

CONSTITUTIONAL LAW (Winter 2018)
2062 (5 credits)
Professor Elaine Craig

SYLLABUS

Tuesdays 1:30-3:50 Room 104
Thursdays 1:30-3:50 Room 104

Email: elaine.craig@dal.ca

Office Hours: Tuesdays and Thursdays: 4:00 – 4:30 or by appointment

COURSE DESCRIPTION:

This required 2nd year class concerns itself with three main themes; the distribution of powers under the *Constitution Act 1867*, the *Canadian Charter of Rights and Freedoms*, and Aboriginal rights under section 35 of the *Constitution Act, 1982*. This course is intended to follow from the basic introduction to and foundation for constitutional law laid in the first year course in Public Law. Throughout the class, emphasis will be placed on the roles of the constitution in our governmental structure and of the courts as its elaborator and guardian, and on constitutional litigation as a problem-solving process through which fundamental values are examined.

In this class I will work to promote an anti-discriminatory environment where everyone feels safe and welcome. I recognize that discrimination can be direct or indirect and take place at both institutional and personal levels. I will strive to ensure that this class provides an inclusive space for all members to share ideas and insights. This course is intended to offer a space of critical inquiry. This requires conscientiousness, on the part of everyone, of our different histories and perspectives.

Dalhousie University is situated in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People. This territory is covered by the "Treaties of Peace and Friendship" which Mi'kmaq and Wolastoqiyik (Maliseet) people first signed with the British Crown in 1725. The treaties did not deal with surrender of lands and resources but in fact recognized Mi'kmaq and Wolastoqiyik (Maliseet) title and established the rules for what was to be an ongoing relationship between nations.

REQUIRED MATERIALS:

- Canadian Constitutional Law 5th Edition

- Additional supplementary materials available on Brightspace

EVALUATION:

100% final examination - 3 hours plus 15 minutes reading time

- **April 22, 2018 at 9:30AM**

- Examinable materials: all assigned reading and all content and material addressed in class
- Using exam4 software
- Students will be permitted to bring into the exam hard copies of the course materials (i.e. the textbook), and their notes. No other materials permitted.

Optional Writing Assignment

- Students can choose to complete an optional writing assignment for 15% of their grade, which will weight their final exam worth 85% rather than 100%.
- This assignment requires students to select a current topic, issue or controversy related to some aspect of the materials for this course and complete a critical essay of **not more than 1500 words**.
- This assignment will be assessed based on critical reasoning, originality, analysis of the issue raised and organization and presentation. This is not a research exercise and students are asked not to rely on more than 5 sources beyond class materials.
- This optional assignment is due on **April 2, 2018 at 1:30 pm** and is to be emailed to me at: elaine.craig@dal.ca.

You will be responsible for all assigned reading and all content and material addressed in class.

ACCOMMODATION:

Students with Special Needs/Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or personal circumstances will require an application to the Law School Studies Committee. Such requests must be made to Associate Dean Michael Deturbide as soon as possible, before a scheduled exam or a deadline for an assignment. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation as a result of barriers related to disability, religious obligation, or any characteristic under the Nova Scotia Human Rights Act. Students who require academic accommodation for either classroom participation or the writing of tests and exams should make their request to the Advising and Access Services Center (AASC) prior to or at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at 494-2836, or they may contact Associate Dean Michael Deturbide for more information.

SUBMISSION OF WORK AND PLAGIARISM:

All students in this course must read the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the <http://academicintegrity.dal.ca/> website, and the Law School policy on plagiarism, as set out in the law school regulations, available online at <http://www.dal.ca/faculty/law/current-students/academic-regulations.html>.

Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography