

COURSE OUTLINE			
TERM: Fall 2018		COURSE NO: LAW 370	
INSTRUCTOR:		COURSE TITLE: Modern Themes in Canadian Law	
OFFICE:	LOCAL:	SECTION NO(S):	CREDITS: 3.0
E-MAIL:	@capilanou.ca		
OFFICE HOURS:			
COURSE WEBSITE:			

Capilano University acknowledges with respect the Lil'wat, Musqueam, Squamish, Sechelt, and Tsleil-Waututh people on whose territories our campuses are located.

COURSE PREREQUISITES:

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

COURSE FORMAT:

Three hours of class time, plus an additional hour delivered through on-line or other activities for a 15-week semester, which includes two weeks for final exams. In addition to work done in the classroom, it is expected that students will do required reading and some assignments at home and will use online resources and materials provided through Moodle.

CALENDAR DESCRIPTION:

This course introduces students to the role of law in shaping Canadian society, emphasizing Supreme Court of Canada decisions on topics such as access to justice, equality rights, freedom of speech and religion, the death penalty, and civil responsibility. This course is suitable both for legal students looking to understand law in social contexts and for non-law students looking to understand how law shapes and is shaped by the greater society.

COURSE NOTE:

LAW 370 is an approved Self and Society course for Cap Core requirements.

REQUIRED TEXTS AND/OR RESOURCES:

JE Bickenbach, ed., *Canadian Cases in the Philosophy of Law*, 4th ed. (Peterborough: Broadview Press, 2007).

Supplementary Materials (court decisions and legislation) will be posted to Moodle.

COURSE STUDENT LEARNING OUTCOMES:

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

1. Use communication skills to explain major ideas in legal cases.
2. Use written and online tools effectively to discuss and examine major court cases and their treatment in the media and academic literature.
3. Understand and critique how major court decisions that have affected Canadian society, and how culture affects the decisions.
4. Research and analyse the implications of major court decisions on politics, social relations, and on business and the economy.
5. Understand the role of the judiciary and in particular the Supreme Court of Canada and the judiciary in relation to the other branches of government and to society as a whole.
6. Participate in classroom discussion groups to engage with major themes in Canadian legal literature.
7. Present to the class and lead seminar discussion of a research paper analysing issues raised by major Canadian court cases.
8. Understand the impact of the decisions of the Supreme Court of Canada and the judiciary as a whole on Canada and its role internationally, as well as their effect on other countries' laws.
9. Compare the differences in the way major issues are addressed by Canadian courts with the courts of other jurisdictions.

Students who complete this Self and Society course will also 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. Analyze 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. Explain how contexts (e.g. cultural, historical, colonial, economic, technological) shape identity formation and social structures.

COURSE CONTENT:

WEEKLY COURSE CONTENT		
WEEK	CONTENT	
1	<p>INTRODUCTION TO THE LEGAL SYSTEM & LEGAL CONCEPTS Introduction to course Types & sources of law Structure of government</p> <p>CONSTITUTION & THE RULE OF LAW Introduction: overview of constitution Judicial independence & make-up of Canada</p>	
2	<p>CHARTER OF RIGHTS AND FREEDOMS Introduction: From <i>Bill of Rights</i> to <i>Charter</i> Justification test Remedies Scope of <i>Charter</i> protection</p>	

WEEKLY COURSE CONTENT		
WEEK	CONTENT	
3	FUNDAMENTAL FREEDOMS Introduction Freedom of Religion + Corporations & the <i>Charter</i> Expression Tort duty to the unborn	
4	EQUALITY Introduction Before the <i>Charter</i> (<i>Bill of Rights</i>) Meaning of Discrimination Equality and special treatment	
5	AUTONOMY Introduction Individual autonomy Group autonomy: aboriginal self-government	
6	PROCEDURAL JUSTICE Introduction Duties of fairness Procedural or substantial? Fairness in criminal law	
7	RESPONSIBILITY Introduction The “Guilty mind” and criminal law Community standards Private-law duties Causation (proof + proximity) Professional duty Paternalism Punishment	
8 – 13	Individual Presentations on Research Papers Students will do a presentation on their paper in progress and lead a short seminar discussion of the paper. Each class will conclude with a general discussion of the research papers presented.	
14 – 15	FINAL EXAM	

EVALUATION PROFILE:

Assessment		
Method	%	Ind/Grp
Annotated bibliography	5%	I
Research paper outline	10 – 15%	I
Research paper	35%	I
Class presentation	10%	I& G
Final exam	30 – 35%	I
Participation	0 – 10%	I & G
TOTAL	100%	

Research Paper

This course will include a comprehensive research paper, including a separate annotated bibliography and outline. The research paper will then be presented to the entire class for discussion.

Participation

If a participation grade is provided, then it is allocated to the consistency, quality, and frequency of contributions to class discussions 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 are speaking, and participating in all activities with an open and inquisitive mind.

Final Exam

There will be a final exam covering all material from Weeks 1 – 7. The format of the exam will be determined by the instructor and may include a combination of true/false, multiple choice, matching, short answer, and essay questions. The final exam will be scheduled at a date to be determined by the Registrar's Office. Please plan to be available to write the final exam at any point during the final exam period.

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" will not be assigned in this course.

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 and Quizzes

Missed exams or quizzes will receive a grade of "0" unless PRIOR arrangements (wherever possible) are made with the instructor. Permission to make up an exam will only be given in extraordinary situations such as illness of the student or the death of a close family member. A doctor's certificate, or other proof supporting the reason for the absence, may be required.

Attendance

Regular attendance and punctuality are both essential and expected due to the nature and format of the course materials.

English Usage

All assignments are marked for correct English usage, proofreading, and formatting.

Electronic Devices

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

On-line Communication (email, Moodle, etc.)

Outside of the classroom, instructors will (if necessary) communicate with students using either their official Capilano University email or Moodle; 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: <http://www.capilanou.ca/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, Cheating and Plagiarism, Academic Probation, and other educational issues. These and other policies are available on the University website.

Academic Integrity (S1999-01)

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 S1999-01 for more information: <http://www.capilanou.ca/about/governance/policies/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](#).

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