

IMPORTANT DATES

Jan 6: Fall term begins

Mar 18: Voluntary withdrawal deadline

Feb 17-21: Fall term break, no classes

Apr 7: Last day of classes for fall term

About the Forms of Assessment

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 class discussion, and be a non-disruptive member of the class*** (e.g., avoid non-class-related internet use, non-class-related chatting, cell phone calls, texting, early departures). Participation scores are based upon all of these factors, along with small in-class activities and written responses. **Attendance will be taken on a regular basis. 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 of written answer questions, and perhaps some multiple choice or true/false questions.

SMALL PAPERS

Students will write two short papers during the term. I will give the topic for each in class along with further guidelines, expectations, and advice. The papers must be typed, formatted according to the requisite style guide, and stapled.

Things You Should Know

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?”

You have chosen to study one of the more popular disciplines in the social sciences and humanities, and thus you will find that our classroom is very full. Depending upon class size and evaluation methods for the course, marking student work in a timely fashion can sometimes be a challenge. My guideline in the past was to strive to have student work marked within two weeks. During most parts of the term—and especially with the written work that you will be doing—I find that this is often stretching into three weeks. Nevertheless, in looking at the due dates you will notice that you will have written and received a grade for the first test and the first paper prior to the VW date.

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.

COPYRIGHTED MATERIAL & RECORDING CLASS LECTURES

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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 me at the beginning of term in order to arrange suitable accommodation, and 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.

SETTING THE CONTEXT (~1 WEEK)

Standing Senate Committee on Aboriginal Peoples. "How Did We Get Here? A Concise, Unvarnished Account of the History of the Relationship between Indigenous Peoples and Canada." Ottawa: Senate of Canada, 2019.

Reynolds, Jim. 2018. "Historical Background." Pp. 3-29 in *Aboriginal Peoples and the Law: A Critical Introduction*. Vancouver: Purich Books.

LAW'S MANAGEMENT OF COLONIAL DISPOSSESSION (~2.5 WEEKS)

Christie, Gordon. 2019. "Canadian Law and its Puzzles." Pp. 73-129 in *Canadian Law and Indigenous Self-Determination: A Naturalist Analysis*. Toronto: University of Toronto Press.

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

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

Borrows, John. 2015. "The Durability of Terra Nullius: *Tsilhqot'in Nation v. British Columbia*." *UBC Law Review* 48(3):701-42.

Gaudry, Adam and Chris Andersen. 2016. "*Daniels v. Canada*: Racialized Legacies, Settler Self-Indigenization and the Denial of Indigenous Peoplehood." *TOPIA: Canadian Journal of Cultural Studies* (36).

SECURITIZATION AND THE SETTLER STATE (~1 WEEK)

Dafnos, Tia, Scott Thompson and Martin French. 2016. "Surveillance and the Colonial Dream: Canada's Surveillance of Indigenous Self-Determination." Pp. 319-42 in *National Security, Surveillance and Terror: Canada and Australia in Comparative Perspective*, edited by R. K. Lippert, K. Walby, I. Warren and D. Palmer. Cham, Switzerland: Springer International Publishing.

Crosby, Andrew and Jeffrey Monaghan. "Northern Gateway Pipelines: Policing for Extractive Capitalism." In *Policing Indigenous Movements: Dissent and the Security State*, 62-96. Halifax: Fernwood Press, 2018.

CRIME AND CRIMINAL LAW (~3.5 WEEKS)

- 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.
- Cunneen, Chris, and Juan Tauri. "Policing, Indigenous Peoples and Social Order." In *Indigenous Criminology*, 67-87. Bristol: Policy Press, 2016.
- Razack, Sherene. "Timely Deaths: Medicalizing the Deaths of Aboriginal People in Police Custody." *Law, Culture and the Humanities* 9, no. 2 (2013): 352-74.
- Institute for Research on Public Policy. Selected articles from *What Can We Learn from the Stanley Trial?* September 24, 2018. <https://policyoptions.irpp.org/magazines/september-2018/what-can-we-learn-from-the-stanley-trial/>
- Balfour, Gillian. "Falling between the Cracks of Retributive and Restorative Justice: The Victimization and Punishment of Aboriginal Women." *Feminist Criminology* 3, no. 2 (2008): 101-20.
- 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.

UNDRIP, RESIDENTIAL SCHOOLING, & THE SIXTIES SCOOP (~2.5 WEEKS)

- Lightfoot, Sheryl. 2012. "Selective Endorsement without Intent to Implement: Indigenous Rights and the Anglosphere." *The International Journal of Human Rights* 16(1):100-22.
- Patzer, Jeremy. "Indigenous Rights and the Legal Politics of Canadian Coloniality: What Is Happening to Free, Prior and Informed Consent in Canada?" *The International Journal of Human Rights* 23, no. 1-2 (2019): 214-33.
- James, Matt. "Uncomfortable Comparisons: The Canadian Truth and Reconciliation Commission in International Context." *The Ethics Forum* 5, no. 2 (2010): 25-35.
- 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.
- Jacobs, Margaret D. 2017. "Stimulating and Resisting Transborder Indigenous Adoptions in North America in the 1970s." Pp. 27-50 in *International Adoption in North American Literature and Culture: Transnational, Transracial and Transcultural Narratives*, edited by M. Shackleton. Cham, Switzerland: Palgrave MacMillan.