



THE UNIVERSITY OF CALGARY

FACULTY OF ARTS

INTERNATIONAL INDIGENOUS STUDIES

COURSE OUTLINE

International Indigenous Studies 343 – L01 Fall 2018

Indigenous Law in Canada

INSTRUCTOR: Dr. Daniel Voth

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OFFICE: SS740

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OFFICE HOURS: Mondays 11-12 or by appointment

COURSE DAY/TIME: Mondays 17:00-19:45

COURSE LOCATION: SS 010

Course Description: This course's pre prerequisites are: One of Anthropology 213, Canadian Studies 311, History 345, Indigenous Studies 201, or Sociology 307

This course is an introduction to key concepts of Indigenous law in Canada and examines the way those concepts conflict with the imposition of Aboriginal law. Indigenous law is not Aboriginal law. Indigenous peoples continue to possess complex legal structures and traditions that shape bodies of relations between Indigenous nations, and between people within those nations. Like British legal traditions, Indigenous law emerges out of what is sometimes called the messiness that results from humans living together. This course will focus primarily on defining and enunciating important legal structures that emerge in First Nations, Métis and Inuit political and legal contexts. Due to the challenge that Indigenous law offers to colonial law practiced by Settler peoples, attention will be paid to key tenets of Aboriginal law with emphasis on the violent and destructive imposition of Aboriginal law on Indigenous peoples. Topics will include Treaty, story law, kinship, law from the perspective of women, gender and queerness, the Indian Act, constitutional change and exploring British common law as a tool for social change.

Course content will be provided through lectures, in-lecture discussions, on-line discussion, assigned readings, guest lectures and film.

Course Objectives and Learning Outcomes: During this course students will learn a number of important skills that contribute to building critical thought in a politically dynamic and complex world.

Conceptual:

- Communicate with a “conceptual vocabulary” of terms important to the world in which we generally live, work and play.
- Be able to participate intelligently and knowledgeably in the ongoing debate about Indigenous resurgence and de-colonial thought on Turtle Island, or what is now called North America.
- Understand the ways in which legal institutions and key actors shape the development of Indigenous law and politics in Canada.

Capacities:

- The course also seeks to improve students' communicative writing skills. Being a critical and aware person requires one to communicate concisely and clearly. Deploying concepts to everyday problems, situations or issues requires a focused brevity that zeros in on the heart of the relationship between a concept and a lived problem. In order to hone these skills, students will be asked to deploy concepts in assignments with strict space constraints. These types of assignments encourage students to consider first, what parts of a concept apply the most to a particular problem, and second, how to analyze this relationship clearly and convincingly in a limited space.
- Students will also be invited to resubmit their work later in the class after taking into consideration the feedback on the original assignment. This will help build the capacity of critically incorporating feedback on your work towards polishing a piece of analytical writing.
- The course will also utilize a blended learning approach. Blended learning utilizes both in-class meetings/lectures with a robust outside class and online and engagement between students. This educational technique is designed to provide students with a learning experience that expands beyond lecture material. The online component of the class will take place on D2L, and through at least one class meeting in the Glenbow Museum's *Niitsitapiisini: Our Way of Life* (also called the Blackfoot Gallery).
- The capacity that students will develop through a blended learning approach is to communicate well not only in their formal writing, but also in informal and online forums. Increasingly written communication occurs through electronic media like email, texts, twitter, facebook, blogs and online comment sections. Thinking about how one engages in these spaces, while practicing one's engagement, helps hone the skills needed to communicate effectively in electronic fora.

Texts and readings: There is no required text for this class. All readings will be posted to D2L. In lieu of a formal textbook, students must purchase a \$20 annual membership to the Glenbow Museum.

Assignments and Evaluation:

Assignment	WEIGHTING	DUE DATES
Analytical Response	30%	Due Either Oct 15 or Nov 10
Essay	45%	Due November 30
Online Participation	15%	Ongoing
Peer Review	10%	Activity Nov 26
No Final Exam		
Total	100.00%	

COURSE SCHEDULE & TOPICS: The schedule is tentative and may change as the need arises. Guest lectures may also disrupt this schedule.

Week #	TOPIC	READINGS	Comments
1 (Sept 10)	Introduction to the Course	Course Syllabus	No Online Component
2 (Sept 17)	Denaturalizing Law I	Napoleon, Val. "Thinking About Indigenous Legal Orders" (2013) AND Borrows, John. "Canada's Indigenous Constitution" pp 23-58.	
3 (Sept 24)	Denaturalizing Law II	Andersen, Chris. "Métis: Race Recognition and the Struggle for Indigenous Peoplehood Chapters 1-2; AND Bell, Catherine and Asche Michael "Challenging Assumptions: the Impact of Precedent on Aboriginal Rights Litigation" pp. 38-58	
4 (Oct 1)	Law as Stories	Basso, Keith "Stalking with Stories", AND Baldy, Cutcha "Coyote is not a metaphor: On decolonizing, (re)claiming and (re)naming "Coyote""	
5 (Oct 8)			Thanksgiving, No Class
6 (Oct 15)	Law of Gender Relations	Napoleon, Val "Raven's Garden" AND Waawaate Fobister "Agokwe"	Analytical Response Intake
7 (Oct 22)	Law as Kinship	Innes, Robert "Elder Brother" Chapter 3	
8 (Oct 29)	Glenbow Seminar		Class to Glenbow Museum
9 (Nov 5)	Treaty Law	"True Spirit and Intent of Treaty 7" Intro and Chapter 3	
10 (Nov 12)	No Class	No Readings	Midterm Break, Analytical Response Intake Nov 10
11 (Nov 19)	Imposing Law	Palmater, Pam "Beyond Blood" Intro and Chapter 1 AND , Ens, Gerhard "Homeland to Hinterland" Chapter 7	
12 (Nov 26)	Critiquing Aboriginal Law	SCC: Marshall Cases, Film: Is the Crown At War With Us?	Peer Review
13 (Dec 3)	Blackfoot Language Law, Wrap-up		

ASSIGNMENTS

Analytical Response (Intakes on Either October 15, or November 10) (30%)

Length: 4 double spaced pages, submitted once during the term. Please see below for margin and formatting specifications

Content: Must cite and integrate at least **two** assigned readings into the response

Description:

Over the course of the term you will be required to take part in the online component of the class. This component will include weekly online discussions with your peers. They may be chat based, or take the form of tweets, blog post responses or other forms of online communication.

You will have the option of expanding on **one** (1) of your interactions from the online component of the course. You are not to submit an Analytical Response in both intakes. Rather, if you would like feedback early in the term, please choose the first intake. If you choose not to submit in the first, you must submit in the second intake.

There are two key points to note about this assignment. First, **you must have engaged in the online session in order to pick it for the Analytical Response.** Failing to engage in the online session you select will result in a zero on the assignment. If you fulfill only some of the requirements of your online engagement (requirements listed below), and select that session for your response, your grade will be capped at a C+. Second, **if you do not submit an assignment in the first intake, you may only pick from online engagements that happen after the due date of the first intake.** Failing to adhere to these rules will result in a zero on the assignment.

How to Complete Your Analytical Response:

After selecting your online contribution, you must provide an **expanded** analysis of the topic under discussion. This analysis should make clear why you selected that online engagement, and also clearly connect to the online exchange. Your analysis is an opportunity to further develop a point you made online. You are welcome to add to your point, deepen the logic at play in the point, explain the wider significance (good or bad), explain why you now think you were wrong, explain why your peer was wrong etc. The key is that you must return to the topic being discussed and provide a deeper analysis.

This is not an opinion or op-ed paper. This is a paper in which you will build an analytical argument and advance it logically through the response. It must be on topic, advance the topic and argument through your paper, and must also cite, and **engage** at least two of the assigned readings. This engagement with the readings is not summary. You should summarize only to the extent needed to pull out your critical views of the reading. As such, if you find you have more than two or three sentences of summary, you probably have too much.

At the top of the assignment, you must indicate which day you are choosing from, **and** create an epigraph using one sentence from your online discussion to help set up your analysis.

To be clear, the task of this assignment is to analyse and expand on the ideas on offer in the exchange with your peers. As such, this should be treated as an analytical essay complete with an argumentative thesis statement and analytical framework.

Here are some questions to guide your online engagement and pulling out a deeper analysis:

- What is the connection between the discussion and the readings?
- How were the readings deployed in the exchanges?
- Am I challenging the readings in a thoughtful way?
- Was the exchange helpful to my or another student's learning experience? If so, how?
- What can I learn from an idea or opinion online that I don't share?
- Was there an interesting back and forth between one or more of my peers?
- Did I make a particularly pithy point that ought to be unpacked or analyzed in more detail?
- Did the discussions online nuance or change my own opinion after they occurred? If so, how was my view nuanced?
- Did the discussion connect me to other information or literature that expanded my view of the topic under discussion?
- Did the online component illuminate something new about the in-class content?
- Did the online component help me articulate my disagreement with the in-class content?
- For the analytical response, what more needs to be said to explain my views on the topic?

Please keep in mind, if you choose not to participate fully in these online activities you will have fewer weeks to select from when preparing an analytical response. In addition, your online participation grade will suffer (see below). This is likely to result in a weaker grade on the Analytical Response, or a zero if you do not participate online at all. As such, the online component should be treated seriously. **Not participating in the online component of the class is a reason for receiving a disappointing grade or a zero on the Analytical Responses.**

Online Participation (15%)

Participating in the online discussion is mandatory. Students will be given class time to help facilitate the online peer discussions. The instructor will monitor every week's discussion, though may not always post. The online component of the course is an opportunity for students to interact with each other, while lectures and office hours are an opportunity for students to interact with each other and the instructor.

To emphasize the importance of this component, 15% of your final grade will come from your online engagements. Every week, students will be required to **first**: post a new thread in response to a question stemming from the lectures and readings, and **second**, you must reply **twice** to other threads (or reply to someone posting in your thread). In replying, you should try to find students who do not already have a reply. Once the first and second tasks are done, students are free to post and respond to others as much as they would like.

The more thoughtful one is, and the more posting and replying one does, the more options one has when selecting an engagement to write about for the Analytical response.

Completing these tasks in the specified time window will be considered a complete engagement, and makes the week available to be chosen for an Analytical Response.

Here are a few tips for quality online engagements:

- Read the question and instructions for the week. Sometimes, posts are not to be more than 280 characters (i.e., They're Tweets!)
- Long posts **do not** equal better posts
- Questions about someone else's post can be a great way to begin an interesting conversation

- Showing respect for a viewpoint you do not share is a sign of quality

All online interactions must be completed by 18:00h (6PM) on the Thursday after Monday's class. If a post occurs after the window has closed, it does not count towards the minimum requirements of participation or the Analytical Response.

Essay (45%) (6 pages)

Students will also be asked to write a tightly focused essay. This assignment will form a key opportunity to practice communicating ideas within strict space limitations. In many respects, a shorter essay is more challenging than a longer 15-20 page essay. This is because one must use space wisely instead of building up “filler” material to inflate the page count. In a six-page paper, emphasis should be placed on **refining and revising** one's work.

The online component and analytical responses may be useful for developing your essay argument. With this in mind, **students are invited to resubmit an expanded and revised Analytical Response for their Essay**. Expectations for this assignment are higher than normal because students will have already received feedback on a draft.

However, if students' wish to either write on a topic of their own crafting, or a topic from a set list, this is fine as well. Students who do not wish to build off their Analytical Response will be provided a list of questions for the Essay later in the term. However, student crafted questions must be approved by the instructor before drafting begins. Failure to get approval may result in a zero.

This is a formal essay assignment in which students will be expected to consult other sources beyond those used in class. Students are strongly encouraged to work collaboratively with Dr. Voth to identify sources.

This essay must include:

- An Introduction
- A central thesis statement formed into one complete sentence. The thesis statement must articulate what this assignment is going to argue (and must appear in the introduction)
- An analytical framework (what will you examine to support your thesis?)
- Two or three points/ideas that offer argumentation on different, but related points supporting your thesis
- Sentences transitioning and/or linking one point or idea to the next
- A conclusion in which students provide a summation of their ideas. Your conclusion needs to be clearly connected back to your central thesis statement.
- Conform to the formatting requirements listed below
- Be ***no more*** than six (6) double spaced pages (of body text)
- Cite and integrate five (5) scholarly sources

Peer Review (10%)

An important element of the university experience is receiving feedback from professors on one's work. However, providing, considering and incorporating feedback is an important skill to develop as well. During the term students will be organized into peer review groups of 2-4 people. By 11:59pm on November 19th, all students must circulate a draft of their paper to their peer review group. On November 26th, students will meet during the regularly scheduled class time to provide feedback on one

another's papers. Attention should be paid to the paper's strengths and areas for improvement. Improvement cannot be general. For example, saying "the paper needs to develop the intro more" is not helpful. Rather, saying "your intro has a strong thesis statement. It was easy for me to know what you were going to argue. But it would be strengthened by adding an analytical framework. Having read the paper, you might consider stating these three points of analysis right after your thesis" is very helpful because it provides a precise suggestion for improvement. The author can then weigh it, and decide what to do.

This portion of the grade will be assessed on a pass/fail grading model.

Essay Style and Formatting

Any of the following citation styles are acceptable: APA, MLA, Chicago.

Essays will be graded on a percentage scale mirroring the course's letter grade/percentage scale. Guidelines for what different quality essays can look like can be found below.

Format: All Essays 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

Submission: Assignments will be handed in to a D2L dropbox by 23:59 on the day on which they are due. Please do not send your paper by email, it will be considered received when it has been uploaded to D2L. 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. Forgetting to check the confirmation is reason for receiving a late penalty assessment. It is the student's responsibility to ensure assignments are uploaded successfully.

EXTENSIONS

Extensions will not be granted without documentation in the 72 hour period leading up to an assignment's deadline. Learning to manage one's time is a key component of university life, and students are expected to plan out their term work accordingly.

LATE PENALTIES

Deadlines will be treated seriously. It is unfair to students who meet deadlines if those who have taken extra time are treated equally. Late papers, those without an extension granted by the instructor, will be docked 3 per cent per day including weekends. Papers more than 7 days late will not be marked and shall receive a mark of 0%. This policy applies to all assignments. A description of the calculation of grades can be found below. A note of caution: computer failure is not grounds for an extension. Always back-up your work in order to avoid last-minute catastrophes.

Students who have documentation of prolonged absence or illness should contact the Program Coordinator of Indigenous Studies at asrivast@ucalgary.ca

WRITING

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 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 (3rd floor of the Taylor Family Digital Library) or at <http://www.ucalgary.ca/ssc/writing-support>

ADDITIONAL INFORMATION ON ASSIGNMENTS

- There are no additional credit assignments
- Students do not need to complete all assignments to pass this course. Students must only complete enough assignments that are of a sufficient quality to achieve a numerical grade of 50%.

GRADING SYSTEM

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-1-1.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

Assignment Evaluation Criteria

Evaluation criteria can be found on the course D2L page.

INSTRUCTOR GUIDELINES

Any modification to a student's progression through the course stemming from a medical ground must be taken to the Student Accessibility Services (SAS). Simple matters like single extensions, or single excused absences can be handled by the instructor in accordance with the instructions in the syllabus. **Any** requests for accommodation of any sort must be received with documentation no later than **two** business days from the incident, deadline, or quiz/exam date. Accommodation requests received after this point will not be considered by the instructor.

Students requiring assistance are encouraged to speak to the instructor during class or during office hours. Should you wish to meet outside of office hours, please email to make an appointment. It is to the student's advantage to keep such appointments.

The instructor takes a particularly dim view of plagiarism. Please familiarize yourself with the plagiarism guidelines below and in the University Calendar. In addition, every permitted detection method will be used to guard against cheating.

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. Browsing the web or watching videos during lecture is extremely disruptive to others around you and will not be tolerated.

All parents with infants are welcome in class. Nursing babies are also welcome in class at any time. I would ask that parents with children sit closer to the door such that if their little ones become restless the parent(s) can step outside to see to their child's needs with minimal disruption to the rest of the class. All students are asked to help create a welcoming, supportive environment for parents, and parents are asked to contribute to a considerate environment for other learners in the class.

If a student feels that their work has been unfairly graded, the student must submit written argumentation to the instructor about precisely where/how the awarded grade and feedback is out of alignment with the evaluation criteria on D2L. Students must also argue why their assignment *is* consistent with the assignment instructions outlined in the syllabus, (and discussed in class), as well as the resources on D2L. All normal timelines set out in the University Calendar continue to apply. Students' grades are arrived at through thoughtful consideration of the submitted work, and after providing in-text and general feedback. A generous and reciprocal educational environment calls for students to challenge grades by offering equally thoughtful argumentation on why the grade and feedback may be out of alignment with the evaluation criteria.

Your assessment emerges from the instructor's strength in the subject matter. As such, formal grade appeals will take into consideration the instructor's expertise in the subject matter. The instructor can leave a grade unchanged, revise it up, or revise it down. This particular instructor has executed all of those options in the past.

IMPORTANT POLICIES AND INFORMATION

Absence From a Mid-term Examination:

Students who are absent from a scheduled term test or quiz for legitimate reasons (e.g. illness with the appropriate documentation) 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>.

Appeals:

If a student has a concern about the course or a grade they have been assigned, they must first discuss their concerns with the instructor. If this does not resolve the matter, the student then proceed with an academic appeal. The first step in an academic appeal is to set up a meeting with the Department Head. Appeals must be requested within 15 days of receipt of the graded assignment.

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-5.html>. Such offences will be taken seriously and reported immediately, as required by Faculty of Arts policy.

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 the MacKimmie Library Block.

Important Contact Information:

Campus Security and Safewalk (24 hours a day/7 days a week/365 days a year)
Phone: 403-220-5333

Campus Mental Health Resources
Student Wellness Centre: <http://www.ucalgary.ca/wellnesscentre>
Campus Mental Health Strategy: <http://ucalgary.ca/mentalhealth>

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: ask@gsa.ucalgary.ca
URL: www.ucalgary.ca/gsa

Student Ombudsman
Phone: 403-220-6420
Email: ombuds@ucalgary.ca

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

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

Native Centre Website:
<https://www.ucalgary.ca/nativecentre/>
