

**PPAS 2200 3.0**  
**Winter 2021**  
**Communities and Public Law**  
**Wednesdays at 7:00 p.m. – 10:00 p.m.**  
**Class will be on Zoom, but please also check**  
**eClass for asynchronous components.**

**Course Outline**

**Course Director:** Ian Stedman  
Office: Zoom, by appointment  
Tel: (will use Zoom)  
Email: [istedman@yorku.ca](mailto:istedman@yorku.ca)  
Office Hours: by appointment or as listed on eClass  
Course website: <https://eClass.yorku.ca>

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**1. Course description**

This course will introduce students to the major public law components of the Canadian legal system. We will examine the ways in which the fundamental principles of constitutional law, administrative law and criminal law interact with and have an impact upon individuals and communities. We will focus particular attention on those individuals and communities that have historically been both vulnerable and under-represented in our legal traditions.

Students will learn about major contemporary issues in Canadian public law, including federalism and the division of powers, the role of the Courts, judicial activism and judicial interpretation of the Constitution, the criminal law and its often unequal application to different communities, the importance of administrative tribunals and recent challenges to the Constitution. We will also discuss the nature of the legal profession and the role it plays in helping to address access to justice issues that continue to exist within specific communities.

## **2. Learning Objectives**

**At the end of the course, students will:**

1. Have a foundational understanding of the basic principles and components of public law, their historical and theoretical origins and their purpose and significance in the Canadian context;
2. Have the knowledge and skills needed to critically analyze the ways in which public law affects the life of individuals, groups, and communities in Canada;
3. Be able to identify and explain notions of justice and fairness from a Canadian legal perspective;
4. Be able to identify problem areas in the interactions of public law and communities in Canada and try to come up with solutions to improve rights and justice for disadvantaged communities and groups;
5. Be able to critically dissect key constitutional principles, including: the rule of law, democracy, federalism, minority rights and judicial independence;
6. Understand the basics of how to read legislation and caselaw, including knowing how to explain what precedent and *stare decisis* are; and,
7. Have an invaluable background in public law that will be an asset if seeking to undertake further studies in this area.

## **3. Evaluation (further details at end of Course Outline)**

In-Class Test	February 10, 2 hours, in-class.	Value (%):	30
Critical Reflection Papers	You are expected to submit two (2) critical reflection papers throughout the course. Each will be worth 5% of your final grade.	Value (%):	10
Case Brief exercise	You are expected to submit your case brief before class on March 10.	Value (%):	10
Final Exam	During final exam period April 14-23, 3 hours.	Value (%):	40
Attendance & Participation	You must regularly attend Zoom lectures, participate in discussions on eClass and in Zoom breakout rooms.	Value (%):	10
TOTAL:			100%

## **4. Technical Requirements for Taking the Course**

Several platforms will be used in this course (e.g. eClass, Zoom, etc.) through which students will be required to interact with the course materials, the course directors, as well as with one another. Please review this syllabus to determine how the class meets (in whole or in part), and how office hours and presentations will be conducted. Students shall note the following:

- Please note that Zoom is hosted on servers in the U.S. Zoom meeting content (e.g., video, audio and text chat) has been restricted to only pass through servers in Canada and US data centres; it will not pass through international data centres, such as those in China. Although it is not

possible to exclude the US data centres at this time, Zoom is developing this functionality and will implement it as soon as possible. All audio, video, screen-sharing and text content will be encrypted in transit between your device and Zoom's servers, which will prevent unauthorized third parties from intercepting the content of your Zoom meeting. For more information, please visit [Zoom at YorkU](#).

- If you have privacy concerns about your data, provide only your first name or a nickname when you join a session. Please ensure that your instructors are aware of your concerns so that they can accommodate them as needed.
- The system is configured in a way that all participants are automatically notified when a session is being recorded. In other words, a session cannot be recorded without you knowing about it.

Please review the [technology requirements and FAQs for eClass](#).

Zoom classes may be recorded and loaded onto the eClass site, but attendance during weekly Zoom sessions (in lieu of in-person attendance that would be typical any other year) remains mandatory.

Your participation grade will reflect your attendance and engagement in scheduled Zoom sessions, but please do not hesitate to reach out to your instructors if you have concerns about the scheduling of the sessions or if you need to make special arrangements with respect to your attendance for any reason whatsoever.

You will be expected to enable your video so that we can all get to know one another and engage in thoughtful conversations. Again, please let your instructors know if you foresee any difficulties with enabling your video so that we can work to make other arrangements.

## **5. Participation**

The course will run both synchronously and, in certain situations, asynchronously. As the instructor, I use eClass to create lessons, teach lessons, manage course content, and interact online with students. Students will use eClass and Zoom to review their course syllabi, attend online lectures, participate in class discussions, submit assignments, take tests, and interact with me and other students.

Among other things, the course will consist of lectures, interactive discussion of the readings, and occasional audio-visual presentations. Live sessions will be recorded and made available for students viewing upon approval by the instructor (e.g., international students, students with competing obligations, etc.)

There will also be opportunities for students to participate asynchronously. Please note that attendance on Zoom will be taken. You can visit the course page on eClass for further information.

## **6. Student Conduct**

Students, course instructors and staff have a joint responsibility to create and maintain a welcoming and inclusive learning environment. All students are expected to conduct themselves in accordance

with the [Code of Student Rights and Responsibilities](#). Whether online or in-person, students and course instructors are expected to cultivate and sustain a professional relationship characterized by mutual respect and courtesy. In all classrooms, any [disruptive and/or harassing behaviour](#) will not be tolerated. To ensure that you adhere to the rules of the virtual classroom, please review what counts as proper ‘netiquette’ (the basic rules for communicating with others in online spaces) by consulting the [student guide to e-learning](#). **If you experience an inappropriate online incident that makes you feel unsafe or uncomfortable, please contact your course instructor immediately.**

Please respect the privacy of your peers and instructors. Never share private information about your peers and instructors without their permission. Remember, no aspect of your courses should be recorded or distributed without everyone’s consent.

## **7. Academic Integrity**

As a student at York University, you have a responsibility to not only understand, but also play an important part in upholding the integrity of the academic experience. The Faculty of Liberal Arts and Professional Studies at York University supports the International Center for Academic Integrity’s [definition of academic integrity](#). That is, you will be committed to acting in all academic matters, even in the face of adversity, with honesty, trust, fairness, courage, respect and responsibility.

How can you demonstrate academic integrity in the completion of your course?

- Respect the ideas of others. Your course work should represent your own knowledge and ideas. You should not falsely claim credit for ideas that are not your own, by presenting another’s work as yours. If you are quoting, paraphrasing, or summarizing another person’s work in order to support your own ideas, identify the work and the author through proper citation practices. For more information about how to cite properly, use the [Student Papers and Academic Research Kit](#) (SPARK). You can improve your writing, research, and personal learning abilities through the [Learning Commons](#).
- Respect your peers: Know when you are allowed to collaborate. Ask your instructor about what group work entails when it comes to the sharing of work. In test situations and assignments, don’t steal or give answers to your peers. Cheating and aiding in a breach of academic honesty are both against York University’s academic honesty policy.
- Respect your course instructor(s): Understand what the instructors are asking of you in class, in assignments, and in exams. If you are unsure, ask.
- Respect yourself: When you act with integrity, you know that your work is yours and yours alone. You do not allow others to impersonate you on tests and exams. You do not buy or otherwise obtain term papers or assignments. You do the work. As a result, you know that you *earned* the grades that you receive, so you can be proud of your York degree. By acting with integrity in your course work, you are also practising a valuable professional skill that is important in all workplaces.
- Take responsibility: If you have acted in an academically dishonest way, you can demonstrate courage and take responsibility for your mistake. You can admit your mistake to your course instructor as soon as possible.

Students who engage in academic dishonesty can be subject to disciplinary action under the [Senate Policy on Academic Honesty](#). Your lack of familiarity with the Senate Policy and Guidelines on Academic Honesty does not constitute a defence against their application. Some academic offences can also constitute offences under the Criminal Code of Canada, which means that you may also be subject to criminal charges.

## **8. Required Readings**

**Textbook** (available for purchase from the York University Bookstore)

- John Fairlie and Philip Sworden, “Introduction to Law in Canada, Second Edition” (2019) Emond Publishing.

In addition to the Fairlie & Sworden text, there will be a more required readings that I will make available through the internet free of charge. I will either provide a link on eClass or upload a file for you to download.

→ These readings will be identified on eClass as being mandatory.

## **9. Weekly Topics and Readings**

<b>Date &amp; Subjects</b>	<b>Readings / Preparation</b>
<p><b><u>WEEK 1</u></b></p> <p><b>January 13:</b> Introduction to the Course &amp; Objectives; Thinking about Communities; Introduction to the law in Canada</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> <li>• Course syllabus</li> <li>• <i>Fairlie &amp; Sworden</i>, Chapter 1, “What is Law?”</li> <li>• Think about what it means to you to be a member of a community. What communities are you part of? How do those different communities intersect with one another to help form and inform your identity?</li> </ul>
<p><b><u>WEEK 2</u></b></p> <p><b>January 20:</b> Introduction (cont.) – Different Legal Systems; Reading &amp;</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> <li>• <i>Fairlie &amp; Sworden</i>, Chapter 2, “Common Law, Civil Law, and Other Legal Systems”</li> <li>• <i>Fairlie &amp; Sworden</i>, Chapter 4 (excerpt on pages 117-130), Chapter 6 (excerpt on pages 180-201)</li> </ul>

<p>understanding the law</p>	
<p><b><u>WEEK 3</u></b> <b>January 27:</b> The Canadian Constitution &amp; The Courts</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> <li>• Fairlie &amp; Sworden, Chapters 4, “The Legislature: The First Branch of Government” (excerpt on pages 91-117 &amp; Chapter 6, “The Judiciary: Third Branch of Government” (excerpt on pages 155-180).</li> </ul>
<p><b><u>WEEK 4</u></b> <b>February 3:</b> Thinking about Communities &amp; Intersectionality (e.g. Race, Class, Ethnicity, Sexual Identity and Disability)</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> <li>• Kimberlee Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics”, for download: <a href="https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&amp;context=ucl">https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&amp;context=ucl</a></li> <li>• Other videos &amp; readings about intersectionality, gender identity, disability will be posted on eClass</li> </ul> <p><i>Suggested:</i></p> <ul style="list-style-type: none"> <li>• Gerard Quinn, “Reflections on the Value of Intersectionality to the Development of Non-Discrimination Law”, available online, <a href="#">here</a>. (Link will be posted on eClass)</li> </ul>
<p><b><u>WEEK 5</u></b> <b>February 10:</b> In-Class Test (2hrs)</p>	<ul style="list-style-type: none"> <li>• In-Class Test (2hrs)</li> </ul>
<p><b><u>WEEK 6</u></b> <b>February 17:</b> READING WEEK</p>	<ul style="list-style-type: none"> <li>• No class this week.</li> </ul>
<p><b><u>WEEK 7</u></b> <b>February 24:</b> The Charter of Rights and Freedoms</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> <li>• Ian Greene, The Charter of Rights and Freedoms: 30+ Years of the Decisions that Shape Canadian Life (2014), Chapter 2, “The Charter” (excerpt on pages 65-86) (will be posted on eClass)</li> </ul>

<p>Charter Challenges – Diversity, Inclusivity &amp; Access</p>	<ul style="list-style-type: none"> <li>• <i>Fairlie &amp; Sworden</i>, Chapter 7, “Civil Liberties” (excerpt on pages 214-224)</li> </ul>
<p><b><u>WEEK 8</u></b></p> <p><b>March 3:</b> The law &amp; Social Movements: Equality, Discrimination &amp; Same Sex Rights</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> <li>• Caselaw readings will be posted on eClass</li> <li>• In-class group work on case briefs</li> </ul> <p>Cases for assignment will be assigned today.  → Case brief exercise due before next class</p>
<p><b><u>WEEK 9</u></b></p> <p><b>March 10:</b> Indigenous Peoples in Canada</p>	<p>→ <i>Case brief exercise due before class – upload to eClass.</i></p> <p><i>Required:</i></p> <ul style="list-style-type: none"> <li>• Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada:  <a href="http://nctr.ca/assets/reports/Calls_to_Action_English2.pdf">http://nctr.ca/assets/reports/Calls_to_Action_English2.pdf</a> (read at least pages 37-44).</li> <li>• Truth and Reconciliation Commission of Canada, Calls to Action:  <a href="http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf">http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf</a></li> <li>• Kathryn M. Campbell and Stephanie Wellman, “Addressing the Overrepresentation of Indigenous Peoples in the Canadian Criminal Justice System: Is Reconciliation a Way Forward?” (Click here and download the "PDF ebook")</li> <li>• National Inquiry into Missing and Murdered Indigenous Women and Girls, "Executive Summary of the Final Report": <a href="https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Executive_Summary.pdf">https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Executive_Summary.pdf</a></li> </ul>
<p><b><u>WEEK 10</u></b></p> <p><b>March 17:</b> Administrative Law</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> <li>• <i>Fairlie &amp; Sworden</i>, Chapter 11, “Administrative Law”</li> <li>• <i>Canada (Minister of Citizenship and Immigration) v Vavilov</i>, 2019 SCC 65 (this is a very long case, please read at least the first 31 pages of the pdf): <a href="https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18078/index.do">https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18078/index.do</a>.</li> </ul>
<p><b><u>WEEK 11</u></b></p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> <li>• <i>Fairlie &amp; Sworden</i>, Chapter 7, “Civil Liberties” (excerpt, pages 206-214)</li> </ul>

<b>March 24:</b> Human Rights Law	<ul style="list-style-type: none"> <li>Canadian Human Rights Commission, “Your Guide to Understanding the Canadian Human Rights Act”, online: <a href="https://www.chrc-ccdp.gc.ca/eng/content/your-guide-understanding-canadian-human-rights-act-page1">https://www.chrc-ccdp.gc.ca/eng/content/your-guide-understanding-canadian-human-rights-act-page1</a></li> <li>Ontario Human Rights Commission, “Your Guide to the Ontario Human Rights Code”, website link <a href="#">here</a> and will be provided on eClass.</li> </ul>
<u><b>WEEK 12</b></u>  <b>March 31:</b> Policing, Criminal Law & the Charter	<i>Required:</i> <ul style="list-style-type: none"> <li><i>Fairlie &amp; Sworden</i>, Chapter 12, “Criminal Law”</li> </ul>
<u><b>WEEK 13</b></u>  <b>April 7:</b> Access to Justice & the Legal Profession; Exam preparation.	<i>Required:</i> <ul style="list-style-type: none"> <li><i>Fairlie &amp; Sworden</i>, Chapter 15, “The Legal Profession” &amp; Chapter 17, “Access to Justice and Law Reform”</li> </ul>
<b>April 14-28:</b> Final exam period	The final exam will be a 3-hour exam. Date TBD.

## 10. Details of Evaluation

**In-Class Test:** The test will evaluate your knowledge of the first half of the course, this includes concepts, readings and class discussions. The test will include short answer questions, true or false questions & definition questions about key terms and ideas.

**Critical Reflection Papers:** You will be expected to submit two (2) critical reflection papers at any time throughout the term. Each paper must be at least 2 pages, double-spaced, 12-pt font. We will discuss what a critical reflection is in class.

**Case Brief Assignment:** Case briefs are explained in the textbook and this assignment will be discussed in class.



**Final Exam (date tbd, during the final exam period):** The final exam will consist of short answer and essay questions. The exam will test the foundational knowledge and understanding of the impact of law you have acquired throughout the course.

**Attendance and Participation:** We will use eClass discussion boards and Zoom breakout rooms regularly. Each student will be required to make *serious contributions to these discussions* during the course. A serious contribution is one that advances the discussion on a given point/thread, regardless of length.