

# Communities and Public Law PPAS 2200 3.0 Fall 2023

# **Course Information**

Course Instructor: Bobbi-Jo Virtue

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**Phone:** n/a

Office Hours & Location: 135 McLaughlin

College--Tuesday 5:30 to 6:30 pm or by

appointment

Course Time & Days: Tuesdays 7:00 to

10:00 pm

Class Location: FC 106- Founder College

Course eClass site: refer to eClass

# 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).

**As a student in this class,** you may wish to add, or reflect, to this land acknowledgement by situating it within your course learning context and share this video about <u>Understanding the Land Acknowledgement</u>.

In addition, to find out more about the Indigenous Nations and Communities on whose territory your home is situated, visit: <a href="https://www.whose.land/en/">https://www.whose.land/en/</a>. Here, you can learn more about land acknowledgements and the treaties and agreements signed across Canada.

# **Course Overview**

### **Course Description**

Introduces students to the Canadian legal system and the major components of public law. More specifically it examines the relationship between communities and the fundamental principles underpinning administrative law, constitutional law and criminal law.

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.

# **Course Learning Objectives**

At the end of the course, students will:

- 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;
- 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;
- Be able to identify and explain notions of justice and fairness from a Canadian legal perspective;
- 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;
- Be able to critically dissect key constitutional principles, including: the rule of law, democracy, federalism, minority rights and judicial independence;
- Understand the basics of how to read legislation and caselaw, including knowing how to explain what precedent and stare decisis are; and,
- Have an invaluable background in public law that will be an asset if seeking to undertake further studies in this area.

# **Course Format and Organization**

This course will be held in-person and will be in seminar format. Each class session will include lecture format, visual components and group discussions. Expect to read 20+ pages a week. Readings must be prepared for the class according to the course schedule to effectively understand the lectures and course content. Attendance is strongly recommended for this seminar course.

# **Technical Requirements**

This course is an in-person class that meets once a week. Material and assignments will be engaged in eClass. Please review this syllabus to determine how the class meets, and how office hours and any presentations (if applicable) will be conducted.

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 <u>Speedtest</u>, that can be run. If you need technical assistance, please consult the <u>University Information Technology</u> (UIT) <u>Student Services</u> web page. For more specific assistance, please write to askit@yorku.ca.

### **Participation:**

As an in-person class, attendance and **participation is mandatory**. This course will be a blend of lecture and discussion-based pedagogies. As an Indigenous professor, I will be teaching from Indigenous circle protocols (which you will be taught and given space to learn).

Your participation grade will be a reflection of your attendance and engagement in class. That being said, do not hesitate to reach out to me (your instructor) if you have concerns about the scheduling of the sessions or if you need to make special arrangements with respect to your attendance on specific weeks.

### **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 inperson, 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. If you experience an inappropriate online incident that makes you feel unsafe or uncomfortable, please contact me immediately so I can work to resolve the issue.

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.

# **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 expects that you will act 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 assignments, don't steal or take credit for others answers or give answers to your peers (including through WhatsApp and other social media and communication channels). Cheating and aiding in a breach of academic honesty are both against York University's academic honesty policy.

Respect your course instructor: Do not submit the same piece of work for more than one course without your instructor's permission.

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 practicing 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.

### **Course Evaluation**

Assessment	Due Date	Weight %	Course Learning Outcome
Attendance & Participation:	n/a	15%	You must regularly attend lectures and participate in circle discussions.
Human Rights 101 and reflection	October 24, 2023	25%	See below
Letter to the Editor of a National Newspaper:	November 21, 2023	25%	See below
Group Assignments	November 28- December 05, 2023	35%	See below
		100%	

# **Assessment Descriptions**

**Evaluation:** 

**Attendance & Participation: 15 %** 

You must regularly attend lectures and participate in circle discussions.

# Human Rights 101 and reflection: 25%

You are required to access the Ontario Human Rights Commissions FREE Training on <u>Human Rights 101</u> and complete the 30-minute training. At completion you will get a certificate. Please submit (within eClass) a screenshot of your certificate along with a short reflection (max. 250 words). You are expected to share briefly two things that you learned and one thing that challenged your assumptions. **DUE DATE: OCTOBER 24th** 

# Letter to the Editor of a National Newspaper: 25%

You are required to investigate a current social issue in the geopolitical nation-state now known as Canada (please provide a link or direct reference to the information you accessed to learn about the issue – I acknowledge that Elders and Knowledge Keepers are direct references if you have a reciprocal and pre-existing relationships). 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, specific reference to the laws and policies that can be used to tackle that issue, and a proposal for a way forward. Your letter should be no longer than 2 pages and no shorter than ¾ of a page. (Please double space with 12-point font in a word document submitted to eClass). We will discuss this assignment more in class. **DUE DATE: NOVEMBER 21st** 

# Group Assignment—Briefing Note and Snacks 35%

In a random group of 5 (possibly less depending on final class numbers) you will choose a topic of political significance to group members. Ideas can come from the list below. Each student will find an article or resource that is aligned with their own political ideologies to share with the group. In reading each other's articles and working together your group will write one 300-500 word briefing note, including the recommended option, and authored by each group member (we will talk more about this in class).

In the **last two classes**, each group will present not only your groups briefing note but also the group process that your group engaged in to arrive at a consensus and non-partisan document. Individually, you can talk about how your own political views informed the articles/resource that you contributed.

The written document will be graded out of 10% of overall grade **DUE DATE: NOVEMBER** 28<sup>th</sup>

The group presentation will be graded out of 20% of overall grade (all group members need to be given time to speak and will receive the same grade). **DUE DATE: NOVEMBER 28<sup>th</sup> or DECEMBER 5th** 

Snacks on the week that you are NOT presenting will be 5% of your overall grade. (We will discuss the pedagogy and social justice issues around this together.)

#### **EXAMPLES of TOPICS:**

- 1. Species at Risk and Endangered Species
- 2. First Nation(s) operated schools
- 3. Water Justice
- 4. Current status (from various perspectives, governments and/or community perspectives) of UNDRIP

- 5. Changes to the Marriage Act to include recognition of Indigenous officiants self-governance
- 6. Mayoral Powers
- 7. The Green Belt (from a Provincial and impacted Municipality or First Nation view point)
- 8. Canada role and privacy as it relates to TikTok
- 9. Administration of Justice following COVID-19
- 10. Or one that your group decides BUT needs to be approved well in advanced by the Professor.

# **Submitting Assignments**

Digital submission to eClass on the due dates noted previously. Assignments for this course must be received within the timeframe specified for the assignment and are to be handed in via eClass.

# **Explicit Course Policy on Student Use of Generative Artificial Intelligence (AI):**

Students are not permitted to use generative artificial intelligence (AI) in this course. Submitting any work created through the use of generative AI tools will be considered a violation of York University's <u>Senate Policy on Academic Honesty</u>. If you do not know whether an online resource or tool can be used in this course, please contact your instructor for guidance. For more information, please review <u>AI Technology & Academic Integrity: Information for Students</u>.

# **Late Work Policy**

Students requiring extensions beyond the due date for assignments must prepare an email request for extension at least three days before assignment is due. There is no need to explain reason that the extension is needed. These requests will be given a one-week extension that is granted without questions. If there is any further request for extension, students must meet with the instructor prior to the first extended due date. For an extended length, beyond the first extension, documentation maybe required in accordance with the University policy.

# **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
В	6	70-74	Good
C+	5	65-69	Competent

С	4	60-64	Fairly Competent
D+	3	55-59	Passing
D	2	50-54	Marginally Passing
Е	1	(marginally below 50%)	Marginally Failing
F	0	(below 50%)	Failing

### **How to Use Citations**

- SPARK Student Papers & Academic Research Kit
- Chicago Style Overview, YorkU Libraries
- MLA Style Overview, YorkU Libraries
- APA Style Overview, YorkU Libraries
- Drop-in Research Support, YorkU Libraries
- Writing Centre]

Course Schedule: Weekly Readings and Activities

# **Required Course Materials**

Textbook (available for purchase from the York University Bookstore)

• John Fairlie "A Brief Introduction to Law in Canada, Second Edition" (2021) Emond Publishing.

In addition to the Fairlie text, I will make other readings available through the internet free of charge. I will either provide a link in the course outline (below) or upload a file for you to access.

# Course Schedule- Weekly Topics & Readings

Week/Module Dates	Readings and Activities	Assessment Due Dates
WEEK 1 September 12 <sup>th</sup> : Introduction to the Course & Objectives; Thinking about Communities;	Required:  Introductions  Circle Protocol  Course syllabus 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?	n/a

WEEK 2 September 19 <sup>th</sup>	Required: Fairlie: Chapter 1, "What is Law?"  Fairlie Chapter 2, "Common Law, Civil Law, and Indigenous Legal Systems"  Teaching on the Seven Grandparents	n/a
WEEK 3 September 26 <sup>th</sup> : Introduction (cont.) – Different Legal Systems; Reading & understanding the law  Recommended: The Canadian Constitution	Required: Fairlie Chapter 3, "From the Reception of English and French Law into Canada to the Charter"  Bradburn, J. (2023) Citizens Plus (the Red Paper), The Canadian Encyclopedia. <a href="https://www.thecanadianencyclopedia.ca/en/article/citizens-plus-the-red-paper">https://www.thecanadianencyclopedia.ca/en/article/citizens-plus-the-red-paper</a> Recommended: Fairlie Chapter 4, "The Legislature and the Executive: The First and Second Branches of Government" Including appendix 4.1 on pg. 122	n/a
WEEK 4 October 3 <sup>rd</sup> : Thinking about Communities & Intersectionality (e.g., Race, Class, Ethnicity, Sexual Identity and Disability)	Required: Fairlie, Chapter 5, "The Judiciary: Third Branch of Government"  Valente v. The Queen  Ref re Remuneration of Judges of the Prov. Court of PEI	n/a
October 10 <sup>th</sup> : READING WEEK	No class this week- READING WEEK	n/a

WEEK 5 October 17 <sup>th</sup> :	Required: Fairlie Chapter 6, "Civil Liberties"  Repeal of Section 67  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 Freedoms. Canadian Journal of Disability Studies, 5(1), 183–210, online: https://cjds.uwaterloo.ca/index.php/cjds/article/view/251	n/a
WEEK 6 October 24 <sup>th</sup> : The Charter of Rights and Freedoms Charter Challenges – Diversity, Inclusivity & Access	Human Rights Certificate and Reflection DUE in eClass Required: Fairlie, Chapter 7 ONLY the excerpt Box 7.7 (Aboriginal Title)  R. v. Oakes  [CBC News]. (2023, June 12). 20 years after the first same-sex marriage in Canada, are LGBTQ rights at risk?   About That [Video]. Youtube. https://www.youtube.com/watch?v=vuYG1ruu040  [Celeste Cuthbertson]. (2019, March 14). Matrimonial Property Law on Reserve [Video]. YouTube. https://www.youtube.com/watch?v=41oZw5pMNPM	
WEEK 7 October 31 <sup>st</sup> : Administrative Law	Required: Fairlie Chapter 9 "Administrative Law"  Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65, [2019] 4 S.C.R. 653  Canada (Public Safety and Emergency Preparedness) v. Chhina, 2019 SCC 29, [2019] 2 S.C.R. 467	n/a

WEEK 8 November 7 <sup>th</sup> : Indigenous Peoples in Canada	Required: United Nations Declaration on the Rights of Indigenous People: <a href="https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf">https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf</a> Truth and Reconciliation Commission of Canada, Calls to Action: <a href="https://web.archive.org/web/20200506065356/http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf">https://web.archive.org/web/20200506065356/http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf</a> National Inquiry into Missing and Murdered Indigenous Women and Girls, "Calls to Justice", <a href="https://www.mmiwg-ffada.ca/final-report/">https://www.mmiwg-ffada.ca/final-report/</a> (this website opens to the final report—scroll down and open the Calls to Justice as a WORD document)	n/a
WEEK 9 November 14 <sup>th</sup> : Criminal Law	Required: Fairlie Chapter 10, "Criminal Law"  R. v. Gladue  R. v. Ipeelee	n/a
WEEK 10 November 21st: Access to Justice	Letter to the Editor of a National Newspaper: DUE Required: Fairlie Chapter 12, "Access to Justice and Law Reform".	n/a
WEEK 11 November 28 <sup>th</sup> :	Presentation of Briefing Notes - DUE Snacks	n/a
WEEK 12 December 5 <sup>th</sup> :	Presentation of Briefing Notes - DUE Snacks	n/a

#### **Course Policies**

All students are expected to familiarize themselves with the following information:

- Student Rights & Responsibilities
- Academic Accommodation for Students with Disabilities

Please also review the following course policies:

#### **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 <u>Student Accessibility Services</u> 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.

# **Intellectual Property**

Course materials are designed for use as part of this particular course at York University and are the intellectual property of the instructor unless otherwise stated. Third-party copyrighted materials (such as book chapters, journal articles, music, videos, etc.) have either been licensed for use in this course or fall under an exception or limitation in Canadian copyright law. Students may not publish, post on an Internet site, sell, or otherwise distribute any course materials or work without the instructor's express permission. Course materials should only be used by students enrolled in this course.

Copying this material for distribution (e.g., uploading material to a commercial third-party website) may lead to a charge of misconduct according to York's <u>Code of Student Rights and Responsibilities</u>, the <u>Senate Policy on Academic Honesty</u>, and/or legal consequences for copyright violations.

# 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 <u>Disruptive and/or Harassing Behaviour in Academic Situations</u>, the <u>Student Conduct and Responsibilities</u>, and the <u>Code of Student Rights & Responsibilities</u>.

# **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 <u>Code of Student Rights and Responsibilities</u>. Please review and familiarize yourself with behaviours that support "netiquette" in virtual classrooms by consulting the <u>Guide to Netiquette</u> and <u>Student Guide to eLearning</u>.

# 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.

# Health and Safety

All York students and instructors share responsibility for the safety and well-being of the community while on York's campuses. Please continue to check <u>YUBetter Together</u> for the latest information on health and safety.

### **Student Support and Resources**

To help you succeed academically, York University offers a wide range of resources and services. Everything from writing workshops and peer mentorship to wellness support and career guidance is available to fulfill our LA&PS students' needs. Explore the links below to access these on-campus resources:

- <u>Academic Advising</u> is available to provide students support and guidance in making academic decisions and goals.
- <u>Student Accessibility Services</u> are available for support and accessibility accommodation when required.
- <u>Student Counselling, Health & Wellbeing</u> offers workshops, resources, and counselling to support your academic success.
- <u>Peer-Assisted Study Sessions (PASS) Program</u> provides student study sessions for students to collaborate and enhance their understanding of course content in certain courses
- <u>Student Numeracy Assistance Centre at Keele (SNACK)</u> supports students in courses involving math, stats, and Excel.

- <u>The Writing Centre</u> provides multiple avenues of writing-based support including drop-in sessions, one-to-one appointments, a Multilingual Studio, and an Accessibility Specialist.
- <u>ESL Open Learning Centre (OLC)</u> supports students with building proficiency in reading, writing, and speaking English.
- <u>Learning Skills Services</u> provides tips for time management, effective study and learning habits, keeping up with coursework, and other learning-related supports.
- <u>Learning Commons</u> provides links to supports for time management, writing, study skills, preparing for exams, and other learning-related resources.
- Roadmap to Student Success provides students with timely and targeted resources to help them achieve academic, personal, and professional success.
- Office of Student Community Relations (OSCR) is responsible for administering the Code of Student Rights & Responsibilities and provides critical incident support.
- goSAFE is staffed by York students and can accompany York community members to and from any on-campus location, such as the Village Shuttle pick-up hub, parking lots, bus stops, or residences.

For a full list of academic, wellness, and campus resources visit Student Support & Resources.