



UNIVERSITY OF CALGARY

Faculty of Arts
Department of Sociology
Sociology Department Home Page: [<http://www.soci.ucalgary.ca>]

LWSO 335 Law and Society 335 – Equality Issues

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|-------------|-------------------|--------------------|
| • Fall 2018 | • Monday 4-6:45pm | • Location ICT 121 |
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Instructor: Dr. Timothy Hoxha
Office: SS 1004
Email: timothy.hoxha@ucalgary.ca
Phone: Please contact by email
Office Hours: TBA

Teaching Assistant: Dixie Baum
TA Email: dixie.baum1@ucalgary.ca
TA Office Hours: TBA

Course Description

Course Overview:

The purpose of this course is to analyze how the Supreme Court of Canada has interpreted the provisions and statutes embodied in the *Charter of Rights and Freedoms*. The course will assess the impact of those provisions on civil court cases and government legislative decisions and their effects on Canadian society and culture. It concisely reviews the historical evolution of human rights provisions in Canada and then follows with an analysis of the Charter's fundamental freedoms stated therein, including freedom of religion, freedom of association, freedom of expression, freedom of mobility, right to due process, right to equality, and aboriginal (including First Nations, Inuit and Métis) treaty rights. This analysis will include recent Supreme Court rulings, such as the legalization of cannabis and the rights of athletes and veterans. Additionally, the course will address the controversies surrounding judicial review, parliamentary override and court remedies. Finally, this course will study the limitations of the Charter and the debates involving the Constitution Act of 1982 as a document that facilitated lawmakers to serve political ends.

Course Objectives/Learning Outcomes

From a practical perspective, the course offers the opportunity for students to perform case law and social equity and human rights analysis. The research and analytic skills taught in this course serve as a bedrock for careers in the legal profession and public policy.

Required Textbooks Required Research Sources – University of Calgary Bookstore and Library Online Resources:

- Sharpe, Robert. Roach, Kent. *The Charter of Rights and Freedoms: Essentials of Canadian Law*. Irwin Law Inc., Toronto. (2009/2017). University of Calgary Online Library Services.
- Greene, Ian. *The Charter of Rights and Freedoms: 30 Years of Decisions That Shape Canadian Life*, James Lorimer & Sons, Ltd., Toronto. (2001). University of Calgary Bookstore.
- Kelly, James R, and Manfredi, Christopher P. (editors). *Contested Constitutionalism, Reflections on the Charter of Rights and Freedoms*, UBC Press, Vancouver. (2009). University of Calgary Bookstore.
- Martin, Robert. *The Most Dangerous Branch: How the Supreme Court of Canada Has Undermined Our Law and Our Democracy*. McGill University Press (2005). University of Calgary Online Library Resources.
- Bakan, Joel. *Just Words: Constitutional Rights and Social Wrongs*. University of Toronto Press, Scholarly Publishing Division; 2nd Revised ed. Edition, 1997. University of Calgary Online Library Resources.

Supplementary Research Sources – Online Articles:

- “*Charter of Rights and Freedoms*.” Government of Canada Website. [http://laws-lois.justice.gc.ca/eng/Const/Const_index.html].
- Supreme Court of Canada Website. [http://www.scc.csc.gc.ca/welcome/index_e.asp].
- “*Reported Decisions of the Supreme Court: 1983 to Present*.” Supreme Court of Canada Website. [<http://scc.lexum.unmontreal.ca/en/index.htm>].
- Canadian Legal Information Institute (a search engine for reported court cases in all Canadian jurisdictions). [<http://www.canlii.org/en/index.html>].
- “*History of Civil Rights in Canada*.” History of Rights Website. [<http://historyofrights.ca/history/charter-of-rights-and-freedoms/>].
- “*Civil Rights Activism*.” History of Rights Website. [<http://historyofrights.ca/history/activism/>].
- “*Do Bills of Rights Matter? The Canadian Charter of Rights and Freedoms*”. Epp, Charles R. *The American Political Science Review*, Vol. 90, No. 4 (Dec. 1996), pp. 765-777. [http://www-jstor-org.ezproxy.lib.ucalgary.ca/stable/2945841?sid=primo&origin=crossref&seq=1#page_scan_tab_contents].

Supplementary Research Sources – University of Calgary Library:

- Beatty, David. *Constitutional Law in Theory and Practice*.
- Cairns, Allan. *The Charter versus Federalism*.
- Hutchinson, Allan. *Waiting for Coraf: A Critique of Law and Rights*.
- Knopff, Rainer and Morton, Frederick. *Charter Politics*.
- Mandel, Michael. *The Canadian Charter of Rights and the Legalization of Politics*, 2nd ed.

- Morton, FL, and Knopff, Rainer. *The Charter Revolution and the Court Party*.
- Morton, FL, ed., *Law, Politics and the Judicial Process in Canada*, 3rd ed.
- Monahan, Patrick. *Politics and the Constitution*.
- Manfredi, Christopher P., *Judicial Power and the Charter: Canada and the Paradox of Liberal Constitutionalism*.
- Roach, Kent. *The Supreme Court on Trial: Judicial Activism or Democratic Dialogue*.

Methods of Evaluation

Written Paper Assignment 35%
 Midterm Exam 35%
 Final Examination 30%

Final Exam Information

Final Exam held during the exam period.

Grading Scale

Letter grades will be assigned and submitted to the registrar based on the following scale:

Grade	Percent range	Grade Point Value	Description
A+	96 – 100%	4.0	Outstanding performance
A	90 – 95.99%	4.0	Excellent-superior performance
A-	85 – 89.99%	3.7	
B+	80 – 84.99%	3.3	
B	75 – 79.99%	3.0	Good – clearly above average performance
B-	70 – 74.99%	2.7	
C+	67 – 69.99%	2.3	
C	63 – 66.99%	2.0	Satisfactory - basic understanding
C-	59 – 62.99%	1.7	
D+	55 – 58.99%	1.3	
D	50 – 54.99%	1.0	Minimal pass - marginal performance
F	<50%	0	unsatisfactory performance

The grades for a course component may be scaled to maintain equity among sections and to conform to departmental norms.

Schedule of Lectures and Readings

September 10, 2018

Lectures 1, 2, 3

Introduction to the Course

Outlining course objectives and explaining course requirements

Readings: Pre-Charter Era

- Sharpe, Robert. Roach, Kent. *The Charter of Rights and Freedoms*, Chapter 1: Historical Context.
- *The Charter of Rights and Freedoms*, Ian Green, Preface and Chapter 1: Civil Rights in Canada During the Pre-Charter Era.

September 17, 2018

Lectures 4, 5, 6

Readings: The Charter of Rights and Freedoms

- *The Charter of Rights and Freedoms*, Ian Green, Chapter 2: The Substantive Provision in the Charter. pp. 65-95.
- Sharpe, Robert. Roach, Kent. *The Charter of Rights and Freedoms*, Chapter 4: Limitations on the Charter.

September 24, 2018

Lectures 7, 8, 9

Readings: Judicial Review / Legislative Override

- Sharpe, Robert. Roach, Kent. *The Charter of Rights and Freedoms*, Chapter 2: The Legitimacy of Judicial Review/. Sharpe, Robert. Roach, Kent. *The Charter of Rights and Freedoms*, Chapter 5: Judicial Override.
- Huscroft, Grand. "Rationalizing Judicial Power: The Mischief of Dialogue Theory", pp. 50-65 from *Contested Constitutionalism Reflection on the Canadian Charter of Rights and Freedoms*, Edited by James B. Kelly and Christopher P. Manfredi, 2009.
- Martin, Robert. "Judicial Review of Everything", *From The Most Dangerous Branch: How the Supreme Court of Canada has Undermined our Law and our Democracy*, Chapter 6. University of Calgary Online Library Resources.
- Petter, Andre. "Legalize This: The Charter of Canadian Politics," pp. 33-49 from *Contested Constitutionalism Reflection on the Canadian Charter of Rights and Freedoms*, Edited by James B. Kelly and Christopher P. Manfredi, 2009.
 - B. Kelly and Christopher P. Manfredi, 2009.

Suggested Readings:

- Makarenko, Jay. "The Notwithstanding Clause: Section 33 of *The Charter*." [<http://www.mapleleafweb.com/features/notwithstanding-clause-section-33-charter.html>].
- "20 Years of Pierre Trudeau's Charter of Wrongs", *LifeSiteNews* Website. Tuesday, April 16, 2002. [<http://www.lifesitenews.com/news/20-years-of-pierre-trudeaus-charter-of-wrongs>].
- Fitz-James, Michael. "The Judge and the Juror", *The Globe & Mail*. Toronto, Ontario. Jan. 3, 2004: Arts and Entertainment. p. D9. University of Calgary Online Library Resources. [<http://go.galegroup.com.ezproxy.lib.ucalgary.ca/ps/retrieve>].

October 1, 2018

Lectures 10, 11, 12

Readings: Freedom of Conscience and Religion

- Sharpe, Robert. Roach, Kent. *The Charter of Rights and Freedoms*, Chapter 8: Freedom of Conscience and Religion.
- Greene, Ian. *The Charter of Rights and Freedoms*, Chapter 3: Freedom of Religion, pp. 103-119.

Suggested Readings:

- Geddes, John. "Trudeau government stands firm in clash with faith-based groups over summer jobs", *MacLean's Magazine* Website. Jan 19, 2018. [<http://www.macleans.ca/politics/ottawa/trudeau-government-stands-firm-in-clash-with-faith-based-groups-over-summer-jobs/>].

- R. v. Big M Drug Mart Ltd., 1985. Case number: 18125. Filed under Section 2: Fundamental Freedoms, Section 2(a) Freedom of Religion, “Contravening the Lord’s Day Act, the police charged Big M Drug Mart in Calgary for unlawfully operating on Sunday”. Supreme Court of Canada Website. [<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/43/index.do>].
- R. v. N.S., 2012-12-20. Case number: 33989. Filed under Section 11(d): Presumption of Innocence, Section 2: Fundamental Freedoms, Section 2 (a): Freedom of Religion, Section 7: Life, Liberty, & Security of the Person. “Two accused persons stood charged with sexually assaulting ‘N.S.’. When called to testify, ‘N.S.’ stated that she wished to wear a niqab, which covered her face and which she insisted was a necessary part of her Muslim faith.” Charter Cases Website. [<http://www.chartercases.com/r-v-n-s-2012-scc-72/>].
- Trinity Western University v. Nova Scotia Barristers’ Society, 2015 NSSC 25, in TWU v. NSBS, “Nova Scotia’s Supreme Court delivered a resounding vindication for freedom of religion last month, overturning a Nova Scotia Barristers’ Society regulation, which would have prohibited Trinity Western University graduates from practicing law in that province”. Charter Cases Website. [<http://www.chartercases.com/trinity-western-university-v-nova-scotia-barristers-society-2015-nssc-25/>].

October 15, 2018

Lectures 13, 14, 15

Submit Case Law Assignment

Readings: Freedom of Expression and Association

- Greene, Ian. *The Charter of Rights and Freedoms*, Chapter 9: Freedom of Expression, pp. 139-159.
- Sharpe, Robert. Roach, Kent. *The Charter of Rights and Freedoms*, Chapter 10: Freedom of Association.

Suggests Readings:

- R. v. Zundel. 1992-08-27. Case number: 21811. “The accused was charged with spreading false news contrary to s. 181 of the Criminal Code”. Supreme Court of Canada Website. [<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/904/index.do>].
- R. v. Keegstra. 1995-05-18. Case number: 21118. “The accused, an Alberta high school teacher, was charged under s. 319(2) of the Criminal Code with willfully promoting hatred against an identifiable group”. Supreme Court of Canada Website. [<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/695/index.do>].
- R. v. Butler. 1992-02-27. Case number: 22191. “The Appellant, Butler, had been convicted of possession and distribution of ‘obscenity’ for material sold at his Winnipeg, Manitoba retail outlet, Avenue Video Boutique. The task of the Supreme Court of Canada in considering Mr. Butler’s appeal was to make a determination as to the constitutionality of Section 163 of the Criminal Code, Canada’s obscenity law, and to interpret Section 163 to determine what types of material fall under the umbrella of ‘obscenity’.” Supreme Court of Canada Website. [<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/844/index.do>].
- R. v. Canadian Broadcasting Corp., 2018-02-09. Case number: 37360. “The Crown sought an injunction against the Canadian Broadcasting Corporation demanding the deletion of an online article referring to an underage murder victim whose identity was subsequently subject to a court-ordered publication ban.” Charter Cases Website. [<http://www.chartercases.com/r-v-canadian-broadcasting-corp-2018-scc-5/>].

- Crookes v. Newton. 2011. Case number: 33412. Filed under Section 2: Fundamental Freedoms, Section 2(b): Freedom of Expression. “In the landmark case, the Supreme Court of Canada clarified the law of defamation in the context of the internet, stating that merely linking to defamatory content on another web page does not constitute ‘publication,’ and therefore is not defamatory in and of itself.” Supreme Court of Canada Website. [<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7963/index.do>].
- R. v. Khawaja. 2012. Case number: 34103. Filed under Section 2: Fundamental Freedoms, Section 2(b): Freedom of Expression, Section 2(d): Freedom of Association. “A companion case heard alongside Khawaja v. United States of America. The Supreme Court of Canada considered the constitutional argument of convicted terrorist conspirator, Mohammad Momin Khawaja.” Charter Cases Website. [<http://www.chartercases.com/r-v-khawaja-2012-scc-69/>].
- Srisikandarajah v. United States of America. 2012. Case number: 34009, 34013. “The Appellants, Suresh Srisikandarajah and Piratheepan Nadarajah, were alleged to have provided support to a Sri Lankan terrorist organization, the Tamil Tigers, with warship design software and communications equipment and to have assisted with money laundering. Nadarajah was accused of attempting to acquire weapons on behalf of the organization. Neither Defendant was prosecuted in Canada; rather, the United States sought expedition of both to be prosecuted there.” Charter Cases Website. [<http://www.chartercases.com/srisikandarajah-v-united-states-of-america-2012-scc-70/>].

October 22, 2018

Lectures 16, 17, 18

Midterm Exam

Readings: Legal Rights

- Greene, Ian. *The Charter of Rights and Freedoms*, Chapter 4: Legal Rights.

Suggested Readings:

- “The Charter and the Law of Work: A Beginner's Guide”, David J. Doorey, York University. [http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2150279].
- Canada (Prime Minister) v. Khadr. 2010-01-29. Case number: 33289. Supreme Court of Canada Website. [<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7842/index.do>].
- Canada (Attorney General) v. Bedford. 2013. Case number: 34788. Filed under Legal Rights: Life, Liberty & Security of Person. “The Respondents, a group of prostitutes and former prostitutes, argued that a number of Criminal Code provisions prohibiting expression and commercial activities relating to prostitution were in breach of Sections 7 and 2(b) of the Charter of Rights and Freedoms.” Charter Cases Website. [<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13389/index.do>].
- R. v. Loewen. 2011. Case number: 33914. Filed under Section 8: Search & Seizure, Section 9: Arbitrary Detention. “A police officer had smelled marijuana on the Appellant, Derek Loewen, after stopping him for speeding and came to the conclusion that he had committed the
- indictable offence of possession for the purpose of trafficking. The officer proceeded to search Mr. Loewen and found 100 grams of crack cocaine. This appeal dealt with the legality of the detention and search.” Charter Cases Website. [<http://www.chartercases.com/category/arbitrary-detention/>].
- Murray, Nick. “RCMP officers cleared of excessive force against Bernard Naulalik.” *CBC News Website*. Nov 13, 2015. [<http://www.cbc.ca/news/canada/north/no-discipline-for-officer-in-bernard-naulalik-complaint-against-rcmp-1.3318084>].

- “Supreme Court Rules in Support of Sex Workers.” Supreme Court of Canada Website. [http://www.pivotlegal.org/canada_v_bedford_a_synopsis_of_the_supreme_court_of_canada_ruling].

October 29, 2018

Lectures 19, 20, 21

Readings: Criminal Process

- Sharpe, Robert. Roach, Kent. *The Charter of Rights and Freedoms*, Chapter 14: Charter Rights in the Criminal Process, pp. 259-305.

Suggested Readings:

- H. vs. M. 1999-05-20. Case number: 25838. Filed under the Right to Equality. The Supreme Court of Canada Website. [<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1702/index.do>].

November 5, 2018

Lectures 22, 23, 24

Readings: Equality

- Greene, Ian. *The Charter of Rights and Freedoms*, Chapter 6: Equality.
- Bakan, Joel. *Just Words: Constitutional Rights and Social Wrongs*, Chapter 3: Equality and the Liberal Form of Rights - Part 2.

November 12, 2018

Lectures 25, 26, 27

Readings: Aboriginal Rights

- Greene, Ian. *The Charter of Rights and Freedoms*, Chapter 8: Aboriginal Rights.
- Milward, David. *Aboriginal Justice and the Charter: Realizing a Culturally Sensitive Interpretation of Legal Rights*, UBC Press, chapter 9. University of Calgary Online Library Resources.

Suggested Readings:

- Zussman, Richard. “Indigenous leaders in B.C. say PM Trudeau has ‘failed’ to protect their interests.” *Global News*. April 16, 2018. [<http://globalnews.ca/news/4147763/trudeau-failed-b-c-indigenous-leaders/>].
- Kane, Laura. “Court ruling quashes approval of Trans Mountain.” *CTV News*. August 30, 2018. [<http://www.ctvnews.ca/business/court-ruling-quashes-approval-of-trans-mountain-1.4073752>].
- Smith, Christine Miskonoodinkwe. “BILL C-45 AFFECTS ALL CANADIANS, NOT JUST FIRST NATIONS.” *Shameless Magazine*. Jan. 16, 2013. [<http://shamelessmag.com/blog/entry/bill-c-45-affects-all-canadians-not-just-first-na>].
- Milward, David. *Aboriginal Justice and the Charter: Realizing a Culturally Sensitive Interpretation of Legal Rights*, UBC Press, chapter 10. University of Calgary Online Library Resources.
- Macklem, Patrick. “Indigenous Peoples and the Canadian State: The Prospects of a Postcolonial Constitutional Pluralism”. [<http://www.cambridge.org/core/books/canada-in-the-world/indigenous-peoples-and-the-canadian-state/794A0CED3132C8EA73B996DE2FFC763D>].
- Borrows, John. “Aboriginal and Treaty Rights and Violence Against Women”. Special Issue: Rights, Constitutionalism and the Canadian Charter of Rights and Freedom. *Osgoode Hall Law Journal*, Winter 2013, Vol. 50 (3), pp. 699-736. University of Calgary Online Library Resources.

- R. vs. Sparrow. 1990-05-31. Case number: 20311. Filed under section 35(1) of the Constitution Act, 1982, "Park rangers in BC caught and charged Ronald Sparrow, an aboriginal, for fishing with a drift net approximately 37m longer than permitted by the Fisheries Act of 1985". Charter Case Website. [<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/609/index.do?r=AAAAAQAHc3BhcnJvdwE>].

November 19, 2018

Lectures 28, 29, 30

Readings: Athletes' Rights

- Hoxha, Timothy, "Atlanta '96 and Athletes' Rights: An Analysis of Drug Testing and the Canadian and American Regulatory Agencies Serving the International Olympic Committee." *Entertainment and Sports Lawyer*, Volume 14, No. 1, Spring. American Bar Association, Chicago, Ill., pp. 7-10.
- "AthletesCAN Signs Universal Declaration of Player Rights in Washington, D.C". *Athletes CAN*. December 14, 2017. [<http://www.athletescan.com/en/athletescan-signs-universal-declaration-player-rights-washington-dc>].
- Spencer, Donna. "Canadian Athletes Enter Tricky Doping Landscape with Pending Legalization of Weed". *The Toronto Star*. August 15, 2018. [<http://www.thestar.com/sports/amateur/2017/08/15/canadian-athletes-enter-tricky-doping-landscape-with-pending-legalization-of-weed.html>].
- "Athletes Question Canada's Drug Testing Protocol". *CBC Sports Website*. December 4, 2012. [<http://www.cbc.ca/sports/athletes-question-canada-s-drug-testing-protocol-1.1127724>].
- Cole, Yolande. "Athletes Move Forward with Charter of Rights Following World Anti-Doping Agency Forum". *The Calgary Herald Website*. June 5, 2018. [<http://calgaryherald.com/news/local-news/athlete-charter-of-rights-moves-ahead-after-anti-doping-forum>].
- De Pencier, Joseph. *Marquette Sports Law Review*, Volume 4, Issue 2, Article 4, "Law and Athlete Drug Testing in Canada", (1994). Section D, "Constitutional Challenges: Division of Powers and *The Charter of Rights and Freedoms*", pp. 281. University of Calgary Online Library Resources.
- Travers, Anne. "Women's Ski Jumping, the 2010 Olympic Games, and the Deafening Silence of Sex Segregation, Whiteness, and Wealth", *Journal of Sport and Social Issues*, Volume 35, Issue 2. Sage Publications (April 19, 2011), pp.126 –145. University of Calgary Online Library Resources.
- Loparco, Anna and Dahl, Regan E. "Protecting Professional Athletes' Personality Rights in Canada", *American Bar Association Volume 9, Issue 2 (November-December 2016)*: pp. 20. [<http://www.abanet.org/intelprop/landslide/>].
- Stang, Ron. "In Athletes' Defence." *Canadian Lawyer Magazine*. Canadian Lawyer Website. April 7, 2014. [<http://www.canadianlawyermag.com/article/in-athletes-defence-2434/>].
- Cutler, Teddy. "Meet The Canadian Athlete Changing Sports' Attitude to Gender". *Newsweek Magazine Website*. May 2, 2016. [<http://www.newsweek.com/meet-canadian-athlete-changing-sports-attitudes-gender-423405>].

Readings: Veterans' Rights

- Brewster, Murray. "There is no justice in Canada' say ex-soldiers as Supreme Court declines benefits lawsuit." *CBC News Website*. Aug 30, 2018. [<http://www.cbc.ca/news/politics/equitas-scoc-leave-decision-1.4804259>].

- Blaszczyk, Brock. "Court's refusal to hear benefits lawsuit a 'slap in the face,' says Alberta veteran." *CBC News Website*. Aug 31, 2018. [<http://www.cbc.ca/news/canada/edmonton/alberta-soldier-supreme-court-ruling-brock-blaszczyk-1.4806861>].
- Thompson, Elizabeth. "Legal disputes involving veterans cost federal government almost \$40 million over two years." *CBC News Website*. April 9, 2018. [<http://www.cbc.ca/news/politics/veterans-pensions-benefits-court-1.4608601>].
- Wallace, James. "Canada's shameful history of neglecting veterans." *The Toronto Sun*. July 16, 2017. [<http://torontosun.com/2017/07/16/canadas-shameful-history-of-neglecting-veterans/wcm/a55e1178-7543-4665-82c8-8566d004de9c>].
- Ivison, John. "John Ivison: Trudeau is in a fight he can't win with veterans, and his frustration shows." *National Post*. February 5, 2018. [<http://nationalpost.com/opinion/john-ivison-trudeau-in-a-fight-he-cant-win-with-veterans-and-his-frustration-shows>].
- Aiken, Alice and Buitenhuis, Amy. "New Veterans Charter shortchanges our disabled soldiers." *The Globe and Mail Website*. May 2, 2018. [<http://www.theglobeandmail.com/opinion/new-veterans-charter-shortchanges-our-disabled-soldiers/article1213169/>].
- Special Guest Speaker.

November 26, 2018

Lectures 31 32, 33

Readings: Cannabis

- Freeman, Allan. "Canada Announces Plans to Legalize Marijuana by July 2018." *Washington Post Website*. April 13, 2017. [http://www.washingtonpost.com/news/worldviews/wp/2017/04/13/canada-announces-plans-to-legalize-marijuana-by-july-2018/?noredirect=on&utm_term=.136bace86f8a].
- Theresa, Trinh. "Medical Marijuana legal in all forms, Supreme Court rules." *CBC News Website*. Jun 11, 2015. [<http://www.cbc.ca/news/politics/medical-marijuana-legal-in-all-forms-supreme-court-rules-1.3109148>].
- R. v. Smith. 2015-06-11. Case number: 36059. "Accused charged with possession and possession for purpose of trafficking of cannabis". Supreme Court of Canada Website. [<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/15403/index.do>].
- Tasker, John Paul. "Trudeau Says Pot Will Be Legal as of Oct. 17, 2018." *CBC News Website*. Jun 20, 2018. [<http://www.cbc.ca/news/politics/cannabis-pot-legalization-bill-1.4713839>].
- McLellan, A. Anne. "A Framework for the Legalization and Regulation of Cannabis in Canada." Government of Canada Website. [<http://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/laws-regulations/task-force-cannabis-legalization-regulation/framework-legalization-regulation-cannabis-in-canada.html?>].
- "Black market for pot growing despite legalization in Colorado". CBC News: The National YouTube Video. May 23, 2018. [http://www.youtube.com/watch?v=_v3KMwEvl3Y].
- "How does pot affect the teenage brain?" CBC News: The National YouTube Video. May 18, 2016. [<http://www.youtube.com/watch?v=IXEA8WqjHIY>].
- "The Health Risks of Marijuana." The Fifth Estate Website. January 29, 2015. [<http://www.cbc.ca/fifth/blog/the-health-risks-of-marijuana>].

Suggested Readings:

- "O'Cannabiz Conference and Expo" *Canadian Lawyer Magazine Website*. June 11, 2018. "The 2018 O'Cannabiz Conference and Expo, which took place June 8-9 in Mississauga, Ont., explored

the business and legal sides of the budding cannabis industry.”

[<http://www.canadianlawyermag.com/video/lawyers-take-on-the-marijuana-industry-at-ocannabiz-conference-and-expo-626/>].

- “Cannabis Use Disorder DSM-5, 305.20, 304.30.” Theravive Website. August 23, 2018. [<http://www.theravive.com/therapedia/cannabis-use-disorder-dsm--5%2c-305.20%2c-304.30>].
- “The Adverse Effects of Marijuana (for healthcare professionals).” California Society of Addiction Medicine Website. August 22, 2018. [<http://www.csam-asam.org/adverse-effects-marijuana-healthcare-professionals>].
- “Why Marijuana Is Exceptionally Dangerous to the Adolescent Brain.” UMass Memorial Health Care YouTube Video. Sep 30, 2016. [<http://youtu.be/Kf2jGksyV2o>].

December 3, 2018

Lectures 34, 35, 36

Readings: The Future of the Charter

Review for the Exam

Required Reading:

- Greene, Ian. *The Charter of Rights and Freedoms*, Chapter 9: The Charter and Human Rights.
- Sharpe, Robert. Roach, Kent. *The Charter of Rights and Freedoms*, Chapter 17: Section C: Conclusion.

Written Assignment:

The assignment is to write a concise and clear case paper (6-10 pages, double-spaced, single-sided, maximum 2500 words). The case paper may be composed one of the following: a thorough analysis of one case or a comparative analysis of two cases citing what the cases achieved and failed to achieve.

In your response, analyze how the Supreme Court interprets Charter provisions and the impact of their judgments on Canadian society. The paper is not an exposition of case details. Offer a brief review of the case. Consider political, social, economic and ideological implications in your response.

How to structure a case paper

The following structural plan must be followed for formatting your paper assignment:

- 1) Introduce the case and specify its importance and your reason for its selection. Identify the legal, democratic, economic or social issues.
- 2) Summarize the main legal and equity issues and questions and write a concise and comprehensive thesis statement.
- 3) Examine the Charter provision and the court ruling and address the main issues raised by the case in terms of social equity and human rights.
- 4) Address what the case or cases achieved and failed to achieve.
- 5) Interpret the judicial ruling and cite similar case judgements.
- 6) Analyze whether other judicial rulings agree or challenge the court ruling.
- 7) The conclusion should offer a summation of the key ideas and offer an assessment of its implications in Canadian society, politics and culture.

In your response, draw on court cases and secondary academic sources. It may be helpful to consult the following resources:

- Jacqueline R. Castel, Omeela K. Latchman, *The Practical Guide to Canadian Legal Research* *The Practical Guide to Canadian Legal Research*, Carswell Legal Publications, ISBN-10: 045955430, ISBN-13: 978-0459554309.
- Struck & White, *Elements of Style*, Pearson, ISBN-10: 020530902X / ISBN-13: 978-0205309023.

Court Cases:

Freedom of Religion

R. v. Big Drug Mart (1985)

R. v. Edwards Books and Arts (1986)

Freedom of Expression

R. v. Zundel (1992)

R v. Keegstra (1990)

Little Sisters Book and Art Emporium v. Canada (2000)

Religious Freedom

R. v. Big Drug Mart (1985)

Freedom of Association

Dummore. v. Ontario (2001)

Delisle v. Canada (1999)

Fundamental Justice

Morgentaler v. The Queen (1989)

R. v. Smith, (2015)

Canada (Prime Minister) v. Khadr (2010)

Equality Rights

Andrews v. Law Society of B.C. (1989)

Egan et al. v. The queen, (1995)

M. v. H. (1999)

Aboriginal Rights

R. v. Sparrow (1990)

R. v. Marshall (1999)

Passing Grades

The scale above serves as a base for academic performance. D is a passing grade.

Grade Reappraisal

Within two weeks of the date the exam/assignment is returned, students seeking reappraisal of examinations or assignments must submit a written response to the instructor explaining the basis for reconsideration of one's mark. The instructor will reconsider the grade assigned and will then book a time with the student to discuss his or her work and rationale. It should be noted that a re-assessed grade may be raised, lowered, or remain the same.

Technology Use

Please note that the use of laptops, tablets, cell phones or other electronic devices is **NOT** permitted during lectures. Students who require the use of electronic devices for academic accommodation purposes are exempt from this policy, but must provide documentation from Student Accessibility Services to the instructor. Please be sure to mute your cell phone and refrain from using it during class.

Email

Feel free to contact me over email at any time. Please put your course number and section in your email's subject line, and include a proper salutation, your full name, student ID, and a proper closing in the body of your email. All emails violating customary email conventions will be ignored. All other emails will be answered within one business day. I do not answer emails over the weekend. Please take that into account when emailing me questions pertaining assignments or exams. If you have a course-related question, please check the course outline first. Questions that can be answered by consulting the course outline will not be answered. Also, please e-mail me for administrative purposes only, for example to set up an appointment. Please do not use e-mail as a replacement for an office visit, if there is something you want to discuss. Questions about the course content and readings, concerns about grades, or any other personal issues should be dealt with in person during my office hours.

Emergency Evacuations

In the case of fire or other emergency evacuation of this classroom, please proceed to the assembly point at Energy, Environment & Experiential Learning (EEEL).

Handing in Papers, Assignments

1. The main Sociology Department office does not deal with any course-related matters. Please speak directly to your instructor.
2. **Protection of Privacy:** The Freedom of Information and Protection of Privacy (FOIPP) legislation does not allow students to retrieve any course material from public places. Anything that requires handing back will be returned directly during class or office hours. If students are unable to pick up their assignments from the instructor, they provide the instructor with a stamped, self-addressed envelope to be used for the return of the assignment.
3. Final grades are not posted by the Sociology Department. They are only available online.

Ethics Research

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 Faculty Ethics Committee. In completing course requirements, students must not undertake any human subjects research without discussing their plans with the instructor, to determine if ethics approval is required.

Academic Misconduct

Please refer to the website listed below for information on University of Calgary policies on Plagiarism/Cheating/Other Academic Misconduct:

<http://www.ucalgary.ca/pubs/calendar/current/k-5.html>

Deferrals

When possible, please provide advance notice if you are unable to write an exam or complete/turn-in assignments on time. All requests for deferral of a course component due to health reasons must be accompanied by written documentation as outlined in the University Calendar and should be obtained while the student has the health issue rather than after recovery. Deferrals will be allowed in the following circumstances: illness, domestic affliction or religious conviction. Travel arrangements, misreading the syllabus, and scheduling conflicts with other classes or employment are not valid reasons for requesting a deferral. Deferrals will not be granted if it is determined that just cause is not shown by the student.

If you have missed a test for a legitimate reason, the instructor can require you to write a “make up” test as close in time to the original test as possible or can choose to transfer the percentage weight to another course component. If the instructor schedules a “make up” test for you, its date and location will be at the convenience of the Department of Sociology.

Deferred Final Exam Form: Please note that requests to defer a Registrar scheduled final exam are dealt with through the Registrar’s Office. Further information about deadlines, and where paperwork should be taken, is available on the form, which can be found at:

<http://www.ucalgary.ca/registrar/student-forms>

Deferred Term Work Form: Deferral of term work past the end of a term also requires a form to be filled out. It’s available at

http://www.ucalgary.ca/registrar/files/registrar/deferred_termwork15_0.pdf

Once an extension date has been agreed between instructor and student, the form should be taken to the Faculty of Arts Program Information Centre (SS 110) for approval by an Associate Dean (Students).

Student Representation

The 2018-19 Students’ Union VP Academic is Jessica Revington (suvpaca@ucalgary.ca).

For more information, and to contact other elected officials with the Student’s Union, please visit this link: <http://www.su.ucalgary.ca/about/who-we-are/elected-officials/>

You may also wish to contact the Student Ombudsperson for help with a variety of University-related matters: <http://www.ucalgary.ca/ombuds/contact>

Safewalk

The University of Calgary provides a “safe walk” service to any location on Campus, including the LRT, parking lots, bus zones, and campus housing. For Campus Security/Safewalk call 220-5333. Campus Security can also be contacted from any of the “Help” phones located around Campus.

Academic Accommodation

The student accommodation policy can be found at: ucalgary.ca/access/accommodations/policy.

Students needing an Accommodation because of a Disability or medical condition should communicate this need to Student Accessibility Services in accordance with the Procedure for Accommodations for Students with Disabilities ucalgary.ca/policies/files/policies/student-accommodation-policy.

Students needing an Accommodation based on a Protected Ground other than Disability, should communicate this need, preferably in writing, to the course instructor.

Student Resources

[SU Wellness Centre](#)

[Campus Mental Health Strategy](#)