

EVALUATION AND ASSESSMENT

Test 1	(25%)	Oct 17
Essay outline	(15%)	Nov 16
Essay	(30%)	Nov 30
Test 2	(20%)	Dec 7
Participation	(10%)	Throughout the course

PARTICIPATION (10%)

Class participation is a key component of the course. Students are expected to have completed the pertinent readings **prior to the lectures**. This will allow you to incorporate the lecture material quickly, make connections to the readings and your prior knowledge, and engage actively in class discussions. Students are also expected to *be present* for each class, participate in discussion groups, and be a non-disruptive member of the class (e.g., avoid conversations with neighbours, cell phone calls, non-class-related internet use, early departures). Participation scores are based upon all of these factors, along with small in-class activities and written responses. *Students who regularly miss class without a valid reason will receive 0% for participation.* Please be aware of the University's policy on unexcused absences from the calendar's General Academic Regulations:

1. Attendance at Class and Debarment

Regular attendance is expected of all students in all courses. An instructor may initiate procedures to debar a student from attending classes and from final examinations and/or from receiving credit where unexcused absences exceed those permitted by the faculty or school regulations.

A student may be debarred from class, laboratories, and examinations by action of the dean/director for persistent non-attendance, failure to produce assignments to the satisfaction of the instructor, and/or unsafe clinical practice or practicum. Students so debarred will have failed that course.

TESTS

There will be two tests consisting primarily of written answer questions—some shorter and some longer. Yes, in this style of test, I often include some element of choice (e.g. "Do 3 out of 4 of the following questions," etc.)

ESSAY OUTLINE

In preparation for the essay, students will prepare an essay outline detailing the main thesis of the essay as well as the arguments and some of the research sources which will be used to advance the thesis. We will have further discussions in class on essays, the pre-writing process, and preparing outlines for papers.

ESSAY

Students will write an (approximately) **eight-page** argumentative essay (not including title page or bibliography) that engages a topic related to one of the three areas of study within the course. Essays should reference a combination of assigned readings **and** outside academic sources (i.e. journal articles or book chapters which were not on the reading list for the course.) Essays must be typed and formatted according to the **ASA, APA, or Chicago** style guide. No covers, etc.—just use a stapler!

MISSING DEADLINES AND TESTS

Assignment deadlines and tests can only be missed for legitimate medical reasons or family emergencies. If you are in a situation where you are likely to miss a deadline or test for a compelling reason, **contact me beforehand** so that we can discuss it, and please work on securing appropriate documentation from a legitimate source. Students who miss a test must provide proper documentation to be considered for re-scheduling.

“WHEN WILL WE GET OUR TESTS/ESSAYS BACK?”

A rule of thumb I employ is to endeavour to have tests and papers graded and returned by the two-week mark. Depending upon class size and evaluation methods for the course (proportion of written work vs multiple choice, etc.), this can sometimes be a challenge.

ACADEMIC INTEGRITY

Students should acquaint themselves with the university’s policy on plagiarism, cheating, exam personation, (“Personation at Examinations” [Section 5.2.9] and “Plagiarism and Cheating” [Section 8.1]) and duplicate submission by reading documentation provided at the Arts Student Resources site: http://umanitoba.ca/faculties/arts/student_resources/student_responsibilities_integrity.html. Ignorance of the regulations and policies regarding academic integrity is not a valid excuse for violating them.

UNCLAIMED TERM WORK DISPOSAL

Any term work that has not been claimed by students will be held for four (4) months from the end of the final examination period for the term in which the work was assigned. At the conclusion of this time, all unclaimed term work will become property of the Faculty of Arts and be destroyed according to FIPPA guidelines and using confidential measures for disposal.

SPECIAL LEARNING NEEDS & ACCESSIBILITY

Students with special learning needs (who for legitimate reasons require extra time to write a test, or who require aids or other supports) should identify themselves to the instructor at the beginning of the term in order to arrange suitable accommodation or contact Student Accessibility Services.

DISRUPTION

Disruptions due to excessive talking or early departures from the classroom are especially distracting to large classes. Please be considerate and respectful of the needs and rights of others in the class. Students should be aware that persistent disruption may result in disbarment from the course. Any student who has a legitimate reason for leaving class early should inform the instructor at the beginning of class.

Students should also be aware that use of **electronic devices** for purposes other than taking notes and searching information/images related to the lecture is a distraction both to them, the students around them, and potentially the professor. Disruptive use of electronic devices may result in a ban against their use or, in extreme cases, disbarment from the course.

READING LIST & TENTATIVE SCHEDULE

*These assigned readings will be posted on UM Learn, while other supplemental materials may be handed out in class or posted on UM Learn.

The Law's Management of Colonial Dispossession (~4.5 weeks)

Royal Commission on Aboriginal Peoples. "Stage 3: Displacement and Assimilation," in *Looking Forward, Looking Back: Report of the Royal Commission on Aboriginal Peoples, Vol. 1*. Ottawa, 1996.

Leslie, John. "The *Indian Act*: An Historical Perspective." *Canadian Parliamentary Review*. 2002.

Sprague, D.N. "Canada's Treaties with Aboriginal Peoples." *Manitoba Law Journal* 23 (1995): 341-51.

Coyle, Michael. "Marginalized by Sui Generis? Duress, Undue Influence and Crown-Aboriginal Treaties." *Manitoba Law Journal* 32 (2009): 34-64.

Russell, Peter H. "High Courts and the Rights of Aboriginal Peoples: The Limits of Judicial Independence." *Sask. L. Rev.* 61 (1998): 247-276.

Walters, Mark D. "Promise and Paradox: The Emergence of Indigenous Rights Law in Canada." In *Indigenous Peoples and the Law: Comparative and Critical Perspectives*, edited by Benjamin Richardson, Shin Imai and Kent McNeil, 21-50. Portland: Hart Publishing, 2009.

Niezen, Ronald. "Culture and the Judiciary: The Meaning of the Culture Concept as a Source of Aboriginal Rights in Canada." *Canadian Journal of Law and Society* 18, no. 2 (2003): 1-26.

Borrows, John. "Frozen Rights in Canada: Constitutional Interpretation and the Trickster." *American Indian Law Review* 22, no. 1 (1998): 37-64.

Crime and Criminal Law (~4.5 weeks)

Cunneen, Chris, and Juan Tauri. "Policing, Indigenous Peoples and Social Order." In *Indigenous Criminology*, 67-87. Bristol: Policy Press, 2016.

Dafnos, Tia. "Social Movements and Critical Resistance: Policing Colonial Capitalist Order." In *Criminalization, Representation, Regulation: Thinking Differently About Crime*, edited by Deborah Brock, Amanda Glasbeek and Carmela Murdocca, 385-417. North York, ON: University of Toronto Press, 2014.

Monchalin, Lisa. "Crime Affecting Indigenous Peoples: Over-Representation, Explanations, and Risk Factors." In *The Colonial Problem: An Indigenous Perspective on Crime and Injustice in Canada*, 143-74. Toronto: University of Toronto Press, 2016.

Chan, Wendy, and Dorothy Chunn. "Intersectionality, Crime, and Criminal Justice." In *Racialization, Crime, and Criminal Justice in Canada*, 27-38. Toronto: University of Toronto Press, 2014.

Balfour, Gillian. "Do Law Reforms Matter? Exploring the Victimization– Criminalization Continuum in the Sentencing of Aboriginal Women in Canada." *International Review of Victimology* 19, no. 1 (2013): 85-102.

Williams, Toni. "Intersectionality Analysis in the Sentencing of Aboriginal Women in Canada: What Difference Does It Make?". In *Intersectionality and Beyond: Law, Power and the Politics of Location*, edited by Emily Grabham, Davina Cooper, Jane Krishnadas and Didi Herman, 79-104. Oxon, UK: Routledge-Cavendish, 2009.

Razack, Sherene. "Timely Deaths: Medicalizing the Deaths of Aboriginal People in Police Custody." *Law, Culture and the Humanities* 9, no. 2 (2013): 352-74.

Razack, Sherene. "'It Happened More Than Once': Freezing Deaths in Saskatchewan." *Canadian Journal of Women and the Law* 26, no. 1 (2014): 51-80.

Transitional Justice, Reconciliation & UNDRIP (~3.5 weeks)

Patzer, Jeremy. "Residential School Harm and Colonial Dispossession: What's the Connection?". In *Colonial Genocide in Indigenous North America*, edited by Andrew Woolford, Jeff Benvenuto and Alexander Laban Hinton, 166-85. Durham: Duke University Press, 2014.

James, Matt. "Uncomfortable Comparisons: The Canadian Truth and Reconciliation Commission in International Context." *The Ethics Forum* 5, no. 2 (2010): 25-35.

Stanton, Kim. "Canada's Truth and Reconciliation Commission: Settling the Past?". *International Indigenous Policy Journal* 2, no. 3 (2011).

Green, Robyn. "Unsettling Cures: Exploring the Limits of the Indian Residential School Settlement Agreement." *Canadian journal of law and society* 27, no. 01 (2013): 129-48.

Lightfoot, Sheryl R. "Emerging International Indigenous Rights Norms and 'over-Compliance' in New Zealand and Canada." *Political Science* 62, no. 1 (2010): 84-104.

Woolford, Andrew. "Governing through Repair: Historical Injustices and Indigenous Peoples in Canada." In *Facing the Past: Amending Historical Injustices through Instruments of Transitional Justice*, edited by Peter Malcontent, 303-20. Cambridge: Intersentia Ltd, 2016.