

PPAS 2200 3.0 A
Fall 2022
Communities and Public Law
Mondays at 11:30 a.m. – 2:30 p.m.
Class will be ONLINE, via Zoom
(You must also check
eClass for asynchronous components.)

Course Outline

Course Director:

Ian Stedman

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Virtual Office Hours (by request): Mondays before class. I tend to log in early and linger after class for a bit.

Website: <https://profiles.laps.yorku.ca/profiles/istedman/>

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1. Land Acknowledgment

York University recognizes that many Indigenous Nations have longstanding relationships with the territories upon which York University campuses are located that precede the establishment of York University. York University acknowledges its presence on the traditional territory of many Indigenous Nations. The area known as Tkaronto has been care taken by the Anishinabek Nation, the Haudenosaunee Confederacy, and the Huron-Wendat. It is now home to many First Nation, Inuit, and Métis communities. We acknowledge the current treaty holders, the Mississaugas of the Credit First Nation. This territory is subject of the Dish with One Spoon Wampum Belt Covenant, an agreement to peaceably share and care for the Great Lakes region ([LA&PS Land Acknowledgement](#)).

2. 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, the criminal law and its often unequal application to different communities, the importance of administrative tribunals and some 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.

3. 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. Understand the basics of how to read legislation and caselaw, including knowing how to explain what precedent and *stare decisis* are; and,
6. Have an invaluable background in public law that will be an asset if seeking to undertake further studies in law and public policy.

4. Evaluation (further details at end of Course Outline)

Midterm Exam	October 17, 2.5 hours, during class time.	Value (%):	25
Critical Reflection	You are expected to submit your critical reflection via eClass before class on November 7.	Value (%):	15
Letter to the Editor	You are expected to submit your Letter to the Editor before class on November 28.	Value (%):	15
Final Exam	During class on December 5, 3 hours.	Value (%):	35
Attendance & Participation	You must regularly attend lectures, participate in discussions and complete the eClass participation assignments.	Value (%):	10

TOTAL:			100%
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5. Technical Requirements for Taking the Course

Students shall note the following:

- Zoom is hosted on servers in the United States and Canada. Recordings done since May 1, 2022 are stored in Canada. For more information, please refer to the notes on [Zoom Privacy and Security](#) provided by Information Security at York.
- If you have privacy concerns about your data, provide only your first name or a nickname when you join a session.
- 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.

Here are some useful links for student computing information, resources, and help:

- [Student Guide to eClass](#)
- [Zoom@YorkU Best Practices](#)
- [Zoom@YorkU User Reference Guide](#)
- [University Information Technology \(UIT\) Student Services](#)
- [Student Guide to eLearning at York University](#)

To determine Internet connection and speed, there are online tests, such as [Speedtest](#), that can be run. If you need technical assistance, please consult the [University Information Technology \(UIT\) Student Services](#) web page. For more specific assistance, please write to askit@yorku.ca.

6. Participation

Any Zoom recordings will be loaded onto the eClass site, but attendance during weekly sessions remains mandatory. You will be expected to engage and ask questions. Inappropriate or disrespectful language will not be tolerated and you may be removed from class until the matter has been addressed.

7. Grading

The grading scheme for this course conforms to the 9-point system used in undergraduate programs at York University. For a full description of the York grading system, visit the York University [Academic Calendar](#).

GRADE	GRADE POINT	PERCENT RANGE	DESCRIPTION
A+	9	90-100	Exceptional

A	8	80-89	Excellent
B+	7	75-79	Very Good
B	6	70-74	Good
C+	5	65-69	Competent
C	4	60-64	Fairly Competent
D+	3	55-59	Passing
D	2	50-54	Marginally Passing
E	1	40-49	Marginally Failing
F	0	0-39	Failing

8. Student Conduct in the Learning Environment

York University is committed to fostering teaching and learning environments that are free of disruptive and/or harassing behaviour, are physically safe, and conducive to effective teaching and learning. Students and instructors are expected to maintain a professional relationship characterized by courtesy, civility, and mutual respect and to refrain from actions disruptive to such a relationship. Individuals who fail to adhere to such standards and who violate University or public law may be subject to disciplinary action by the University.

For more information, see the policies on [Disruptive and/or Harassing Behaviour in Academic Situations](#), the [Student Conduct and Responsibilities](#), and the [Code of Student Rights & Responsibilities](#).

Netiquette for eClass and Online Learning

Students and instructors 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](#). Please review and familiarize yourself with behaviours that support “netiquette” in virtual classrooms by consulting the [Guide to Netiquette](#) and [Student Guide to eLearning](#).

Student Notice of Recording for Online Teaching and Learning

Activities for this course involve recording, in partial fulfillment of the course learning outcomes. Images, audio, text/chat messaging that have been recorded may be used and/or made available by the University to students enrolled in the course and those supporting the course for the purpose of materials review, for assessment, etc. Recordings will be managed according to the University’s

Common Record Schedule and will be securely destroyed when no longer needed by the University. Your personal information is protected in accordance with York University's [Guidelines on Access of Information and Protection of Privacy](#) and the [Freedom of Information and Protection of Privacy Act](#). Access to online materials, including recordings or live meetings, is subject to York University's [Senate Policy on Computing and Information Technology Facilities](#).

The University will use reasonable means to protect the security and confidentiality of the recorded information, but cannot provide a guarantee of such due to factors beyond the University's control, such as recordings being forwarded, copied, intercepted, circulated, disclosed, or stored without the University's knowledge or permission, or the introduction of malware into computer system which could potentially damage or disrupt the computer, networks, and security settings. The University is not responsible for connectivity/technical difficulties or loss of data associated with your hardware, software, or Internet connection.

By engaging in course activities that involve recording, you are consenting to the use of your appearance, image, text/chat messaging, and voice and/or likeness in the manner and under the conditions specified herein. In the case of a live stream recording, if you choose not to have your image or audio recorded, you may disable the audio and video functionality. If you choose to participate using a pseudonym instead of your real name, you must disclose the pseudonym to your instructor in advance to facilitate class participation.

You are not permitted to disclose the link to/URL of an event or an event session recording or copies of recording to anyone, for any reason. Recordings are available only to authorized individuals who have been directly provided the above instructions/link for their use. Recordings for personal use, required to facilitate your learning and preparation of personal course/lecture notes, may not be shared with others without the permission of the instructor or event coordinator, and may not be published, posted, linked to, or otherwise made available online, including on social media feeds, even if those feeds are private.

9. Academic Integrity

In this course, we strive to maintain academic honesty to the highest extent possible. Please familiarize yourself with the meaning of academic integrity by completing [SPARK's Academic Integrity module](#) at the beginning of the course. Breaches of academic honesty range from cheating to plagiarism (i.e., the improper crediting of another's work, the representation of another's ideas as your own, etc.). All instances of academic dishonesty in this course will be reported to the appropriate University authorities and can be punishable according to the [Senate Policy on Academic Honesty](#).

Turnitin

To promote academic integrity in this course, students will normally be required to submit their written assignments to Turnitin (via the course's eClass site) for a review of textual similarities and the detection of possible plagiarism. In so doing, students will allow their material to be included as source documents in the Turnitin.com reference database, where they will be used only

for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin service are described on the Turnitin.com website. York students may opt out of using Turnitin. If you wish to opt out, you should contact your instructor as soon as possible.

10. Accessibility

While all individuals are expected to satisfy the requirements of their program of study and to aspire to achieve excellence, the University recognizes that persons with disabilities may require reasonable accommodation to enable them to perform at their best. The University encourages students with disabilities to register with [Student Accessibility Services](#) to discuss their accommodation needs as early as possible in the term to establish the recommended academic accommodations that will be communicated to Course Directors through their Letter of Accommodation (LOA).

Please let your instructor know as early as possible in the term if you anticipate requiring academic accommodation so that we can discuss how to consider your accommodation needs within the context of this course. Sufficient notice is needed so that reasonable steps for accommodation can be discussed. Accommodations for tests/exams normally require three (3) weeks (or 21 days) before the scheduled test/exam to arrange.

Religious Observance Accommodation

York University is committed to respecting the religious beliefs and practices of all members of the community, and making reasonable and appropriate [accommodations to adherents for observances of special significance](#). Should any of the dates specified in this syllabus for course examinations, tests, or deadlines conflict with a date of religious significance, please contact the instructor within the first three (3) weeks of class. If the date falls within the formal examination periods, you must complete and submit a [Religious Accommodation for Examination Form](#) at least three (3) weeks before the start of the exam period.

11. 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 readings available through the internet free of charge. I will either provide a link on eClass or upload a file for you to access.

12. Weekly Topics and Readings

Date & Subjects	Readings / Preparation
<u>WEEK 1</u>	

<p>September 12: Introduction to the law in Canada; Different Legal Systems</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • Course syllabus • <i>Fairlie & Sworden</i>, Chapter 1, “What is Law?” • <i>Fairlie & Sworden</i>, Chapter 2, “Common Law, Civil Law, and Other Legal Systems”
<p><u>WEEK 2</u></p> <p>September 19:</p> <p>The Canadian Constitution & The Courts; Reading & understanding the law</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • <i>Fairlie & Sworden</i>, Chapter 4, “The Legislature: The First Branch of Government” (only pages 91-117) • <i>Fairlie & Sworden</i>, Chapter 6, “The Judiciary: Third Branch of Government” (excerpt on pages 155-180). • <i>Fairlie & Sworden</i>, Chapter 4 (only pages 117-130) • <i>Fairlie & Sworden</i>, Chapter 6 (only pages 180-201)
<p><u>WEEK 3</u></p> <p>September 26:</p> <p>Thinking about Communities & Intersectionality (e.g. Race, Class, Ethnicity, Sexual Identity and Disability)</p>	<ul style="list-style-type: none"> • 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><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, gender identity, disability will be posted on eClass <p><i>Suggested:</i></p> <p>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>
<p><u>WEEK 4</u></p> <p>October 3:</p> <p>The Charter of Rights and Freedoms and Charter Challenges</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • Ian Greene, <i>The Charter of Rights and Freedoms: 30+ Years of the Decisions that Shape Canadian Life</i> (2014), Chapter 2, “The Charter” (excerpt on pages 65-86) (will be posted on eClass) • <i>Fairlie & Sworden</i>, Chapter 7, “Civil Liberties” (excerpt on pages 214-224) • McColl, M. A., Bond, R., Shannon, D. W., & Shortt, C. (2016). “People with Disabilities and the Charter: Disability Rights at the Supreme Court of Canada Under the Charter of Rights and

	<p>Freedoms” Canadian Journal of Disability Studies, 5(1), 183–210, online: https://doi.org/10.15353/cjds.v5i1.251</p>
<p><u>WEEK 5</u> October 10: Reading Week</p>	<p>No class.</p>
<p><u>WEEK 6</u> October 17</p>	<p>In-Class Midterm Exam (2 hrs), using eclass.</p>
<p><u>WEEK 7</u> October 24: The law & Social Movements: Equality, Discrimination & LGBTQ+ Rights</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • Jonnette Watson Hamilton, "Cautious Optimism: Fraser v Canada (Attorney General)", link here: https://journals.library.ualberta.ca/constitutional_forum/index.php/constitutional_forum/article/view/29418/21413 • Fay Faraday, "The Elephant in the Room and Straw Men on Fire", link here: https://journals.library.ualberta.ca/constitutional_forum/index.php/constitutional_forum/article/view/29419/21414 • Miriam Smith, "Federalism, courts and LGBTQ policy in Canada".
<p><u>WEEK 8</u> October 31: Happy Halloween! Indigenous Peoples and Canadian Public Law</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: LINK (read at least pages 37-44). • Truth and Reconciliation Commission of Canada, Calls to Action: http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf • National Inquiry into Missing and Murdered Indigenous Women and Girls, "Executive Summary of the Final Report”, online: https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Executive_Summary.pdf • Other materials will be posted on eClass
<p><u>WEEK 9</u> November 7:</p>	<p>*Critical Reflection due before class.*</p>

<p>Administrative Law & Human Rights Law</p>	<p><i>Required:</i></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) <p><i>Suggested:</i></p> <ul style="list-style-type: none"> • Canadian Human Rights Commission, “Your Guide to Understanding the Canadian Human Rights Act”, online: https://www.chrc-ccdp.gc.ca/sites/default/files/publication-pdfs/chra_guide_lcdp-eng.pdf • Ontario Human Rights Commission, “Your Guide to the Ontario Human Rights Code”, website link here and will be provided on eClass
<p><u>WEEK 10</u></p> <p>November 14:</p> <p>Policing, Criminal Law & the Charter</p>	<p><i>Required:</i></p> <ul style="list-style-type: none"> • Fairlie & Sworden, Chapter 12, “Criminal Law”. • 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") • Black Canadian National Survey Interim Report 2021, please read pgs 3-6 & 21-29. • Chapter 10, from "Racial Profiling and Human Rights in Canada: The New Legal Landscape". PDF will be posted on eClass.
<p><u>WEEK 11</u></p> <p>November 21:</p> <p>Access to Justice & the Legal Profession; Exam preparation.</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>WEEK 12</u></p> <p>November 28:</p> <p>Technology, Automation & Bias (+ Exam Review)</p>	<p>*Letter to the Editor due before class*</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) (uploaded to eClass).

	<ul style="list-style-type: none"> 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/ Ruha Benjamin, "Race after Technology", Introduction (uploaded to eClass).
<p><u>WEEK 13</u></p> <p>December 5:</p> <p>Final Exam</p>	<p>The final exam will be 3hrs long and take place during class time.</p>

13. Details of Evaluation

Midterm Exam: The midterm will take place during class hours and will evaluate your knowledge of the first part of the course, including concepts, readings and class discussions. The test will include short and long answer questions about key terms and ideas. It is a tough test and you will need to know your stuff in order to do well. It will be closed book.

Critical Reflection: You will be expected to submit a critical reflection before class starts on November 7. Your critical reflection can be written (in which case it must be between 2-3 pages, double-spaced, 12-pt font, WORD format) or it can be submitted using another medium (video diary, podcast, etc). I will post the assignment criteria on eClass and we will discuss what a “traditional” critical reflection is in class and anyone wishing to do something different/creative should contact me to discuss their idea(s) so we can establish parameters.

Letter to the Editor of a National Newspaper

You must describe a current social issue(s) (whether in Canada or with an international focus) and provide a link or direct reference to information about that issue. Explain to the editor why you think Canada can do better than we are doing with respect to the issue OR issues of the nature you have described. Your letter must therefore include a description of the issue in Canada, specific reference to laws and policies that can be used to tackle that issue, and a proposal for a way forward here in Canada.

Your letter should be no longer than two pages and no shorter than $\frac{3}{4}$ of a page, single-spaced, 12-pt, in a WORD document. I will post the assignment criteria on eClass and we will discuss in class.

Final Exam (during the last class of the semester): The final exam will consist of short answer and essay questions. The exam will test your foundational knowledge and understanding of the impact of the laws, policies and theories you have been learning about throughout the course.

Zoom and EClass Participation: We will be primarily using eClass discussion boards for participation. That being said attendance on Zoom is expected and some group work may take place. Students are expected to make *serious contributions to in-class discussions* during the course. A serious contribution is one that advances the discussion on a given point/thread, regardless of length.