

Course Outline Template

COURSE:	LAWS 2501, A – Law, State and Constitution	
TERM:	Fall 2023	
PREREQUISITES:	1.0 credit from LAWS 1001 and LAWS 1002 or PAPM 1001 and PSCI 2003.	
CLASS:	Day	Thursday, 11:35- 14:25
	&Time:	
	Room:	Please check Carleton Central for current Class Schedule
INSTRUCTOR:	William Legault-Lacasse	
CONTACT:	Office	Wednesday and Friday, 12:00-13:00 (scheduled office hours via zoom)
	Hrs:	
	Email:	williamlegaultlacass@cunet.carleton.ca

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

In this course, students will be introduced to the history, sources, concepts and the main principles of Canadian constitutional law. They will be able to describe the forms of government and understand the division of powers, while reflecting on the political dynamics linked to state powers in Canadian federalism. They will also be introduced to the protection of the rights and freedoms. By the end of this course, students will have acquired knowledge and basic skills in Canadian constitutional law when it comes to the power of public authorities and the protection of rights.

REQUIRED TEXTS

Required readings will be accessible online and given at the end of each lecture. The readings

reinforce or supplement lecture content. There is no textbook for the course. Readings are indicated below in the SCHEDULE section.

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.

1. Participation / Oral Presentation: 20% (to be held during all of the semester)

This section is divided in two. Students can choose between two types of grading. They decide if they want to be evaluated by participation or by an oral presentation. The last 30 minutes of each lecture are dedicated to participation and/or oral presentations.

Participation

Participation is evaluated through questions and answers. The course instructor will ask questions during the lecture. If a student who wished to answer answers correctly or makes an interesting comment, the student can come in the front during the breaks to make a mark next to their name on the course list. During the last 30 minutes of a lecture, students who have prepared a thoughtful/researched question about the subject of the day may ask it to the class. There can be back and forth between the student who asks the question and the students who wished to answer. Both students who ask and answer questions will be able to make a mark next to their names on the course list.

Oral Presentation

Oral Presentation is evaluated through the presentation of judicial decisions. During lectures, different decisions will be presented in relation to the subject of the day. Students who wish to present a decision must write to the course instructor prior to the lecture. The course instructor will have determined decisions to be presented for students who wish to present. Students will have between 7 to 10 minutes to present the decision to the class. The course instructor will grade the oral presentation.

2. Mid-term Exam: 35% (to be held on Thursday, October 19th 2023)

The Mid-term Exam will consist of true or false questions with explanations. Questions will only be about course content delivered to this point.

3. Final Evaluation - Take Home Term Paper: 45% (to be submitted during the formally

schedules exam period in December 2023)

For the final evaluation, you will be required to prepare a paper or an essay on one of the following types of governments: a municipal government, a provincial government or a foreign state's federal government. You will have to describe the type of government, how it works, what norms does it create, who are the subjects, how is this type of government formed, where does this type of government come from, etc. A list of subjects will be created by the course instructor and you will have to choose from it before December 7th, 2023.

Your final evaluation must be driven by structure, and draw as much as possible upon the content, cases, decisions, issues, theories, debates, and/or questions that we have examined in the course. Please include a table of content, but not a bibliography. However, you do need to support your paper with footnotes. The final evaluation must be between no more than 10 pages, excluding your table of content. It must be submitted electronically in advance of the determined deadline.

For example, if you choose the State of Germany, you will have to explain how the federal German government works, what laws can it create, what is its constitution, how is it formed, who are the subjects of that State, who runs that State, and how is it different/similar from everything we will have seen about Canada during the semester.

For example, if you choose the City of Gatineau, you will have to explain how the municipal government works, what by-laws can it create, what is its constitution if it has one, how is it formed, who are the subjects of the City, who runs the City and how is the City different from how the federal government works in Canada.

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

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Late penalties only apply for the final examination and will be of 10% per day late.

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

Thursday, September 7th, 2023 – Course Introduction

Readings : None

Thursday, September 14th, 2023 – Introduction to Public Law and Constitutional law

Readings : Constitutional Act , 1867 – Sections 1 to 57

Thursday, September 21st, 2023 – History and Sources of Constitutional Law (1)

Readings : Constitutional Act , 1867 – Sections 58 to 90

Thursday, September 28th, 2023 – Sources of Constitutional Law (2)

Readings : Constitutional Act , 1867 – Sections 91 to 109

Thursday, October 5th, 2023 – Canadian State

Readings : Reference re Secession of Quebec, [1998] 2 S.C.R. 217

Thursday, October 12th, 2023 – Canadian Territory and Citizenship

Readings : Constitution Act, 1982 – Parts I and II

Thursday, October 19th, 2023 – Mid-term

Readings : None

Thursday, October 26th, 2023 – **Fall Break (no class)**

Readings : None

Thursday, November 2nd, 2023 – Legislative Power

Readings : Bank of Montreal v. Hall, [1990] 1 S.C.R. 121

Thursday, November 9th, 2023 – Judicial Power

Readings : New Brunswick Broadcasting Co. v. Nova Scotia (Speaker of the House of Assembly), [1993] 1 S.C.R. 319

Thursday, November 16th, 2023 – Executive Power

Readings : Re: Resolution to amend the Constitution, [1981] 1 S.C.R. 753

Thursday, November 23rd, 2023 – Distribution of Powers

Readings : Rio Hotel Ltd. v. New Brunswick (Liquor Licensing Board), [1987] 2 S.C.R. 59

Thursday, November 30th, 2023 – Amendments to the Constitution

Readings : Constitutional Act , 1982 – Parts V and VI

Thursday, December 7th, 2023 – Course Overview and Questions

Readings : None

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 that can be found at:

<https://carleton.ca/equity/contact/form-pregnancy-accommodation/>

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

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. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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/>.