



**CAMOSUN COLLEGE**  
**School of Arts & Science**  
**Department of Criminal Justice**

**CRIM-170-001**  
**Law and Legal Institutions**  
**Winter 2018**

**COURSE OUTLINE**

The course description is online @ <http://camosun.ca/learn/calendar/current/web/crim.html>

Ω Please note: This outline will not be kept indefinitely. It is recommended students keep this outline for their records, especially to assist in transfer credit to post-secondary institutions.

**1. Instructor Information**

(a) Instructor	Wendy Taylor	
(b) Office hours	Tuesday and Thursday 9 to 10:00 am and by appointment	
(c) Location	Y305B	
(d) Phone	250-370-3658	(250) 516-3818
(e) E-mail	taylorw@camosun.bc.ca	

**2. Intended Learning Outcomes**

Upon completion of this course the student will be able to:

1. Summarize and demonstrate comprehension of fundamentals of Canadian law, the Canadian legal system and legal institutions.
2. Articulate the fundamental concepts of Canadian law, of the framework within which legislative and judicial authority are exercised, of the roles of lawyers and judges in the Canadian legal system, and of the concept of human rights.
3. Distinguish clearly between criminal and civil law.
4. Critically evaluate the strengths and weaknesses of the Canadian system of law and legal institutions.

**REQUIRED TEXT:**

- Boyd, N. (2015) Canadian Law – An Introduction, 6<sup>th</sup> Edition Toronto: Nelson Education

**COURSE GRADING:**

- Mid-term examination 20%
- Case Summary Assignment 30%
- In-class participation (10%) and group and class assignments (15%) - 25%
- Final examination 25%

**CLASS SCHEDULE OF TOPICS AND READINGS**

*(subject to revision)*

**Week #1: January 9th and 11th, 2018**

- Course preparation learning exercise
- Detailed introduction to the course, textbook, course assignments, website for course, course and classroom expectations
- Basic Divisions of Law
- Legal perspectives

Readings:

- Chapter 1 ‘The Role of Law’

**Week #2: January 16th and 18th, 2018**

- Sources of Law
- History of Common Law
- Criminalization of Drug Use and Distribution

Readings:

- Chapter 2 ‘The Sources of Canadian Law’

**Week #3: January 23rd and 25th, 2018**

- Intended and unintended consequences of legality
- Review of the basic court system and process in Canada

Readings:

- Chapter 5 p. 141-147 ‘Canada’s Courts’
- Chapter 3 p. 65-75 & 86-87 ‘How Judges Interpret Ambiguous Statutes’

**Week #4: January 30<sup>th</sup> and February 1st, 2018**

- Role of Judges, lawyers, Prosecutors, Defense Counsel
- Judges & Judicial Decision-making

Readings:

- Chapter 4 p. 95-107 & p. 114-136 'The Constitution of Canada'
- Chapter 6 p. 178-193 'The Study of Law, Lawyers & Judges'

**Week #5: February 6<sup>th</sup> and 8<sup>th</sup>, 2018**

- Constitutional Law
- Charter of Rights & Freedoms

Readings:

- Chapter 5 p. 148-161 'Canada's Courts'

**Week#6: February 13<sup>th</sup> and 15<sup>th</sup>, 2017. Reading Break: NO CLASS**

**Week #7: February 20<sup>th</sup> and 22<sup>nd</sup>, 2018**

- Charter of Rights and Freedoms
- Human Rights Law

Readings: NONE

**Week #8: February 27<sup>th</sup> and March 1st, 2018**

- **Mid-term examination February 27<sup>th</sup>, 2018**
- The Adversarial Justice System
- Inquisitorial Justice System

Readings:

- Chapter 5 p. 147-148 'Canada's Courts: The Adversarial System'

**Week #9: March 6<sup>th</sup> and 8<sup>th</sup>, 2018**

- Models of Dispute Resolution
- Negotiation, Mediation and Arbitration
- Restorative Justice approaches to Dispute Resolution
  
- Readings: Chapter 5 p. 161-165 'Canada's Courts: Models of Conflict Resolution'

**Week #10: March 13<sup>th</sup> and 15<sup>th</sup>, 2018**

- **Case Summary Assignment Due March 15<sup>th</sup>, 2018**
- Criminal Law
- Mental Health and the Criminal Justice System

Readings: Chapter 10 'Criminal Law'

**Week #11: March 20<sup>th</sup> and 22<sup>nd</sup>, 2018**

- Royal Commissions, Commissions of Inquiry and Task Forces
- Tort Law
- Civil v. Criminal law
- Disability and the Law

Readings:

- Chapter 7 ‘Torts of Intention & Negligence’

**Week #12: March 27<sup>th</sup> and 29<sup>th</sup>, 2018**

- Family Law
- Immigration Law

Readings:

- Chapter 8 ‘The Changing Family & Family Law’

**Week #13: April 3<sup>rd</sup> and 5<sup>th</sup>, 2018**

- Administrative Law
- The Investigation and Adjudication of Police Misconduct

Readings:

- Chapter 9 ‘Administrative Law: The State and Its Duty to Be Fair’

**Week #14: April 10<sup>th</sup> and 12<sup>th</sup>, 2018**

- International Law
- International Criminal Law and the International Criminal Court
- Exam Review

Readings:

- Gallant, Kenneth: What is International Law and Where does it Come from? (to be provided by the instructor)

**METHODS OF EVALUATING YOUR LEARNING**

**Exams (45%)**

Two exams are scheduled for this course.

**February 27<sup>th</sup>, 2018                      20%**

**Final Exam week                              25%**

Each exam will review your recollection/understanding of the content from the assigned readings and the material addressed in class (guest speakers, power point, video presentations, etc.). Each exam will not be comprehensive and will be based on the material covered between exam periods (i.e. The final exam will be based on material covered from February 28th to the course end date). That being said, some of the latter material covered will be based on concepts covered during earlier portions of the course. The format may include true / false, fill in the blank, short answer, multiple choice and essay questions.

Failure to attend an exam will result in a mark of ZERO (0) and an 'F' Grade in the course.

If you arrive late for either exam and have not made previous arrangements with the instructor, you will be required to complete the exam within the allotted time period from the time the examination began. No further time will be provided. For clarity, if the examination began at 6 pm and 60 minutes were allotted to complete the exam, you will be required to complete the exam by 7 pm, regardless of the time of your arrival.

### **Case Summary Assignment 30%**

**Due Date: March 15, 2018**

Late assignments will be penalized by a deduction of 5% per day.

To complete this assignment, you must find and summarise four (4) case decisions from one area of law from an Appeal Court and the Supreme Court of Canada and then write a comparative summary. You will need to begin by selecting a division of law and then finding court decisions from four (4) cases in that division of law. It is recommended that you choose cases from one of the following divisions: Criminal law, Family Law or Tort Law. If you choose another division of law you must check with your instructor first.

Cases summarised must be Canadian. Cases chosen must all be from the same division of law. You may write two summaries on the same case only if there were differing decisions at the Provincial Appeal Court and Supreme Court of Canada levels. You must have cases from at least 2 different Courts of Appeal. One of your five cases must be the most recent Supreme Court of Canada decision in the area you have chosen.

Research, meaning selecting cases and finding decisions, is a key part of this assignment. Once you have found your four (4) cases, the summarizing part of the assignment will be fairly straightforward. If you select cases that involve constitutional questions or where the courts have made new law or changed existing law, the assignment will be easier to complete. Media coverage may be helpful in finding cases and in writing your summary in terms of identifying issues and outcomes, but research outside of the case decisions is not required.

Decisions of courts are available online. Each court has an easy search engine to use. (use links from D2L or go to [www.courts.gov.bc.ca](http://www.courts.gov.bc.ca) and <http://scc.lexum.org/decisia-scc-csc/scc-csc/en/nav.do> )

Each case should be presented individually and summarized. Start with the name of the case, the jurisdiction and court name and the citation for that case.

For each case you summarize, you must cover the following topics:

1. Identifying the issue(s) of law at question (What is the case about?);
2. Stating the outcome of the case, including how the judges decided (was the decision unanimous, 5-0, 3-2, 6-3?);
3. Identifying the author of the majority decision;
4. Noting if there were other opinions given (were there concurring or dissenting opinions?);
5. Stating the central reason for the decision (why did the court decide the case this way?) and identifying the points of argument in the case (What were the main questions to be settled or questions where the judges continued to disagree?). Do not repeat the full arguments of the court. Longer is not better. The key skill you are demonstrating here is summarising briefly. You should be able to summarize the case in approximately 150 words.

After you have summarized all your cases, you must also complete the following:

1. Comparative summary:  
Write a short comparative summary about the cases you have researched. You should discuss common trends or principles in the cases or areas in which the cases appeared to differ. Ask yourself questions like: Why did similar cases have similar or different outcomes? How has the opinion of the courts changed over time? Did Supreme Court of Canada have a different opinion than one or more Courts of Appeal? Why?
2. Opinion/argument:  
Briefly explain your opinion about the area of law you have researched and what the state of the law is according to the cases you have reviewed. You must include at least one the theoretical approaches to law discussed in class and Chapter 1 of the textbook (e.g. Positivist, Feminist), but may apply your own ideas as well.

You must include a reference page with the name and citation for each case you have used, with web links to each case. That page must also be submitted independently to your instructor electronically on the D2L or via email. EXAMPLE: *R. v. Mann*, [2004] 3 S.C.R 59 <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2167/index.do>

Your own written work should total approximately 1000 to a maximum 1250 words, the equivalent of four (4) to five (5) pages, double-spaced, in 12-point font. Include a title page.

Submitting work that is not your own is plagiarism and may result in a zero grade for the assignment. For each case, you must start by providing the case citation.

A Works Cited page must be provided only if other sources like newspapers were used. Otherwise case citations provide adequate documentation. Please consult the Writing Reference Manual for the Criminal Justice Program for assistance with how to cite cases and use references.

## **Participation and Class Assignments (25%)**

Regular attendance and active participation are expected of all students. For the purposes of your participation grade, FIVE (5) in-class participation exercises will be assigned. These exercises will take the form of individual or group projects, group discussions or presentations, or individual written projects. Each exercise will be worth THREE PERCENT (3%) of your total grade for the course, for a total participation mark of (15%).

Each participation exercise will be graded out of THREE (3) POINTS as follows:

- 1 Point - Completeness (did the student complete the task/assignment as instructed)
- 1 Point - Correctness (did the student provide accurate/correct information)
- 1 Point – Quality of work (effort put into completing the task, grammar, spelling, etc.)

In-class participation exercises will be held during various classes throughout the semester. I will not provide advanced notice of the dates of those assignments and students who are not in attendance for the classes in which participation exercise occur will receive ZERO (0) on that exercise. Accommodation will only be provided to students who provide advance notice by 12:00 noon on the date of class of an absence due to illness, injury, illness/injury of a dependent. In the case of emergencies or unforeseeable incidents, accommodation will also be offered at the discretion of the instructor. No accommodation will be offered for missed participation exercises without supporting documentation (e.g. doctor's note). Such documentation must be provided by the end of class April 12, 2018, or the student will receive ZERO (0) for the missed participation exercise.

In the case of accommodation with supporting documentation for missed participation exercises, the student will be provided a make up assignment by the instructor. Such assignments must be completed and submitted by the next class. The assignment may not necessarily be the same as the one assigned in-class and will be determined at the discretion of the instructor.

### **Participation 10%**

Students will provide a self-assessment the last day of class outlining what you feel your grade should be out of 10 for participation in this course. Assessment will be based on attendance, participation in and out of class, readings, discussions and contributions in

class and group work. Self-assessments will be used to assist in the grading and will be reviewed by the Instructor when assessing the mark for participation in this class.

## **INSTRUCTIONAL POLICIES**

### **1. Class Preparation and Participation**

You are expected to complete the assigned readings before coming to class. This often becomes increasingly more difficult as the semester moves along and as the completion of assignments and preparation for exams takes a great deal of your time. I would strongly recommend that you use some type of day book where you can keep track of each assignment, readings, exams and other expectations being placed on you.

It is expected that you will arrive on time, be attentive, non-disruptive, constructive and respectful. For example, using headphones, engaging in text messaging, looking at messages, surfing the internet or using any means of disengaging with your classmates and the learning process is not accepted in this class. You will be asked to leave the classroom setting.

I welcome the use of laptops to take notes in class. However, should any student's use of a laptop become disruptive or distracting to other students, I will ask that student to leave the class. Should there be repeated incidents of laptops becoming distractions in class, I may prohibit their use for the remainder of the semester.

### **2. Late Penalty**

All assignments must be completed and submitted on the date and at the time assigned. The penalty for late assignments will be 5% per day. An extension can be granted only with at least 72 hours notice and will only be granted for good reason; supporting documentation may be required.

### **3. Plagiarism, Cheating & Academic Dishonesty**

Please see the College calendar and the *Writing Reference Manual for the Criminal Justice Program* or the Plagiarism unit in CRIM 120 for more information.

<http://camosun.ca/policies/Educatio-Academic/E-2-Student-Services-&-Support/E-2.5.pdf>

### **4. Course Completion Requirements**



You **must** complete all evaluative requirements (two exams and case summary assignment) to receive a passing grade in this course. Unfortunately, if you do not complete all requirements, you will receive an F grade.

This does NOT include incomplete participation exercises, only the exams and case summary assignment. Late case summary assignments must be handed in by the scheduled final exam start time or you will not write the final exam.

## College Supports, Services and Policies

### Immediate, Urgent, or Emergency Support

If you or someone you know requires immediate, urgent, or emergency support (e.g. illness, injury, thoughts of suicide, sexual assault, etc.), **SEEK HELP**. Resource contacts @ <http://camosun.ca/about/mental-health/emergency.html> or <http://camosun.ca/services/sexual-violence/get-support.html#urgent>

### College Services

Camosun offers a variety of health and academic support services, including counselling, dental, disability resource centre, help centre, learning skills, sexual violence support & education, library, and writing centre. For more information on each of these services, visit the **STUDENT SERVICES** link on the College website at <http://camosun.ca/>

### College Policies

Camosun strives to provide clear, transparent, and easily accessible policies that exemplify the college's commitment to life-changing learning. It is the student's responsibility to become familiar with the content of College policies. Policies are available on the College website at <http://camosun.ca/about/policies/>. Education and academic policies include, but are not limited to, Academic Progress, Admission, Course Withdrawals, Standards for Awarding Credentials, Involuntary Health and Safety Leave of Absence, Prior Learning Assessment, Medical/Compassionate Withdrawal, Sexual Violence and Misconduct, Student Ancillary Fees, Student Appeals, Student Conduct, and Student Penalties and Fines.

## A. GRADING SYSTEMS <http://camosun.ca/about/policies/index.html>

### Standard Grading System (GPA)

Percentage	Grade	Description	Grade Point Equivalency
90-100	A+		9
85-89	A		8
80-84	A-		7
77-79	B+		6
73-76	B		5
70-72	B-		4
65-69	C+		3
60-64	C		2
50-59	D		1
0-49	F	Minimum level has not been achieved.	0