

Course Outline Template

COURSE:	4903B – Advanced Legal Topics: Indigenous Relations, Ethics and Law
TERM:	Fall 2023
PREREQUISITES:	LAWS 2908 and Fourth Year Standing
CLASS:	Day & Time: Please check with Carleton Central for current room location. Room: Thursday 11:35 am – 2:25 pm CO213 <i>In Person</i>
INSTRUCTOR:	Danika Billie Littlechild
CONTACT:	Office: D487 Loeb Building Office Hrs: Wednesday 11:00 am - 12:00 pm OR on request via Zoom. Telephone: 613-520-2600 x 2678 Email: danikalittlechild@cunet.carleton.ca

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.

COURSE MATERIALS

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.

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.

As our course is based on class discussions, in each class the professor will provide an introduction to topics, issues and central questions for discussion. This will be followed by students' reading presentations. In every session, at least two students will discuss the readings under the guidance of the professor. The discussions will provide student reflections, illustrations and critiques of the readings. This will hopefully contribute to engaged discussion.

Student engagement is important for the success of the course. Given the seminar setting of the course, our collaborative learning will be contingent on everyone's active involvement and contributions.

As such, it is important that you be present during the class and do your best to contribute to the dialogue and discussion, whether verbal or written. Your participation will not only be assessed on how much you speak, but also on the quality of your engagement, the thoughtfulness of your response, respectful listening and commitment to creating a safe learning environment in which everyone feels valued and respected.

In addition to participation in regular class hours, the format of the course will be a mix of Student Reading Presentations (one presentation per student before the end of term); four (4) Reflection Journal Submissions (to be completed by each student over the term); and a research paper (to be completed by the end of term).

Reading Presentation

Every student will give a presentation on the readings and/or materials. This presentation will take the form of a summary of, and a critical response to, the assigned materials.

For every class, there will be at least one or two students presenting. Where there is more than one student scheduled to present in a class session, those students can collaborate on their presentation and divide the readings, provided the chosen approach enables each student to fulfil the criteria below.

Each student will provide a brief summary of the readings/materials assigned for the relevant session. The summary should focus on analyzing the central claims and supportive evidence of the authors. The student may also criticize the claims of the author / speaker or provide personal responses. Drawing on the materials, the strength of the summary presentation and response should lie in the ability to examine or challenge the views of the author/speaker. Students are encouraged to use examples, counter-examples, outside readings, audio-visual materials or other evidence to support their positions on the issues.

The student must submit via Brightspace a brief written presentation summary submission (2 double spaced pages) at least two (2) days prior to their presentation. This written statement may include the speaking notes of the student, any references they plan to make during their presentation, and should enclose a copy of their proposed PowerPoint, if applicable (Note: PowerPoint presentations are not a requirement for the Reading Presentations, but students often find them helpful). This work will represent 20% of the total grade. This grade will reward serious effort made by the student to examine the materials, and to present them accordingly.

The schedule of the Reading Presentations will be confirmed on Brightspace. There are 11 eligible class sessions in the term and it is expected that every student will have the opportunity to present. **It is up to each student to ensure they have signed up for a presentation spot.**

Reflection Journals

Unlike the Reading Presentation, the Reflection Journal will be submitted directly to the professor via email or Brightspace. The Reflection Journals will not be shared in class sessions (unless the student elects to share their reflection as a method of class participation).

Each student is required to submit four (4) Reflection Journals over the term and will select which class session they wish to submit on. The intent is to provide some flexibility to the student, who can assess their workload over the term as well as where their research or other interests lie.

What is a Reflection Journal? It is an opportunity to engage in the course materials and class discussions in a deeper way, and to construct new meaning from them. It is also an opportunity to respond in a creative way that engages with different pedagogical approaches to the course materials. Your reflections may contain original work or utilize the work of others. Please ensure appropriate attributions and citations in your submissions.

Each Journal submission should be between 2-3 pages in length, double spaced with normal margins. If you choose to include other kinds of files, such as a video or audio file, please include a short written description of the submitted work with rationale for inclusion.

Your response should clearly indicate your careful reading of the assigned materials for that week, and thoughtful reflection based on class discussions.

COURSEWORK

Research Paper (15-20 double spaced pages)	40% of Final Mark
Reading Presentation (In Class Presentation of no less than 15-20 minutes, a Written Presentation Summary Submission of 2 double spaced pages, and a copy of any PowerPoint)	20% of Final Mark
Reflection Journal Submissions (Four (4) Submissions of 2-3 double spaced pages)	20% of Final Mark
Class Participation	20% of Final Mark

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

LATE PENALTIES AND REQUESTS FOR EXTENSIONS**Extension Bank:**

I am sympathetic to the many challenges faced by students as we all try to recover from the pandemic and adjust to the dynamic and shifting nature of our collective academic experiences. Many of you have gone from in person to online and back again.

I want to exercise fairness as an instructor in this course, and I wish to give you some flexibility in meeting assignment and paper deadlines without having to meet with me to make the request – which can feel stressful to initiate for students.

As such, every student in this course has a **seven (7) day Extension Bank** to use over the term at your own discretion and based on your own needs. Basically, I am giving all of you a one-week extension now, which is yours to use as you see fit. You are not required to use any of the days in your Extension Bank. I will be delighted if you are able to meet all the deadlines set out in this course.

However, if you find yourself in a situation in which you could use an extra day or two to complete an assignment or the paper, you have a reserve of seven (7) days to draw from. The seven (7) days includes the weekend. If you have a deadline that falls on a Friday and you ask to submit on a Monday, it means you are taking 3 days out of your Extension Bank.

IMPORTANT: When you plan on using days from your Extension Bank, you must inform me via

email ahead of the deadline for which you plan on using them. You cannot apply the days from your Extension Bank retroactively.

I will then reply to your email notification with an update of how many days you have left in your Extension Bank for the remainder of the term.

Additional extensions:

The granting of additional extensions beyond the Extension Bank is determined by the instructor, who will confirm whether an extension is granted and the length of the extension.

For requests for additional extensions beyond the extension bank 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>.

Additional extensions beyond the Extension Bank 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).

IMPORTANT: Extensions cannot be applied to Reading Presentations.

Late Penalties

Late penalties will apply to any submissions of assignments or the research paper that do not have use of the Extension Bank or Additional Extensions.

Late Penalties will be assessed as follows:

- Deduction of 5% marks if the assignment is handed in after NOON on the due date (plus short grace period [30 min]) but before midnight.
- A further 5% if the assignment is handed-in anytime the 'next day' - from 12:01am to 11:59 pm.
- A further 10% is deducted at the beginning of each following day (at 12:01am) including weekend days.

SCHEDULE

Fall 2023 Sessional Dates and University Closures	
<p>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</p>	
September 7, 2023	<p style="text-align: center;">Introduction: Where We Learn</p> <p>There are no required readings for the introductory class.</p> <p>Be prepared to move to another location, Ojigkwanong Centre, 228 Paterson Hall for opening smudge and convening of our course during the class hours.</p>
September 14, 2023	<p style="text-align: center;">Indigenous Peoples</p> <p><i>A Snapshot: Status First Nations People in Canada.</i> Ottawa: Statistics Canada = Statistique Canada, 2021</p> <p>Vowel, Chelsea. <i>Indigenous Writes: a Guide to First Nations, Metis & Inuit Issues in Canada.</i> Winnipeg, Manitoba: Highwater Press, 2016. Part 1 and Part 2</p> <p>McHugh, P.G. "A Common Law Biography of Section 35" In: Macklem, Patrick et al. <i>From Recognition to Reconciliation: Essays on the Constitutional Entrenchment of Aboriginal and Treaty Rights.</i> Ed. Patrick Macklem and Douglas Sanderson. Toronto: University of Toronto Press, 2018 at pages 137-163</p> <p>Friedland, Hadley "Indigenous Legal Traditions, De-sacralization, Re-sacralization and the Space for Not-Knowing" In: Borrows, John, and Kent McNeil, eds. <i>Voicing Identity: Cultural Appropriation and Indigenous Issues.</i> Toronto: University of Toronto Press, 2022 at pages 67-75</p>
September 21, 2023	<p style="text-align: center;">Reconciliation</p> <p>Landry, Andrea "This Reconciliation is for the Colonizer" In: Datta, Ranjan, ed. <i>Indigenous Reconciliation and Decolonization: Narratives of Social Justice and Community Engagement.</i> London: Routledge, Taylor & Francis Group, 2021 at pages 38-46</p> <p>Wilson-Raybould, Jody "Part I: Learn" In: <i>True Reconciliation: How to Be a Force for Change.</i> New York: McClelland & Stewart, 2022 at pages 25-103</p> <p>Davis, Lynne and Chris Hiller "Engaging Citizens in Indigenous – Non-Indigenous Relations" In: Graham, Katherine., and David. Newhouse. <i>Sharing the Land, Sharing a Future: The Legacy of the Royal Commission on Aboriginal Peoples.</i> Winnipeg: University of Manitoba Press, 2021 at pages 363-404</p>

	<p>Federal Apology – Video - Residential Schools</p> <p>Papal Apology – Residential Schools – at 1:06:00 to 1:35:45</p>
September 28, 2023	Class cancelled in observance of the National Day for Truth and Reconciliation
October 5, 2023	<p>Indigenous Knowledges, Law and Ethics</p> <p>Sylvia McAdam <i>Nationhood Interrupted: Revitalizing nehiyaw Legal Systems</i> (Saskatoon: Purich Publishing, 2015) 7-26</p> <p>Aimée Craft, Deborah McGregor, Rayanna Seymour-Hourie and Sue Chiblow “Decolonizing Anishinaabe nibi inaakonigewin and gikendaasowin research: Reinscribing Anishinaabe approaches to law and knowledge.” In: Jacobs, Beverley, Valarie Waboose, and Amar Bhatia. <i>Decolonizing Law: Indigenous, Third World and Settler Perspectives</i>. Ed. Sujith Xavier and Jeffery G. Hewitt. Abingdon, Oxon;: Routledge, 2021.</p> <p>Additional Readings to be assigned.</p>
October 12, 2023	<p>Indigenous Perspectives on Treaties</p> <p>Vowel, Chelsea. <i>Indigenous Writes: a Guide to First Nations, Metis & Inuit Issues in Canada</i>. Winnipeg, Manitoba: Highwater Press, 2016. Part 5, Chapters 26-28</p> <p>Cardinal, Harold, and W. (Walter) Hildebrand. <i>Treaty Elders of Saskatchewan Our Dream Is That Our Peoples Will One Day Be Clearly Recognized as Nations</i>. Calgary, Alta: University of Calgary Press, 2000. Pages 3-67</p> <p>Starblanket, Gina “Crises of Relationship: The Role of Treaties in Contemporary Indigenous-Settler Relations: In: <i>Visions of the Heart : Issues Involving Aboriginal Peoples in Canada</i>. Eds. Gina Starblanket, David Long and the late Olive Patricia Dickason. Fifth edition. Don Mills, Ontario, Canada: OUP Canada, 2020</p>
October 19, 2023	<p>Indigenous Legal Orders</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>Baker Grenier, Nigel “<i>Kitimahkinawow ekwa Kitimahkisin: Pity and Compassion in Cree Law</i>” 11 W. J. Legal Stud. [23] (2021)</p>

	<p>Indigenous Law Video featuring John Borrows (2015)</p> <p>Wahkohtowin: Cree Natural Law Video featuring Elders George Bretton, Fred Campiou, Isaac Chamakese and William Dreaver (2016)</p>
November 2, 2023	<p style="text-align: center;">Indigenous Peoples and Mother Earth</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>Living Indigenous Law in Canada Video Featuring John Borrows</p> <p>Environment and Sustainability from a Metaphysical Blackfoot Perspective Video featuring Blackfoot Scholar and Elder Leroy Littlebear</p>
November 9, 2023	<p style="text-align: center;">Land Back</p> <p>Yellowhead Institute, <i>Land Back: A Yellowhead Institute Red Paper</i> (2019) Online: https://redpaper.yellowheadinstitute.org</p>
November 16, 2023	<p style="text-align: center;">Cash Back</p> <p>Yellowhead Institute, <i>Cash Back: A Yellowhead Institute Red Paper</i> (2021) Online: https://cashback.yellowheadinstitute.org</p>
November 23, 2023	<p style="text-align: center;">How we Engage: Ethical Space</p> <p>Ermine, Willie “The Ethical Space of Engagement” <i>Indigenous Law Journal</i>, 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>https://youtu.be/mAVPyjFq3hM Keynote Presentation on Ethical Space by Elder Reg Crowshoe and Elder Willie Ermine</p>

November 30, 2023	<p style="text-align: center;">How we Engage: Two-Eyed Seeing</p> <p>Iwama, Marilyn et al. "Two-Eyed Seeing and the Language of Healing in Community-Based Research." <i>Canadian journal of native education</i> 32.2 (2009)</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. https://doi.org/10.1007/s13412-012-0086-8;</p> <p>https://youtu.be/pJcJf1nUckc Etuaptmumk Two-Eyed Seeing with Albert Marshall</p>
December 7, 2023	Closing the Circle

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/>.