

<b>TERM:</b> Fall 2024	<b>COURSE NO:</b> LAW 332	
<b>INSTRUCTOR:</b>	<b>COURSE TITLE:</b> Colonization, Indigenous Rights and Reconciliation	
<b>OFFICE:</b> LOCAL: <b>E-MAIL:</b> @capilanou.ca	<b>SECTION NO(S):</b>	<b>CREDITS:</b> 3.0
<b>OFFICE HOURS:</b>		
<b>COURSE WEBSITE:</b>		

Capilano University acknowledges with respect the Lílwat7úl (Lil'wat), x<sup>w</sup>məθk<sup>w</sup>əyəm (Musqueam), shíshálh (Sechelt), Skwxwú7mesh (Squamish), and Səlílwətaʔ/Selilwitulh (Tsleil-Waututh) people on whose territories our campuses are located.

### **COURSE FORMAT**

This course will be offered in a synchronous or asynchronous online format or a synchronous in-person format, four hours per week for a 15-week semester (or equivalent), including two weeks (or equivalent) for final exams. For either synchronous or asynchronous online format, the instructor will provide weekly readings, and students will complete exercises and discussions. Three of the four instructional hours will be completed with lectures, and a fourth hour will consist of at-home and online work supported through eLearn.

### **COURSE PREREQUISITES**

LAW 101, LAW 110 and LAW 210; OR 45 credits of 100-level or higher coursework

### **CALENDAR DESCRIPTION**

This course introduces students to the colonized legal system in Canada and the reconciliation movement and identifies the flaws and failures of each. Students will examine the historical, cultural, legal and social dimensions of Indigenous experiences in Canada. Through an in-depth study of colonization, the legacy of historical injustices and contemporary challenges Indigenous Peoples face, students will gain a nuanced understanding of Indigenous issues and their relevance in today's global society.

### **COURSE NOTE**

LAW 332 is an approved Self and Society course for Cap Core requirements.

### **REQUIRED TEXTS AND/OR RESOURCES**

Standoff: Why Reconciliation Fails Indigenous People and How to Fix It, McIvor, Bruce  
 Truth and Reconciliation Report and Calls to Action  
 United Nations Declaration on the Rights of Indigenous Peoples

Instructors' supplemental lecture notes and handouts, including case law and constitution excerpts.

### **COURSE STUDENT LEARNING OUTCOMES**

**On successful completion of this course, students will be able to do the following:**

1. Describe and examine the historical context of colonization and Indigenous Peoples in Canada.
2. Analyse and apply the principles of the UN Declaration of the Rights of Indigenous Peoples, assessing its significance in protecting Indigenous rights and fostering global Indigenous solidarity.
3. Explain the legal and political complexities Indigenous communities face, evaluating the systemic barriers and advocating for justice within legal frameworks.
4. Describe and explain the basic legal principles inherent in Indigenous legal orders, recognizing their distinctiveness from the Canadian legal system.
5. Critically assess the challenges and opportunities for reconciliation, examining the role of non-Indigenous individuals and institutions in supporting this process.
6. Examine Indigenous cultural revitalization efforts as responses to cultural genocide, highlighting the resilience of Indigenous cultures and their efforts towards reclamation and preservation.

**Students who complete this Self and Society course will be able to do the following:**

1. Identify potential root causes of local/global problems and how they affect local/global cultures, economies, politics, and policies;
2. Assess and evaluate individual and collective responsibilities within a diverse and interconnected global society;
3. Analyse the impact of colonialism and racism on Indigenous peoples;
4. Synthesize a range of differing community perspectives on ethics and justice and explain how these perspectives can inform structural change;
5. Generate strategies for reconciling Indigenous and Canadian relations; and
6. Explain how contexts (e.g. cultural, historical, colonial, economic, technological) shape identity formation and social structures.

<b>COURSE CONTENT</b>		
<b>WEEK</b>	<b>CONTENT</b>	<b>READINGS*</b>
<b>1</b>	Introduction to Truth, Reconciliation, and Indigenous Rights	
<b>2</b>	Historical Contexts: Colonization and Indigenous Peoples	
<b>3</b>	Truth-Telling: The Truth and Reconciliation Commission's Report	

<b>4</b>	Reconciliation in Practice: Case Studies; Land Rights, Treaty Negotiations and Self-Determination	
<b>5</b>	Aboriginal Rights: Canadian Constitution, Contextualizing s. 35 of the <i>Constitution Act</i>	
<b>6</b>	Indigenous Rights: International Frameworks, United Nations Declaration	
<b>7</b>	Indigenous Legal Systems and Governance, the role of Customary Law and balancing Indigenous Legal Traditions and Colonial Legal Systems	
<b>8</b>	Indigenous Land and Resource Rights, Resource Extraction, and Duty to Consult and Accommodate	
<b>9</b>	Cultural Revitalization and Healing, the role of language, art and ceremony, and the impact of cultural genocide on Indigenous Cultures and Ways of life	
<b>10</b>	Stand Off: Examining Legal and Political Challenges	
<b>11</b>	The intersection between Indigenous Rights and other social injustices	
<b>12</b>	Indigenous legal orders and indigenizing the law: what's the difference?	
<b>13</b>	Reflection and Action	
<b>14-15</b>	<b>FINAL EXAM PERIOD</b>	

\* Supplementary readings to be posted on eLearn throughout the semester

**EVALUATION PROFILE**

Group Discussions	5-10%
Participation	5-10%
Assignments*	40-50%
Group Project	30-35%
Reflection Papers	15-20%
<b>TOTAL</b>	<b>100%</b>

\*No one assignment will be assessed at more than 35% without prior approval of the Dean

**Participation**

If a participation grade is provided, then it is allocated to the consistency, quality, and frequency of contributions to class discussions, weekly activities, and class presentations. Consistency means attending every class and actively contributing to discussions on a regular basis. Quality means demonstrating respect for peers and their contributions, listening attentively during lectures and when other students speak, and participating in all activities with an open and inquisitive mind.

**GRADING PROFILE**

A+ = 90-100	B+ = 77-79	C+ = 67-69	D = 50-59
A = 85-89	B = 73-76	C = 63-66	F = 0-49
A- = 80-84	B- = 70-72	C- = 60-62	

**Incomplete Grades**

Grades of Incomplete "I" are assigned only in exceptional circumstances when students request extra time to complete their coursework. Such agreements are made only at the request of the student, who is responsible for determining from the instructor the outstanding requirements of the course.

**Late Assignments**

Homework assignments are due at the **start of class** on the due date unless otherwise advised by your instructor. Late assignments will only be accepted if prior approval for a late submission date has been given by the instructor.

**Missed Exams/Quizzes/Labs etc.**

Make-up exams, quizzes and/or tests are given at the instructor's discretion. They are generally given only in medical emergencies or severe personal crises. Some missed labs or other activities may not be able to be accommodated. Please consult with your instructor. Accommodations can be made to honour community needs and traditional practices.

**Attendance**

Students are expected to attend all classes and associated activities.

**English Usage**

Students are expected to proofread all written work for any grammatical, spelling and stylistic errors. Instructors may deduct marks for incorrect grammar and spelling in written assignments.

**Electronic Devices**

Students may use electronic devices during class for note-taking only.

**On-line Communication (email, eLearn, etc)**

Outside of the classroom, instructors will (if necessary) communicate with students using either their official Capilano University email or eLearn; please check both regularly. Official communication between Capilano University and students is delivered to students' Capilano University email addresses only.

**UNIVERSITY OPERATIONAL DETAILS****Tools for Success**

Many services are available to support student success for Capilano University students. A central navigation point for all services can be found at: <https://www.capilanou.ca/student-services/>

**Capilano University Security: download the [CapU Mobile Safety App](#)**

**Policy Statement (S2009-06)**

Capilano University has policies on Academic Appeals (including appeal of final grade), Student Conduct, Academic Integrity, Academic Probation and other educational issues. These and other policies are available on the University website.

**Academic Integrity (S2017-05)**

Any instance of academic dishonesty or breach of the standards of academic integrity is serious and students will be held accountable for their actions, whether acting alone or in a group. See policy and procedures S2017-05 Academic Integrity for more information: <https://www.capilanou.ca/about-capu/governance/policies/>

Violations of academic integrity, including dishonesty in assignments, examinations, or other academic performances, are prohibited and will be handled in accordance with the Student Academic Integrity Procedures.

**Academic dishonesty** is any act that breaches one or more of the principles of academic integrity. Acts of academic dishonesty may include but are not limited to the following types:

**Cheating:** Using or providing unauthorized aids, assistance or materials while preparing or completing assessments, or when completing practical work (in clinical, practicum, or lab settings), including but not limited to the following:

- Copying or attempting to copy the work of another during an assessment;
- Communicating work to another student during an examination;
- Using unauthorized aids, notes, or electronic devices or means during an examination;
- Unauthorized possession of an assessment or answer key; and/or,
- Submitting of a substantially similar assessment by two or more students, except in the case where such submission is specifically authorized by the instructor.

**Fraud:** Creation or use of falsified documents.

**Misuse or misrepresentation of sources:** Presenting source material in such a way as to distort its original purpose or implication(s); misattributing words, ideas, etc. to someone other than the original source; misrepresenting or manipulating research findings or data; and/or suppressing aspects of findings or data in order to present conclusions in a light other than the research, taken as a whole, would support.

**Plagiarism:** Presenting or submitting, as one's own work, the research, words, ideas, artistic imagery, arguments, calculations, illustrations, or diagrams of another person or persons without explicit or accurate citation or credit.

**Self-Plagiarism:** Submitting one's own work for credit in more than one course without the permission of the instructors, or re-submitting work, in whole or in part, for which credit has already been granted without permission of the instructors.

**Prohibited Conduct:** The following are examples of other conduct specifically prohibited:

- Taking unauthorized possession of the work of another student (for example, intercepting and removing such work from a photocopier or printer, or collecting the graded work of another student from a stack of papers);
- Falsifying one's own and/or other students' attendance in a course;
- Impersonating or allowing the impersonation of an individual;
- Modifying a graded assessment then submitting it for re-grading; or,
- Assisting or attempting to assist another person to commit any breach of academic integrity.

### **Sexual Violence and Misconduct**

All Members of the University Community have the right to work, teach and study in an environment that is free from all forms of sexual violence and misconduct. Policy B401 defines sexual assault as follows:

Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent, including the threat of sexual contact without consent. Sexual assault can be committed by a stranger, someone known to the survivor or an intimate partner.

Safety and security at the University are a priority and any form of sexual violence and misconduct will not be tolerated or condoned. The University expects all Students and Members of the University Community to abide by all laws and University policies, including B.401 Sexual Violence and Misconduct Policy and B.401.1 Sexual Violence and Misconduct Procedure (found on Policy page <https://www.capilanou.ca/about-capu/governance/policies/>)

**Emergencies:** Students are expected to familiarise themselves with the emergency policies where appropriate and the emergency procedures posted on the wall of the classroom.