

**Course Outline**

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<b>COURSE:</b>	<b>LAWS 3503B – Equality &amp; Discrimination</b>
<b>TERM:</b>	<b>WINTER 2020</b>
<b>PREREQUISITES:</b>	<b>(0.5 credit from LAWS 2105, LAWS 2302, LAWS 2502) and 0.5 credit in LAWS at the 2000 level</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesday, 6:05pm to – 8:55pm</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Collin Fletcher</b>
<b>CONTACT:</b>	<b>Office: Room B442 Loeb Building (Contract Instructor’s Office)</b> <b>Office Hrs: By appointment only</b> <b>Telephone: 613-806-3293</b> <b>Email: collin.fletcher@carleton.ca</b>

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**CALENDAR COURSE DESCRIPTION**

Human rights issues and law in Canada; history and present day experiences of discrimination; critical exploration of laws effectiveness in responding to discrimination; meaning(s) of equality and discrimination; focus on Human Rights Codes - interpretation, administration, enforcement with some reference to s.15 of the Charter.

**COURSE DESCRIPTION**

This course is divided into two sections. The first half will look at the broader concepts and ideas the course will be concerned with. The second half will be looking at the application of the concepts and ideas in particular case studies, looking at a mix of case-law and academic articles.

We will begin by defining key concepts that will be used throughout the course. In particular, we will answer - what is equality, what is discrimination and how do these concepts take shape in our current social and legal landscape? From there we will be discussing why we need protection from the state in ensuring that we are not discriminated, while also discussing if the state has a positive obligation to ensure that we are all equal. We turn to our relationship to businesses and each other to define and ask what obligation we owe to each other not to discriminate and lower the standing of others in society. We will also look at our obligation internationally to ensure protection of discrimination of those abroad. After, we will explore who (or what) is free from discrimination. We pose the question - who is worthy of protection from discrimination? Who do we deem to be fit to be equal? Are animals, corporations and artificial intelligence worthy of being persons and therefore worthy of protection from discrimination? What is the risk in assigning or excluding them personhood and acknowledging that they have the right to be equal.

After identifying and exploring the theories and concepts of the course, we will move into discussion regarding interesting, significant or novel areas of discussion in Canada as it pertains to equality and discrimination. There

will be seven case studies that will explore the issue of equality from a particular focus.

The class itself will also have two part structure. The first half of each class will be a lecture to go over the readings and other key concepts that students should understand. The second half of the class will be a guided class discussion. Lecture notes and discussion questions will be provided to the students prior to class. Students should come prepared to discuss these concepts.

### **REQUIRED TEXTS**

All course readings will be accessible on CanLii or from other journal articles that will be linked on CULearn.

### **EVALUATION**

**(All components must be completed in order to get a passing grade)**

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.

1. **Attendance and Participation (20%) - Ongoing**
2. **Course Paper (40%) - March 17th, 2019**
3. **Final Examination (40%) - Take Home Exam**

All assignments must be typed or word-processed and submitted in hard copy on the date specified in the syllabus. Assignments will not be accepted by email. Always retain a copy of the submitted work. In the event of loss, theft, destruction, dispute over authorship, or any other eventuality, it will be your responsibility to provide a copy of your work. Keeping earlier drafts of your work and other materials is strongly encouraged.

#### **Attendance & Participation (20%)**

Students will be expected to attend every class. In addition to the student's attendance, the students are expected to read the required readings and discussion pieces in advance of the class. The expectation of students will be that when you attend class, you are prepared to identify and discuss the issues from these pieces. **10% of the grade will be for attendance and 10% of the grade will be for active participation in and out of the class.**

As participation is encouraged in this class, a flawless understanding of the text and materials is not required. A student's uncertainty on the subjects being discussed can itself be used to develop discussion in the class. Open ended or probing questions are just as valid a form of participation as analysis.

Attendance will be taken every class. A perfect attendance is not required. It is fine if a student misses one class during the semester due to personal issues.

Participation is going to be a significant portion of the class. Typically, the first half of the class will be a lecture going over the readings and common themes and ideas for the theme covered that week. The second half of the class will be a class discussion. Prior to the beginning of class, students will be provided the questions and ideas that we will explore in the second half of the class.

Participation is about a constructive dialogue **inside** and **outside** of the classroom. Students' participation in the classroom will include answering and asking questions, sharing their own thoughts and critiques on subject matters and relating the course material to their own experiences and lives. This is the primary way students will engage with the course. Students who do not feel comfortable engaging in participation in the classroom may engage outside of the classroom as well. Students may send me their own questions and critiques that they may not feel comfortable presenting to the class themselves by email. Students may also send additional readings and articles to me so I can distribute amongst the class. Students may also make use of the professor's office hours to discuss subjects with the professor that can be brought up for future discussion. These instances of engaging outside of the confines of the classroom are just as valid forms of participation as those taking part in the classroom. Students will be encouraged to interact with one another on CULearn.

However, a necessary skill that students **must** obtain during their undergraduate degree is their oral advocacy skills. Students are encouraged to take risks and push themselves academically to speak in class. Students who wish to exceed and excel in this course are expected to come prepared to participate in class.

The participation grade will be used to assess the quality of the student's engagement with the class. Quantity of discussion does not necessarily mean quality of discussion. A student who responds often to questions but fails to participate in a manner that creates discussion will not be graded as highly as a student who participates less frequently but who consistently constructs a productive dialogue in the classroom.

Some of the topics that will be discussed are considered controversial and members of the class may have strongly held differences of opinion. This is the basis for a very robust discussion in the classroom. All discussion, however, should be respectful of others, of differently held views and of the classroom space. The use of offensive terminology or personal attacks will not be tolerated in the classroom and will result in a reduced participation grade.

### **Course Paper (40%)**

The Course Paper will be on the subject of the student's choosing as it relates to Equality and Discrimination. Students may write on any of the subjects covered in the readings and lectures OR may research a topic not covered during the lectures. Students are encouraged to think creatively and outside the box. In past years, the students who have a refined and interesting thesis statement often succeed.

During class, the students will discuss their essay topics and what they are proposing to write about. Students are encouraged to work collaboratively to assist each other in refining their written work.

The Course Paper will consist of 40% of your final grade and will be **due on March 17th, 2020**. The Course Paper cannot exceed twenty pages, double spaced with a 12-sized Time News Roman font. There is no minimum page requirement for the Course Paper. The Course Paper will be assessed for the student's: 1) understanding of subject matter, 2) the strength of their argument, 3) the organization and coherence of the essay and its arguments, 4) the writing style (spelling, grammar, and sentence structure) used in the paper, and 5) the quantity and quality of the bibliography.

### **Final Exam (40%)**

This final examination will be a take home exam. It will consist of three long form essay questions that students are required to respond to. The final exam will address both theoretical concepts explored in the course, but also draw upon legislation and case-law.

### **Notes about Assessment and Evaluation**

**All components must be completed in order to get a passing grade--Failure to complete any portion of the required course assessment will result in a final grade of F.**

A deferred examination or essay assignment, following the same format, may be written upon application to/approval from the Registrar's Office.

Exams are not returned but may be reviewed with me during office hours the following term. Essays will be returned at the final exam at the end of term. They may also be picked up from me during office hours or returned by post where a stamped self-addressed envelope is provided.

Late essays will be marked down one-half letter grade (eg. B to B-) for each day submitted after the due date without authorized extension from me, subject to the discretion of the professor. Essays must be typed or word-processed and submitted in hard copy. Handwritten papers, computer files, or email attachments will not be accepted. Please retain a photocopy or a secure file copy of the submitted essay. Essays should be submitted in person to me in class on the due date, during my office hours at Kroeger College or deposited in the essay drop box located outside the Law Department General Office, C473 Loeb Building, by 4:00 pm (the Department of Law assumes no responsibility for essays or assignments submitted in an irregular manner). All assignments must be original. Prior approval of the instructor must be obtained if it is intended to submit work that has previously or concurrently been submitted for credit in this or another course. Please make careful note of regulations concerning academic integrity referred to above and related instructional offences as described in the Undergraduate Calendar.

### **SCHEDULE**

<b>JANUARY 7</b>	<b>INTRODUCTION</b>
<b>JANUARY 14 INEQUALITY</b>	<b>DISCRIMINATION, EQUALITY, DIVERSITY &amp; SYSTEMIC</b>
<b>JANUARY 21</b>	<b>THE STATE &amp; DISCRIMINATION</b>
<b>JANUARY 28 FORCES</b>	<b>DISCRIMINATION, THE PRIVATE CITIZEN AND EXTERNAL</b>
<b>FEBRUARY 4</b>	<b>WHO IS WORTHY TO BE EQUAL AND FREE FROM</b>
<b>DISCRIMINATION?</b>	
<b>FEBRUARY 11</b>	<b>CASE STUDY 1 - CAN WE REMEDY HISTORICAL INCIDENTS OF</b>
<b>DISCRIMINATION AND INEQUALITY?</b>	

<b>FEBRUARY 18</b>	<b>NO CLASSES - READING BREAK</b>
<b>FEBRUARY 25</b>	<b>CASE STUDY 2 - COMPETING RIGHTS OF EQUALITY</b>
<b>MARCH 3 EQUALITY</b>	<b>CASE STUDY 3 - REGULATION OF IDENTITY AND IMPACTS ON</b>
<b>MARCH 10</b>	<b>CASE STUDY 4 - EQUALITY &amp; COMPETING RIGHTS</b>
<b>MARCH 17 EQUALITY</b>	<b>CASE STUDY 5 - PRIVATE VERSUS PUBLIC AND THE TENSIONS OF</b>
<b><i>Course paper is due March 17, 2020</i></b>	
<b>MARCH 24</b>	<b>CASE STUDY 6 - INTERNATIONAL DISCRIMINATION &amp; OUR OBLIGATION TO ENSURE EQUALITY INTERNATIONALLY</b>
<b>MARCH 31</b>	<b>CASE STUDY 7 - LIMITATIONS OF ANTI-DISCRIMINATION AND HATE-CRIME LEGISLATIONS</b>
<b>APRIL 7</b>	<b>COURSE &amp; EXAM REVIEW</b>

Readings will be made available on the CULearn website. Each week there will typically be two academic articles and a lighter discussion piece for your review.

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### **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:** Please contact 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, visit the Equity Services website: <https://carleton.ca/equity/accommodation/academic/students/>

**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, visit the Equity Services website: <https://carleton.ca/equity/accommodation/academic/students/>

**Academic Accommodations for Students with Disabilities:** If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable). <https://carleton.ca/pmc/students/accommodations/>

**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/>

**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 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/sexual-violence-support/>

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

For more information on academic accommodation, please contact the departmental administrator or visit:

<https://carleton.ca/equity/accommodation/academic/>

**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.

<http://carleton.ca/law/current-students/>