

Course Outline

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| COURSE: | LAWS 2501 C – Law, State and Constitution |
| TERM: | Winter 2025 |
| PREREQUISITES: | LAWS 1.0 credit from LAWS 1001 and LAWS 1002 or PAPM 1001 and PSCI 2003 |
| CLASS: | Day & Time: Lectures are pre-recorded and made available for review each Thursday of the week of the course and will remain available for review at your convenience thereafter for the term. Room: Please check Carleton Central for current Class Schedule. This course is presented online asynchronously and is supported through Brightspace. |
| INSTRUCTOR: | Nick E. Milanovic |
| CONTACT: | Office Hrs: By appointment only via Zoom. TA contact information, when finalized, will be posted on the class Brightspace page. Telephone: Email: |
| BRIGHTSPACE: | Homepage - LAWS2501C Law State and Constitution (LEC) Winter 2025 |

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

We will review the role of the state, examining the Constitution with an emphasis on the federal system, its interpretation, change, and reform. Among other things, we will look closely at the text of the Constitution, the social forces responsible for its creation, and several early legal decisions responsible for its initial application. As well, we will review modern Supreme Court rulings that deal with key areas of the Constitution to understand how that document has evolved as Canada has matured as a country.

Students should read the assigned materials before attending the relevant class as the readings will serve as a departure point for the topics discussed in each lecture. For more, please refer to the public schedule at Carleton Central.

LEARNING OUTCOMES

- a basic understanding of the history, structure, and functioning of Canada's Constitution, key conventions, the operation of core governing institutions and the interrelationship between the branches of government.
- a basic understanding of Canada's Parliamentary democracy and other significant concepts as they relate to the functioning of the state such as federalism, democracy, constitutionalism and the rule of law and the protection of minorities.
- Analytical reading and writing skills appropriate to legal studies at a second-year university level.
- Legal research, reasoning, and essay writing skills appropriate to legal studies at a second-year university level.

REQUIRED TEXTS

Nick E. Milanovic, ed., *Introduction to Public Law: Readings on the Law, State, and Constitution* (Concord: Captus Press, 2015). This textbook is available in softcover at the campus bookstore for \$59.90 and may also be purchased through the Carleton University Bookstore website: <https://www.bkstr.com/carletonstore/home>

The textbook is also usually available in softcopy (often 'used' copies) from multiple used booksellers in Ottawa.

This course textbook is available directly from the publisher, Captus Press, as an eBook for \$40.95. See the following link for more information (<http://www.captus.com/information/ebook.htm>).

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.

- (a) Four quizzes on the readings (**held on Brightspace Jan. 24, Feb. 14, March 14, April. 4**) each quiz is about 10 minutes and are worth 5 % each for a total of **20 %**
- (b) Essay (**due via Brightspace on or before March 20, 2025**, topics to be announced in class)
40%

(c) Final Exam (**during April 11 – 26, 2025** formally scheduled, up to 2 hours in length on Brightspace, open book) **40%**

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 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/academic-consideration-coursework-form/>.

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).

Late penalties are 4% per day up to a maximum of 7 days without extension. Beyond that period without the permission of the instructor the student will receive zero on the assignment.

Final exam deferrals must be applied for at the Registrar's Office. Please view the following link for more information and how to apply for a deferral: <https://carleton.ca/registrar/deferral/>

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>

Final Grade Approval

Standing in a course is determined by the course instructor subject to the approval 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 Dean.

SCHEDULE

The topics generally correspond to the headings in the Table of Contents at the beginning of the required course textbook. The assigned readings are to be read before the relevant class. The number at the left side of the outline below indicates the date of each week of the course in the relevant term and "Ch." indicates the corresponding chapter(s) of the required reading to be completed prior to the lecture delivered each week.

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| 1. | January 09 | Introduction | No Reading |
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| 2. | January 16 | Law and Public Law | Ch. 1 (pp.2-14) |
| 3. | January 23 | The Constitution | Ch. 2 (pp.16-36) / Ch. 8 (pp. 190-226) * Reminder Reading Quiz #1 on Jan. 24, 2025 |
| 4. | January 30 | The Constitution Act, 1867 | Ch. 3 (pp. 38-60) |
| 5. | February 06 | The Judiciary | Ch. 4 (pp. 61-90) |
| 6. | February 13 | JCPC Early Decision | Ch. 5 (pp. 91-118)/ Ch. 6 (pp. 119-160) * Reminder Reading Quiz #2 on Feb. 14, 2025 |
| February 1- February 21 | | Winter Break, No Classes | |
| 7. | February 27 | POGG, Trade & Commerce | Ch. 7 (pp. 161-189) |
| 8. | March 06 | Constitution Act, 1982 and After | Ch. 9 (pp. 228-251) |
| 9. | March 13 | Constitution Act 1982, Specific Aspects | Ch. 10 (pp. 252-264) * Reminder Reading Quiz #3 on March 14, 2025 |
| 10. | March 20 | Formal & Informal Constitutional Change | Ch. 11 (pp. 265-293) *Please note: Essay due March 20, 2025 |
| 11. | March 27 | Secession, Unity, and the Future | Ch. 12 (pp. 294-325) |
| 12. | April 03 | Review & Recap | No Reading * Reminder Reading Quiz #4 on April 04, 2025 |

POLICY ON PERMISSIBILITY OF SUBMITTING SAME WORK MORE THAN ONCE, PERMISSIBILITY OF GROUP OR COLLABORATIVE WORK, AND PERMISSIBILITY OF USING GENERATIVE AI

Students are strictly prohibited from submitting any work that has been previously submitted for academic credit in another course. Any such submission will result in a grade of 0, and the student will be referred to the university's academic integrity office for review. Re-using any portion of previous work, regardless of its extent, will be treated as a violation of academic integrity.

Students are not permitted to cooperate or collaborate on any academic assignments unless explicitly stated by the instructor. Any unauthorized collaboration will result in the assignment receiving a grade of 0 and the student being referred to the academic integrity office. This policy applies to all tests, exams, and individual assignments. Proofreading by others is not

allowed.

The use of AI tools, such as ChatGPT, to produce any part of an assignment or test is strictly forbidden. Any use of AI for content creation, even for small edits, will result in an automatic grade of 0, and the student will be referred to the academic integrity office for disciplinary action.

| Winter 2025 Sessional Dates and University Closures | |
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| <i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i> | |
| January 6, 2025 | Winter term begins. |
| January 17, 2025 | Last day for registration and course changes (including auditing) in winter courses. |
| January 31, 2025 | Last day to withdraw from full winter courses and the winter portion of fall/winter courses with a full fee adjustment. |
| February 17-21, 2025 | Winter break, no classes. |
| March 15, 2025 | Last day for academic withdrawal from winter courses. |
| March 25, 2025 | Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in winter term or fall/winter undergraduate courses, before the official April final examination period. |
| April 8, 2025 | Winter term ends. |
| | Last day of winter and fall/winter classes. |
| | Last day for final take-home examinations to be assigned. |
| April 9-10, 2025 | No classes or examinations take place. |
| April 11-26, 2025 | Final examinations in winter and fall/winter courses will be held. |
| April 18, 2025 | Statutory holiday. University closed. |
| April 26, 2025 | All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar. |

UNIVERSITY AND DEPARTMENTAL POLICIES

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. For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://wellness.carleton.ca/get-help-now/>

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/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

Pregnancy Obligation and Family-Status Related Accommodations

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 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/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).