

Course Outline Template

COURSE:	LAWS 4507 A – Administrative Law and Control
TERM:	Fall 2022
PREREQUISITES:	LAWS 2908, 0.5 credit from LAWS 3005 or LAWS 3506, and fourth-year Honours standing.
CLASS:	Day & Time: Tuesdays 6:05 pm – 8:55 pm
	Room: Southam Hall 313
INSTRUCTOR:	Jean-Simon Schoenholz Associate, Norton Rose Fulbright Canada LLP
CONTACT:	Office Hrs: After class or by appointment (via phone or videoconference)
	Telephone: 613-780-1537 (work phone)
	Email: jeansimonschoenholz@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

Examination of characteristics and selected problems of control of administrative action. Topics include: varieties of traditional and constitutional, legal and judicial control, impact of the Charter, reforms to administrative law control systems in Canada, and comparisons with developments outside Canada.

COURSE DESCRIPTION

An upper-year seminar for students with an interest in administrative law and control of state action. The course delves deeper into the various areas of administrative law introduced in LAWS 3005 or LAWS 3506. Students will learn to think critically about administrative law and control of administrative action by exploring various themes through reading, presentation and group discussion. Student work will ultimately culminate in a final research paper on a topic of interest.

REQUIRED TEXTS

Required readings will be posted on Brightspace.

RECOMMENDED TEXTS

Colleen M. Flood and Paul Daley, eds., *Administrative Law in Context*, 4th ed, Toronto: Emond, 2021.

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.

Evaluation Component	Value	Due Dates
<p><u>Participation</u></p> <p>Students must show regular engagement with the course content. This includes attendance, in class participation, and the ability to discuss the week's readings.</p> <p>Students may miss up to two classes without penalty or explanation.</p>	20%	Ongoing.
<p><u>Journal Entries</u></p> <p>Students must complete four journal entries (worth 5% each) providing thoughtful analysis of the topics covered in a chosen week's lecture/readings/presentations/discussions. Students may choose to complete their journal entries for any given week (except weeks 1 and 12).</p> <p>Journal entries should be no longer than 1000 words and no shorter than 500 words. Specific reference should be made to the chosen week's lecture/readings/presentations/discussions.</p>	20%	<p>Journal entries for a given week are due one week after that week's seminar (i.e. journal entries for week 2 are due on September 27, 2022).</p> <p>Extensions will not be granted.</p>
<p><u>Presentation</u></p>	20%	Students will sign up for a presentation slot the first week of class. Students

<p>Students are required to present for 10 minutes on the topic of their final paper and to lead a short discussion.</p> <p>Assignment instructions will be posted on Brightspace.</p>		<p>joining the class after the first week should see the instructor to discuss.</p>
<p><u>Final Paper</u></p> <p>Students are required to write a research paper on a topic of interest related to administrative law and control. Students should seek approval of their topic via email by October 18. They may wish to discuss with the instructor beforehand.</p> <p>Assignment instructions will be posted on Brightspace.</p>	40%	December 9, 2022

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Late Assignments will be penalized as follows:

- Deduction of 5% for late on the next day after the deadline.
- Further 10% deduction for each subsequent day.
- If the Assignment is handed in more than seven days late, it will be accepted towards course completion but will receive zero marks.

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

A detailed schedule with weekly readings will be posted on Brightspace.

Week/Date	Topics
Week 1 (Sept 13)	Introduction Administrative Law Refresher
Week 2 (Sept 20)	<i>Vavilov</i> and Deference
Week 3 (Sept 27)	The Rule of Law, Delegation, Discretion and Arbitrariness
Week 4 (Oct 4)	Charter Issues
Week 5 (Oct 11)	Procedural Fairness and the Duty to Give Reasons
Week 6 (Oct 18)	Duty to Consult and Aboriginal Issues in Administrative Law
Oct 25: Reading Week	
Week 7 (Nov 1)	Quasi-legislative decisions Presentations (Week 1)
Week 8 (Nov 8)	Independence and Impartiality Presentations (Week 2)
Week 9 (Nov 15)	Access to Justice Presentations (Week 3)
Week 10 (Nov 22)	Crown Liability Presentations (Week 4)
Week 11 (Nov 29)	Automated Decision- Making Presentations (Week 5)

Week 12 (Dec 6)	Wrap up / Review
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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

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/>.

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](#).

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 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/>.

COVID-19

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and

maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

Masks: Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

Vaccines: Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca.