

UNIVERSITY OF WESTERN ONTARIO
POLITICAL SCIENCE 3332F–Section 001
THE POLITICAL SIGNIFICANCE OF THE CHARTER
or “Law, Politics, and the Canadian Charter of Rights and Freedoms”
2018

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Dr. R. VandeWetering

Lectures: Monday 1:30-3:30 Social Science Center 2024

Term Office Hours: SSC 4143 Thursday 1:00-4:00 or by appointment

E-mail: Please check your UWO e-mail account for periodic messages. My e-mail address is rvandewe@uwo.ca. When you e-mail me, put in the subject heading “3332F–your last name”.

This will help prevent your message being deleted as spam.

Important Notice Re: Prerequisites/Antirequisites *Please Note: You are responsible for ensuring that you have successfully completed all course prerequisites, and that you have not taken an antirequisite course. Lack of prerequisites may not be used as a basis for an appeal. If you are found to be ineligible for a course, you may be removed from it at any time and you will receive no adjustment to your fees. This decision cannot be appealed. If you find that you do not have the course prerequisites, it is in your best interest to drop the course well before the end of the add/drop period. Your prompt attention to this matter will not only help protect your academic record, but will ensure that spaces become available for students who require the course in question for graduation.*

Prerequisites: Politics 2230E or Sociology 2260A/B or Sociology 3260A/B

Antirequisites: none

Course Description: This course is organized as a systematic study of the Charter of Rights and Freedoms. Students will consider theories of rights, the history of the Charter, the institutions affected by the Charter, and rights protected by the Charter.

Learning Objectives

By the end of the course, students should

- a) be able to describe a selection of theories of rights;
- b) be able to describe and evaluate the Charter, rights protected by the Charter, and historical issues connected to the Charter;
- c) be able to describe and evaluate how the Charter affects institutions; and
- d) improve their essay-writing skills.

Required Textbook

MacIvor, Heather. Canadian Politics and Government in the Charter Era (2nd ed). Don Mills, Ont.: Oxford University Press, 2013.

Evaluation

October Test	20%	
Essay	40%	due Dec 3 at the beginning of class
Final Exam	40%	during final exam period Dec 10-21

October Test: 50 minutes; 50 mc questions.

Essays: Minimum 2500 words, maximum 3000 words (not including bibliography or footnotes). Essay topics will be provided near the beginning of each term. Essays must be typed; double-spaced; you must keep a copy for yourself and you must keep your notes and rough drafts; if you make a reference to or quote from the internet, you must print the page cited, highlight the quote, and include it with the hard copy of the essay as an appendix. Include page numbers with every non-internet reference. Include a title page—please do not put your name on the inside of the essay (e.g. headers); also include your e-mail address on the title-page. Submit a hard copy in class and an electronic copy at Turn-it-in by 1:30 on the due date. **Late essays:** Papers must be submitted to me **personally** in class, during office-hours, or at times specified on or before the due-date. Do not place papers under the instructor's door. Extensions will only be granted in exceptional—and properly documented—medical circumstances, and by prior arrangement with instructor. Computer problems do not qualify as an excuse: prepare your essay assuming that you will have problems with your hard drive. Late papers will be penalized **10% per day**, including weekends. Social science students should refer to <http://counselling.ssc.uwo.ca/procedures/havingproblems.asp> if you have a problem.

Final: 3 hours.

- a) 25 mc questions (25 marks);
- b) 2 essay questions (in essay format: intro, thesis, conc); there will be a choice of questions (each question 50 marks).

Lecture Attendance: Any student who, in the opinion of the instructor, is absent too frequently from class or tutorials 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.

Readings: most are in MacIvor; the rest are available at OWL. Some additional readings may be assigned.

Supreme Court judgements are available at ssc-csc.lexum.com

Supreme Court website: ssc-csc.ca/home-accueil

Lecture Schedule

WEEK ONE: SEPT 10: INTRODUCTION; THEORIES OF RIGHTS Readings: M 2-21; Hohfeld (OWL)
WEEK TWO: SEPT 17: THEORIES OF RIGHTS Readings: Thomas (OWL)
WEEK THREE: SEPT 24: THE U.S. EXPERIENCE (Theory, History, Institutions, Rights) Readings: Wilson1 (OWL);, Wilson2 (OWL)
WEEK FOUR: OCT 1: HISTORY: PRE-CHARTER AND POST-CHARTER CANADA Readings: M 22-53
WEEK FIVE: OCT 8: READING WEEK *by this week you should have chosen an essay topic; spend the week reading!
WEEK SIX: OCT 15: CANADIAN COURT SYSTEM Readings: M 54-99
WEEK SEVEN: OCT 22: INSTITUTIONS: THE COURTS; GUEST SPEAKER Readings: M 100-29; Huscroft (OWL)
WEEK EIGHT: OCT 29: TEST; INSTITUTIONS: PARLIAMENT Readings: M 130-162
WEEK NINE: NOV 5: INSTITUTIONS: THE EXECUTIVE AND FEDERALISM Readings: M 163-178, 199-223
WEEK TEN: NOV 12: INSTITUTIONS: INTEREST GROUPS Readings: M 179-198; Held (OWL)
WEEK ELEVEN: NOV 19: FUNDAMENTAL FREEDOMS AND DEMOCRATIC RIGHTS Readings: M 224-266
WEEK TWELVE: NOV 26: LEGAL AND EQUALITY RIGHTS Readings: M 267-330
WEEK THIRTEEN: DEC 3: OTHER SECTIONS; TRENDS AND THE FUTURE Readings: M 331-345; Polluter Pays (OWL) ESSAY DUE TODAY AT THE BEGINNING OF CLASS
FINAL EXAM: IN EXAM PERIOD DEC 10-21

**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

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

http://counselling.ssc.uwo.ca/procedures/having_problems/index.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. http://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 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 <http://www.registrar.uwo.ca>

Student Support Services (including the services provided by the USC listed here) can be reached at:
<http://westernusc.ca/services/>

Student Development Services can be reached at: <http://www.sdc.uwo.ca/>

Students who are in emotional/mental distress should refer to Mental Health@Western
<http://www.uwo.ca/uwoom/mentalhealth/> for a complete list of options about how to obtain help.