

## Course Outline Template

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<b>COURSE:</b>	<b>LAWS 4903B – Advanced Legal Topics: Indigenous Relations, Ethics and Law</b>
<b>TERM:</b>	<b>Fall 2022</b>
<b>PREREQUISITES:</b>	<b>LAWS 2908 and fourth year standing</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesday 11:35-2:25</b> <b>Room: Online - Seminars will be delivered in live online sessions using the Zoom conferencing platform during our regularly scheduled class time. If a class is cancelled, a pre-recorded video and alternative assessments will be made in lieu of a live synchronous seminar.</b>
<b>INSTRUCTOR:</b>	<b>Danika Billie Littlechild</b>
<b>CONTACT:</b>	<b>Office: Via Zoom Platform Only</b> <b>Office Hrs: Thursday 11:00 – 1:00 EST</b> <b>Telephone: 613-520-2600 x 2678</b> <b>Email: Danika.Littlechild@carleton.ca</b>

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### CALENDAR COURSE DESCRIPTION

*The topics of this course vary from year to year and are announced in advance of registration.*

### COURSE DESCRIPTION

What is decolonization in the context of relationships, ethics, and law? How should we understand themes of resistance, justice, reconciliation, resurgence, solidarity, dialogue and relationship-building between and amongst Indigenous and non-Indigenous Peoples? This seminar will focus on the various intersections of relations, relationality, ethics and law between and amongst Indigenous Peoples, non-Indigenous Peoples and the natural world. We will deeply consider Indigenous systems of knowledge, law, ethics, custom, culture and practice along with dominant systems in Canada and internationally. The course will offer a view of legal and relational frameworks, including Ethical Space and Two-Eyed Seeing, that facilitate an understanding of the praxis of transformative relations.

**REQUIRED TEXTS**

There is no required text for this course. All readings and preparatory materials will be provided via hyperlink, Brightspace or available at MacOdrum Library. This course will draw on both written and oral/verbal materials in accordance with the various and diverse Indigenous and non-Indigenous systems and approaches we will cover in the course. Students may therefore be asked to watch videos or listen to audio files in addition to readings for class preparation.

**DIVIDED CLASS**

As this seminar is held via Zoom, it has been my experience that we create more space for dialogue if the class is divided up, as evenly as possible, into two groups. Group 1 will attend class from 11:35 am – 12:55 pm, and Group 2 will attend class from 1:05 pm until 2:25 pm.

**The only exception will be our first day of class, on September 13, 2022, at which time we will all meet together for the full three hours of class to do a series of introductions, an overview of the course and address questions about how the course will be organized and assessed. Please plan to attend for the full three hours of class on September 13, 2022.**

You can sign up to be in either Group 1 or Group 2 **after 2:00 pm on September 13, 2022, on Brightspace**. Sign up will be on a first come, first served basis. There will be limited spots available for each group. You can switch spots with other students, with written notice to me via email from both students. I will not change the numbers of spots available for each Group enrollment.

**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.

Formatting, citation and submission guidelines for class participation, presentations and the final paper will be provided as a class resource on Brightspace.

**Class Participation – 20%**

This is a seminar course. University seminar courses are smaller classes designed to give students the opportunity to discuss and research topics of interest in a core subject area. Your previous academic experience may be primarily lecture-based. Lecture-based courses are very different, and usually involve very little direct interaction between lecturer and student. In a lecture-based course, attendance is one of the measures used for assessment.

In this seminar course, attendance is not the only measure for assessment of your participation grade. Seminars are interactive, wherein you will be encouraged to apply your knowledge of the content, complete any presentations or group work, participate in discussions, and ask questions. In an online platform, your participation can be verbal/oral and written.

There is a special aspect to this seminar on Indigenous relations, ethics, and law. Indigenous approaches to knowledge translation, knowledge dissemination and learning may be, in many places in the world, verbal/oral in practice. As your professor, it is my goal to elevate Indigenous orality as a pedagogy and as an aspect of many Indigenous systems. Therefore, your verbal/oral participation is not just a requirement of a seminar course – it is also deeply embedded in Indigenous approaches to learning, which is something you will be introduced to in the course. Much of the learning and understanding you glean from course materials will happen **during class**, and not just as an aspect of your preparation in reading/viewing/listening to course materials.

It is my sincere hope that you as a student commit yourself to these approaches at both the institutional level (undergraduate work) and at the pedagogical level (Indigenous systems of learning and knowing).

To give you a strong sense of how you will be assessed for your participation, you can find a participation rubric on Brightspace which outlines the assessment system I will use. In this course, you will be assessed for each class you attend and participate in. I have offered many methods of participation, which hopefully honors all our diverse abilities.

**Unless you have academic accommodations, I expect you to fulfill all the participation requirements outlined. Unless you have specific technical/accommodation issues, I would appreciate you keeping your camera on during class. We cannot hold a generous and inclusive dialogue without being able to see one another.**

**Unfortunately, I do not grant any “make-up” participation marks for those who are unable to attend class, *with the notable exception of class cancellations*. I will not be offering alternative methods of achieving participation grades if you miss class.**

If you are unable to attend many classes, this will deeply impact your participation grade, and I believe will also impact your ability to complete the course requirements.

### **Reading Presentation – 20%**

Every student will give a presentation on the course materials. In each class, there will be at least one or more students presenting. Sign-up and enrollment for a presentation date will be

opened on September 6, 2022, on Brightspace. It is your responsibility to sign up for a presentation date. If for any reason you believe that you will no longer be able to present on a specific date, you must provide me with at least **one week notice** so that we can ensure appropriate preparations are completed and that we can find another spot for you to do your presentation.

Where more than one student is scheduled to present in a class, students may collaborate on their presentation and divide up the readings, provided all the required elements of the presentation are fulfilled for each student. Beyond required elements, students are free to make their presentations as creative or interactive as they may wish. Students may use other materials (such as videos, audio, music, or other evidence) to support their presentation.

Students will submit to Brightspace a 2-page written summary of their presentation, along with their PowerPoint/supporting evidence, if applicable, by 12:00 midnight on the day of their presentation.

### **One on One Meeting with Professor Littlechild - 10%**

During this meeting, we will get to know each other a bit more, discuss progress and engagement in the course, speak about preparation for the final paper, or talk about other topics related to the course. The purpose of the one-on-one meeting is to supplement our direct engagement given the course is offered entirely online.

The student may fulfil this requirement through attending regular office hours on the Zoom platform, or by scheduling a separate Zoom with the professor.

There are no specific preparations or materials required for this meeting. The meeting will be at least ten (10) minutes in duration. The meeting may be scheduled at any time during the term up to 16:00 on the last day of classes for Fall 2022.

It is your responsibility to either attend Zoom office hours, or to contact the professor to schedule/hold this meeting and fulfil the requirements.

### **Final Paper – 50%**

The final paper is due December 22, 2022, at NOON. Late penalties apply as of due date and time.

Students will submit a 15 to 20 page paper, the topic of which will be introduced in class. All marking rubrics and paper/assignment parameters will be posted to Brightspace.

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

### **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**

<b>Fall 2022 Class Schedule</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 7, 2022</b>	Fall term begins.
<b>September 13, 2022</b>	<p style="text-align: center;"><b><i>Where We Learn: Carleton University and the Indigenous Territories on which it is located</i></b></p> <p>Carleton University Strategic Indigenous Initiatives Committee, <a href="#">Kinàmàgawin: Learning Together Final Report</a> (May 2020)</p> <p>Peter Di Gangi, “Algonquin Territory” (2018) Canada’s History Available online: <a href="https://www.canadashistory.ca/explore/politics-law/algonquin-territory">https://www.canadashistory.ca/explore/politics-law/algonquin-territory</a></p> <p>Jean-Maurice Matchewan “Algonquins North of the Ottawa: Mitchikanibikonginik Algonquins of Barriere Lake: Our Long Battle to Create a Sustainable Future” in Boyce Richardson, ed, <i>Drumbeat: Anger and Renewal in Indian Country</i> (Toronto: Summerhill Press, 1989) 137-166</p> <p>Greg Sarazin, “Algonquins South of the Ottawa: 220 Years of Broken Promises” in Boyce Richardson, ed, <i>Drumbeat: Anger and Renewal in Indian Country</i> (Toronto: Summerhill Press, 1989) 167-200</p>

<p><b>September 20, 2022</b></p>	<p><b><i>Last day for registration and course changes (including auditing) in fall and fall/winter courses.</i></b></p> <p><b><i>Indigenous Legal Traditions – Stepping into Our Journey</i></b></p> <p>John Borrows, Chapter 2 “Sources and Scope of Indigenous Legal Traditions” in <i>Canada’s Indigenous Constitution</i> (2010) Toronto: University of Toronto Press 2010) 23-58</p> <p>Sylvia McAdam <i>Nationhood Interrupted: Revitalizing nehiyaw Legal Systems</i> (Saskatoon: Purich Publishing, 2015) 7-26</p> <p>Baker Grenier, Nigel “<i>Kitimahkinawow ekwa Kitimahkisin: Pity and Compassion in Cree Law</i>” 11 W. J. Legal Stud. [23] (2021)</p> <p><a href="#">Sanctified Kindness</a> Video featuring Elders Reg and Rose Crowshoe</p> <p><a href="#">Protocol and Smudging</a> Video featuring Sylvia McAdam (2014)</p> <p><a href="#">Indigenous Law</a> Video featuring John Borrows (2015)</p> <p><a href="#">Wahkohtowin: Cree Natural Law</a> Video featuring Elders George Bretton, Fred Campiou, Isaac Chamakese and William Dreaver (2016)</p>
<p><b>September 27, 2022</b></p>	<p><b><i>Indigenous Peoples and Mother Earth</i></b></p> <p><a href="#">Living Indigenous Law in Canada</a> Video Featuring John Borrows</p> <p><a href="#">Environment and Sustainability from a Metaphysical Blackfoot Perspective</a> Video featuring Blackfoot Scholar and Elder Leroy Littlebear</p> <p><a href="#">Braiding Sweetgrass</a> Video featuring Robin Wall Kimmerer</p> <p>Leroy Little Bear “Traditional Knowledge and Humanities: A Perspective by a Blackfoot” 39(4) <i>Journal of Chinese Philosophy</i> (2012) 518-527</p> <p>John Borrows “Earth-Bound: Indigenous Resurgence and Environmental Reconciliation” in Michael Asch, John Borrows and James Tully (eds) <i>Resurgence and Reconciliation: Indigenous -Settler Relations and Earth Teachings</i> (Toronto: University of Toronto Press, 2018) 49-82</p> <p>Jessica Hernandez “Chapter 1: Indigenous Teaching: Nature Protects You as Long as You Protect Nature” <i>Fresh Banana Leaves: Healing Indigenous Landscapes through Indigenous Science</i> (Huichin, unceded Ohlone land aka Berkeley, California: North Atlantic Books, 2022) 17-40</p>

<p><b>October 4, 2022</b></p>	<p style="text-align: center;"><b><i>Confronting Dark Histories</i></b></p> <p>Lindberg Tracy “Chapter 4: The Doctrine of Discovery in Canada” and “Chapter 5: Contemporary Canadian Resonance of an Imperial Doctrine” in <i>Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies</i>, Robert J. Miller, Jacinta Ruru, Larissa Behrendt and Tracey Lindberg (eds) (Oxford: Oxford University Press, 2010) 89-170</p> <p>Truth and Reconciliation Commission of Canada “The History” Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada (2015) 37-134</p> <p><a href="#">Federal Apology</a> – Video - Residential Schools</p> <p><a href="#">Papal Apology</a> – Residential Schools – at 1:06:00 to 1:35:45</p> <p><a href="#">4,000+ Children Died</a> – Video Democracy Now</p>
<p><b>October 10, 2022</b></p>	<p style="text-align: center;">Statutory holiday. University closed.</p>
<p><b>October 11, 2022</b></p>	<p style="text-align: center;"><b><i>Indigenous Perspectives: Land Back/Cash Back</i></b></p> <p>Yellowhead Institute, Land Back: A Yellowhead Institute Red Paper (2019) Online: <a href="https://redpaper.yellowheadinstitute.org/wp-content/uploads/2019/10/red-paper-report-final.pdf">https://redpaper.yellowheadinstitute.org/wp-content/uploads/2019/10/red-paper-report-final.pdf</a></p> <p>Yellowhead Institute, Cash Back: A Yellowhead Institute Red Paper (2021) Online: <a href="https://cashback.yellowheadinstitute.org/wp-content/uploads/2021/05/Cash-Back-A-Yellowhead-Institute-Red-Paper.pdf">https://cashback.yellowheadinstitute.org/wp-content/uploads/2021/05/Cash-Back-A-Yellowhead-Institute-Red-Paper.pdf</a></p> <p><a href="#">Land Back</a> – Video by The Breach</p>
<p><b>October 18, 2022</b></p>	<p style="text-align: center;"><b><i>Treaties, Agreements and Other Constructive Arrangements</i></b></p> <p>Coyle, Michael “As Long as the Sun Shines: Recognizing that Treaties were Intended to Last” in <i>The Right Relationship: Reimagining the Implementation of Historic Treaties</i> Edited by Michael Coyle and John Borrows (2017) University of Toronto Press (pp. 39-69)</p> <p>Battiste, Marie (ed) <i>Living Treaties: Narrating Mi’kmaw Treaty Relations</i> (2016) Nimbus Publishing, pp. 24-65</p> <p>Pasternak, Shiri <i>Grounded Authority: The Algonquins of Barriere Lake Against the State</i> (2017) University of Minnesota Press pp. 245-270</p> <p><a href="#">Treaties (History)</a> – Video featuring John Borrows</p>

<b>October 24-28, 2022</b>	Fall break, no classes.
<b>November 1, 2022</b>	<p style="text-align: center;"><b><i>Faces of a Prism</i></b></p> <p>Ladner, Kiera. "Gendering Decolonisation, Decolonising Gender" (2009) 13 Australian Indigenous Law Review 62.</p> <p>Gunn, Brenda "Self-Determination and Indigenous Women: Increasing Legitimacy Through Inclusion" n Canadian Journal of Women and the Law (2014) Vol. 26 (2) pp. 241-275</p> <p>Green, Joyce. "Taking Account of Aboriginal Feminism" In Joyce Green (Ed) <i>Making Space for Indigenous Feminism</i> (2007) Fernwood Publishing</p> <p>Barker, Carolyn "miyawata: Family Teachings on Turtle Island" in ohpikinâwasow" in <i>Growing a Child: Implementing Indigenous Ways of Knowing with Indigenous Families</i>, Edited by Leona Makokis, Ralph Bodor, Avery Calhoun and Stephanie Tyler (2020) pp. 43 - 70</p> <p>Additional readings and videos to be provided.</p>
<b>November 8, 2022</b>	<p style="text-align: center;"><b><i>International Standards</i></b></p> <p>UN General Assembly, <i>United Nations Declaration on the Rights of Indigenous Peoples : resolution / adopted by the General Assembly</i>, 2 October 2007, A/RES/61/295</p> <p>United Nations Declaration on the Rights of Indigenous Peoples Act (SC 2021 c 14)</p> <p>Carpenter, Kristen and Alexey Tsykarev "<a href="#">Indigenous Peoples and Diplomacy on the World Stage</a>" in <i>AJIL Unbound</i>, (2021) Cambridge University Press</p>
<b>November 15, 2022</b>	<p style="text-align: center;"><b><i>Ethical Space</i></b></p> <p>Ermine, Willie "The Ethical Space of Engagement" Indigenous Law Journal, Vol. 6 No. 1 (2007);</p> <p>Crowshoe, Reg "Invitation to Ethical Space" In <i>Indigenous Well Being and Enterprise</i> Edited by Rick Colbourne, Robert B Anderson (2020) Routledge (pp 10-45);</p> <p>Littlechild, Danika and Colin Sutherland, Operationalizing Ethical Space, March 2021 (posted to Brightspace)</p>



<p><b>November 22, 2022</b></p>	<p style="text-align: center;"><b><i>Two Eyed Seeing</i></b></p> <p>Bartlett, Cheryl, Murdena Marshall, and Albert Marshall. "Two-Eyed Seeing and Other Lessons Learned within a Co-Learning Journey of Bringing Together Indigenous and Mainstream Knowledges and Ways of Knowing." <i>Journal of Environmental Studies and Sciences</i> 2, no. 4 (November 2012): 331–40. <a href="https://doi.org/10.1007/s13412-012-0086-8">https://doi.org/10.1007/s13412-012-0086-8</a>;</p> <p>Reid, Andrea J., Lauren E. Eckert, John-Francis Lane, Nathan Young, Scott G. Hinch, Chris T. Darimont, Steven J. Cooke, Natalie C. Ban, and Albert Marshall. "'Two-Eyed Seeing': An Indigenous Framework to Transform Fisheries Research and Management." <i>Fish and Fisheries</i> n/a, no. n/a. <a href="https://doi.org/10.1111/faf.12516">https://doi.org/10.1111/faf.12516</a>.</p>
<p><b>December 6, 2022</b></p>	<p style="text-align: center;"><b><i>Beyond the Land Acknowledgment</i></b></p> <p>Carleton University <a href="#">Land Acknowledgement</a></p> <p><a href="#">Going Beyond the Land Acknowledgement</a> Video featuring late Elder David Courchene</p> <p><a href="#">Territorial Acknowledgments: Going beyond the Script</a> Video from University of Alberta</p> <p>Eve Tuck and K. Wayne Yang "<a href="#">Decolonization is not a metaphor</a>" in <i>Decolonization: Indigeneity, Education and Society</i> Vol. 1, No. 1 pp. 1-40</p> <p>Glen Coulthard and Leanne Betasamosake Simpson, "Grounded Normativity/Place-Based Solidarity" <i>American Quarterly</i> 68, no. 2 (2016) pp.249-55</p> <p>Revisiting: Carleton University Strategic Indigenous Initiatives Committee, <a href="#">Kinàmàgawin: Learning Together Final Report</a> (May 2020)</p>
<p><b>December 9, 2022</b></p>	<p>Fall term ends. Last day of fall classes</p>

## **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](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 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 Update**

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](mailto:covidinfo@carleton.ca).