



**Political Science 337 Y1Y 2020-21
The Canadian Constitution**

Please Note: all times listed in this course outline are Eastern Standard Time (EST).

Lectures: 6-8 pm Monday, ~~Rm 313 in Claude Bissell Building (BL)~~ for LEC 5101; simultaneous Zoom broadcast for LEC 6101 **Online only for both sections**

Instructor: Professor David Pond

E-Mail: david.pond@utoronto.ca; **Phone/Texting/Face Time:** 647-515-1957

Virtual Office Hours: 9-4 on class day (Monday)

Grading:

First-Term Essay: due November 30 (20%)

First-Term Take Home Open Book Test: Questions available November 30/Answers due December 9 (last day of term) (25%)

Second-Term Essay: **due March 22** (30%)

Second-Term Take Home Open Book Test: Questions available **March 22**/Answers due **April 5** (no lecture that day) (25%)

Note: penalty for late essays & late Test Answers is a deduction of 2 marks per calendar day from your mark out of 100

Final Drop Date: Feb. 22

The rules and policies set out in this course outline apply to all students taking this course.

Readings:

There is no textbook for you to purchase. Instead, all of the readings are available on the Quercus site.

Quercus:

This course employs a Quercus website where you will find the course outline, essay assignments, lecture slides, and supplementary material. To access the Pol 337 website, go to <http://portal.utoronto.ca> and log in using your UTORid and password.

Course Objectives:

This is an intensive course in the political science treatment of Canadian constitutional law and processes. To succeed in this course, students need a basic background in the operation of Canadian government. A grasp of Canadian political history would also be an asset. After taking this course, students will have a thorough understanding of Canadian constitutional structures, frameworks, principles, and the role of the judiciary in constitutional interpretation.

Students will be able to follow contemporary policy debates in Canada that have a constitutional dimension.

Student Learning Outcomes:

Students will be prepared for taking other courses in Canadian government and related courses in the Department of Political Science. Students should acquire social science research and writing skills that will prepare them for taking other courses not just in the Department of Political Science, but also in other departments in the Faculty of Arts and Sciences at the University of Toronto. For students aspiring to enter law school, this course may help prepare students for taking courses on constitutional law, with the qualification that Pol 337 offers a political science treatment of the subject-matter.

Delivery of Course Materials:

This is a ~~dual-delivery~~ online synchronous course. What does that mean?

~~The lectures are delivered in person in Room 313 of the Claude Bissell Building. This Building is attached to Robarts Library, at the north end. Only students pre-enrolled for the in-person lectures may attend. These students are in the course section denoted as LEC 5101. Other students must attend online. The online students are in the section denoted as LEC 6101.~~ For all students in both sections, the lecture slides to be covered will be mounted on the Quercus site before the lecture.

The ‘live’ lectures are broadcast through Zoom. After the live presentation is over, the Zoom presentations will be mounted on the University’s Cloud site, at <https://mymedia.library.utoronto.ca/login>. This site can be accessed by all students registered in this course. The URLs for accessing the Zoom presentations at this site will be made available on the Quercus site.

The two essay-assignments and the two Take Home Open Book tests will be completed online. All of the research needed to do the essays will be made available online. The tests will assess students’ mastery of the course materials, which are delivered through 1) the online lecture slides, 2) the Zoom lecture presentations, and 3) the online required readings.

Students are required to register for a UofT Zoom account (<https://utoronto.zoom.us>) prior to the first lecture. Only authenticated users can access the Zoom presentations. Students must follow the instructions to ensure that their account is authenticated.

Students are expected to review and be in compliance with the University’s requirements for online learning (<https://www.vicereprovooststudents.utoronto.ca/tech-requirements-online-learning/>). The technology requirements students need in order to take this course are also explained on this website.

Contacting me:

I welcome e-mail queries and comments. It is your responsibility to maintain your UofT-issued e-mail address in good working order. Forwarding your utoronto.ca email to a Hotmail, Gmail, Yahoo, Outlook or any other type of commercial e-mail account is not advisable. In some cases, messages from utoronto.ca addresses sent to Hotmail, Gmail, Yahoo, Outlook or similar accounts are filtered as junk mail, which means that e-mails from me may end up in your spam or junk mail folder.

Therefore, if it is your practice to forward your UofT e-mails to a commercial account, it is advisable to regularly check your spam and junk mail folders.

Remember: official communications and announcements from the University will always be sent to students' official UofT-issued e-mail addresses.

Failure to receive important class announcements and messages from me because of a faulty non-UofT e-mail account (for example, an account which screens out my e-mails as junk mail; bounced messages because of overloaded caches; a virus on your computer) are not legitimate excuses.

It is strongly advised that you load your essays onto TurnItIn using your UofT e-mail account, and not a commercial e-mail account. (The essay assignments are discussed below and in separate files).

Feel free to phone me if needed. If you are going to leave a message on my cellphone or text me, please identify yourself and the course you are taking.

TurnItIn.com:

Normally, students will be required to submit their course essays to TurnItIn.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the TurnItIn.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the TurnItIn.com service are described on the TurnItIn.com web site. A short guide on how to use TurnItIn.com is posted on the Quercus site.

If a student does not wish to participate in TurnItIn, the student **MUST** advise me immediately, as you will be required to agree to alternate arrangements for vetting your work, as well as to an alternate method for submitting your essays and Test answers for marking. Such arrangements could include some or all of the following: submission of your drafts, rough work and notes; submission of photocopies of the sources you used; submission of the URLs of all sources you used in your research.

Students who do not wish to participate in TurnItIn are *strongly advised* to carefully read the section below headed "Submitting Your Essays."

Plagiarism:

Plagiarism is a serious offence and will be dealt with accordingly.

It is important that you familiarize yourself with U of T's policies and procedures. Consult:

- "Student Academic Integrity" at <https://www.artsci.utoronto.ca/current/academic-advising-and-support/student-academic-integrity>
- "Academic Integrity at the University of Toronto" & "Code of Behaviour on Academic Matters" at <https://www.academicintegrity.utoronto.ca/>
- "Academic Misconduct" at <https://www.artsci.utoronto.ca/current/academic-advising-and-support/student-academic-integrity/academic-misconduct>

Your essays will be marked on the assumption you have read this section of the outline.

Plagiarism is cheating. It is considered a serious offence against intellectual honesty and intellectual property. Penalties for an undergraduate can be severe. At a minimum, a student is

likely to receive a “0” mark for the assignment or test in question. But a further penalty is often assessed, such as a further reduction from the course mark or placing a permanent notation of the incident on an academic record.

It is essential that you understand what plagiarism is and that you do not commit it. In essence, it is the theft of the thoughts or words of others, without giving proper credit. **You must put others’ words in quotation marks and cite your source(s).** You must give citations when using others’ ideas, even if those ideas are paraphrased in your own words. Plagiarism is unacceptable in a university.

The University of Toronto provides a process that faculty members must initiate when they suspect a case of plagiarism. See “Process and Procedures” at the University’s Academic Integrity website (<https://www.academicintegrity.utoronto.ca/process-and-procedures/>). A faculty member may not mark an assignment or assess a penalty if he or she finds evidence of plagiarism – the matter must be reported. The Chair of the Department, or the Dean, will assess the penalty.

The following are some examples of plagiarism:

- Submitting as your own an assignment written by someone else, either completely or substantively.
- Quoting an author without indicating the source of the words.
- Using words, sentences, or paragraphs written by someone else **and failing to place quotation marks around the material** and reference the source and author. Using either quotation marks or reference alone is not sufficient. **Both must be used!**
- Adapting an author’s ideas or theme and using it as your own without referencing the original source. All sources used must be properly cited.
- Using false citations or references.
- Seeking assistance from a friend or family member in respect to work you claim as your own.
- Purchasing an essay and submitting it as your own work.

If you are not sure whether you have committed plagiarism, it is better to consult me rather than risk discovery and be forced to accept an academic penalty.

Consult:

- “How Not to Plagiarize” at <http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>
- “How can I cite properly?” at <https://sidneysmithcommons.artsci.utoronto.ca/how-can-i-cite-properly>
- “Academic Integrity and Plagiarism” at <https://guides.library.utoronto.ca/plagiarism>

You can also consult one of the Writing Centres on campus (<http://www.writing.utoronto.ca/writing-centres>).

It is also unacceptable to hand in the same essay in two different courses. You cannot submit an essay in this course for which you have already obtained credit in a previous course, or submit the same essay in two different courses in the same term, without my express permission ahead of time.

As the passage above indicates, there are many forms of plagiarism. In my experience, the most common form of plagiarism is the failure to use quotation marks. So to repeat: all wording in your essays which is copied from another source **must** be in quotation marks.

Extensions on the Essay Deadlines:

Current University of Toronto policy (St George campus) on submitting work late, such as the essays and Take Home Open Book tests in this course, is as follows:

Since we are encouraging you to stay at home if you are unwell, the University is temporarily suspending the need for a doctor's note or medical certificate for absences because of cold or flu-like symptoms, or due to self-isolation requirements. Instead, you will need to record these absences through the Absence Declaration tool on ACORN. The tool can be found in the ACORN Profile and Settings menu. You should record each day of your absence as soon as it begins, up until the day before you return to classes or other academic activities. The University will use this information to provide academic accommodation and to monitor overall absences.

Absences for other illnesses should continue to be documented through the Verification of Illness (VOI) form and normal divisional process.

While the University will make every effort to provide needed academic accommodation, you are responsible for meeting course requirements as determined by your instructors.

SOURCE: <https://www.artsci.utoronto.ca/news/message-dean-absence-declaration-tool>

How do I request an extension?

BEFORE YOU “FORMALLY” REQUEST AN EXTENSION:

Check your syllabus- often, your professor will include a “late submission policy.” This policy may include a penalty for each day that the assignment is late, and a final cut-off date for which an assignment will be accepted.

Speaking with your professor as soon as you know that you may not be able to hit the deadline. If you can explain why you are unable to complete the assignment, you may be able to negotiate an extension.

SOURCE: <https://sidneysmithcommons.artsci.utoronto.ca/how-do-i-request-an-extension/>

Please note the underlined sentences. ACORN self-declarations do *not* automatically excuse you from late penalties on the essays or the take home tests. ACORN self-declaration by itself, does *not* constitute adequate documentation. You cannot self-declare yourself too sick to work on an essay or a Take Home Test.

Every department and professor may adopt their own extension policies. To get an extension in Pol 337 you must follow the procedure below:

Extensions must be applied for. Documentation must be submitted directly to the professor.

If you need an extension on an essay deadline, you must ask me (not the TA) for it as soon as possible. I am very unlikely to grant a request long after the due date for an essay.

Feel free to approach me in class or via e-mail to request an extension. However, all requests must be formally submitted in writing (by e-mail). An extension is formally granted by me in writing, with the time-period indicated. Extensions are for fixed time periods. There is no such thing as an open-ended extension.

You cannot get a medical/family excuse after an essay is due and you have already missed the due date. The purpose of the extension policy is to assist students facing an imminent deadline. Once an essay deadline has passed, the rationale for an extension expires.

There is only one exception to this rule: if your documentation is dated *before* or *on* the due date of the essay. Only under this condition, will I entertain an application for an extension after the due date for an essay has passed.

If your extension runs out and you still have not submitted your essay, your extension has expired. Your late penalty will resume on the day after your extension expired and will continue to accumulate until the date you do submit your essay.

The late penalty in this course is a deduction of two marks per calendar day from your mark out of 100. For example, if your essay is one day late and you would otherwise have received a mark of 76, your mark is reduced to 74 ($76-2=74$).

This policy applies to all students taking this course.

Submitting Your Essays:

In this course, essays are submitted through TurnItIn. You should use your UofT e-mail address to mount your essay on TurnItIn. When you upload your essay to TurnItIn.com, the program automatically records the time and date you do this.

- The first essay is due November 30. You have until 11.59 PM on this day to mount your essay on TurnItIn without incurring a late penalty.
- The second essay is due **March 22**. You have until 11.59 PM on this day to mount your essay on TurnItIn without incurring a late penalty.

You do not submit a paper copy. Papers will not be accepted by fax, e-mail or other electronic means, unless specifically permitted by me beforehand. Do not submit your essays to the TA. The TA is not authorized to formally accept essays.

TurnItIn Password Information:

Website: <http://turnitin.com>

Class ID: 26467381

Enrolment Key: ladodgers101

Note: you cannot "cut & paste" this data into the TurnItIn website. It must be inputted directly.

If you created your essay in separate files on your computer, make sure you merge them into a single file before uploading your essay to TurnItIn.com. Please upload your essay in 'doc' format, not 'txt.' Please use Word, not Google Docs. Do not use PDF to mount your essay on TurnItIn.

In this course, students are not permitted to mount multiple versions of an essay on TurnItIn in order to see their TurnItIn Originality Report. So do not mount more than one version of your

essay on TurnItIn, using different e-mail addresses. If you encounter problems mounting your essay, do not keep trying! Instead, contact me immediately.

Some common sense is in order here. If you do not receive your essay mark back when everybody else does, the time to inquire as to what happened to your essay is right then, not weeks later. When you mount your essay on TurnItIn, you should receive a digital receipt via e-mail. If you do not, the time to look into this omission is right NOW, not at the end of the course.

The essay submission process is summarized as follows:

Submitting the Essays

- Review the *TurnItIn Guide* mounted on the course Quercus site under the “Essays” heading. Go to “Pages” and then scroll down to “E.”
- Create your essay as a single Word document, not PDF or ‘txt.’ Follow the formatting instructions contained in the essay assignment hand-out on Quercus under the “Essays” heading.
- Go to <http://turnitin.com>, and directly input the enrolment key & Class ID.
- Use your UofT e-mail address to mount your essay on TurnItIn, NOT a commercial e-mail account.
- After you have mounted your essay, *make sure you receive a digital receipt* at your UofT e-mail address. This receipt is your proof that you successfully mounted an essay. You will need this receipt if there is a subsequent dispute about whether I received your essay.
- I will announce when the essay marks will be mounted on Quercus. When the marks are mounted, check to make sure you got a mark. Do NOT wait until weeks later or the end of term to inquire about your essay mark.

You are strongly advised to keep your essay drafts and notes until essay marks are returned. You should always retain your own copy of your submitted essay. Students are also strongly advised to back up the electronic version of their essays and Take Home Test answers, to disks, an online storage system, or to an external hard drive. You should keep any storage devices separate from your laptop, tablet or electronic notebook.

Please be advised that computer malfunctions, computer theft or failure to connect to the Internet are not legitimate excuses for handing in an essay or Take Home Test answers late. Never leave your laptop or any other electronic device unguarded in any public location.

This policy applies to all students taking this course.

Writing the Take Home Tests:

The two tests are Take Home Open Book. The purpose of the Tests is to assess students’ mastery of the course materials, which are delivered through 1) the online lecture slides, 2) the Zoom lecture presentations, and 3) the online required readings.

The first-term Test questions will be mounted on Quercus on November 30. Your answers must be posted on the TurnItIn site by December 9 no later than 11.59 PM.

The second-term Test questions will be mounted on Quercus on **March 22**. Your answers must

be posted on the TurnItIn site by **April 5** no later than 11.59 PM. There will be no lecture on **April 5**.

The extension policy for the essays outlined above, also applies to both of the Take Home Tests.

If students miss the deadline for submitting their Take Home Open Book Test answers (and did not obtain an extension beforehand), they may be eligible to do a Make-Up Take Home Test. The Faculty of Arts & Sciences' policy regarding make-up tests is set out in the *2020-21 Academic Calendar*, on p. 32. The *Calendar* is available at: <https://fas.calendar.utoronto.ca/pdf-version-current-calendar>.

Students should notify me as soon as possible that they will be missing a test. Please note, under the *Calendar* policy, students have one week after the date of a missed Test, to apply to do a Make-Up Test. In this course, the Test deadlines are December 9 and **April 5**.

A Note on Marking:

Feel free to contact me at any time to discuss the requirements of this course. Once all Take Home Open Book test marks are released, an Answer-Key to each of the Tests will be posted on Quercus. Students are invited to compare their own answers to the Answer-Key. Class averages and median marks on the tests will be posted on Quercus. Students will be able to compare their own performance to their peers in this class.

Your essays will be marked either by me or the TA. If you are unhappy with the mark you received on an essay marked by me, feel free to approach me. You should do this as soon as possible after receiving your essay mark. However, you must have a substantive reason for appealing your essay mark.

If you are unhappy with the mark you received on an essay from the TA, your first step is to discuss it with the TA marker. You should do this as soon as possible after receiving your essay mark. It is advisable to submit to the TA marker a written response to the comments on your essay. If you are unhappy with the TA marker's reply, then you may appeal to me. However, you must have a substantive reason for appealing an essay mark. You should submit to me a written response to the TA marker's comments. Keep in mind that an appeal to me is not a request for a re-grade of your essay. Instead, you are expected to persuade me why I should adjust the mark you received from the TA marker.

Complaining to me or the TA about an essay mark simply because you do not like it and want a higher mark is a waste of your time.

You are entitled to the mark your work merits. You are not entitled to the mark you think you personally deserve, or you need in order to achieve your personal goals such as getting into a professional program or graduate school, staying in university or in a particular program, raising your mark in the course to the next letter grade level, maintaining your GPA at a certain level, getting off suspension/probation, retaining a scholarship or other funding source, etc. Therefore, please do not lobby me to raise your mark simply because you want a higher mark. Complaining to me about any of your marks in this course (including your final mark) simply because you do not like them and want a higher mark is a waste of your time. This policy applies to all students.

There is no provision for any student to do extra work or assignments to make up for low grades on any of the tests and essays. All students are evaluated under the same marking criteria on page one.

This policy applies to all students taking this course.

Lecture Delivery through Quercus and Zoom:

The topics covered in the weekly lectures are listed below, along with the required readings. All supplementary readings are accessible through the Quercus site. All lecture slides will be posted on the Quercus site. It is possible that a small number of additional required readings (for example, a recent newspaper article) will be added to the Quercus site as the course progresses.

Of course, ~~failure to attend lectures (LEC 5101)~~, or access the Zoom lecture presentations, is not penalized. However, please remember that it is in the lectures that I prepare students for the tests, respond to student questions and concerns, and make important announcements. Students who fail to attend the ~~lectures (LEC 5101)~~ or fail to read the lecture slides (both sections), or who do not follow the Zoom presentations of the lectures, do so at their own risk.

WEEKLY LECTURE SCHEDULE

FIRST TERM:

Class One, September 14: Introduction to the Course & What is a Constitution? *started* **Reading for Classes #1 & #2:**

- Mark Dickerson, et al., “Constitutionalism” (chapter 7), in *An Introduction to Government & Politics* (9th ed., 2014)

Class Two, September 21: Review of Fall Essay & What is a Constitution? *concluded*

Class Three, September 28: Confederation & the BNA Act *started* **Readings for Classes #3 to #5:**

- Garth Stevenson, “Origins and Objectives of Canadian Confederation” (chapter 2), in *Unfulfilled Union* (5th ed., 2009)
- Gregory Inwood, “The Political Economy of Post-Confederation Canada” (chapter 3), in *Understanding Canadian Federalism* (2013)
- Robert Vipond, “1867: Confederation,” in *The Oxford Handbook of the Canadian Constitution* (2017)

Class Four, October 5: Confederation & the BNA Act *continued*

Class Five, October 12: the BNA Act & Responsible Government *started* **Readings for Classes #5 to #8:**

- Peter Aucoin et al., *Responsible Government* (2004), Part 1 (pp. 17-24)
- Marcella Firmini & Jennifer Smith, “The Crown in Canada,” in *The Oxford Handbook of the Canadian Constitution* (2017)
- Philippe Lagassé, “The awkward case of Canada’s British prince,” *Policy Options* (May 2017)
- Patrick Malcolmson, et al., *The Canadian Regime* (6th ed., 2016), “Responsible Government” (chapter 3)
- Lori Turnbull, “The House of Commons and Responsible Government,” in J. Bickerton & A.G. Gagnon, eds, *Canadian Politics* (7th ed., 2020), pp. 65-79

Class Six, October 19: Responsible Government *continued*

Class Seven, October 26: Responsible Government *continued*

Class Eight, November 2: Responsible Government *concluded*; the BNA Act & Federalism Readings:

- Dara Lithwick, *A pas de deux: The Division of Federal and Provincial Legislative Powers in Sections 91 and 92 of the Constitution Act, 1867* (Library of Parliament, 8 Dec. 2015)
- Isabelle Brideau & Laurence Brosseau, *The Distribution of Legislative Powers: An Overview* (Parliamentary Library, 16 Oct. 2019)

Fall Reading Week November 9-13

Class Nine, November 16: the JCPC & Classical Federalism *started*

Readings for Classes #9 to #11:

- Garth Stevenson, “Judicial Interpretation of the Constitution” (chapter 3), in *Unfulfilled Union* (5th ed., 2009)
- Gregory Inwood, *Understanding Canadian Federalism* (2013), pp. 105-113
- Christopher Armstrong, “The Mowat Heritage in Federal-Provincial Relations,” in Donald Swainson, ed., *Oliver Mowat’s Ontario* (1972), pp. 93-118
- Ronald Cheffins, “The Royal Prerogative and the Office of Lieutenant Governor” (Spring 2000), *Canadian Parliamentary Review*, vol. 23(1), pp. 14-19

Class Ten, November 23: the JCPC & Classical Federalism *continued*

First Essay due November 30 (20%)

Class Eleven, November 30: the JCPC & Classical Federalism *concluded*

Class Twelve, December 7: the Supreme Court & Federalism

Readings:

- Peter Hogg & Wade Wright, “Canadian Federalism, the Privy Council and the Supreme Court: Reflections on the Debate about Canadian Federalism” (2005), *UBC Law Review* (2005), vol. 38(2), pp. 329-352
- Eugénie Brouillet, “The Supreme Court of Canada: The Concept of Cooperative Federalism and Its Effect on the Balance of Power,” in Nicholas Aroney & John Kincaid, eds., *Courts in Federal Countries* (2017), pp. 135-164
- Gerald Baier, “The Courts, the Division of Powers, and Dispute Resolution,” in Herman Bakvis & Grace Skogstad, eds., *Canadian Federalism* (4th ed., 2020), pp. 90-113

Take Home Open Book Test #1 Answers due December 9

SECOND TERM:

Class Thirteen, **January 11: Review of Winter Essay & The Road to Patriation**

Readings for Classes #13 to #15:

- Filippo Sabetti, “The Historical Context of Constitutional Change in Canada,” *Law and Contemporary Problems* (1982), pp. 11-32

- Jamie Cameron, “Legality, Legitimacy and Constitutional Amendment in Canada,” in Richard Albert & David Cameron, eds., *Canada in the World* (2017), pp. 98-122
- Eric Adams, “Constitutional Nationalism: Politics, Law and Culture on the Road to Patriation,” in Lois Harder & Steve Patten, eds., *Patriation and Its Consequences* (2015), pp. 49-71
- Garth Stevenson, “Federalism and Constitutional Change” (chapter 10), in *Unfulfilled Union* (5th ed., 2009)
- Gregory Inwood, “Quebec” (chapter 8), in *Understanding Canadian Federalism* (2013)
- François Rocher & Miriam Smith, “Four Dimensions of the Canadian Constitutional Debate,” in Rocher & Smith, eds., *New Trends in Canadian Federalism* (1995), pp. 45-66

Class Fourteen, January 18: Patriation & Quebec

Class Fifteen, January 25: Patriation & Quebec concluded

Class Sixteen, February 1: The Constitution Act, 1982 concluded

Reading:

- Robert Hawkins, “Constitutional Workarounds: Senate Reform and Other Examples,” *Canadian Bar Review* (2010), vol. 89, pp. 513-544

Class Seventeen, February 8: The Charter of Rights and Freedoms started

Readings for Classes #17 to #20:

- Peter Russell, “The Political Purposes of the Canadian Charter of Rights and Freedoms,” *Canadian Bar Review* (1983), vol. 61, pp. 30-54
- Barry Strayer, “The Evolution of the Charter,” in Lois Harder & Steve Patten, eds., *Patriation and its Consequences* (2015), pp. 72-92
- Raymond Bazowski, “Politics and the Charter of Rights and Freedoms,” in J. Bickerton & A.G. Gagnon, eds., *Canadian Politics* (7th ed., 2020), pp. 171-195
- Robert Martin & Philip Bryden, “Is the Charter of Rights Antidemocratic? Yes or No,” in Mark Charlton & Paul Barker, eds., *Crosscurrents* (8th ed., 2015), pp. 59-72
- Janet Hiebert, “The Canadian Charter of Rights and Freedoms,” in *The Oxford Handbook of Canadian Politics* (2010)
- Janet Hiebert, “The Charter’s Influence on Legislation: Political Strategizing about Risk” (2018), *Canadian Journal of Political Science*, vol. 51(4), pp. 727-747
- Peter Hogg & Ravi Amarnath, “Understanding Dialogue Theory,” in *The Oxford Handbook of the Canadian Constitution* (2017)
- Allan Blakeney, “The Notwithstanding Clause, the Charter, and Canada’s Patriated Constitution: What I Thought We Were Doing” *Constitutional Forum* (2010), vol. 19, pp. 1-9
- The Savoie view:
 - Donald Savoie, “Different Ways to Get What You Want,” in Savoie, *What Is Government Good At?* (2015), pp. 73-86
 - Donald Savoie, “The Courts,” in Savoie, *Democracy in Canada* (2019), pp. 308-318

Class Eighteen, February 22: The Charter of Rights and Freedoms *continued*

Winter Reading Week February 15 –19

Class Nineteen, March 1: The Charter of Rights and Freedoms *continued*

Class Twenty, March 8: The Charter of Rights and Freedoms *concluded*

Class Twenty-One, March 15: Indigenous Peoples *started*

Readings for Classes #21 to #23:

- Isabelle Brideau, *The Duty to Consult Indigenous Peoples* (Library of Parliament, 12 June 2019)
- Sébastien Grammond, “Treaties as Constitutional Agreements,” in *The Oxford Handbook of the Canadian Constitution* (2017)
- Roger Townshend & Tom Flanagan, “Can Native Sovereignty Co-Exist with Canadian Sovereignty? Yes or No,” Mark Charlton & Paul Barker, eds., *Crosscurrents* (8th ed., 2015)
- Martin Papillon, “The Two Faces of Treaty Federalism,” in James Bickerton & Alain-G. Gagnon, *Canadian Politics* (7th ed., 2020), pp. 217-234
- Ken Coates & Greg Poelzer, “Re-imagining Indigenous space,” in Alan Tidwell & Barry Scott Zellen, eds., *Land, Indigenous Peoples and Conflict* (2015), pp. 54-65
- Kirsten Matoy Carlson, “Political Failure, Judicial Opportunity: The Supreme Court of Canada and Aboriginal and Treaty Rights” (2014), *American Review of Canadian Studies*, vol. 44(3), pp. 334-346

Second Essay due March 22 (30%)

Class Twenty-Two, March 22: Indigenous Peoples *continued*

Class Twenty-Three, March 29: Indigenous Peoples *concluded*

Class Twenty-Four, April 5: Take Home Open Book Test #2 Answers due (no lecture today)

A WARNING ABOUT PLAGIARISM

Plagiarism is an academic offence with a severe penalty.

It is essential that you understand what plagiarism is and that you do not commit it. In essence, it is the theft of the thoughts or words of others, without giving proper credit. You must put others' words in quotation marks and cite your source(s). You must give citations when using others' ideas, even if those ideas are paraphrased in your own words. Plagiarism is unacceptable in a university. What the university calls "plagiarism", non-university institutions might call "fraud". The University of Toronto provides a process that faculty members must initiate when they suspect a case of plagiarism. In the Department of Political Science, suspected evidence of plagiarism must be reported to the Chair; in most cases, the Chair passes the case on to the Dean.

A faculty member may not mark an assignment or assess a penalty if he or she finds evidence of plagiarism – the matter must be reported. Penalties are assigned by the Chair, by the Dean or by the University of Toronto Tribunal.

The following are some examples of plagiarism:

1. Submitting as your own an assignment written by someone else.
2. Quoting an author without indicating the source of the words.
3. Using words, sentences, or paragraphs written by someone else and failing to place quotation marks around the material and reference the source and author. **Using either quotation marks or reference alone is not sufficient. Both must be used!**
4. Adapting an author's ideas or theme and using it as your own without referencing the original source.
5. Seeking assistance from a friend or family member in respect to work you claim as your own.
6. Using false citations or references.

Ignorance of the rules against plagiarism is not a defence; students are presumed to know what plagiarism is and how to avoid it. Students are especially reminded that material taken from the web **must** be quoted and cited in the same manner as if it came from a book or printed article.

If you are not sure whether you have committed plagiarism, it is better to ask a faculty member or teaching assistant than risk discovery and be forced to accept an academic penalty.

Plagiarism is **cheating**. It is considered a **serious offence** against intellectual honesty and intellectual property. Penalties can be **severe**, ranging from a mark of "0" for the assignment or test in question, **up to and including expulsion from the university**.

Some website listed below on avoiding plagiarism:

'How to Use Sources and Avoid Plagiarism' - available at:

<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>

Other Advisory Material available at: <http://advice.writing.utoronto.ca/>