

Courts and the Constitution
POL 3331G
Winter 2017 Course Outline

Course Instructor and Location:

Instructor: Rob Leone
Office Hours: Thursday – 17h30 to 18h30 (please e-mail for an appointment)
Office: SSC 4140
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Lectures: Thursday 11h30 to 13h20
Classroom: UCC 65

Course Overview & Learning Objectives:

Present in Canadian democracy is the separation of executive, legislative, and judicial branches which provide the foundation for the long-lasting democratic state in which we live. While students of Canadian politics will have been informed about the presence of all three of these branches, in this course our primary focus will be on the judicial branch and how the other branches intersect with it.

The courts play an important role in our democratic system. In addition to dealing with matters we may be accustomed to hearing about, namely criminal and civil matters that are heavily discussed in the media and a part of popular culture, our foray into the courts will pertain to how judges are the arbiters of constitutional disputes. These disputes boil down to federalist complaints (arguments between jurisdictions in Canada) and rights (arguments between people and their government). We will examine both of these ideas in this course.

By the end of the course, students will meet the following learning objectives:

1. Demonstrate knowledge of diverse theories and methodological approaches in political science
2. Apply knowledge of key political institutions, actors and ideologies to analysis of political issues in research papers and presentations
3. Demonstrate an understanding of Canadian political systems in a comparative context
4. Discuss the research and knowledge in Political Science is informed by research in other Social Sciences
5. Apply their understanding of qualitative and quantitative methods in political science to critically evaluate current research
6. Demonstrate an awareness of how power, culture and history condition/influence knowledge formation in Political Science
7. Recognize the limits of their own political knowledge, in light of exposure to information, concepts, theories and experience
8. Recognize the ambiguity and uncertainty of Political Science; and understand the ubiquitous and controversial nature of politics
9. Be able to situate knowledge historically and contextually

10. Be able to assess evidence critically
11. Communicate in a variety of formats, including written and verbal (position papers, reports and research papers)
12. Communicate in an analytic and clear fashion
13. Communicate to a variety of relevant audiences
14. Recognize the importance of listening
15. Demonstrate well developed, independent information literacy and research skills (such as those articulated by the Political Science Research Competency Guidelines adopted by the Association of College and Research Libraries)
16. Use organizational skills that contribute to scholarly and personal independence
17. Work effectively with others, demonstrating the skills of giving feedback to peers , responding to feedback, and resolving conflict and use of active listening
18. Be able to identify goals for their own professional development and further learning

Course Format

- A. This course will be delivered in an “inverted classroom” format. This means that students will receive an electronic lecture from the professor a couple days before class. Class time will be devoted toward working on developing positions on the assigned topics. It is therefore imperative that you attend class.

Assessment of Learning

Research Team Assignments:	30%
Peer and self evaluation:	10%
Team Work:	10%
Final Exam:	50%

Expectations:

Students are expected to attend class, read the required readings, and complete all of their assignments to the best of their ability, on time, and honestly. The principles of Western's policy on academic integrity will be strictly enforced. Students should be aware of what constitutes an academic offence, and they should also be aware of other aspects of appropriate student conduct. It is expected that students attend every seminar, preferably on time. Please note that attendance will be kept, and that covering for a missing group member is considered a serious academic offence.

Students who cannot complete any of the course requirements due to medical illness or bereavement are expected to follow university policies as early as possible. Students should be aware of the rules for acceptable practices in this regard.

Group work:

Class will be divided into small groups to work on a series of assignments together. Group assignments will have due dates set on assignment sheets that will be posted before each class (unless otherwise stated) on the course OWL site. Students should review the course OWL site prior to attending class. Each group will be asked to submit work to be assessed, and the intention is for all group members to contribute to the assignment. Class time will be devoted to completing these assignments, which affords the ability for students to work through the problems together, with the

professor and/or the teaching assistance available to help students succeed. This collaborative approach to learning is an important aspect of this course.

Your work will be graded on the quality of its product and how well it applied the core concepts learned through the week's readings and lecture. If you did not contribute to the assignment on any given week, then you will not receive your group's marks. This includes attendance and attentiveness within the groups.

Peer/Self Evaluation and Team Work:

When group work is assigned, the expectation is that all members of the group are contributing to the work conducted. A peer and self evaluation will be administered privately so that you can evaluate how effective your own group contribution is, that of your peers, and as well, you will be required to write a reflection piece on what you learned in this course. Information on the Peer and Self Evaluation, as well as the due date, will be posted on OWL. Please note that you are expected to contribute to your group every week, and failure to do so may affect your group assignment mark as well.

Final Exam:

Final exam will be scheduled by the Registrar's Office for the university examination period. Students will be provided guidance on how to prepare for the final exam during the last day of class.

Schedule of Lectures:

Week	Date	Title of Lecture	Assigned Reading
Week 1	January 5	Introduction to the Course	None assigned
Week 2	January 12	Pledging Allegiance to the Queen?	Heard, Ch 1 and 2
Week 3	January 19	MPs, Senators, and Questions of Privilege	Heard, Ch. 4
Week 4	January 26	The (un-) Muzzling of Bureaucrats	Heard, Ch. 3
Week 5	February 2	Federal-Provincial Tug-of-War	Heard, Ch. 5
Week 6	February 9	Judicial Process	HHR Ch. 2 and 3
Week 7	February 16	Judges and the Power to Interpret	HHR Ch. 4
Week 8	March 2	Appointing or Electing Judges?	HHR Ch. 5
Week 9	March 9	Holding Judges Accountable	HHR Ch. 6
Week 10	March 16	Interest Groups in the Judicial Process	HHR Ch. 7
Week 11	March 23	Taking a Government to Court	HHR Ch. 8
Week 12	March 30	Should Judges Make Public Policy?	HHR Ch. 11
Week 13	April 6	Conclusion: Do we need reform?	None Assigned

Required Textbooks:

- o Heard, Andrew, 2014. *Canadian Constitutional Conventions: The Marriage of Law and Politics* 2nd Edition. Toronto: Oxford University Press.
- o Hausegger, Lori, Matthew Hennigar, and Troy Riddell. 2015. *Canadian Courts: Law, Politics, and Process*. Toronto: Oxford University Press.

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:

- o the use of somebody else's clicker in class constitutes a scholastic offence,
- o 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/handbook/appeals/scholoff.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.

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. <http://www.uwo.ca/univsec/handbook/>

Students registered in Social Science should refer to <http://counselling.ssc.uwo.ca/> <http://counselling.ssc.uwo.ca/procedures/havingproblems.asp> 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.

Plagiarism

"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. <http://www.uwo.ca/univsec/handbook/>

PLAGARISM*

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 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

Students who are in emotional/mental distress should refer to Mental Health@Western

<http://www.uwo.ca/uwocom/mentalhealth/> for a complete list of options about how to obtain help.