



**INTERNATIONAL INDIGENOUS STUDIES PROGRAM
FACULTY OF ARTS**

**INDG 343 Lecture 01
Indigenous Law in Canada
Fall 2021**

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OFFICE HOURS: Tuesday 3:00-4:00 p.m. or by appointment
COURSE DAY/TIME: Synchronous: Mondays 17:00 – 19:45
DELIVERY METHOD: Web-Based
COURSE PRE-REQUISITES: None

COURSE DESCRIPTION

This course examines the development of Canadian Constitutional law and case law relative to the Indigenous people and its recognition of and displacement of Indigenous governance and law. In order to understand the current status and place of Indigenous law a discussion on the displacement of Indigenous law will be reviewed, followed by the recognition of and revitalization of these laws by Indigenous people and within the Canadian legal system.

A supplementary focus will be on Indigenous legal traditions and exploring the source of Indigenous law and the relationship stemming from this perspective. With primary emphasis on Blackfoot Confederacy. Within this area Students will explore Indigenous law from an Indigenous perspective.

COURSE OBJECTIVES & LEARNING OUTCOMES

The International Indigenous Studies Program has a range of capacities and critical thinking skills that our Majors will develop over the course of their degree. This course sets you on the pathway to achieving them.

For the full list of program learning outcomes expected at the end of the degree, please see: <https://arts.ucalgary.ca/international-indigenous-studies/about/program-statement>

For this Course, the learning objectives are:

1. To gain an understanding of the Canadian legal system's recognition and limitation of Indigenous Law.
2. To develop a broader conception of law; law as relational and connected to a source from which all other law stems.
3. To learn Indigenous legal concepts, to be able to frame law in specific areas based upon

these concepts of relational law.

REQUIRED TEXTBOOK(S)

All readings will be posted to D2L

REQUIRED TECHNOLOGY

This course will be a combination of synchronous (i.e., real-time/Zoom) and asynchronous (i.e., students complete on their own time such as discussion boards, watching videos, etc.) learning. There is a D2L site for this course which contains required readings and other relevant class resources and materials (see d2L.ucalgary.ca). As such, reliable access to the following technology will be required:

- A computer with a supported operating system, as well as the latest security, and malware updates;
- A current and updated web browser
- Web cam
- Microphone and speaker, built in or external, or headset with microphone.
- Current antivirus and/or firewall software enabled
- Broadband internet connection.
- Most current laptops have a built-in webcam, speaker and microphone

GUIDELINES FOR ZOOM SESSIONS

Zoom is a video conferencing program that will allow us to meet at specific times for a “live” video conference, so that we can have the opportunity to meet each other virtually and discuss relevant course topics as a learning community.

To help ensure Zoom sessions are private, do not share the Zoom link or password with others, or on any social media platforms. Zoom links and passwords are only intended for students registered in the course. Zoom recordings and materials presented in Zoom, including any teaching materials, must not be shared, distributed or published without the instructor’s permission.

The use of video conferencing programs relies on participants to act ethically, honestly and with integrity; and in accordance with the principles of fairness, good faith, and respect (as per the Code of Conduct). When entering Zoom or other video conferencing sessions (such as MS Teams), you play a role in helping create an effective, safe and respectful learning environment. Please be mindful of how your behaviour in these sessions may affect others. Participants are required to use names officially associated with their UCID (legal or preferred names listed in the Student Centre) when engaging in these activities. Instructors/moderators can remove those whose names do not appear on class rosters.

Non-compliance may be investigated under relevant University of Calgary conduct policies (e.g. Student Non-Academic Misconduct Policy). If participants have difficulties complying with this requirement, they should email the instructor of the class explaining why, so the instructor may consider whether to grant an exception, and on what terms. For more information on how to get the most out of your zoom sessions visit: <https://elearn.ucalgary.ca/guidelines-for-zoom/>

Please be prepared, as best as you are able, to join class in a quiet space that will allow you to be

fully present and engaged in Zoom sessions. Students will be advised by their instructor when they are expected to turn on their webcam (for group work, presentations, etc.).

The instructor may record online Zoom class sessions for the purposes of supporting student learning in this class – such as making the recording available for review of the session or for students who miss a session. Students will be advised before the instructor initiates a recording of a Zoom session. These recordings will be used to support student learning only and will not be shared or used for any other purpose.

COURSE COMPONENT WEIGHTS AND DUE DATES

COMPONENT	WEIGHTING	DUE DATES
Participation	10%	Entire term
Journal Assignments	20%	Fridays 23:59
On-line Discussion	15%	Thursdays 23:59
Analytical Paper	20%	November 15, 17:00
Essay	35%	December 13, 23:59
Total	100%	

Student will have received their marks for the Journals 20%, On-line Discussion 15% and Analytical Paper 20%, by the last day of class December 6th.

If a student misses a required course component, please get in touch the instructor as soon as possible.

COURSE SCHEDULE & TOPICS

DATE	TOPIC	READINGS
Sept. 13	Introduction to the Course	Course Syllabus
Sept. 20	Recognition of Indigenous Law in Canada	Royal Proclamation 1763, Constitution Act 1867 & 1982, Treaties: <i>The True Spirit & Original Intent of Treaty 7</i> , Walter Hildebrandt, Sarah Carter & Dorothy First Rider. pps. 191 -239.
Sept. 27	International Recognition of Indigenous Law	United Nations Declaration on the Rights of Indigenous People, <i>Indigenous Peoples and International Law: The making of a Regime</i> , Chidi Oguamanam, Canada's Statement of Support of UNDRIP
Oct. 4	Displacement of Indigenous Law in Canada	<i>Indian Act: An Historical Perspective</i> , John Leslie, Indian Act, Alberta Natural Resources Act, Statement of the Government of Canada on Indian Policy
Oct. 11		Thanksgiving -No Class
Oct. 18	Challenges to Revitalizing Indigenous Law	<i>Jagged Worldviews Colliding</i> , Leroy Little Bear, <i>Culture, Self-Determination and Colonialism:</i>

		<i>Issues around Revitalizing of Indigenous Legal Traditions</i> , Gordon Christie, <i>The Law of the Land, Recognition and Resurgence in Indigenous Law and Justice Systems</i> , Christine Zuni Cruz
Oct. 25	Indigenous Legal Traditions	<i>Justice Within: Indigenous Legal Traditions</i> , John Borrows <i>Canada's Indigenous Constitution</i> , John Borrows <i>Indigenous Legal Traditions in Canada</i> , John Borrows Truth & Reconciliation Calls to Action 42,43,44,45, 46,50, MMIWG Calls for Justice 1.2(v)
Nov. 1	Indigenous Legal Traditions the Source & Legal Principles	<i>Indigenous Legal Traditions in Canada</i> , John Borrows <i>The Sun Came Down</i> , Percy Bullchild. pps. 5-35
Nov. 8		Term Break – No Classes
Nov.15	Legal Principles within Indigenous Law	Opening Statement of Delgamuukw Niitsitapi – Glenbow Museum website Wet'suwet'en Hereditary Chiefs <i>The Sun Came Down</i> , Percy Bullchild. pps. 5-35
Nov.22	The Land	<i>Einstein, Sacred Science, and Quantum Leaps: A Comparative Analysis of Western Science, Native Science and Quantum Physics</i> , Elizabeth Ferguson, <i>The Sun Came Down</i> , Percy Bullchild. pps. 245-250.
Nov. 29	Peacemaking	<i>Navajo Nation Courts, Peacemaking & Restorative Justice Issues</i> , Marianne O. Nielsen, <i>Matsiyipaitapiiyssinni:Kainai Peacekeeping & Peacemaking</i> . Annabelle Cropearedwolf
Dec. 6	Kinship	<i>Niistapi</i> , Glenbow Museum Website <i>Matsiyipaitapiiyssinni:Kainai Peacekeeping & Peacemaking</i> . Annabelle Cropearedwolf, <i>Speaking My Truth</i> , Aboriginal Healing Foundation. pps 11-36, 55-76, 153-164..

Please note that the above schedule is tentative and may change as the need arises.

ASSIGNMENT[S]

1. **Journal assignment: 20% (Due date: Fridays at 23:59)**

Each class students will write a Reflective response regarding that day's course content. This exercise is to develop and promote a deeper understanding of the topics discussed. The Journals will be in complete sentences and not point form. The Journal exercise provide a learning opportunity to reflect and express their own view through written form.

2. **On-Line Discussion 15% (Due date: Thursdays at 23:59)**

Class participation is important expectation of this course. The instructor will post a question from the classes each week. Students are expected to offer comments, questions, replies to the discussion question that is posed throughout the term. The instructor's role is an observer and facilitator. Postings will be evaluated on the quality of the postings and the degree the postings promote discussion with class mates. Discussion questions will be posted on D2L and on Thursdays at 11:59 PM the Discussion will close.

Students are to be respectful in their responses.

3. **Analytical Paper. 20% (Due date: November 15, 17:00)**

Length: 4 pages, double spaced. Must cite and integrate at least two assigned readings into the paper.

Students are to respond to a topic that arises from the course content, or on-line discussions and provide an analytical response to the topic. This is not an opinion paper rather you are to provide a position on a topic related to the course. You will build an analytical argument, with assigned readings to support your viewpoint.

4. **Essay. 35% (Due date: December 13, 23:59)**

An eight (8) paper Essay not including the References page.

All Essays (35%) must be:

- Type written (except where an exception has been granted by the instructor)
- Double Spaced
- Size 12 Times New Roman Font
- Left and Right Margins set at 1" or 2.54 cm
- Top and Bottom Margins set at 1.25" or 3.17 cm
- 8 pages (excluding authorities which must be on a separate page)

Your essay must include:

- Introduction with a Thesis statement
- Analysis
- Organization of Essay – well organized paragraphs
- Clarity of Writing
- Conclusion
- Referencing/Bibliography – 5 scholarly sources

Submission of Assignments:

Please submit all assignments electronically the dropbox in D2L. Assignments may be submitted in Word or PDF format. Assignments should have a file name as follows: “First Name Last Name Assignment Number” (e.g., Alex Smith Assignment 2).

Assignments must be submitted by 11:59 pm on their due date. It is the student's responsibility to keep a copy of each submitted assignment and to ensure that the proper version is submitted.

Please also note, D2L provides confirmations of successful uploads. The first in the form of a “check mark” on your screen, the second in a confirmation email. If you do not receive this, your assignment was likely not uploaded, please try again. Please keep the email as proof of upload. It is the student’s responsibility to ensure assignments are uploaded successfully.

PARTICIPATION

The student’s participation grade will depend on your active participation in class discussions and activities. Participation includes reading the assigned readings, watching assigned videos, participating in synchronous learning, discussion threads on D2L, and watching the class lectures, will all be considered when assigning a grade to each student for participation.

Please let the instructor know (by e-mail) ahead of time if you will be missing a class/synchronous learning, and the reason for the absence.

WRITING STATEMENT

Written assignments are often required in International Indigenous Studies courses, and the quality of writing skills, including but not limited to such elements as grammar, punctuation, sentence structure, clarity, citation, and organization, will be taken into account in the determination of grades. Students are encouraged to make use of the services offered through Writing Support Services in the Student Success Centre by contacting them at <http://www.ucalgary.ca/ssc/writing-support>.

GRADING SCALE: The following grading scale will be used:

The International Indigenous Studies Program uses the percentage conversion scale below. Your final grade will be converted to the University’s official 4-point scale at the end of term. The interpretation of the undergraduate university grading system can be found at <http://www.ucalgary.ca/pubs/calendar/current/f-1.html>.

A+	96-100
A	90-95.99
A -	85-89.99
B+	80-84.99
B	75-79.99
B-	70-74.99
C+	65-69.99
C	60-64.99
C-	55-59.99
D+	53-54.99
D	50-52.99
F	0-49.99

These are the grade ranges and specific numeric values I assign to letter grades on D2L. An A+ is solely honorific, meaning that its grade point amount is the same as an A (4.0). I will use this mark to distinguish superlative work that exceeds expectations in style, intellectual depth and breadth, sophistication, creativity and originality.

LATE PENALTIES

Deadlines will be treated seriously. It is unfair to students who meet deadlines if those who have taken extra time are treated the same. Late papers, those without an extension granted by the instructor, will be docked 3% per day (including weekends). Papers more than 7 days late will not be marked and shall receive a mark of 0%. A note of caution: computer failure is not grounds for an extension. Always back-up your work to avoid last-minute catastrophes. You have free access to auto-backup cloud services through OneDrive – please use them.

Students who confront emergencies are asked to reach out to the instructor as soon as they are able to do so. Documentation will be needed to confirm the emergency. In some cases, the only accommodation may be for the student to apply for a Deferral of Term Work from the Registrar’s website.

INSTRUCTOR GUIDELINES

Students requiring assistance are encouraged to speak to the instructor during class or their office hours. Should you wish to meet outside of office hours, please telephone or email to make an appointment. It is to the student’s advantage to keep such appointments. All meetings will be held virtually (*for web-based courses*).

Email is a common form of communication but it is not always the most effective way of answering student questions. If you cannot make office hours, please request a one-on-one meeting outside of these hours. These meetings may be held virtually (*for web-based courses*).

Students are welcome to use laptops and other electronic note-taking devices in this course. Please be considerate of others and switch off all cell phones when you enter the classroom. Sending/receiving texts and browsing the Web is extremely disruptive to others and will not be tolerated.

MENTAL HEALTH SUPPORTS

International Indigenous Studies covers topics that can have elements that are emotionally difficult to talk about. The INDG website contains supports and resources for students that can be accessed both on and off campus.

Please see:

- ◆ <https://arts.ucalgary.ca/international-indigenous-studies/contact/indigenous-supports-campus>
- ◆ <https://arts.ucalgary.ca/international-indigenous-studies/contact/indigenous-supports-campus-0>

IMPORTANT POLICIES AND INFORMATION

Supporting Documentation and the Use of a Statutory Declaration

As stated in the University Calendar:

Students may be asked to provide supporting documentation for an exemption/special request. This may include, but is not limited to, a prolonged absence from a course where participation is required, a missed course assessment, a deferred examination, or an appeal. Students are encouraged to submit documentation that will support their situation. Supporting documentation may be dependent on the reason noted in their personal statement/explanation provided to explain their situation. This could be medical certificate/documentation, references, police reports, invitation letter, third party letter of support or a statutory declaration etc. The decision to provide supporting documentation that best suits the situation is at the discretion of the student. Students cannot be required to provide specific supporting documentation, such as a medical note.

Students can make a Statutory Declaration as their supporting documentation (available at [ucalgary.ca/registrar](https://www.ucalgary.ca/registrar)). This requires students to make a declaration in the presence of a Commissioner for Oaths. It demonstrates the importance of honest and accurate information provided and is a legally binding declaration. Several registered Commissioners for Oaths are available to students at no charge, on campus. For a list of locations to access a Commissioners for Oaths, visit [ucalgary.ca/registrar](https://www.ucalgary.ca/registrar)).

Falsification of any supporting documentation will be taken very seriously and may result in disciplinary action through the Academic Discipline regulations or the Student Non-Academic Misconduct policy.

This statement is accessible at: <https://www.ucalgary.ca/pubs/calendar/current/m-1.html>

Absence From a Mid-term Examination

Students who are absent from a scheduled term test or quiz for legitimate reasons are responsible for contacting the instructor via email within 48 hours of the missed test to discuss alternative arrangements. A copy of this email may be requested as proof of the attempt to contact the instructor. Any student who fails to do so forfeits the right to a makeup test.

Deferral of a Final Examination

Deferral of a final examination can be granted for reasons of illness, domestic affliction, and unforeseen circumstances, as well as to those with three (3) final exams scheduled within a 24-hour period. Deferred final exams will not be granted to those who sit the exam, who have made travel arrangements that conflict with their exam, or who have misread the examination timetable. The decision to allow a deferred final exam rests not with the instructor but with Enrolment Services. Instructors should, however, be notified if you will be absent during the examination. The Application for Deferred Final Exam, deadlines, requirements and submission instructions can be found on the Enrolment Services website at <https://www.ucalgary.ca/registrar/exams/deferred-exams>.

Reappraisals

The University Calendar states that for reappraisals of graded term work:

“A student who feels that a piece of graded term work (term paper, essay, test, etc.) has been unfairly graded, may have the work reappraised as follows. The student shall discuss the work

with the instructor **within ten business days** of being notified about the mark or of the item's return to the class. If not satisfied, the student shall take the matter to the head of the department offering the course **within 2 business days of receiving the decision from the instructor**, who will arrange for a reappraisal of the work **within the next ten business days**. The reappraisal will only be considered if the student provides a detailed rationale that outlines where and for what reason an error is suspected." See <https://www.ucalgary.ca/pubs/calendar/current/i-2.html>

The University Calendar states that for reappraisal of academic assessments (final grades):

“A student may request a reappraisal of a final grade. The only element that will be considered is the final assessment(s) that makes up the final mark (e.g., final examination, final project, and final paper). The exception is when a grade for a piece of graded term work is made available to students after the last day of classes for the term in which the course is scheduled; that grade may also be considered in a reappraisal of the final grade.”

“A student seeking a reappraisal of a final grade should first attempt to review the final assessment with the department or faculty offering the course. After which the student shall obtain a Reappraisal of Final Grade form from ucalgary.ca/registrar (under Student Forms). The student must indicate exactly what error was made in marking the final assessment and/or in computing the final grade. The reappraisal will only be considered if the student provides a detailed rationale that outlines where and for what reason an error is suspected.” More information is available at: <https://www.ucalgary.ca/pubs/calendar/current/i-3.html>

University Regulations

Students are responsible for familiarizing themselves with the University policies found in the Academic Regulations sections of the Calendar at www.ucalgary.ca/pubs/calendar/current/academic-regs.html.

Student Accommodations

Students seeking an accommodation based on disability or medical concerns should contact Student Accessibility Services; SAS will process the request and issue letters of accommodation to instructors. For additional information on support services and accommodations for students with disabilities, visit www.ucalgary.ca/access/.

Students who require an accommodation in relation to their coursework based on a protected ground other than disability should communicate this need in writing to their Instructor.

The full policy on Student Accommodations is available at <http://www.ucalgary.ca/policies/files/policies/student-accommodation-policy.pdf>.

Plagiarism And Other Forms Of Academic Misconduct

Academic misconduct in any form (e.g. cheating, plagiarism) is a serious academic offence that can lead to disciplinary probation, suspension or expulsion from the University. Students are expected to be familiar with the standards surrounding academic honesty; these can be found in the University of Calgary calendar at <http://www.ucalgary.ca/pubs/calendar/current/k.html>. Such offences will be taken seriously and reported immediately, as required by Faculty of Arts policy.

Required Access to Technology

Please see the University's resource page at

https://ucalgary.service-ow.com/it?id=kb_article&sys_id=86e7438013753ac06f3afbb2e144b031

Copyright Legislation

As stated in the University of Calgary Calendar, Academic Regulations, “students are required to read the University of Calgary policy on Acceptable Use of Material Protected by Copyright and requirements of the copyright act to ensure they are aware of the consequences of unauthorised sharing of course materials (including instructor notes, electronic versions of textbooks etc.). Students who use material protected by copyright in violation of this policy may be disciplined under the Non-Academic Misconduct Policy.”

<https://www.ucalgary.ca/policies/files/policies/acceptable-use-of-material-protected-by-copyright.pdf> and <https://laws-lois.justice.gc.ca/eng/acts/C-42/index.html>

Instructor Intellectual Property

Course materials created by instructors (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the instructor. These materials may NOT be reproduced, redistributed or copied without the explicit consent of the instructor. The posting of course materials to third party websites such as note-sharing sites without permission is prohibited. Sharing of extracts of these course materials with other students enrolled in the course at the same time may be allowed under fair dealing.

Freedom of Information and Protection of Privacy (FOIP)

FOIP legislation requires that instructors maintain the confidentiality of student information. In practice, this means that student assignment and tests cannot be left for collection in any public place without the consent of the student. It also means that grades cannot be distributed via email. Final exams are kept by instructors but can be viewed by contacting them or the main office in the Department of Political Science. Any uncollected assignments and tests meant to be returned will be destroyed after six months from the end of term; final examinations are destroyed after one year.

Evacuation Assembly Points

In the event of an emergency evacuation from class, students are required to gather in designated assembly points. Please check the list found at www.ucalgary.ca/emergencyplan/assemblypoints and note the assembly point nearest to your classroom.

Faculty of Arts Program Advising and Student Information Resources

For program planning and advice, visit the Arts Students' Centre in Social Sciences 102, call 403-220-3580 or email artsads@ucalgary.ca. You can also visit arts.ucalgary.ca/advising for program assistance.

For registration (add/drop/swap), paying fees and assistance with your Student Centre, contact Enrolment Services at (403) 210-ROCK [7625] or visit their office in room MT116 in the lobby of MacKimmie Tower.

Important Contact Information

Faculty of Arts Undergraduate Students' Union Representatives

Phone: 403-220-6551

Email: arts1@su.ucalgary.ca, arts2@su.ucalgary.ca, arts3@su.ucalgary.ca,
arts4@su.ucalgary.ca

Students' Union URL: www.su.ucalgary.ca

Graduate Students' Association

Phone: 403-220-5997

Email: askgsa@ucalgary.ca

URL: www.ucalgary.ca/gsa

Student Ombudsman

Phone: 403-220-6420

Email: ombuds@ucalgary.ca

Campus Mental Health Resources

The University of Calgary recognizes the pivotal role that student mental health plays in physical health, social connectedness and academic success, and aspires to create a caring and supportive campus community where individuals can freely talk about mental health and receive supports when needed. We encourage you to explore the excellent mental health resources available throughout the university community, such as counselling, self-help resources, peer support or skills-building available through the following resources:

SU Wellness Centre: <http://www.ucalgary.ca/wellnesscentre/>

Student Wellness Services:

<https://www.ucalgary.ca/wellness-services/services/mental-health-services>

Campus Mental Health Strategy website: <https://www.ucalgary.ca/mentalhealth/>.

Facebook Group for Indigenous Studies Program: <https://www.facebook.com/groups/UC.IIST/>

INDG Program Website: <http://www.ucalgary.ca/indg/>

Writing Symbols Lodge (Native Centre) Website: <https://www.ucalgary.ca/nativecentre>

Library and Resource Website : <http://www.ucalgary.ca/library>