

AP/PPAS 2200 3.0
Summer (S1) 2021
Communities and Public Law
Mondays & Wednesdays at 4:00 p.m. – 7:00 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
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 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 between 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 one (1) critical reflection paper no later than June 16. Your paper will be worth 15% of your final grade.	Value (%):	15
Final Exam	During final exam period June 23-25, 3 hours.	Value (%):	40
Attendance & Participation	You must regularly attend Zoom lectures, participate in discussions on eClass and in Zoom breakout rooms.	Value (%):	15
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 director, 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:

- Zoom is hosted on servers in the U.S. Zoom meeting content (e.g., video, audio and text chat) will 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, visit [Zoom at YorkU](#).

- 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.

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. You will be encouraged to enable your video so that we can all get to know one another and engage in thoughtful conversations. Again, please let your Professor 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.

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 Professor immediately.**

Please respect the privacy of your peers and instructor. Never share private information about your peers and instructor 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, I will make other required readings 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

Date & Subjects	Readings / Preparation

<p><u>CLASS 1</u></p> <p>May 10: Introduction to the Course & Objectives; Thinking about Communities; Introduction to the law in Canada</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • Course syllabus • <i>Fairlie & Sworden</i>, Chapter 1, “What is Law?” • 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?
<p><u>CLASS 2</u></p> <p>May 12: Introduction (cont.) – Different Legal Systems; Reading & understanding the law</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • <i>Fairlie & Sworden</i>, Chapter 2, “Common Law, Civil Law, and Other Legal Systems”; • <i>Fairlie & Sworden</i>, Chapter 4 (only pages 117-130); • <i>Fairlie & Sworden</i>, Chapter 6 (only pages 180-201).
<p><u>CLASS 3</u></p> <p>May 17: The Canadian Constitution & The Courts</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • <i>Fairlie & Sworden</i>, Chapters 4, “The Legislature: The First Branch of Government” (only pages 91-117); • Chapter 6, “The Judiciary: Third Branch of Government” (only pages 155-180).
<p><u>CLASS 4</u></p> <p>May 19: Thinking about Communities & Intersectionality (e.g. Race, Class, Ethnicity, Sexual Identity and Disability)</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • Kimberlee Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics”, for download: https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf • Other videos & readings about intersectionality, race, ethnicity, gender identity, disability will be posted on eClass <p><i>Suggested:</i></p> <ul style="list-style-type: none"> • Gerard Quinn, “Reflections on the Value of Intersectionality to the Development of Non-Discrimination Law”, available online, here. (Link will be posted on eClass)
<p>May 24: No Class</p>	<ul style="list-style-type: none"> • University Closed

<p>May 26: Midterm</p>	<ul style="list-style-type: none"> • Midterm Exam, 2hrs during class hours, on eClass
<p><u>CLASS 5</u> May 31: The Charter of Rights and Freedoms Charter Challenges – Diversity, Inclusivity & Access</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • Ian Greene, The Charter of Rights and Freedoms: 30+ Years of the Decisions that Shape Canadian Life (2014), Chapter 2, “The Charter” (only pages 65-86) (will be posted on eClass) • <i>Fairlie & Sworden</i>, Chapter 7, “Civil Liberties” (only pages 214-224)
<p><u>CLASS 6</u> June 2: The law & Social Movements: Equality, Discrimination & Same Sex Rights</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • Caselaw readings will be posted on eClass
<p><u>CLASS 7</u> June 7: Indigenous Peoples in Canada</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada: http://nctr.ca/assets/reports/Calls_to_Action_English2.pdf (read at least pages 37-44). • Truth and Reconciliation Commission of Canada, Calls to Action: https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf • 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") • National Inquiry into Missing and Murdered Indigenous Women and Girls, "Executive Summary of the Final Report": https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Executive_Summary.pdf <p><i>Suggested:</i></p> <ul style="list-style-type: none"> • Further suggested resources will be posted on eClass
<p><u>CLASS 8</u></p>	<p><i>Required:</i></p>

<p>June 9: Administrative Law & Human Rights Law</p>	<ul style="list-style-type: none"> • <i>Fairlie & Sworden</i>, Chapter 11, “Administrative Law” • <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): https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18078/index.do. • <i>Fairlie & Sworden</i>, Chapter 7, “Civil Liberties” (only pages 206-214) • Canadian Human Rights Commission, “Your Guide to Understanding the Canadian Human Rights Act”, online: https://www.chrc-ccdp.gc.ca/eng/content/your-guide-understanding-canadian-human-rights-act-page1 • Ontario Human Rights Commission, “Your Guide to the Ontario Human Rights Code”, website link here and will be provided on eClass.
<p><u>CLASS 9</u></p> <p>June 14: Policing, Criminal Law & the Charter</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • <i>Fairlie & Sworden</i>, Chapter 12, “Criminal Law”
<p><u>CLASS 10</u></p> <p>June 16: Access to Justice & the Legal Profession</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • <i>Fairlie & Sworden</i>, Chapter 15, “The Legal Profession” & Chapter 17, “Access to Justice and Law Reform”
<p><u>CLASS 11</u></p> <p>June 21: Technology, Automation & Bias + Exam Review</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • Shoshana Zuboff, "The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power", Introduction (only pages 3-17) (will be uploaded to eClass). • Deborah Raji, "How our Data Encodes Systemic Racism" in MIT Technology Review: https://www.technologyreview.com/2020/12/10/1013617/racism-data-science-artificial-intelligence-ai-opinion/ (will also be uploaded to eClass) • Ruha Benjamin, "Race after Technology", Introduction (will be uploaded to eClass).
<p>FINAL EXAM</p>	<p><i>EXAM PERIOD</i></p>

June 23-25:	The final exam will be 3 hours long, during class time and accessed via eClass. Date TBD.
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10. Details of Evaluation

In-Class Midterm Exam: The Midterm will evaluate your knowledge of the first four weeks of the course, this includes concepts, readings and class discussions. The exam will include short answer questions, true or false questions & definition questions about key terms and ideas.

Critical Reflection Paper: You will be expected to submit one (1) critical reflection paper by no later than June 16 at midnight. Your paper must be at least 3 pages, double-spaced, 12-pt font. We will discuss what a critical reflection is in class and I will upload a grading rubric to eClass

Final Exam (date tbd, during the final exam period): The final exam will consist of multiple choice, 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. It will require you to demonstrate your ability to apply course concepts.

Participation: We will use eClass discussion boards and the occasional Zoom breakout room. 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.