

**HONOURS ISSUES IN CANADIAN POLITICS AND CANADIAN
PUBLIC POLICY**
POLSCI 3J03
Fall 2022

Instructor: Dr. Hailey Murphy
Email: murphh12@mcmaster.ca
Lecture: Wed, 16:30-17:20;
Mon, 16:30-18:30
Room: PC 155

Office: KTH 505
Office Hours: Wed, 17:30-18:30, or by
appointment

Contents

Course Description.....	3
Course Objectives.....	3
Required Materials and Texts	3
Class Format.....	3
Course Evaluation – Overview	3
Course Evaluation – Details	3
Quizzes (30%), see dates in schedule.....	3
Research Assignment Part 1 (20%), due October 17, 2022	4
Research Assignment Part 2 (20%), due November 7, 2022	4
Assignment/test 4 (30%), due December 5, 2022	4
Weekly Course Schedule and Required Readings	4
Week 1 (September 7).....	4
Week 2 (September 12 & 14)	4
Week 3 (September 19 & 21)	4
Week 4 (September 26 & 28)	5
Week 5 (October 3 & 5).....	5
Week 6 (October 10 & 12).....	5
Week 7 (October 17 & 19).....	5
Week 8 (October 24 & 26).....	6
Week 9 (October 31 & November 2).....	6
Week 10 (November 7 & 9)	7
Week 11 (November 14 & 16)	7
Week 12 (November 21 & 23)	7

Week 13 (November 28 & 30)	8
Week 14 (December 5 & 7)	8
Course Policies	10
Submission of Assignments.....	10
Grades.....	10
Late Assignments	10
Absences, Missed Work, Illness	10
Courses With An On-Line Element.....	10
Online Proctoring.....	11
Authenticity / Plagiarism Detection	11
Copyright and Recording	11
Academic Accommodation for Religious, Indigenous or Spiritual Observances (RISO)	11
Academic Integrity Statement.....	12
Conduct Expectations.....	12
Academic Accommodation of Students with Disabilities.....	12
Faculty of Social Sciences E-mail Communication Policy	13
Course Modification	13
Extreme Circumstances.....	13

Course Description

In most cases, the role of crafting public policy falls upon the legislature, however, within the Canadian context the judiciary may engage in judicial review and Charter dialogue – effectively giving them a significant role in policy making. Especially for equity seeking groups, the ability to claim rights and influence policy through Canada's court system has proven to be a useful mechanism for influencing the legislative agenda. This course will highlight the role of citizen engagement with the Charter of Rights and Freedoms within Canada's high courts to impact the legislative agenda and ensure the substantive application of their rights.

Course Objectives

By the end of the course students should be able to:

- Understand the policy making process in Canada and its variations
- Provide critique of policy making and its implementation
- Discern the significance between policy creation and impact
- Make connections between rights-based guarantees and substantive protection for marginalized groups
- Provide context for the struggles and barriers faced by equity seeking groups and engage in problem solving for real-life

Required Materials and Texts

Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow [available online via McMaster Library or in campus bookstore]

Class Format

Lectures for this course will take place in person. This is subject to change depending on changes to COVID-19 protocols.

Course Evaluation – Overview

1. Quizzes - 30%, (Sept 28; Oct 26; Nov 16; Dec 7)
2. THESIS/PROPOSAL - 20%, due October 17, 2022
3. ANNOTATED BIBLIOGRAPHY - 20%, November 7, 2022
4. ESSAY - 30%, due December 5, 2022

Course Evaluation – Details

Quizzes (30%), see dates in schedule

To be submitted in lecture (hard copy), please bring a pen/pencil. Students will submit 4 quizzes over the course of the term. Quizzes will contain multiple choice and short

answer questions. All quiz material will be taken from lecture prior to the weeks of the quiz.

Research Assignment Part 1 (20%), due October 17, 2022

To be submitted online using Avenue. Essay proposal and thesis draft. Detailed instructions posted to Avenue2Learn.

Research Assignment Part 2 (20%), due November 7, 2022

To be submitted online using Avenue. Annotated bibliography. Detailed instructions posted to Avenue2Learn.

Assignment/test 4 (30%), due December 5, 2022

To be submitted online using Avenue. Research essay. Detailed instructions posted to Avenue2Learn.

Weekly Course Schedule and Required Readings

Week 1 (September 7)

Readings:

- No assigned reading

Notes: [review of course outline, assignments, course website and expectations]

Week 2 (September 12 & 14)

Sept. 12 – The Canadian Constitution

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 1 (pages 1-36)*

September 14 – The Canadian Constitution

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 2 (Pages 39 - 72)*

Notes: [Last day for enrolment and course changes (drop/add) - Sept 14]

Week 3 (September 19 & 21)

Sept 19 – The Canadian Judicial System

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 3 (pages 92 - 116)*

Sept 21 – The Canadian Judicial System

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 4 (pages 117 - 135)*

Week 4 (September 26 & 28)

Sept 26 – Independence and Interest Groups

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 5 (pages 173 - 210)*

Sept 28 – Independence and Interest Groups

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 6 (pages 243 - 269)*

Notes: [IN LECTURE QUIZ SEPTEMBER 28]

Week 5 (October 3 & 5)

Oct 3 – Interest Groups and the Charter

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 6 (Pages 286 - 307)*

Oct 5 – Judicial Decision Making

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 8 (pages 377 - 384 and 396 - 403)*

Week 6 (October 10 & 12)

Date – Mid-term recess, No Class

Week 7 (October 17 & 19)

Oct 17 – Judicial Review and Federalism

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 9 (Pages 405 - 436)*

Notes: [THESIS PROPOSAL DUE OCTOBER 17]

Oct 19 – Federalism

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 9 (Pages 436 - 451)*
- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 12 (Pages 573 -578 and 616 - 627)*

Week 8 (October 24 & 26)

Oct 24 – Aboriginal Law and the Judicial Process

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 10 (Pages 453 - 476)*

Oct 26 – Rights

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 10 (Pages 476 - 502)*

[Notes: QUIZ IN LECTURE OCTOBER 26]

Week 9 (October 31 & November 2)

Oct 31 – The Rights of Indigenous Women and the Indian Act

Readings:

- Barker, Joanne. "Gender, Sovereignty, Rights: Native Women's Activism Against Social Inequality and Violence in Canada." *American Quarterly* 60, no. 2 (2008): 259–66. <https://doi.org/10.1353/aq.0.0002>. [PDF on Avenue]

Nov 2 – The Rights of Indigenous Women

Readings:

- REVIEW→ Attorney General of Canada v. Lavell <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/5261/index.do>
- UBC Arts - Indigenous Foundations Worksheet: https://indigenousfoundations.arts.ubc.ca/the_indian_act/

Week 10 (November 7 & 9)

Nov 7 – Child Separation

Readings:

- The Complainant: The Canadian Human Rights Case on First Nations Child Welfare – Cindy Blackstock <https://lawjournal.mcgill.ca/article/the-complainant-the-canadian-human-rights-case-on-first-nations-child-welfare/>

Notes: [ANNOTATED BIBLIOGRAPHY DUE NOVEMBER 7]

Nov 9 – Child Separation

Readings:

- Canada, First Nations reveal details of \$40B draft deals to settle child welfare claims - Brett Forester | Fraser Needham <https://www.aptnnews.ca/national-news/canada-first-nations-reveal-details-of-40b-draft-deals-to-settle-child-welfare-claims/>

Notes: [Last day for withdrawing from courses without failure by default - November 11]

Week 11 (November 14 & 16)

Nov 14 – Two-Spirit Experience

Readings:

- Nickel, Sarah, and Amanda Fehr. In Good Relation : History, Gender, and Kinship in Indigenous Feminisms, “Chapter 5: Reclaiming Traditional Gender Roles” 2020. [PDF available on Avenue]

Nov 16 – Two Spirit Experience continued

Readings:

- Tremblay, Manon. Queer Mobilizations : Social Movement Activism and Canadian Public Policy, “Chapter 2: Two-Spirit Mobilization in Canada” 2015. [PDF available on Avenue]

Notes: [QUIZ IN LECTURE NOVEMBER 16]

Week 12 (November 21 & 23)

Nov 21 – LGBTQ2+ Rights

Readings:

- Joanna Radbord. LGBTQ2+ Law: Practice Issues and Analysis, “Chapter 1: The Gay Agenda: A short history of queer rights in Canada”. 2020 [PDF available on Avenue]
- REVIEW: Reference Re: Same Sex Marriage <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2196/index.do>

Nov 23 – LGBTQ2+ Youth

Readings:

- Donn Short, Bruce MacDougall, and Paul T. Clarke. Making the Case 2SLGBTQ+ Rights and Religion in Schools, “Chapter 1: 1 Legal Possibilities and the New Schools” 2021. [PDF available on Avenue]
- REVIEW: Saskatchewan (Human Rights Commission) v. Whatcott <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/12876/index.do>

Week 13 (November 28 & 30)

Nov 28 – Women’s Rights

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 6 (Pages 269 - 285 and 310 - 327)*

Nov 30 – Women’s rights (abortion)

Readings:

- REVIEW: R. v Morgentaler [1988] <https://scc-csc.lexum.com/scc-csc/scccsc/en/item/288/index.do>

Week 14 (December 5 & 7)

Dec 5 – Abortion Rights continued

Readings:

- Johnstone, Rachael Elizabeth Grace. 2012. The Politics of Abortion in Canada after Morgentaler: Women’s Rights as Citizenship Rights. “Chapter 5: The Courts in Context: the Case of Abortion Rights in Canada” P. 113- 136. [PDF available on Avenue]

Notes: [ESSAY DUE DECEMBER 5]

Dec 7 – Human Rights

Readings:

- Law, Politics, and the Judicial Process in Canada, 4th Edition - Edited by F.L. Morton and Dave Snow – *Section 12 (Pages 579 - 611 and 627 - 633)*

Notes: [QUIZ IN LECTURE DECEMBER 7]

Course Policies

Submission of Assignments

All assignments must be submitted electronically using Avenue2Learn

Grades

Grades will be based on the McMaster University grading scale:

MARK	GRADE
90-100	A+
85-90	A
80-84	A-
77-79	B+
73-76	B
70-72	B-
67-69	C+
63-66	C
60-62	C-
57-59	D+
53-56	D
50-52	D-
0-49	F

Late Assignments

The penalties for late submission of assigned coursework (e.g., papers, assignments) are 2% per day, unless accompanied by documentation

Absences, Missed Work, Illness

McMaster Student Absence Form (MSAF): In the event of an absence for medical or other reasons, students should review and follow the Academic Regulation in the Undergraduate Calendar “Requests for Relief for Missed Academic Term Work”.

Courses With An On-Line Element

Some courses may use on-line elements (e.g. e-mail, Avenue to Learn (A2L), LearnLink, web pages, capa, Moodle, ThinkingCap, etc.). Students should be aware that, when they access the electronic components of a course using these elements, private information such as first and last names, user names for the McMaster e-mail accounts, and program affiliation may become apparent to all other students in the same course. The available information is dependent on the technology used. Continuation in a course that uses on-line elements will be deemed consent to this disclosure. If you have any questions or concerns about such disclosure please discuss this with the course instructor.

Online Proctoring

Some courses may use online proctoring software for tests and exams. This software may require students to turn on their video camera, present identification, monitor and record their computer activities, and/or lock/restrict their browser or other applications/software during tests or exams. This software may be required to be installed before the test/exam begins.

Authenticity / Plagiarism Detection

Some courses may use a web-based service (Turnitin.com) to reveal authenticity and ownership of student submitted work. For courses using such software, students will be expected to submit their work electronically either directly to Turnitin.com or via an online learning platform (e.g. A2L, etc.) using plagiarism detection (a service supported by Turnitin.com) so it can be checked for academic dishonesty.

Students who do not wish their work to be submitted through the plagiarism detection software must inform the Instructor before the assignment is due. No penalty will be assigned to a student who does not submit work to the plagiarism detection software.

All submitted work is subject to normal verification that standards of academic integrity have been upheld (e.g., on-line search, other software, etc.). For more details about McMaster's use of Turnitin.com please go to www.mcmaster.ca/academicintegrity.

Copyright and Recording

Students are advised that lectures, demonstrations, performances, and any other course material provided by an instructor include copyright protected works. The Copyright Act and copyright law protect every original literary, dramatic, musical and artistic work, **including lectures** by University instructors

The recording of lectures, tutorials, or other methods of instruction may occur during a course. Recording may be done by either the instructor for the purpose of authorized distribution, or by a student for the purpose of personal study. Students should be aware that their voice and/or image may be recorded by others during the class. Please speak with the instructor if this is a concern for you.

Academic Accommodation for Religious, Indigenous or Spiritual Observances (RISO)

Students requiring academic accommodation based on religious, indigenous or spiritual observances should follow the procedures set out in the [RISO](#) policy. Students should submit their request to their Faculty Office **normally within 10 working days** of the beginning of term in which they anticipate a need for accommodation or to the Registrar's Office prior to their examinations. Students should also contact their instructors as soon as possible to make alternative arrangements for classes, assignments, and tests.

Academic Integrity Statement

You are expected to exhibit honesty and use ethical behaviour in all aspects of the learning process. Academic credentials you earn are rooted in principles of honesty and academic integrity. **It is your responsibility to understand what constitutes academic dishonesty.**

Academic dishonesty is to knowingly act or fail to act in a way that results or could result in unearned academic credit or advantage. This behaviour can result in serious consequences, e.g. the grade of zero on an assignment, loss of credit with a notation on the transcript (notation reads: “Grade of F assigned for academic dishonesty”), and/or suspension or expulsion from the university. For information on the various types of academic dishonesty please refer to the [Academic Integrity Policy](https://secretariat.mcmaster.ca/university-policies-procedures-guidelines/), located at <https://secretariat.mcmaster.ca/university-policies-procedures-guidelines/>

The following illustrates only three forms of academic dishonesty:

- plagiarism, e.g. the submission of work that is not one’s own or for which other credit has been obtained.
- improper collaboration in group work.
- copying or using unauthorized aids in tests and examinations.

Conduct Expectations

As a McMaster student, you have the right to experience, and the responsibility to demonstrate, respectful and dignified interactions within all of our living, learning and working communities. These expectations are described in the [Code of Student Rights & Responsibilities](#) (the “Code”). All students share the responsibility of maintaining a positive environment for the academic and personal growth of all McMaster community members, **whether in person or online.**

It is essential that students be mindful of their interactions online, as the Code remains in effect in virtual learning environments. The Code applies to any interactions that adversely affect, disrupt, or interfere with reasonable participation in University activities. Student disruptions or behaviours that interfere with university functions on online platforms (e.g. use of Avenue 2 Learn, WebEx or Zoom for delivery), will be taken very seriously and will be investigated. Outcomes may include restriction or removal of the involved students’ access to these platforms

Academic Accommodation of Students with Disabilities

Students with disabilities who require academic accommodation must contact [Student Accessibility Services](#) (SAS) at 905-525-9140 ext. 28652 or sas@mcmaster.ca to make arrangements with a Program Coordinator. For further information, consult McMaster University’s [Academic Accommodation of Students with Disabilities](#) policy.

Faculty of Social Sciences E-mail Communication Policy

Effective September 1, 2010, it is the policy of the Faculty of Social Sciences that all e-mail communication sent from students to instructors (including TAs), and from students to staff, must originate from the student's own McMaster University e-mail account. This policy protects confidentiality and confirms the identity of the student. It is the student's responsibility to ensure that communication is sent to the university from a McMaster account. If an instructor becomes aware that a communication has come from an alternate address, the instructor may not reply at his or her discretion.

Course Modification

The instructor and university reserve the right to modify elements of the course during the term. The university may change the dates and deadlines for any or all courses in extreme circumstances. If either type of modification becomes necessary, reasonable notice and communication with the students will be given with explanation and the opportunity to comment on changes. It is the responsibility of the student to check his/her McMaster email and course websites weekly during the term and to note any changes.

Extreme Circumstances

The University reserves the right to change the dates and deadlines for any or all courses in extreme circumstances (e.g., severe weather, labour disruptions, etc.). Changes will be communicated through regular McMaster communication channels, such as McMaster Daily News, A2L and/or McMaster email.