

York University
AP/PPAS- POLS 2200 3.0 A
Communities and Public Law
Prof. Danny O'Rourke-Dicarlo
Summer 2023

Class Hours: Monday/Wednesday(s); 11:30 AM

Class Location: FC 106

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Office Hours: By Appointment

Office Location: 025 McLaughlin

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Course Description:

This course is designed to introduce students to Canadian public law and explore how the relationship between Canadians as both individuals and communities and their governments are governed by three main components of public law which are; constitutional law, administrative law and criminal law. Throughout the semester, there will be intensive review of the major contemporary issues in Canadian public law including: administrative tribunals; criminal law, the division of powers and federalism, the role of the Courts, judicial interpretation of the Constitution and judicial activism, and recent challenges to the Constitution. Furthermore, discussion will focus on formal constitutional interpretation, the politics of judicial process, and the interaction between law, communities, public policy and administration in Canada.

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 ([HYPERLINK "https://www.yorku.ca/laps/land-acknowledgement/"](https://www.yorku.ca/laps/land-acknowledgement/) [LA&PS Land Acknowledgement](#)).

Learning Outcomes:

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.

Course Requirements:

Attendance and Participation (5%)

In-Class Test (35%)

Research Paper (25%)

Final Exam (35%)

Required textbook:

John Fairlie and Philip Sworden. (2017). A Brief Introduction to Law in Canada. Emond Publishing

***** During the course of study, additional readings may be assigned or recommended via EClass**

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+ 90-100 Exceptional

A 80-89 Excellent

B+ 75-79 Very Good

B 70-74 Good

C+ 65-69 Competent

C 60-64 Fairly Competent

D+ 55-59 Passing.

D 50-54 Marginally Passing

E 40-49 Marginally Failing

F 0-39 Failing

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.

Lecture and Reading Schedule

May 8 Lecture 1 - Introduction

Providing an overview of the course materials and course requirements.

May 10 Lecture 2 – Law and Categories of Law

Ch 1, ch 2

May 15 Lecture 3 – Institutional Structures of the Canadian political System: The Judiciary

Ch 4, ch 5

May 17 Lecture 4 – Constitutional Law

Ch 3, Appendix A and B

Hogg, Peter W. "Canadian Constitutional Law: Presentation to the Annual Conference of International Association of Law Libraries." *International Journal of Legal Information* 41.1 (2013): 58-64.

http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2051&context=scholarly_works

**May 22 Lecture 5 – Administrative Law
Ch 9**

**May 24 Lecture 6 – Criminal Law and the Canadian Criminal Justice System
Ch 10**

Canadian Centre for Justice Statistics. Understanding Canadian Criminal Justice System <http://www.justice.gc.ca/eng/csj-sjc/just/img/courten.pdf>

http://publications.gc.ca/collections/collection_2016/statcan/CS85F0005-1993-eng.pdf

June 5 Lecture 7 ONLINE REVIEW SESSION

June 7 Lecture 8 *In Class Mid-Term Exam*

**June 12 Lecture 9 - Criminal laws and the Charter
Ch 3, ch 6**

Hon. Marc Rosenberg [HYPERLINK](#)

"http://wwwv.ontariocourts.on.ca/coa/en/ps/publications/twenty-five_years_later.htm" \l "_ftn1" . 2009. Twenty-Five Years Later: The Impact of the *Canadian Charter of Rights and Freedoms* on the Criminal Law

http://wwwv.ontariocourts.on.ca/coa/en/ps/publications/twenty-five_years_later.htm

**June 14 Lecture 10 - Human Rights Codes and the Charter
Ch, 6**

Holms, Nancy. 1997. "Human Rights Legislation and The Charter: A Comparative Guide" <http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/MR/mr102-e.htm>

June 19 Lecture 11 - Public Law and First Nations

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).

Rudin, Jonathan. "Aboriginal Over-representation and R. v. Gladue: Where We Were, Where We Are and Where We Might Be Going." *The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference* 40. (2008). <http://digitalcommons.osgoode.yorku.ca/sclr/vol40/iss1/22>

La Prairie, Carol. "The overrepresentation of Aboriginal Offenders." in *Criminal Justice in Canada: A Reader*, eds Julian Roberts and Michelle Grossman. Toronto: Thomson/Nelson, 2004:pp.269-279.

June 21 - ONLINE REVIEW SESSION (Research Papers Due via EClass)

June 26 Lecture - In Class Final Exam

IMPORTANT DATE(S) Break for the 2023 Congress of the Humanities and Social Sciences:
MAY 27th - JUNE 2nd

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.

Written Assignment:

Students are required to write a research paper of **7-10 pages** in length. The essay paper is worth **30%** of the final mark. Topic TBA. The essay should be double-spaced, with standard margins and standard font size. You should have at least **3 sources** (books, journals, government reports/documents). Late paper will lose 2% of its grade for each day that it is late. Extension will only be granted for exceptional circumstances. Written assignments should be submitted on-line via EClass **Due: NO LATER THAN JUNE 21st**

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.

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.

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.