

**Political Science 3331F  
University of Western Ontario  
Courts and the Constitution  
Course Outline**

**Prerequisites:** Pol. Sci. 2230E or 2244E (or permission of department)

**Type:** Day Course (Essay/Seminar) Sept. 11/19 to Dec. 4/20

**Place:** UC 67

**Time:** Wednesdays 12.30pm-2.30pm

**Instructor: Dr. Robert F. Jonasson** Office: SSC 4141; ext. TBA (please call only during office hours)

Home E-mail address: rjonasso@uwo.ca (please e-mail anytime)

**Office Hour:** Mondays 1.30pm-2.30pm

**COURSE STRUCTURE:** Political Science 3331F is a lecture course.

**LEARNING OBJECTIVES:** Students will get a working knowledge of the Canadian court system and the Constitution. Students will focus mainly on the political powers of Canadian courts and the consequences these powers have for democracy, constitutionalism, federalism and individual and minority rights. A big theme is whether courts are 'activist' and are usurping the power of elected legislatures. Possible reforms of the system will also be touched upon.

**GRADE BREAKDOWN:**

**1/ ESSAY: 12-15 double-spaced page paper due Wednesday, October 23/19 in class. The paper must be argumentative in form (you need a thesis statement). *The paper should look at some aspect of the political and/or constitutional role of courts in Canada.* worth 50% NOTE: there will be an essay info sheet on OWL**

**2/ CLASS TEST: see outline topics on what is covered before it happens. Essay questions. Worth 50% Wednesday, Nov. 13/19 2 hours In class.**

*NOTE: No December exam.*

**Required Readings:**

1/ Lori, Hausseger, Matthew Hennigar and Troy Ridell. Canadian Courts: Law, Politics, and Process. (Oxford University Press, Toronto: 2015).

Vital course notes will be posted on OWL.

**Sept.11**

- course outline; Canadian judiciary: brief overview Ch.2, 3

**Sept.18**

- The Canadian Constitution (course notes only)

**Sept.25**

- last day con't

**Oct.2**

- Canadian federalism and judicial review (course notes only)

**Oct.9**

- Judicial review and individual/group rights Ch.7,8

**Oct.16**

- Judges' interpretation of the constitution Ch.4

**Oct. 23**

- essay due in class (at the start)

**Oct. 30**

- Judicial Activism? Ch.11

**Nov.6 - holiday**

**Nov. 13 – Class test: 2 hours; normal room and time**

**Nov.20**

- Reforming the system Ch.5,6

**Nov.27**

- Special Topic: Canada and Human Rights Commissions/Tribunals (course notes only)

**Dec.4**

- lecture make-up – if necessary

## GENERAL COURSE RULES AND SUGGESTIONS

The following rules are to be taken very seriously. They will be strictly enforced. Every student must be treated fairly; the rules below will ensure that all students will be treated in a just manner. If you follow the rules and suggestions laid out here, you will have a much better chance of doing well in the course. If you break the rules, you will suffer certain consequences.

1/ Do not be disruptive in class. After one warning, you will be asked to leave. Continual behavioural problems may lead to more severe consequences (eg. removal from the course).

2/ Come to class on time.

3/ Ask questions intelligently. The prof will let you know when questions can be asked (i.e. later in the lecture). Do not ask questions for the sake of asking them (i.e. to show 'interest', to 'stick out' etc.). Questions should contribute to the lecture. Questions about course material can usually be answered in this course outline.

4/ All grade values in the course outline are 'set in stone'. There will be no re-weighting or bell-curving. No extra assignments will be given. No items will be omitted from the final grade.

5/ All due dates (eg. essays, assignments, tests, exams) in the course outline are 'set in stone', unless they are moved to a later date by the instructor. Under no condition will due dates be made *earlier* than the dates indicated in the course outline.

6/ Do not assume your past (eg. past grades, experience level, age) is the key to your future performance. Profs assume everyone wishes high grades. Please do not indicate to the prof that you need or expect a certain grade in the course.

7/ All essays must be handed to the instructor in-class on the due date. Once the class is over, the paper is late.

8/ All late papers must be handed to the instructor.

**9/ Late Penalty for Essay: 15% flat rate; after 2 weeks late (including weekends), paper gets a zero. Computer breakdown is not an excuse. You must have a backup copy of your paper.**

10/ The instructor has never lost a paper and will not accept that as an excuse. If you leave a paper in the drop box, you are advised to email the instructor to ensure that the paper has come into his possession. In other words, YOU are responsible for your paper up to and until the INSTRUCTOR has determined that he is in possession of it. Do not let other students hand in your papers unless you are willing to take the risk that it might not get to its destination.

11/ Emailed papers will only be accepted if you have been given *specific permission* by the instructor that this is acceptable. If you seek such permission you should make the request to the instructor. This option is only for the most rare and unusual circumstances and is subject to the complete discretion of the instructor.

12/ As indicated in the policy of the dept., there are some legitimate excuses which may allow students to get limited extensions for essays, tests and exams. **ALL EXCUSES MUST BE ACCOMPANIED BY AN OFFICIAL NOTE** (eg. doctor's note) which is shown to Academic Counselling. Dates must be present to indicate the time period the student was affected. **The Instructor must be notified by Academic Counselling within 2 weeks of the missed essay or test. The permission must be produced immediately in the case of the final exam.**

13/ If an extension is warranted, the prof and the student will negotiate a time frame for submission. This time frame cannot be just what the student wants.

14/ I take all marking very seriously and I am unwilling to change a grade unless I have made a real error (eg. marked you down for a statement which is not wrong; marked you down for a grammatical error which is not wrong). Subjective feelings are not a valid basis for an appeal (eg. "I think you are too hard on me"; "I have never had a mark this low"). An appeal must go to me first. Your grade may go up, stay the same or go down (I would give then you an average of the old grade and the new grade). You may go down if I discover critical things I missed the first time.

**All appeals must be put into writing. I may take a day or more to make my decision. I do not discuss with students about their papers on the day I hand them back.**

15/ If you are a student with a serious concern, whether valid or not, and you are unable to keep up with the course for a long period of time, the prof strongly advises that you drop the course. Students who get too far behind generally do not finish in any case or receive an uncharacteristically low grade. Sometimes unfortunate events occur in our lives; try to persevere, but if you cannot, it is no shame to reduce your course load in certain situations.

**16/ If you are absent for any of the graded assignments, you MUST seek accommodation from Academic Counselling in order to be accommodated.**

17/ Please do not ask the instructor for final grades (or final exam grades). These must be released by the Registrar's Office first.

18/ I will give students basic references (for jobs, student exchange programs etc.) if their grade is above 75% in a class in which I have taught them (final grade). **For all post-graduate references (law school, grad school, teachers' college etc.) and scholarships, students must have completed at least 3 courses (half or full) with me beyond 1020E and have a grade of 80% or better (as an average in the courses). If**

**students took 1020E with me, they may or may not factor the grade in this class into their average, but they will need 3 more classes (half or full).** However, good character is an important consideration for promotion as well. I do not promote opportunists (eg. those who ask for higher grades without merit) or those with 'entitlement' attitudes. Make sure you give me at least 3 weeks notice for any deadlines and always give me all forms and postage. **I will do a maximum of 4 paper/online references for a student in a term.**

## **APPENDIX TO UNDERGRADUATE COURSE OUTLINES**

### **DEPARTMENT OF POLITICAL SCIENCE**

#### **Prerequisite checking - the student's responsibility**

"Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites."

#### **Essay course requirements**

With the exception of 1000-level courses, most courses in the Department of Political Science are essay courses. Total written assignments (excluding examinations) will be at least 3,000 words in Politics 1020E, at least 5,000 words in a full course numbered 2000 or above, and at least 2,500 words in a half course numbered 2000 or above.

#### **Use of Personal Response Systems ("Clickers")**

"Personal Response Systems ("clickers") may be used in some classes. If clickers are to be used in a class, it is the responsibility of the student to ensure that the device is activated and functional. Students must see their instructor if they have any concerns about whether the clicker is malfunctioning.

Students must use only their own clicker. If clicker records are used to compute a portion of the course grade:

- the use of somebody else's clicker in class constitutes a scholastic offence,
- the possession of a clicker belonging to another student will be interpreted as an attempt to commit a scholastic offence."

#### **Security and Confidentiality of Student Work** (refer to current *Western Academic Calendar*

<http://www.westerncalendar.uwo.ca/>

**"Submitting or Returning Student Assignments, Tests and Exams** - All student assignments, tests and exams will be handled in a secure and confidential manner. Particularly in this respect, leaving student work unattended in public areas for pickup is not permitted."

#### **Duplication of work**

Undergraduate students who submit similar assignments on closely related topics in two different courses must obtain the consent of both instructors prior to the submission of the assignment. If prior approval is not obtained, each instructor reserves the right not to accept the assignment.

#### **Grade adjustments**

In order to ensure that comparable standards are applied in political science courses, the Department may require instructors to adjust final marks to conform to Departmental guidelines.

#### **Academic Offences**

"Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site:

[http://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/scholastic\\_discipline\\_undergrad.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf)

### **Submission of Course Requirements**

ESSAYS, ASSIGNMENTS, TAKE-HOME EXAMS MUST BE SUBMITTED ACCORDING TO PROCEDURES SPECIFIED BY YOUR INSTRUCTOR (I.E., IN CLASS, DURING OFFICE HOURS, TA'S OFFICE HOURS) OR UNDER THE INSTRUCTOR'S OFFICE DOOR.

**THE MAIN OFFICE DOES NOT DATE-STAMP OR ACCEPT ANY OF THE ABOVE.**

### **Attendance Regulations for Examinations**

EXAMINATIONS/ATTENDANCE (Sen. Min. Feb.4/49, May 23/58, S.94, S.3538, S.3632, S.04-097) A student is entitled to be examined in courses in which registration is maintained, subject to the following limitations: 1) A student may be debarred from writing the final examination for failure to maintain satisfactory academic standing throughout the year. 2) Any student who, in the opinion of the instructor, is absent too frequently from class or laboratory periods in any course will be reported to the Dean of the Faculty offering the course (after due warning has been given). On the recommendation of the Department concerned, and with the permission of the Dean of that Faculty, the student will be debarred from taking the regular examination in the course. The Dean of the Faculty offering the course will communicate that decision to the Dean of the Faculty of registration.

### **Medical Policy, Late Assignments, etc.**

Students registered in Social Science should refer to

[https://counselling.ssc.uwo.ca/procedures/medical\\_accommodation.html](https://counselling.ssc.uwo.ca/procedures/medical_accommodation.html) for information on Medical Policy, Term Tests, Final Examinations, Late Assignments, Short Absences, Extended Absences, Documentation and other Academic Concerns. Non-Social Science students should refer to their home faculty's academic counselling office.

### **University Policy on Cheating and Academic Misconduct**

**Plagiarism:** Students must write their essays and assignments in their own words. Whenever students take an idea, or a passage from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major academic offence." (see Scholastic Offence Policy in the Western Academic Calendar).

**Plagiarism Checking:** "All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>)."

**Multiple-choice tests/exams:** "Computer-marked multiple-choice tests and/or exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating."

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. [https://www.uwo.ca/univsec/academic\\_policies/index.html](https://www.uwo.ca/univsec/academic_policies/index.html)

## **PLAGIARISM\***

In writing scholarly papers, you must keep firmly in mind the need to avoid plagiarism. Plagiarism is the unacknowledged borrowing of another writer's words or ideas. Different forms of writing require different types of acknowledgement. The following rules pertain to the acknowledgements necessary in academic papers.

### **A. In using another writer's words, you must both place the words in quotation marks and acknowledge that the words are those of another writer.**

You are plagiarizing if you use a sequence of words, a sentence or a paragraph taken from other writers without acknowledging them to be theirs. Acknowledgement is indicated either by (1) mentioning the author and work from which the words are borrowed in the text of your paper; or by (2) placing a footnote number at the end of the quotation in your text, and including a correspondingly numbered footnote at the bottom of the page (or in a separate reference section at the end of your essay). This footnote should indicate author, title of the work, place and date of publication, and page number.

Method (2) given above is usually preferable for academic essays because it provides the reader with more information about your sources and leaves your text uncluttered with parenthetical and tangential references. In either case words taken from another author must be enclosed in quotation marks or set off from your text by single spacing and indentation in such a way that they cannot be mistaken for your own words. Note that you cannot avoid indicating quotation simply by changing a word or phrase in a sentence or paragraph which is not your own.

### **B. In adopting other writers' ideas, you must acknowledge that they are theirs.**

You are plagiarizing if you adopt, summarize, or paraphrase other writers' trains of argument, ideas or sequences of ideas without acknowledging their authorship according to the method of acknowledgement given in 'A' above. Since the words are your own, they need not be enclosed in quotation marks. Be certain, however, that the words you use are entirely your own; where you must use words or phrases from your source, these should be enclosed in quotation marks, as in 'A' above.

Clearly, it is possible for you to formulate arguments or ideas independently of another writer who has expounded the same ideas, and whom you have not read. Where you got your ideas is the important consideration here. Do not be afraid to present an argument or idea without acknowledgement to another writer, if you have arrived at it entirely independently. Acknowledge it if you have derived it from a source outside your own thinking on the subject.

In short, use of acknowledgements and, when necessary, quotation marks is necessary to distinguish clearly between what is yours and what is not. Since the rules have been explained to you, if you fail to make this distinction your instructor very likely will do so for you, and they will be forced to regard your omission as intentional literary theft. Plagiarism is a serious offence which may result in a student's receiving an 'F' in a course or, in extreme cases in their suspension from the University.

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Adopted by the council of the Faculty of Social Science, October, 1970; approved by the Dept. of History August 13, 1991



**Accessibility at Western:** Please contact [poliscie@uwo.ca](mailto:poliscie@uwo.ca) if you require any information in plain text format, or if any other accommodation can make the course material and/or physical space accessible to you.

## SUPPORT SERVICES

- The Registrar's office can be accessed for Student Support Services at [www.registrar.uwo.ca](http://www.registrar.uwo.ca)
- Student Support Services (including the services provided by the USC listed here) can be reached at: <https://westernusc.ca/your-services/>
- Student Development Services can be reached at: <http://sdc.uwo.ca/>
- Students who are in emotional/mental distress should refer to Mental Health@Western <https://www.uwo.ca/health/> for a complete list of options about how to obtain help.

## Procedures for Requesting Academic Consideration

Students who experience an extenuating circumstance (illness, injury, or other extenuating circumstance) sufficiently significant to temporarily render them unable to meet academic requirements may submit a request for academic consideration through the following routes:

Submitting a Self-Reported Absence form provided that the conditions for submission are met;

- For medical absences, submitting a Student Medical Certificate (SMC) signed by a licensed medical or mental health practitioner in order to be eligible for Academic Consideration; or
- For non-medical absences, submitting appropriate documentation (e.g., obituary, police report, accident report, court order, etc.) to Academic Counselling in their Faculty of registration in order to be eligible for academic consideration. Students are encouraged to contact their Academic Counselling unit to clarify what documentation is appropriate.

Students seeking academic consideration:

- are advised to consider carefully the implications of postponing tests or midterm exams or delaying handing in work;
- are encouraged to make appropriate decisions based on their specific circumstances, recognizing that minor ailments (upset stomach) or upsets (argument with a friend) are **not** an appropriate basis for a self-reported absence;
- must communicate with their instructors **no later than 24 hours** after the end of the period covered by either the self-reported absence or SMC, or immediately upon their return following a documented absence.

Academic consideration **is not** normally intended for students who require academic accommodation based on an ongoing physical or mental illness (recurring or chronic) or an existing disability. These students are expected to seek and arrange reasonable accommodations with Student Accessibility Services (SAS) as soon as possible in accordance with the Policy on Academic

Accommodation for Students with Disability.

Students who experience high levels of stress related to academic performance (including completing assignments, taking part in presentations, or writing tests or examinations). These students should access support through Student Health and Wellness and Learning Skills Services in order to deal with this stress in a proactive and constructive manner.

## Requests for Academic Consideration Using the Self-Reported Absence Form

Students who experience an unexpected illness or injury or an extenuating circumstance (48 hours or less) that is sufficiently severe to temporarily render them unable to meet academic requirements (e.g., attending lectures or labs, writing tests or midterm exams, completing and submitting assignments, participating in presentations) should self-declare using the **online Self-Reported Absence portal**. This option should be used in situations where the student expects to resume academic responsibilities **within 48 hours or less**.

The following conditions are in place for self-reporting of medical or extenuating circumstances:

Students will be allowed:

- a maximum of two self-reported absences between September and April;
- a maximum of one self-reported absence between May and August.

Any absences in excess of the number designated above, regardless of duration, will require students to present a Student Medical Certificate (SMC) no later than two business days after the date specified for resuming responsibilities.

- The duration of the excused absence will be for a maximum of 48 hours from the time the Self-Reported Absence form is completed through the online portal, or from 8:30 am the following morning if the form is submitted after 4:30 pm;
- The duration of the excused absence will terminate prior to the end of the 48 hour period should the student undertake significant academic responsibilities (write a test, submit a paper) during that time;
- The duration of an excused absence will terminate at 8:30 am on the day following the last day of classes each semester regardless of how many days of absence have elapsed;
- Self-reported absences **will not be** allowed for scheduled final examinations; for midterm examinations scheduled during the December examination period;
- Self-reporting **may not be** used for assessments (e.g. midterm exams, tests, reports, presentations, or essays) worth more than 30% of any given course.
- students must be in touch with their instructors **no later than 24 hours** after the end of the period covered by the Self-Reported Absence form, to clarify how they will be expected to fulfil the academic expectations they may have missed during the absence.

### Request for Academic Consideration for a Medical Absence

Students seeking academic consideration for a medical absence not covered by existing Student Accessibility Services (SAS) accommodation, will be required to provide documentation in person to Academic Counselling in their Faculty of registration in the form of a completed, signed Student Medical Certificate (SMC) where the conditions for a Self-Reported Absence have not been met, including where the student has exceeded the maximum number of permissible Self-Reported Absences.

### Request for Academic Consideration for a Non-Medical Absence

Students seeking academic consideration for a non-medical absence will be required to provide appropriate documentation to Academic Counselling in their Faculty of registration where the conditions for a Self-Reported Absence have not been met, including where the student has exceeded the maximum number of permissible Self-Reported Absences.