Carleton University

Department of Law and Legal Studies

Course Outline Template

COURSE: LAWS 4903D – Indigenous Relations, Ethics and Law

TERM: Winter 2024

PREREQUISITES: LAWS 2908 and fourth-year Honours standing

CLASS: Day & Wednesday

Time: 11:35 am - 2:25 pm

Room: ONLINE Synchronous Zoom

INSTRUCTOR: Danika Billie Littlechild

CONTACT: Office: ONLINE

Office Hrs: Held on Request over Zoom

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 that facilitate an understanding of the praxis of transformative relations.

REQUIRED TEXTS

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. This presentation must be completed in class.

In each scheduled 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) by 11:59 pm on the day of 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. Please note: PowerPoint presentations are not a requirement for the Reading Presentations, but students often find them helpful. The student presentation 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 12 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. Your Reflection Journal Submission is due at 11:59 pm on the day of the chosen class session. For example, if you choose to submit a Reflection Journal on Week 4 on Dark Histories, then your Reflection Journal is due at 11:50 pm on that day, January 31. You can include elements of class discussion if you wish.

You are free to choose the four class sessions for which you plan on submitting the Reflection Journal.

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 if you wish, may also include thoughtful reflection based on class discussions for that session.

COURSEWORK

Research Paper (15-20 double spaced pages)	40% of Final Mark
Reading Presentation (In Class Presentation	20% of Final Mark
of no less than 15-20 minutes, a Written	
Presentation Summary Submission of 2	
double spaced pages, and a copy of any	
PowerPoint)	
Reflection Journal Submissions (Four (4)	20% of Final Mark
Submissions of 2-3 double spaced pages)	
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 NOTE 1: 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.

IMPORTANT NOTE 2: Extensions cannot be applied to Reading Presentations.

Additional Extensions:

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.

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 short-term extensions, 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.

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation

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 MIDNIGHT on the due date (plus short grace period [30 min]).
- A further 10% is deducted at the beginning of each following day (at 12:01am) including weekend days.

READING AND UNIVERISTY SCHEDULE

Please find a full list of important academic dates on the calendar website: <pre>https://calendar.carleton.ca/academicyear/</pre>	
January 10, 2024 Week 1	Introduction to Course and Overview No assigned readings
	Indigenous Peoples
January 17, 2024 Week 2	A Snapshot: Status First Nations People in Canada. Ottawa: Statistics Canada = Statistique Canada, 2021
	Vowel, Chelsea. <i>Indigenous Writes: a Guide to First Nations, Me & Inuit Issues in Canada</i> . Winnipeg, Manitoba: Highwater Press 2016. Part 1 and Part 2
	Borrows, John. Canada's Indigenous Constitution. University of Toronto Press, 2010. Chapters 1 & 2
	Davis, Lynne, et al. "Complicated Pathways: Settler Canadians Learning to Re/Frame Themselves and Their Relationships with Indigenous Peoples." Settler Colonial Studies, vol. 7, no. 4, 2017 pp. 398–414, https://doi.org/10.1080/2201473X.2016.1243086
	Where We Learn
January 24, 2024 Week 3	Carleton University acknowledges the location of its campus on traditional, unceded territories of the Algonquin nation. In doing so, Carleton acknowledges it has a responsibility to the Algonqui people and a responsibility to adhere to Algonquin cultural protocols.
	Kinàmàgawin Report. Following the release of the Truth and Reconciliation Commission's Final Report in 2015, many post-secondary institutions worked to revitalize, support and bring Indigenous learners and Indigenous knowledges into classroom In October 2018, Carleton joined this collective movement and formed the Carleton University Strategic Indigenous Initiatives Committee (CUSIIC), which published the Report in 2020. Kinàmàgawin includes 41 Carleton-specific Calls to Action that encompass an overarching goal of making the Carleton campus safer space for current and future Indigenous students, staff an faculty members.

January 31, 2024 Week 4	Di Gangi, Peter "Algonquin Territory: Indigenous Title to land in the Ottawa Valley" (2018) online: https://www.canadashistory.ca/explore/politics-law/algonquinterritory Confronting Dark Histories Lindberg Tracy "The Doctrine of Discovery in Canada" in Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies, Edited by Robert J. Miller, Jacinta Ruru, Larissa Behrendt and Tracey Lindberg (Chapter 4) Borrows, John "Canada's Colonial Constitution" in The Right Relationship: Reimagining the Implementation of Historic Treaties Edited by Michael Coyle and John Borrows (2017) University of Toronto Press (pp.17-38) Truth and Reconciliation Commission of Canada "Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada" Introduction, pp 1-22 Online: https://ehprnh2mwo3.exactdn.com/wpcontent/uploads/2021/01/Executive Summary English Web.pdf Landry, Andrea "This Reconciliation is for the Colonizer" In: Datta, Ranjan, ed. Indigenous Reconciliation and Decolonization: Narratives of Social Justice and Community Engagement. London: Routledge, Taylor & Francis Group, 2021 at pages 38-46
February 7, 2024 Week 5	Framing Relationality by the Yellowhead Institute: Land and resources Yellowhead Institute, Land Back: A Yellowhead Institute Red Paper (2019) Online: https://redpaper.yellowheadinstitute.org/wp-content/uploads/2019/10/red-paper-report-final.pdf Yellowhead Institute, Cash Back: A Yellowhead Institute Red Paper (2021) Online: https://cashback.yellowhead-Institute-Red-Paper.pdf
February 14, 2024 Week 6	Indigenous Knowledges and Legal Orders Sylvia McAdam <i>Nationhood Interrupted: Revitalizing nehiyaw Legal Systems</i> (Saskatoon: Purich Publishing, 2015) 7-26 Borrows, John "Sources and Scope of Indigenous Legal

	Traditions" (pp. 23-58) and "Challenges and Opportunities in Recognizing Indigenous Legal Traditions" (pp. 137 – 176) in Canada's Indigenous Constitution (2010) University of Toronto Press Indigenous Law Video featuring John Borrows (2015) Wahkohtowin: Cree Natural Law Video featuring Elders George Bretton, Fred Campiou, Isaac Chamakese and William Dreaver (2016)
February 21, 2024 Week 7	No Class Winter Break
February 28, 2024 Week 8	Treaties, Agreements and Other Constructive Arrangements Cardinal, Harold, and W. (Walter) Hildebrand. Treaty Elders of Saskatchewan Our Dream Is That Our Peoples Will One Day Be Clearly Recognized as Nations. Calgary, Alta: University of Calgary Press, 2000. Pages 3-67 Starblanket, Gina "Crises of Relationship: The Role of Treaties in Contemporary Indigenous-Settler Relations: In: Visions of the Heart: Issues Involving Aboriginal Peoples in Canada. Eds. Gina Starblanket, David Long and the late Olive Patricia Dickason. Fifth edition. Don Mills, Ontario, Canada: OUP Canada, 2020 Battiste, Marie (ed) Living Treaties: Narrating Mi'kmaw Treaty Relations (2016) Nimbus Publishing, pp. 24-65
March 6, 2024 Week 9	(Re) Framing Relationality: Emerging and Existing Standards – International UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295 United Nations Declaration on the Rights of Indigenous Peoples Act (SC 2021 c 14) Borrows, John. Braiding Legal Orders: Implementing the United Nations Declaration on the Rights of Indigenous Peoples. Centre for International Governance Innovation, 2019. Chapters 5 & 6
March 13, 2024 Week 10	Indigenous Relationality and Mother Earth John Borrows "Earth-Bound: Indigenous Resurgence and Environmental Reconciliation" in Michael Asch, John Borrows and

	James Tully (eds) Resurgence and Reconciliation: Indigenous - Settler Relations and Earth Teachings (Toronto: University of Toronto Press, 2018) 49-82 Armstrong, Jeannette "Living from the Land" In <i>Plants, People and Places: the Roles of Ethnobotany and Ethnoecology in Indigenous Peoples' Land Rights in Canada and Beyond</i> , Edited by Nancy Turner (2020) McGill – Queen's University Press, pp. 36-50) <i>M'sit No'kmaq</i> , Albert Marshall, Karen F. Beazley, Jessica Hum, shalan joudry, Anastasia Papadopoulos, Sherry Pictou, Janet Rabesca, Lisa Young, and Melanie Zurba. "Awakening the sleeping
	giant": re-Indigenization principles for transforming biodiversity conservation in Canada and beyond. <i>FACETS</i> . 6 (): 839-869. https://doi.org/10.1139/facets-2020-0083
	Transformative Approaches to Building and Strengthening Indigenous Relations: The Example of Two-Eyed Seeing
March 20, 2024 Week 11	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 .;
	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. Accessed February 22, 2021. https://doi.org/10.1111/faf.12516 .
	Etuaptmunk Two Eyed Seeing with Albert Marshall Video Posted on Brightspace
	Transformative Approaches to Building and Strengthening Indigenous Relations: The Example of Ethical Space
March 27, 2024 Week 12	Ethical Spaces with Elder Reg Crowshoe and Willie Ermine Video – Link on Brightspace
	Ermine, Willie "The Ethical Space of Engagement" Indigenous Law Journal, Vol. 6 No. 1 (2007);
	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);

	Littlechild, Danika and Colin Sutherland "Operationalizing Ethical Space" Posted in Brightspace
April 3, 2024 Week 13	Where We Learn: Connections, Rights, Obligations and Indigenous Futures
	Coulthard, Glen Sean "Conclusion Lessons from Idle No More: The Future of Indigenous Activism" in <i>Red Skin White Masks: Rejecting the Colonial Politics of Recognition</i> (2014) University of Minnesota Press
	Stewart-Ambo, Theresa and Yang, Wayne "Beyond Land Acknowledgment in Settler Institutions" In: Social Text (2021) 39 (1 (146)): 21–46.
	Tuck, Eve and K. Wayne Yang " <u>Decolonization is not a metaphor</u> " in Decolonization: Indigeneity, Education and Society Vol. 1, No. 1 pp. 1-40
April 10, 2024	Winter Term ends. Follows a Friday schedule, no class. Due date for Final Paper.

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

The University Academic Integrity Policy defines plagiarism as "presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one's own." This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The

Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

Emergency Resources (on and off campus):

https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/

Carleton Resources:

- Mental Health and Wellbeing: https://carleton.ca/wellness/
- Health & Counselling Services: https://carleton.ca/health/
- Paul Menton Centre: https://carleton.ca/pmc/
- Academic Advising Centre (AAC): https://carleton.ca/academicadvising/
- Centre for Student Academic Support (CSAS): https://carleton.ca/csas/
- Equity & Inclusivity Communities: https://carleton.ca/equity/

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, https://www.dcottawa.on.ca/
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, http://www.crisisline.ca/
- Empower Me: 1-844-741-6389, https://students.carleton.ca/services/empower-me-counselling-services
- Good2Talk: 1-866-925-5454, https://good2talk.ca/
- The Walk-In Counselling Clinic: https://walkincounselling.com

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 more details about the accommodation policy, visit the Equity and Inclusive Communities (EIC) website.

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 inclass 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/.