough: Nelson, 1992)

Mandel, Michael, The Charter of Rights and the Legalization of Politics in Canada, rev. (2nd ed.)(Toronto: Thompson Educational Publishing, 1994)

**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 evaluation components must be completed in order to get a passing grade.

(a) Essay (due on or before November 25, 2021 topics to be announced in class) 50%

(b) Final Exam (During December 11 - 23, 2021, formally scheduled, 3 hours in length, closed book) 50%

**LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

A penalty of 5% per late day without an approved extension will be applied to the grade given on the essay.

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**

<b>Fall Term 2021 Sessional Dates and University Closures</b>	
<i>Please find a full list of important academic dates on the calendar website: <a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a></i>	
<b>September 6, 2021</b>	Statutory holiday. University closed.
<b>September 8, 2021</b>	Fall term begins. Fall and fall/winter classes begin.
<b>September 9, 2021</b>	Law, State, and Social Goals and Techniques Ch. 1
<b>September 16, 2021</b>	Administrative Law Structure & Action Ch. 2
<b>September 23, 2021</b>	Non-Judicial & Judicial Control Ch. 3
<b>September 30, 2021</b>	Judicial Review and Procedural Control Ch. 4
<b>October 7, 2021</b>	Substantive Review Ch. 5
<b>October 11, 2021</b>	Statutory holiday. University closed.
<b>October 14, 2021</b>	Theory, Problems, and Review Ch. 6
<b>October 21, 2021</b>	Basic Values and Their Protection Ch. 7
<b>October 25-29, 2021</b>	Fall break, no classes.
<b>November 4, 2021</b>	Scope of the Charter Ch. 8
<b>November 11, 2021</b>	Fundamental Freedoms & Fundamental Justice Ch. 9

<b>November 18, 2021</b>	Equality Ch. 10
<b>November 25, 2021 (Essay due)</b>	Group Rights Ch. 11
<b>December 2, 2021</b>	Public International Law Ch. 12
<b>December 9, 2021</b>	Exam review
<b>December 10, 2021</b>	Fall term ends. Last day of fall term classes. Classes follow a Monday schedule.
<b>December 11-23, 2021</b>	Formally Scheduled Final Exams may be held.
<b>December 25, 2021 through January 1, 2022 inclusive</b>	University closed.

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### **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](mailto: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](mailto: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/>.

### **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/>.

### **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/>