



International Indigenous Studies Program

Website: <https://arts.ucalgary.ca/international-indigenous-studies>

Fall 2022

INDG 343 L01 Indigenous Law in Canada	
Pre/Co-Requisites: None	
Instructor: Faye Morning Bull	Lecture Location: SS 010
Phone: 403-339-0849	Lecture Days/Time: Mondays 17:00 -19:45
Email: faye.morningbull@ucalgary.ca	Office: SS 721 Hours: by appointment
Instructor Email Policy: Students may email the instructor at faye.morningbull@ucalgary for any questions or set an appointment to meet.	

COURSE DESCRIPTION

Examination of the special legal and constitutional principles, provisions and instruments that have an impact on Indigenous individuals, governments and organizations. Topics covered may include Indigenous legal traditions, Aboriginal law, fiduciary duties, the Royal Proclamation of 1763, the Indian Act, the 1982 Constitution, and pivotal court decisions.

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.

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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

COURSE COMPONENT WEIGHTS AND DUE DATES

COMPONENT	WEIGHTING	DUE DATES
Participation	10%	Entire Term
Minute Essay	20%	10 In class each 2%
On-line Discussion	15%	Thursdays 23:59
Analytical Paper	20%	November 14, 23:59
Essay	35%	December 8 , 23:59
Total	100%	

If a student misses a required course component, please get in touch the instructor as soon as possible (see Late Penalties).

COURSE SCHEDULE & TOPICS

DATE	TOPIC	READINGS
Sept. 12	Course Syllabus	
Sept. 19	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.26	Displacement of Indigenous Law	<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. 3	International Recognition of Indigenous Law	<i>United Nations Declaration on the Rights of Indigenous People</i> , <i>Indigenous Peoples and International Law: The making of a Regime</i> , Chidi Oguamanam, <i>Canada's Statement of Support of UNDRIP</i>
Oct. 10	No Class - Thanksgiving	
Oct. 17	Challenges to Revitalizing Indigenous Law	<i>Jagged Worldviews Colliding</i> , Leroy Little Bear, <i>Culture, Self-Determination and Colonialism: 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

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Oct. 24	Indigenous Legal Traditions	<i>Justice Within: Indigenous Legal Traditions</i> , John Borrows. Video <i>Canada's Indigenous Constitution</i> , John Borrows. Chapter 1. <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), 170-173;176-178;183-186.
Oct. 31	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. 7	No Class -Term Break	
Nov. 14	Legal Principles within Indigenous Law	Opening Statement of Delgamuukw Niitsitapiisini – Glenbow Museum website Wet'suwet'en Hereditary Chiefs news articles website <i>The Sun Came Down</i> , Percy Bullchild.pps. 5-35
Nov. 21	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.
Nov. 28	The Land	<i>Einstein, Sacred Science, and Quantum Leaps: A Comparative Analysis of Western Science, Native Science an Quantum Physics</i> , Elizabeth Ferguson, Chapter 4 , pps. 47-80. <i>The Sun Came Down</i> , Percy Bullchild, pps.245-250.
Dec. 5	Peacemaking	<i>Navajo Nation Courts, Peacemaking & Restorative Justice Issues</i> , Marianne O. Nielsen, <i>Matsiyipaitapiiyssinni:Kainai Peacekeeping & Peacemaking</i> . Annabelle Cropearedwolf.

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

ASSIGNMENT(S)

1. Minute Essay (10)

Each class students will write a Reflective response regarding the question the Instructor poses for that class content. The students will have one minute to write their response. This exercise is to develop and promote a deeper understanding of the topics discussed. The essays will be in complete sentences and not point form. The essay 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 an 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

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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 14, 23:59)

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 8 , 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:

With the exception of the Minute Essay, please submit all assignments electronically in 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.

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

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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)	B+ (80-84.99)	C+ (65-69.99)	D+ (53-54.99)
A (90-95.99)	B (75-79.99)	C (60-64.99)	D (50-52.99)
A- (85-89.99)	B- (70-74.99)	C- (55-59.99)	F (0-49)

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. If course work is not completed during the term 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.

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.

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

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texts and browsing the Web is 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). 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).

The University of Calgary does not require documentation of student illness or absence **for the Fall 2022 semester**, including Statutory Declarations.

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.

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Deferred Term Work Form: Deferral of term work past the end of a term requires a form to be filled out by the student and submitted, along with any supporting documentation, to the instructor. The form is available at:

<https://live-ucalgary.ucalgary.ca/sites/default/files/teams/14/deferral-of-term-work-2020.pdf>

Once an extension date has been agreed between instructor and student, the instructor will email the form to the Faculty of Arts Program Information Centre (ascarts@ucalgary.ca) for approval by the Associate Dean.

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>.

Reappraisal of Grades:

For Reappraisal of Graded Term Work, see Calendar I.2

<http://www.ucalgary.ca/pubs/calendar/current/i-2.html>

For Reappraisal of Final Grade, see Calendar I.3

<http://www.ucalgary.ca/pubs/calendar/current/i-3.html>

Academic Misconduct:

Academic Misconduct refers to student behavior that compromises proper assessment of students' academic activities and includes: cheating; fabrication; falsification; plagiarism; unauthorized assistance; failure to comply with an instructor's expectations regarding conduct required of students completing academic assessments in their courses; and failure to comply with exam regulations applied by the Registrar.

Student committing academic misconduct during the final exam will not receive a passing grade for the course.

For information on the Student Academic Misconduct Policy, Procedure and Academic Integrity, please visit: <https://www.ucalgary.ca/pubs/calendar/current/k-3.html>

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.

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Recording of Lectures:

Recording of lectures is prohibited, except for audio recordings authorized as an accommodation by SAS or an audio recording for individual private study and only with the written permission of the instructor. Any unauthorized electronic or mechanical recording of lectures, their transcription, copying, or distribution, constitutes academic misconduct. See <https://www.ucalgary.ca/pubs/calendar/current/e-6.html>.

Academic 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. 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

<https://www.ucalgary.ca/legal-services/university-policies-procedures/accommodation-students-disabilities-procedure>

Research Ethics

Students are advised that any research with human subjects – including any interviewing (even with friends and family), opinion polling, or unobtrusive observation – must have the approval of the Conjoint Faculties Research Ethics Board. In completing course requirements, students must not undertake any human subject research without discussing their plans with the instructor, to determine if ethics approval is required.

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) Act:

Personal information is collected in accordance with FOIP. Assignments can only be returned to the student and will be accessible only to authorized faculty and staff. For more information, see <https://www.ucalgary.ca/legal-services/access-information-privacy>

Copyright Legislation:

See the University of Calgary policy on Acceptable Use of Material Protected by Copyright at <https://www.ucalgary.ca/legal-services/university-policies-procedures/acceptable-use-material-protected-copyright-policy> Students who use material protected by copyright in violation of this policy may be disciplined under the Non-Academic Misconduct Policy.

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

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allowed under fair dealing.

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 <https://www.ucalgary.ca/risk/emergency-management/evac-drills-assembly-points/assembly-points> and note the assembly point nearest to your classroom.

Important Dates:

Please check: <http://www.ucalgary.ca/pubs/calendar/current/academic-schedule.html>.

Faculty of Arts Program Advising and Student Information Resources

- Have a question, but not sure where to start? The Arts Students' Centre is your information resource for everything in Arts! Drop in at SS102, call them at 403-220-3580, or email them at artsads@ucalgary.ca. You can also visit the Faculty of Arts website at <http://arts.ucalgary.ca/undergraduate>, which has detailed information on common academic concerns, including program planning and advice.
- For registration (add/drop/swap), paying fees and assistance with your Student Centre, contact Enrolment Services at 403-210-ROCK [7625] or visit them in the MacKimmie Tower.

Important Contact Information

Campus Security and Safewalk (24 hours a day/7 days a week/365 days a year)

Phone: 403-220-5333

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:

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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>