Carleton University
Fall 2018
Department of Political Science

PSCI 4109A
The Politics of the Canadian Charter of Rights and Freedoms
Wednesday 2:35 p.m. – 5:25 p.m.
Please confirm location on Carleton Central

Instructor: Katherine Kenny
Office: Loeb (LA) B641
Office Hours: Wednesday 1:00 pm to 2:00 pm, appointments available upon request
Phone: 613-520-2600 ext. 3052 (no voice mail)
Email: Katherine.Kenny@carleton.ca

Course Description

The genesis and impact of the Charter of Rights and Freedoms. Particular emphasis on the politics of aboriginal, language, and equality rights. From <https://calendar.carleton.ca/undergrad/courses/PSCI/>

The Canadian Charter of Rights and Freedoms (the Charter) is a seminal document in Canadian politics. It is a legal tool, a hotly debated political issue and the active creator of Canadian identities. Some people see the Charter as a strong defender of minority rights which has allowed their communities to thrive, others as an oppressive and colonial document imposed upon them. The goal of this class is to provide not only an overview of these debates, but to gain an appreciation for the intersecting realities which make up the politics of the Canadian Charter of Human Rights Freedoms. By using a multiplicity of learning material and tools (text, film, court cases, new media, in class debate and engagements) this class will attempt to develop a greater understanding of the history of Human Rights and the Charter, the adoption of the Charter and its impact on Canadian politics, as well as the current space occupied in the Charter in Canadian political debates, laws and institutions. The latter part, which will occupy the vast majority of the classes, will be thematically organized about issues which have and continue to drive Charter cases and debates. This course will focus on understanding the Charter from five pillars of understanding: (1) theoretical (2) historical (3) legal (4) political (5) institutional, while knowing these five pillars constantly interact.

A secondary goal of this course is to build skills useful whether you decide to pursue to move on to a career in academics, law, the government, non-governmental or private enterprise in your future. As such, this class will be organized in a way that will foster group work, setting your own goals, developing your writing skills and your presentation skills. It will demand that you take an active and earnest investment in your education. This class focuses on a building block education and evaluation philosophy where the work, both in and outside of the classroom done, throughout the semester, will build on each step to achieve an end goal. This gives the opportunity for continuous feedback and focus on learning as the goal. It will, however, require that you keep up with assignments that are more frequent then in other courses. This is a responsibility that you owe both to yourself, also to your classmate.
Learning Objectives for the Course

By the end of this course you will be able to:

1- Work as a group to create an education module for your fellow classmates on an important topic or debate related to the Charter of Rights and Freedoms.

2- Assess how different pillars of understanding (1) theoretical, (2) historical, (3) legal, (4) political and (5) institutional work together to create the politics of the Canadian Charter of Rights and Freedoms.

3- Confront and develop diverse ideas and arguments concerning Canada's Charter of Rights and Freedoms and its role in Canadian politics.

4- Evaluate the capacity of different types of sources to inform the politics of the Canadian Charter of Rights and Freedoms.

Text

This course does not have a formal text book. All course material will be available through Ares, online with the links on this syllabus, and with the help of CUlearn.

The Canadian Charter of Rights and Freedoms is available online, however, if you desire a free copy or poster, please consult the following link: http://canada.pch.gc.ca/eng/1486648693070

Another great resource is this website from the Ministry of Justice of Canada which lists some very key Charter related cases and gives you the link to them and their decisions.


Evaluation

1. Class participation: 20%
   a. Attendance: 10%
   b. Class Contribution: 5%
   c. Group Contribution: 5%

2. Final project: 80%
   a. Weekly Tasks 10%
   b. Annotated Bibliography with presentation 20%
   c. Pillar Analysis 25%
   d. Final Presentation 25%
      i. In class Presentation 10%
      ii. Presentation Material and Reflection 15%
Class participation: 20%

Class participation is worth a total of 20% of your grade. It will be evaluated in three parts. Ten percent (10%) of your grade will be based on being in class. **Attendance to this class is mandatory.** Not only is it required for you to pass the class but to do the group work required on the group project. If you cannot come to a class, and know in advance, contact me as early as possible to make alternative arrangement so you are not penalized. In case of sudden illness or emergency, please let me know as soon as possible and these cases will be worked out on an individual basis. An additional ten percent (10%) will be divided equally based on the quality of your participation in general group discussion and debate and during your group work. Quality participation means many things, but always includes: come to class prepared having reviewed the material for the week, having prepared weekly assignment or other work for the final project as assigned, be willing to talk, to listen and to have an open mind. If you foresee any issue with your full participation in the class come speak to me as early in the term as possible.

Final Project 80%

The final project is not one paper worth 80% of your grade...take a deep breath...this will be ok.

The final project is a series of smaller projects and assignment which will culminate in you and your colleague taking over the class for approximately 35 minutes (per group) at the end of the semester to teach a current topic concerning the politics of the Charter.

This approach will let you work all semester long on a topic that interest you, get feedback throughout the process to improve in areas that could be ameliorated, avoid a time crunch at the end of the semester where you have a lot of work due and is focused singularly on how to bring your voice to the topic.

While you work on the topic and present as a group, **all marks are individual.** In addition, while you may want to communicate or work outside the classroom as a group, the class is designed in such a format that time is both set aside and should be enough to do all group work in class if members come prepared to work.

The breakdown of this mark is as follows:

**Weekly task: 10%**

Weekly tasks are small assignment such as a reflection paragraph or a list to prepare for or ahead of class. To receive full points for the assignment you have to submit the assignment on time and show effort. This should **not** take you a long time to complete and will not be longer than half a page. Each assignment will be described the week before its due date in class and will be described on the CUlearn page for the assignment. They are as follows:

1. Interest Survey: Complete interest survey on CUlearn concerning topics of interest for the final project
   a. Due on CUlearn by the end of day **Monday, September 10, 2018.**
2. Setting yourself up for success: list of goals for your project
   a. Due on CUlearn by the end of day **Monday, September 17, 2018.**
3. Thinking outside the box: reflection on how to present your topic in innovative ways due in class **Wednesday, October 17, 2018.**
4. Prepare your activity: Describe an active or participative aspect of your presentation your group could include in your project presentation, due in class **Wednesday, November 14, 2018.**
5. **Group meeting:** On the last class before the presentations student are expected to bring all the material they will need to present the following or two weeks later. They will review all of it and submit it to me, so I have the chance to post any material online, make copies, etc… in the following week. If this is done, you have your points. Due in class **Wednesday, November 21, 2018.**

**Annotated Bibliography with Topic Presentation**
**Due in Class: Wednesday, October 3, 2018.**
**Worth 20% of your final grade**

This assignment consists of an annotated bibliography on the topic of your final project. The bibliography will start with a one-page presentation of the project.

The presentation should include:

- Title page
- Title of the project
- Theme of the project
- Question(s) you are asking
- Different sides being argued on this topic
- Relevant sections of the Charter
- Relevant cases already identified
- Where your contribution fits in with the group

It should also include an annotated bibliography of a minimum of 7 sources with complete references on the topic and a description of how they advance your project. Five (5) of these sources must be academic articles, books, book chapter, or case law, one (1) source must be from media and (1) source should non-written.

Further details on the assignment including the grading rubric will be available on CUlearn shortly.

**Pillar analysis**
**Due in Class: October 31, 2018**
**Worth 25 percent of your final grade**

This is a written assignment where you will analyze your topic from a minimum and recommended three of the five pillars of studies of Charter politics in Canada. This paper must be between 5 and 7 pages in length and should continue the work done both with your group and in your annotated bibliography. The assignment will ask the question:

How is your (topic, debate, case, etc..) influence by the (1) theoretical (2) historical (3) legal (4) political and/or (5) institutional aspect of its reality?

A strong analysis will demonstrate how the selected pillars not only have specific individual effects but often interact to shape the current state of the issue. While this is an individual submission, you will have time to discuss with your group. While it is not mandatory, it is recommended that your group tries to cover all pillars between the members of your group in preparation of your final presentation.

Further details on the assignment including the grading rubric will be available on CUlearn shortly.
Final project

Presentation in class on either on November 28, 2018, or December 5th, 2018-10% of your final grade.
Final submission due December 5th in class for everyone- 15 percent of your final grade.

General description and components

Your group will have 35 minutes to present a key issue, case, or debate (present or past) related to the Canadian Charter of Rights and Freedom. This will be the result of the work you have done all semester long together as a group and individually with your different assignment. The topic, the method of presenting and roles of everyone will be discussed with the instructor, but you will have a lot of freedom on how to proceed. This process will be entirely facilitated and completed with the instructor to ensure your success and a high-quality learning experience for the other students who will participate in your teaching experience. While there are a lot of variables which will be discussed throughout the semester, the final submission of the project will have two main components (1) the presentation and (2) the submission of the presentation material.

While the project will have a lot of flexibility in terms of topics, approaches and content, every project will require:

- A general introduction to the precise topic discussed
- A presentation of the type or issue at hand (a present case in front of the Supreme Court, a debate, an activist movement, etc…)
- Include how it relates to the 5 class pillars (all pillars will not need to be equally covered as it will be depending on your topic)
- A presentation of more than one point of view regarding the issue

Presentation: 10% your final grade final mark

Will be presented as a cohesive group and can take many forms (debate, court reenactment, classical presentation) but will require at least one (1) participative component with the rest of the group. You will be graded on both form and content.

Final Submission: 15% of Your Final Grade

The final submission of your project will be submission of relevant documents to your work to on the class presentation. This submission will include any material used during the class presentation (PowerPoint, hand out, script, etc) as well as a reflection 5 pages maximum on your role in your group, what you learned, how or if you met your goals set at the beginning of the session, etc.

Further details on the assignment including the grading rubric will be available on CUlearn shortly. It will also be worked on weekly throughout the semester.
General Assignment Rule

All assignments are required to pass this course. If an assignment is not submitted, you will receive an incomplete.

All assignment is to be completed in Times New Roman, font size 12, 1.5 spacing.

All references are to be submitted in either APA, MLA or Chicago. You may use any of these, but only one method per assignment.

All assignments are due on and how described in this syllabus.
- Weekly assignment submitted late will receive a maximum of 1 points but must be submitted to receive a passing grade in the class.
- Late submission of the annotated bibliography, the pillar analysis, and the final submission will be penalized at a rate of 10% per day.
- The presentation cannot be presented late, absence without a properly documented reason will result in a grade on 0% in the presentation section and can influence your overall grade in the final submission grade. If a member of your team is absent unexpectedly during the class presentations, no other member of the team will be penalized for the effects of the absence of the missing team member. If you know in advance, you cannot be at one of the sessions for a legitimate reason let me know as early as possible so your group can present the other day.

Return of assignment will be done in class or during office hours, the final assignment will be returned during a special office hour during the exam period and can be returned to you if you provide, in advance, a self-addressed and pre-stamped envelope.

The Political Science drop box is intended to collect late assignments only or if a student has extenuating circumstances. It is emptied every weekday at 4 p.m. and all items collected at that time are date-stamped with that day’s date. If you start to abuse the drop box, the amazing people at the front desk will be mad at me and I don’t want that so submit the assignment properly.

General Class Policy

Class start promptly at 2:35 pm. Please be there, sitting and ready to learn or unlearn at that time.

The proper use of technology in class is encouraged. If taking notes on a cell phone or your computer is working for you then by all means do so. In fact, during group work having those tools will be very useful. This class may also use polls everywhere. However, at time I may recommend you put away your laptops or phones especially during discussions. This is a suggestion and not an obligation. I will, however, insist you use the technology for class is for learning purposes and not in a way that may disturb your fellow class members.

This class will tackle many controversial topics. Some may be uncomfortable to discuss, and some opinions may shock you. This should not stop the potential for vigorous debate and discussion. However, it does mean I expect no less than the upmost respect, professionalism and compassion from everyone in this seminar. One of the main goals of this class is to develop the skills to intelligently debate complicated political issues.

That being said, if at any time you feel uncomfortable to the point where you feel you have to leave the room please do so quietly and come speak to me after the course. While debating controversial issues is at
the heart of this course, it should never come at the price of the feeling of safety of anyone. If you have any concern about any of the reading, the topics, the comments made in class or your ability to fully participate in a class for any related reasons please come and speak to me as soon as possible so we can address your concerns or make alternative arrangement. It will be my role as a moderator of discussion and debate to ensure that this class conducts itself in a way to create an environment conducive to inclusive learning. If there is anything I can do to improve your learning conditions, please let me know.

Class Schedule

Class 1- September 5, 2018: Let’s Get Uncomfortable

General class introduction, presentation of the syllabus, exercise on locating privilege and best class practices and introduction to the concept of a human right in this context.

Preparation ahead of class: None

Work after class: Fill in Choice survey Online

Class 2- September 12, 2018: What is a right? Canadian Rights before the Charter of Rights and Freedoms

History of rights and freedoms in Canada before the Charter, the Canadian Bill of Rights and steps which led to groups looking for a Charter.

Preparation ahead of class: Choice survey on CUlearn due Monday, September 10th by 11:59 pm.

Read:


Watch:
"Acadia, Acadia?!?", directed by National Film Board of Canada, and IMS Collection, National Film Board of Canada, 1971. First 20 Minutes.

Follow up to class: Setting up your own goals homework is due on MONDAY, September 17!

Class 3- September 19, 2018: Here comes the Charter!... Wait what about us!

Looking at the debates surrounding the adoption of the Charter of Rights and Freedoms, looking at what made it in and what was left on the table, discussing the reaction particularly from Quebec and Indigenous peoples in Canada

Preparation Ahead of Class: Setting up GOALS for the class assignment is due on Monday, September 17th.
Read:


Watch:
"Dancing Around the Table," directed by Maurice Bulbulian, National Film Board of Canada, and IMS Collection. National Film Board of Canada, 1987. Watch Part 1 Warning this video contains violent discourse.

Follow up to class: Personal reflection on the specific topic you would like your group to tackle for your project and how you may contribute to it.

Class 4 - September 26, 2018: How does this thing work? Federalism, Parliamentarism, and the Judiciary…oh my!

Work to do ahead of class: Review the annotated bibliography assignment to see if you have any questions

Read:

R. v. Oakes. [1986] 1 SCR 103


Work to do following class: Annotated Bibliography due next class!!!

Class 5- October 3, 2018: Je parle français…je veux mon école

Work to do ahead of class: *Annotated Bibliography due in class!!!!*

Read:


Mahe v. Alberta, [1990] 1 SCR 342

Work to do after class: Homework Think Outside the Box is due next class!!

Class 6- October 10, 2018: Our home and native land- Aboriginal Rights and the Charter in an area of reconciliation

Work to do before class:

Read:


Consult website:
Go consult the site https://native-land.ca, we will be having a discussion about the map and the blog in class.

Work after class: Start thinking about the pillars you want to analyze for the assignment
Think outside the box is due next week!!

Class 7- October 17, 2018: Did they just say that! Freedom of speech

Work before class:

Think outside the box is due today!

Read:

Little Sisters Book and Art Emporium v. Canada (Minister of Justice), [2000] 2 SCR 1120


Lowes, Carol. "Hate speech quandary: Christians divided over amendment that seeks to protect gays." Christianity Today, July 2004, p. 18. Academic OneFile,


Watch: https://www.youtube.com/watch?v=SiijS_9hPkJ

Consult: https://slides.com/canadiancmf/language-decoded/fullscreen#/
Work after class: There is no class next week, but you should be working on your pillar analysis. I will be available through e-mail for questions. Remember it is due right after right after reading week!

Class none- October 24, 2018: Reading week…everyone read! Do your pillar analysis!!

Class 8- October 31st, 2018: That is not my God!?!- Freedom of religion

Work before class: Your pillar analysis is due!!

Read:
Multani v. Commission scolaire Marguerite-Bourgeoys, [2006] 1 SCR 256


Listen to if you need a refresher on the Quebec charter of value project or in general if this interest you.


Work after class: After your group discussion investigate the pillars you may me working more specifically for your project if this isn’t already done.

Class 9- November 7, 2018: Are we really persons yet? Women and the Charter today

Work before class:

Read:


R. v. N.S., 2012 SCC 72


Work after class: Finish and prepare everything for the group meeting
Class 10- November 14, 2018: Be yourself! LGBTQ2S+ Rights

**Work before class:** Everything you need to prepare and bring for your group meeting which is today!!

**Read**

Reference re Same-Sex Marriage, [2004] 3 SCR 698


**Work after class:** Make changes recommended from group meetings with instructor and prepare for the presentation

Class 11-November 21, 2018: You are trying to go where? To do what! Mobility, security and the Charter

**Work before class:**
Prepare for last in class group work, you will be given ample time to work in group today.

**Read:**

**Watch:**

**After class:** Get your presentation ready and prepare your text and documents or final submission.

Class 12- November 28, 2018- Group presentation groups 1, 2 and 3

Class 13- December 5, 2018- Group presentation groups 4 and 5 (potential group 6)

Presentation material and reflection are all due today!
Academic Accommodations

Requests for Academic Accommodation

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

Pregnancy obligation

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. For more details, visit the Equity Services website: [carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf](carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf)

Religious obligation

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. For more details, visit the Equity Services website: [carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf](carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf)

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact the Paul Menton Centre for Students with Disabilities (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation or contact your PMC coordinator to send your instructor your Letter of Accommodation at the beginning of the term. You must also contact the PMC 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 your instructor as soon as possible to ensure accommodation arrangements are made. [carleton.ca/pmc](carleton.ca/pmc)

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 is 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: [carleton.ca/sexual-violence-support](carleton.ca/sexual-violence-support)

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. [https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf](https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf)
For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline

**Plagiarism**

The University Senate defines plagiarism as “presenting, whether intentional or not, the ideas, expression of ideas or work of others as one’s own.” This can include:

- 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;
- submitting a take-home examination, essay, laboratory report or other assignment written, in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, or paraphrased material, concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings;
- failing to acknowledge sources through the use of proper citations when using another’s works and/or failing to use quotation marks;
- handing in “substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs.

Plagiarism is a serious offence which cannot be resolved directly with the course’s instructor. The Associate Deans of the Faculty conduct 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 may include a mark of zero for the plagiarized work or a final grade of "F" for the course.

Student or professor materials created for this course (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the author(s). They are intended for personal use and may not be reproduced or redistributed without prior written consent of the author(s).

**Submission and Return of Term Work**

Papers must be submitted directly to the instructor according to the instructions in the course outline and will not be date-stamped in the departmental office. Late assignments may be submitted to the drop box in the corridor outside B640 Loeb. Assignments will be retrieved every business day at 4 p.m., stamped with that day’s date, and then distributed to the instructor. For essays not returned in class please attach a stamped, self-addressed envelope if you wish to have your assignment returned by mail. Final exams are intended solely for the purpose of evaluation and will not be returned.

**Grading**

Standing in a course is determined by the course instructor, subject to the approval of the faculty Dean. Final standing in courses will be shown by alphabetical grades. The system of grades used, with corresponding grade points is:
<table>
<thead>
<tr>
<th>Percentage</th>
<th>Letter grade</th>
<th>12-point scale</th>
<th>Percentage</th>
<th>Letter grade</th>
<th>12-point scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>90-100</td>
<td>A+</td>
<td>12</td>
<td>67-69</td>
<td>C+</td>
<td>6</td>
</tr>
<tr>
<td>85-89</td>
<td>A</td>
<td>11</td>
<td>63-66</td>
<td>C</td>
<td>5</td>
</tr>
<tr>
<td>80-84</td>
<td>A-</td>
<td>10</td>
<td>60-62</td>
<td>C-</td>
<td>4</td>
</tr>
<tr>
<td>77-79</td>
<td>B+</td>
<td>9</td>
<td>57-59</td>
<td>D+</td>
<td>3</td>
</tr>
<tr>
<td>73-76</td>
<td>B</td>
<td>8</td>
<td>53-56</td>
<td>D</td>
<td>2</td>
</tr>
<tr>
<td>70-72</td>
<td>B-</td>
<td>7</td>
<td>50-52</td>
<td>D-</td>
<td>1</td>
</tr>
</tbody>
</table>

**Approval of final grades**

Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by an instructor may be subject to revision. No grades are final until they have been approved by the Dean.

**Carleton E-mail Accounts**

All email communication to students from the Department of Political Science will be via official Carleton university e-mail accounts and/or cuLearn. As important course and University information is distributed this way, it is the student’s responsibility to monitor their Carleton and cuLearn accounts.

**Carleton Political Science Society**

"The Carleton Political Science Society (CPSS) has made its mission to provide a social environment for politically inclined students and faculty. By hosting social events, including Model Parliament, debates, professional development sessions and more, CPSS aims to involve all political science students at Carleton University. Our mandate is to arrange social and academic activities in order to instill a sense of belonging within the Department and the larger University community. Members can benefit through our networking opportunities, academic engagement initiatives and numerous events which aim to complement both academic and social life at Carleton University. To find out more, visit us on Facebook [https://www.facebook.com/CarletonPoliticalScienceSociety/](https://www.facebook.com/CarletonPoliticalScienceSociety/) and our website [https://carletonpss.com/](https://carletonpss.com/), or stop by our office in Loeb D688!"

**Official Course Outline**

The course outline posted to the Political Science website is the official course outline.