Political Science 419 – Politics of the Canadian Constitution

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Office Hours:
Wed: 1400-1630
or by appt.

Registration in Pol S 419 usually requires successful completion of Pol S 224 and/or 225 (or Pol S 220, the Canadian government core course offered prior to the introduction of 224/225). Since I reserve the right to cancel the registration of any student who does not satisfy this requirement please see me if you have not taken and passed either of these two courses.

The course requirements are outlined below. Policy about course outlines can be found in “Course Requirements, Evaluation Procedures and Grading” of the University Calendar. See http://calendar.ualberta.ca/content.php?catoid=6&navoid=806#Evaluation_Procedures_and_Grading_System.

Course Description:
This seminar aims to increase our knowledge and understanding of several aspects of Canadian constitutional politics: the roles of legislatures and courts with respect to rights, the legislative/judicial relationship with respect to interpreting the Charter, and jurisprudence regarding the duty of governments to consult and accommodate First Nations.

I have selected these issues because of what exploring them may tell us about political power and how power is distributed. In a related vein a focus on the constitution is one window on the impact political institutions and changes to those institutions may have on the distribution of political power and the nature of political outcomes.

Since this course will be run as a seminar students are expected to attend class regularly and to participate actively in seminar discussions. We’ll consider the following general questions in our seminar sessions:
- What are the roles of legislatures and courts when it comes to the protection of rights?
- Is “Charter Dialogue” a useful way to think about the relationship between courts and legislatures? Is it normatively valuable?
- Have legislatures and courts given appropriate weight to individual rights in their efforts to deal with terrorism and national security issues?
- The duty to consult and accommodate First Nations has become an important strand of judicial interpretation of the Constitution. What impact has this interpretation had on First Nations, governments, and industry?

Grade Distribution and Course Requirements
Research paper (up to 15 pages in length): 30%
Research paper proposal (“due” September 22nd): Recommended
Research paper presentation: 15%
Seminar participation: 25%
Major Assignment: (due December 4th): 30%

Grading:
All work for this seminar will be graded according to the University’s letter grade/4 point grade scale.

Research Paper and Proposal: Requirements
Your research paper should be no more than 15 pages long (double-spaced, 12-point font). You are welcome to examine any aspect of Canadian constitutional politics. Comparative cross-national research on rights issues or other constitutional issues is also welcome.

I’m recommending you submit a research proposal (of approximately three pages) to me by Friday September 22nd. This proposal should outline:
- the general issue you are interested in,
- the question you intend to explore,
- what theme your paper will address and what contribution you hope your study will make to the constitutional politics literature,
- the conceptual/methodological approaches you will use,
- the data sources you plan to use.

Research Paper: Due Dates and Late Penalties
Research paper due dates are staggered. Your due date depends on when you are presenting your paper. Research papers are due the Saturday before your seminar presentation. Your paper could be due as early as November 18th or as late as December 2nd.

Please send me the paper by email AND also a one-page summary of your argument/presentation that I will distribute to the other seminar members.

Late papers will be subject to a daily 0.3 GPV penalty starting on the Monday when you are scheduled to present your paper (ie. if you are scheduled to present a paper on Monday March 13th and you submit your completed paper on the 13th you will receive a 0.3 GPV penalty). This penalty will be waived or adjusted in the case of illness or other extraordinary circumstances. Essays that are not submitted by the Friday after the scheduled presentation date will receive a mark of zero (unless a valid excuse is offered).

Major Assignment:
In addition to your research paper I ask you to complete a “major assignment.” During the Fall Term reading week I will distribute two or three questions. The questions will focus on the themes/content of the seminar readings. The major assignment asks you to prepare an answer to one of those questions. Your answer (no more than 6 to 8 double-spaced pages, 12-point font) is due December 4th and should be submitted to me by email before midnight on that day.

Seminar Participation Grade:
Students will receive a weekly seminar participation grade. Unexcused absences will receive a grade of 0 (so, if you have a good excuse for missing class, be sure to talk to me about it). If you attend seminar but do not participate at all in discussion you will receive a grade of 1. Grades from 2 to 4 will be assigned to reflect whether student participation in seminar is satisfactory, good, or excellent. Such assessments of participation are based on both the quantity and the quality of student comments. If you would like to know how you’re doing from the participation point of view at any time during the course please ask me.

Plagiarism & Academic Dishonesty:
The University of Alberta is committed to the highest standards of academic integrity and honesty. Students are expected to be familiar with these standards regarding academic honesty and to uphold the policies of the University in this respect. Students are particularly urged to familiarize themselves with the provisions of the Codes of Student Behaviour and avoid any
behaviour that could potentially result in suspicions of cheating, plagiarism, misrepresentation of facts and/or participation in an offence. Academic dishonesty is a serious offence and can result in suspension or expulsion from the University.

Students with Disabilities:
If you have a disability that may interfere with your performance in the seminar please see me as soon as possible. Also, please discuss your situation and needs with the staff at Specialized Support & Disability Services (SSDS). They may be contacted at 2-800 Students’ Union Building, (780) 492-3381 (phone), or (780) 492-7269 (TTY). Their website is http://www.sssds.ualberta.ca/en.aspx.

Other Avenues of Student Support:
The Student Distress Centre is there to listen, offer support, supply information and provide services:
• Call: 492-HELP (492-4357)
• Drop in: 030-N in the S.U.B.
• Visit: www.su.ualberta.ca/sdc
• Chat: http://www.campuscrisischat.com/

Recording of seminars:
Audio or video recording, digital or otherwise, of lectures, labs, seminars or any other teaching environment by students is allowed only with the prior written consent of the instructor or as part of an approved accommodation plan. Student or instructor content, digital or otherwise, created and/or used within the context of the course is to be used solely for personal study, and is not to be used or distributed for any other purpose without prior written consent from the content author(s).

Course Readings
All readings, except those for September 11th, are required. All required readings are available either through the Library’s ejournals link or through third party websites.

Course Outline

September 11th: Course Introduction, remarks about the political purposes of the Charter of Rights and Freedoms
Recommended Reading:

September 18th: Political Institutions and the Protection of Rights

**September 25th: The Concept of a Charter Dialogue**

**October 2nd: The Charter and Protecting the Vulnerable – the Case of Assisted Dying**

**October 9th: Thanksgiving**

**October 16th: The Charter and Protecting the Vulnerable? – the Case of Omar Khadr**

**October 23rd: Charter Rights, National Security, and Terrorism**

**October 30th: Aboriginal Rights: Constitutional Duties – to Consult? to Accommodate?**
- Taku River Tlingit First Nation v. British Columbia (Project
November 6th: Aboriginal Rights: Constitutional Duties - to Consult? to Accommodate?

November 13th: Fall Term Reading Week

November 20th: Student Paper Presentations

November 27th: Student Paper Presentations

December 4th: Student Paper Presentations
EXCERPTS FROM THE **CODE OF STUDENT BEHAVIOUR**

30.3.2(1) **Plagiarism**

No Student shall submit the words, ideas, images or data of another person as the Student's own in any academic writing, essay, thesis, project, assignment, presentation or poster in a course or program of study.

30.3.2(2) **Cheating**

30.3.2(2) a No Student shall in the course of an examination or other similar activity, obtain or attempt to obtain information from another Student or other unauthorized source, give or attempt to give information to another Student, or use, attempt to use or possess for the purposes of use any unauthorized material.

30.3.2(2) b No Student shall represent or attempt to represent him or herself as another or have or attempt to have himself or herself represented by another in the taking of an examination, preparation of a paper or other similar activity. See also misrepresentation in 30.3.6 (4).

30.3.2(2) c No Student shall represent another's substantial editorial or compositional assistance on an assignment as the Student's own work.

30.3.2(2) d No Student shall submit in any course or program of study, without the written approval of the course Instructor, all or a substantial portion of any academic writing, essay, thesis, research report, project, assignment, presentation or poster for which credit has previously been obtained by the Student or which has been or is being submitted by the Student in another course or program of study in the University or elsewhere.

30.3.2(2) e No Student shall submit in any course or program of study any academic writing, essay, thesis, report, project, assignment, presentation or poster containing a statement of fact known by the Student to be false or a reference to a source the Student knows to contain fabricated claims (unless acknowledged by the Student), or a fabricated reference to a source.

30.3.6(4) **Misrepresentation of Facts**

No Student shall misrepresent pertinent facts to any member of the University community for the purpose of obtaining academic or other advantage. See also 30.3.2(2) b, c, d and e.

30.3.6(5) **Participation in an Offence**

No Student shall counsel or encourage or knowingly aid or assist, directly or indirectly, another person in the commission of any offence under this Code.
**NOTICE TO INSTRUCTORS REGARDING PLAGIARISM, CHEATING, MISREPRESENTATION OF FACTS AND PARTICIPATION IN AN OFFENCE**

**The U of A considers plagiarism, cheating, misrepresentation of facts and participation in an offence to be serious academic offences. Plagiarism, cheating, misrepresentation of facts and participation in an offence can be avoided if students are told what these offences are and if possible sanctions are made clear at the outset. Instructors should understand that the principles embodied in the Code are essential to our academic purpose. For this reason, instructors will be fully supported by Departments, Faculties and the University in their endeavours to rightfully discover and pursue cases of academic dishonesty in accordance with the Code.**

**At the beginning of each term, we ask you to review with your students the definitions of plagiarism and cheating. We are now also asking you to review with your students the definition of Misrepresentation of Facts and Participation in an Offence. Your co-operation and assistance in this matter are much appreciated.**

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<th>Cheating (Continued)</th>
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More information can be found at: [http://www.osja.ualberta.ca/en.aspx](http://www.osja.ualberta.ca/en.aspx)
**EXCERPTS FROM THE CODE OF STUDENT BEHAVIOUR**

**FOR REVIEW WITH EACH CLASS AT THE BEGINNING OF EVERY TERM**

**Procedures for Instructors Regarding**

**Plagiarism, Cheating, Misrepresentation of Facts and Participation in an Offence**

The following procedures are drawn from the *Code of Student Behaviour* as approved by GFC and the Board of Governors. The guidelines summarize what instructors must do when they have reason to believe that a student has plagiarized, cheated, misrepresented facts or participated in an offence. If you have questions about these guidelines, or about the policies, please talk with the senior administrator in your Faculty responsible for dealing with student discipline—usually an Associate Dean — or the Appeals and Compliance Officer (Appeals Coordinator), University Governance (2-2655).

**30.5 Procedures for Instructors in Cases Respecting Inappropriate Academic Behaviour**

30.5.4(1) When an Instructor believes that a Student may have committed an Inappropriate Academic Behaviour Offence [30.3.2] or that there has been Misrepresentation of Facts [30.3.6(4)] or Participation in an Offence [30.3.6(5)] in cases respecting Inappropriate Academic Behaviour in the course that he or she instructs, the Instructor will meet with the Student. Before such a meeting, the Instructor shall inform the Student of the purpose of the meeting. In the event that the Student refuses or fails to meet with the Instructor within a reasonable period of time specified by the Instructor, the Instructor shall, taking into account the available information, decide whether a report to the Dean is warranted.

30.5.4(2) If the Instructor believes there has been a violation of the Code, the Instructor shall, as soon as possible after the event occurred, report that violation to the Dean and provide a written statement of the details of the case. The instructor may also include a recommendation for sanction.

**Possible Sanctions**

One or more of the following sanctions given in 30.4.3 (2) and (3) of the Code are commonly used for plagiarism, cheating, participation in an offence, and misrepresentation of facts:

- 30.4.3(2) a.i a mark reduction or a mark of 0 on any term work or examination for reason of Inappropriate Academic Behaviour
- 30.4.3(2) a.ii Reduction of a grade in a course
- 30.4.3(2) a.iii a grade of F for a course
- 30.4.3(2) a.iv a remark on a transcript of 8 (or 9 for failing graduate student grades), indicating Inappropriate Academic Behaviour, in addition to 30.4.3(2)a.i, 30.4.3(2)a.ii or 30.4.3(2)a.iii
- 30.4.3(3) b Expulsion
- 30.4.3(3) e Suspension

The following sanctions may be used in rare cases:

- 30.4.3(3) e Suspension of a Degree already awarded
- 30.4.3(3) f Rescission of a Degree already awarded

**30.6.1 Initiation of an Appeal**

30.6.1(1) When a Student has been found to have committed an offence under the Code of Student Behaviour or an Applicant is found to have committed an offence under the Code of Applicant Behaviour, whether or not that Student or Applicant has been given a sanction, the Student or Applicant may appeal that decision, except in the case of a decision of the Discipline Officer under 30.5.6(2)e.ii, which remains final and is not subject to appeal. In cases where a severe sanction has been recommended to the Discipline Officer, once the student receives the final decision of the Discipline Officer, the student can appeal the decisions of both Dean and the Discipline Officer at the same time. The written appeal must be presented to the Appeals Coordinator in University Governance within 15 Working Days of the deemed receipt of the decision by the Student or Applicant. The finding that an offence has been committed, the sanction imposed or both may form the basis of appeal. The written appeal must also state the full grounds of appeal and be signed by the Appellant. The appeal shall be heard by the UAB.

**PROFESSOR STEVEN PENNEY**

**CHAIR, CAMPUS LAW REVIEW COMMITTEE**

* The Campus Law Review Committee is a standing committee of General Faculties Council (GFC) responsible for the review of the *Code of Student Behaviour* and of student disciplinary procedures.

Updated: 27/08/2015

**DR STEVEN DEW**

**PROVOST AND VICE-PRESIDENT (ACADEMIC)**