



**POLITICAL SCIENCE 3303F (670)
INTRODUCTION TO CANADIAN LAW
Summer 2026**

Instructor: E. Nicolaidis
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Course Information

Calendar Description: This course addresses the evolution and current state of the Canadian legal system with an emphasis on the Canadian constitution, criminal code and administrative law. Emphasis will be placed on the relationship between different levels of governments, governments and citizens, and legal relationships between citizens.

Prerequisite(s): Enrolment in 3rd or 4th year in either Politics and International Relations; Sociology; Economics; Social Justice and Peace Studies; or permission of the department.

Course Weight: 0.50

Breadth: Category A

Subject Code: POLISCI

Notice: Unless you have either the requisites for this course (fulfilment of pre-requisites, no anti-requisite conflicts), or special permission from your Dean to enrol 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.

King's University College
POLISCI 3303F: Introduction to Canadian Law
Summer 2026

Course information:

Course Name, Number, Section: POLISCI 3303F, Number 1169, Section 670

Instructor: Eleni Nicolaidis, Ph.D. (she/her)

Contact Information: enicolai@uwo.ca

Office hours: see Brightspace for details

Course description:

This course addresses the evolution and current state of the Canadian legal system with an emphasis on the Canadian constitution (specifically the *Charter of Rights and Freedoms*), criminal code and administrative law. Focus will be placed on the relationship between different levels of governments, governments and citizens, and legal relationships between citizens.

Course requisites:

Prerequisites include 1.0 credit at the 1000 level from Political Science, Sociology, Economics, or Social Justice and Peace Studies, or permission of the department.

Course learning outcomes:

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

1. Understand key judicial decisions (constitutional, criminal, and administrative)
2. Clearly communicate and analyze different scholarly positions concerning the Canadian Constitution, and especially the *Charter of Rights and Freedoms*, including its implications for the judicial, legislative, and executive branches of government
3. Evaluate how the 1982 Constitution has changed the way Canada is governed, particularly with respect to the greater role of the judiciary in shaping public policy and its implications for government or societal actors
4. Conduct research concerning judicial decisions, legislative debates, and academic literature

Mode of Instruction:

- Distance Studies/Online Asynchronous

Course textbooks/materials:

- There is no required textbook. Required readings are available through the below links, the Library website, and/or the Library course reserves at no additional cost.

Methods of evaluation:

Method	Weight	Due Date
Unit Quizzes	10% (2% x 5 quizzes)	Due Fridays at 11:59pm, for Units 2-6
Research and Reflection Paper 1 (choice of Unit 1 or Unit 2)	30%	May 15 at 11:59pm
Research and Reflection Paper 2 (choice of Unit 3 or 4)	30%	May 29 at 11:59pm
Research and Reflection Paper 3 (Unit 6)	30%	June 12 at 11:59pm

- Unit Quizzes:** Unit quizzes are designed to ensure students understand the unit content. The 5 unit quizzes will each consist of 10 questions (true or false, matching, multiple choice, or multi-select) and will be based on the lectures and readings for the unit. The quizzes will run for units 2-6 (5 units total). Each quiz will be worth 2% of the student's overall grade. The quizzes will be open from the start of the term. Quizzes will close on Friday at 11:59pm of the week of the content. Students will have 45 minutes to complete each quiz. Quizzes will be accessed through the Quizzes function on OWL Brightspace, with accessibility accommodations in place.
- Research and Reflection Papers:** Research and Reflection Papers are designed to ensure students have gained a deeper understanding of content in the unit. Students will write 3 Research and Reflection Papers that are each worth 30% of the student's final mark. For each reflection, students will choose to answer one question from several possible options (as outlined below). These questions are based upon the lectures and assigned readings. Students must cite the information in their reflection paper. Students must cite at least one assigned reading (or optional reading appended to the assignment instructions on OWL Brightspace) and a minimum of 3 other academic sources (peer-reviewed journal articles or books) to support each reflection. Each reflection should be approximately 1,250-1,500 words in length. Please see instructions on OWL Brightspace for more details, including the rubric. Below are the question options for each paper:

Research and Reflection Paper 1. Pick 1 from the following:

- Unit 1: This unit discussed the academic debate concerning the democratic legitimacy of judicial review and activism. What is judicial activism? Which side of the debate do you find more persuasive and why? Support your position using academic research.
- Unit 2: This unit discussed a variety of topics, including the notwithstanding clause. What is the notwithstanding clause? How often has it been used? Do you think that it is a legitimate tool? Why or why not, based upon the academic and political debates on s. 33, as well as uses of the clause?

Research and Reflection Paper 2. Pick 1 from the following:

- Unit 3, Option 1: Considering *RJR-MacDonald Inc.*, describe the Supreme Court of Canada's decision and the reasons for it. Did the Court have sufficient grounds for questioning Parliament's policy choice? Should Parliament have challenged the Court's decision in its legislative response? Why or why not?
- Unit 3, Option 2: Freedom of expression cases at the Supreme Court of Canada have often featured disagreements on the bench about how best to balance freedom of

expression with protection of historically disadvantaged groups. Considering a case such as *Whatcott*, or others discussed by Sangiuliano and Friedman (such as *Ward*), describe the case, the reasoning, any disagreements among the judges. Make your case for the proper approach to reconciling these values.

- Unit 4, Option 1 a, b, or c: This unit examined various s. 7 cases (such as a) *PHS*, b) *Bedford*, or c) *Carter*) and associated legislative responses (in Bill C-2, C-36, or C-14 respectively). Considering one of these cases and the associated legislative response, first describe and then analyze the Court's decision. Was the Court's reasoning persuasive? What was the legislative response made by Parliament, and was it *Charter*-compliant or more broadly a reasonable policy response?
- Unit 4, Option 2: The Supreme Court's decision in *Fraser v. Canada* was a high watermark for s. 15 jurisprudence. What was at issue in this case, what was the majority's decision, and what reasons were provided? Was the majority decision persuasive? Why or why not?

Research and Reflection Paper 3. Pick 1 from the following:

- Unit 6, Option 1: This unit examined various cases concerning s. 24(2) of the *Charter* and decisions about whether to admit or exclude evidence. After examining *R. v. Grant*, consider whether the Court's test under s. 24(2) is fair. Why, considering cases applying the test for s. 24(2)?
 - Unit 6, Option 2: This unit reviewed various cases balancing the rights of victims and the accused in the context of cases involving sexual assault, including sequels such as 1) *O'Connor-Mills* and 2) *Daviault-Brown*. Considering one of these sequels, describe the Supreme Court's rulings in these cases and whether the legislative response (or responses) was appropriate, given the various rights and interests at stake. Make your point using scholarly research and case analyses.
 - Unit 6, Option 3: This unit analyzed various cases concerning mandatory minimum sentences. Considering cases such as *Nur*, *Lloyd*, and/or *Hilbach*, describe the Court's decision, and analyze the findings on s. 12 of the *Charter*. Did the Court come to the correct conclusion in the case? Why or why not? Make your argument using scholarly research and case analysis.
- **No student collaboration is allowed on any method of assessment/evaluation.**
 - **Students will be required to submit written assignments through plagiarism-detection software integrated in OWL Brightspace.**

Academic Consideration:

- The new **Policy on Academic Consideration** may be found here: https://uwo.ca/univsec/pdf/academic_policies/appeals/academic_consideration_Sep24.pdf
- **Submission windows: a 48-hour grace period** is available for all methods of evaluation. **Evaluations will not be accepted beyond the submission window.** There are two exceptions: 1) you have emailed the professor to request an extension prior to the due date (reasonable requests will be granted), or 2) you face extenuating circumstances and have submitted a request for academic consideration through the Student Absence Portal, generally with supporting documentation. Requests, either by email or through the Student Absence Portal, must include a clear proposed date for submission so that the professor may accurately assess the request. Please note that due to the flexibility in assessments, academic consideration requests may still be denied when they lack sufficient justification.

Academic Integrity:

- Scholastic offences are taken seriously and students are directed to **read Western's Scholastic Discipline Policy**, specifically, the definition of what constitutes a Scholastic Offence, at the following website: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf
- Within this course, **use of generative artificial intelligence (AI) tools (such as ChatGPT, translation tools, and grammar-checking tools) is not permitted for written work** submitted for evaluation. Unauthorized use of AI will be subject to academic discipline.
- **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>).

Schedule of Classes, Readings, Assessments:

Week	Date	Event
1 (May 4-8)	May 4	<p>6-week first-term courses begin</p> <p>Unit 1 Lecture: Introduction to the Course, Public Law, and the Legitimacy Debate</p> <p>Readings:</p> <p>F. L. Morton, "The Charter Revolution and the Court Party," <i>Osgoode Hall Law Journal</i> 30, no. 3 (1992): 627-652. (Available here: https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1718&context=ohlj)</p> <p>Lorraine Eisenstat Weinrib, "The Activist Constitution," <i>Policy Options</i> (April 1999): 27-30. (This version available here.)</p> <p>Bertha Wilson, "We Didn't Volunteer," in <i>Judicial Power and Canadian Democracy</i>, Paul Howe and Peter H. Russell, eds. (Montreal and Kingston: McGill-Queen's University Press, 2001), 73-79.</p>
	May 8	<p>Last day to add first-term half-course, full course. Courses dropped by this date will not appear on a transcript. Courses dropped after this date will appear on a transcript with a grade of 'WDN' (withdrawn, without academic penalty).</p>

Week	Date	Event
2 (May 11-15)	May 11	<p>Unit 2 Lecture: The Reasonable Limits Clause, Dialogue Theory, and the Notwithstanding Clause</p> <p>Readings: Emmett Macfarlane, "Dialogue or Compliance? Measuring Legislatures' Policy Responses to Court Rulings on Rights," <i>International Political Science Review</i> 32, no. 1 (2013): 39-56.</p> <p>Dave Snow and Eleni Nicolaides, "Notwithstanding the Media: Section 33 of the Charter after <i>Toronto v Ontario</i>," in <i>Constitutional Crossroads: Reflections on Charter Rights, Reconciliation, and Change</i>, Kate Puddister and Emmett Macfarlane, eds. (Vancouver: UBC Press, 2022).</p> <p>Marion Sandilands, "Out of the Shadows: Responsive Judicial Review and the Resurgence of the Notwithstanding Clause," <i>Constitutional Forum</i> 34, no. 1 (2025): 19-32, https://journals.library.ualberta.ca/constitutionallforum/index.php/constitutional_forum/article/view/29495/21486.</p>
	May 15	<p>Unit 2 quiz due at 11:59pm Research and Reflection Paper 1 due at 11:59pm</p>
3 (May 19-22)	May 19	<p>May 18th Victoria Day (University closed)</p> <p>Unit 3 Lecture: Fundamental Freedoms</p> <p>Readings: Janet Hiebert, "Chapter 4: Tobacco Advertising," in <i>Charter Conflicts: What Is Parliament's Role?</i> (Montreal and Kingston: McGill-Queen's University Press, 2002), 73-90.</p> <p>Anthony Sangiuliano and Mark Friedman, "Words that Wound and Laws that Silence: Offence, Harm, and Legal Limits on Discriminatory Expression," <i>McGill Law Journal</i> 70, no. 1 (2025): 95-137.</p> <p>Emmett Macfarlane, "Beyond the Hate Speech Law Debate: A 'Charter Values' Approach to Free Expression," <i>Review of Constitutional Studies</i> 26, no. 2 (2022): 145-168.</p>
	May 22	<p>Unit 3 quiz due at 11:59pm</p>

Week	Date	Event
4 (May 25-29)	May 25	<p>Unit 4 Lecture: Liberty and Equality</p> <p>Readings:</p> <p>Eleni Nicolaides, “Carter Compliance: Litigating for Access to Medical Assistance in Dying in Canada,” <i>Constitutional Crossroads: Reflections on Charter Rights, Reconciliation, and Change</i>, Kate Puddister and Emmett Macfarlane, eds. (Vancouver: UBC Press, 2022), 193-213.</p> <p>Emmett Macfarlane, Janet L. Hiebert, and Anna Drake, “Harm Reduction and Drug Policy,” in <i>Legislating under the Charter: Parliament, Executive Power, and Rights</i> (Toronto: University of Toronto Press, 2023), 86-105.</p> <p>Joshua Sealy-Harrington, “The Alchemy of Equality Rights,” <i>Constitutional Forum</i> 30, no. 2 (2021): 53-84, https://journals.library.ualberta.ca/constitutional_forum/index.php/constitutional_forum/article/view/29422/21417.</p>
	May 29	<p>Unit 4 quiz due at 11:59pm</p> <p>Research and Reflection Paper 2 due at 11:59pm</p>
5 (June 1-5)	June 1	<p>Unit 5 Lecture: Administrative Law</p> <p>Readings:</p> <p>Rebecca Rossi, “Canada (<i>Minister of Citizenship and Immigration</i>) v <i>Vavilov</i>: The Supreme Court of Canada Gifts Administrative Law a New Standard of Review Analysis,” theCourt.ca, December 26, 2019, http://www.thecourt.ca/canada-minister-of-citizenship-and-immigration-v-vavilov-the-supreme-court-of-canada-gifts-administrative-law-a-new-standard-of-review/</p> <p>Joel Robertson-Taylor, “Reasonably Robust Reasonableness: <i>Mason v. Canada</i> (<i>Citizenship and Immigration</i>),” October 16, 2023, https://www.thecourt.ca/reasonably-robust-reasonableness-mason-v-canada-citizenship-and-immigration/</p>
	June 5	<p>Unit 5 quiz due at 11:59pm</p>

Week	Date	Event
6 (June 8-12)	June 8	<p>Last day to withdraw from a 6-week first-term course resulting in a grade of 'WDN.' Course withdrawals after this date will appear on a transcript with a grade of 'F'</p> <p>Unit 6 Lecture: Legal Rights and Criminal Justice</p> <p>Readings: Patrick McGuinty, "Section 24(2) of the <i>Charter</i>; Exploring the Role of Police Conduct in the <i>Grant</i> Analysis," <i>Manitoba Law Journal</i> 41, no. 4 (2018): 273-305, https://journals.library.ualberta.ca/themanitobalawjournal/index.php/mlj/article/view/1020/1020.</p> <p>Janet Hiebert, "Chapter 5: Sexual Assault Trials," in <i>Charter Conflicts: What Is Parliament's Role?</i> (Montreal and Kingston: McGill-Queen's University Press, 2002), 91-117.</p> <p>Colton Fehr, "Over the <i>Hills</i>: Section 12 of the <i>Charter</i> at 40," <i>Canadian Bar Review</i> 102, no. 2 (2024): 393-418.</p>
	June 12	<p>6-week first-term courses end</p> <p>Unit 6 quiz due at 11:59pm</p> <p>Research and Reflection Paper 3 due at 11:59pm</p>

King's University College General Course Policies 2025-2026

1. Academic Accommodations, Consideration for Absences

Academic Accommodation (Accessibility)

Accessibility Services works to ensure that academic programs are accessible to all students, and supports students who may have a condition related to, but not limited to, vision, hearing, mobility, different ways of learning, mental health, chronic illnesses, chronic pain, autism spectrum disorder, ADD/ADHD, and temporary conditions (beyond short-term academic consideration). Accessibility Services provides recommendations for accommodation based on medical documentation or psychological and cognitive assessment. The accommodation policy can be found here [Academic Accommodation for Students with Disabilities](#). Information on Accessibility Services at King's can be found [here](#).

Academic Consideration for Student Absence

If a student is unable to meet a course requirement due to substantial but temporary extenuating circumstances (medical or compassionate), they should follow the procedures below.

In some cases, where instructors have built flexibility into their assessments, this flexibility will already address consideration needs.

Requests for academic consideration should be directed to the Academic Advising Office of your faculty/college of registration. Requests must be made as soon as possible and no later than 48 hours after the missed assessment.

As a rule, documentation is required for academic consideration. For academic consideration requests on medical grounds, the Student Medical Certificate is available at [here](#).

Students are permitted one academic consideration request without supporting documentation per term per course. Instructors may designate one assessment per half-course weight as requiring formal supporting documentation. Please refer to the course outline for each course. For further information, please see:

<https://mykings.ca/intranet/app/#/academics/academic-advising/academic-consideration-requests-and-student-absence-portal>

Absences from Final Examinations

If you miss the Final Exam, contact the Academic Advising Office of your faculty/college of registration as soon as you are able to do so. They will assess your eligibility to write the Special Examination (the name given by the University to a makeup Final Exam).

You may also be eligible to write the Special Exam if you are in a “Multiple Exam Situation” (e.g., more than 2 exams in 23-hour period, or more than 3 exams in a 47-hour period).

If a student fails to write a scheduled Special Examination, the date of the next Special Examination (if granted) normally will be the scheduled date for the final exam the next time this course is offered. The maximum course load for that term will be reduced by the credit of the course(s) for which the final examination has been deferred. See the Academic Calendar for details https://academicsupport.uwo.ca/accessible_education/exams/index.html.

Please note, Friday Make-Up Exams may only be written with the instructor's consent.

Religious Accommodation

Students should consult the University's list of recognized religious holidays, and should give notice in writing to the instructor and Academic Advising Office if a course requirement will be affected by a religious holiday/observance. Notice must be given as early as possible, and no later than two weeks prior to an examination, and one week prior to a midterm test date. It is the responsibility of such students to inform themselves concerning the work done in classes from which they are absent and to take appropriate action.

2. Support Services

Accessibility, Counselling and Student Development at King's University College:

<https://mykings.ca/intranet/app/#/student-supports-and-services>

Students experiencing emotional or mental health distress can access services at King's University College: <https://mykings.ca/intranet/app/#/student-supports-and-services/personal-counselling>

Good2talk is a good online and phone 24/7 resource for students and is available in English, Mandarin, and French: <https://good2talk.ca>, 1-866-925-5454

MentalHealth@Western provides a complete list of options about how to obtain help: <https://www.uwo.ca/health/psych/index.html>

Academic Support Services at King's University College:

<https://mykings.ca/intranet/app/#/academics/academic-advising>

GBSV Support:

King's is committed to reducing incidents of gender-based and sexual violence and providing compassionate support to anyone who has gone through these traumatic events. If you have experienced sexual or gender-based violence (either recently or in the past), you will find information about support services for survivors, including emergency contacts at:

<https://mykings.ca/intranet/app/#/student-supports-and-services/campus-safety-and-reporting/gender-and-sexual-violence>

You can reach someone supports at Kings by emailing Care@kings.uwo.ca or calling 519-930-4640 to reach a social worker who can offer help.

You can also reach Western's Gender-Based Violence & Survivor Support Case Manager by [email](#) or by calling 519-661-3568.

See also https://www.uwo.ca/health/student_support/survivor_support/get-help.html

University Students' Council offers many valuable support services for students, including the health insurance plan: <http://westernusc.ca/services/>

3. Statement on Use of Electronic Devices

Use of Electronic Devices: Unless explicitly stated otherwise, you are not allowed to have a cell phone, or any other electronic device, with you during tests or examinations. Unauthorized possession of such a device during a test or examination constitutes an academic offence.

Use of Laptops, Tablets, and Smartphones in the Classroom: King's University College at Western University acknowledges the integration of new technologies and learning methods into the curriculum. The use of electronic devices such as laptop computers, tablets, or smartphones can contribute to student engagement and effective learning. At the same time, King's recognizes that instructors and students share jointly the responsibility to establish and maintain a respectful classroom environment conducive to learning.

The use of electronic devices by students during lectures, seminars, labs, etc., shall be for matters related to the course at hand only. Students found to be using electronic devices for purposes not directly related to the class may be subject to sanctions under the Student Code of Conduct; see <https://mykings.ca/intranet/app/#/student-supports-and-services/campus-safety-and-reporting/student-code-of-conduct>

Inappropriate use of electronics (e.g., laptops, tablets, smartphones) during lectures, seminars, labs, etc., creates a significant disruption. As a consequence, instructors may choose to limit the use of electronic devices in these settings. In addition, in order to provide a safe classroom environment, students attending in-person class sessions are strongly advised to operate laptops with batteries rather than power cords.

4. Statement on Academic Offences

King's is committed to academic integrity. Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, is posted at [here](#).

It is expected that students will submit work that is truly their own, completed without external assistance (human or artificial) except as explicitly permitted by the course instructor. Check with your instructor on what tools, including generative AI (ChatGPT, translation tools, grammar-checking tools) are permitted in the course. Because a tool is permitted in one course, that does not mean it is permitted in other courses.

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; see <https://elearningtoolkit.uwo.ca/tools/Originality Reports - TurnItIn.html>.

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.

5. Copyright of Course Material

Lectures and course materials, including PowerPoint presentations, tests, outlines, and similar materials are protected by copyright. Faculty members are the exclusive owner of copyright in those materials they create. Students may take notes and make copies for their own use.

Students may not allow others to reproduce or distribute lecture notes and course materials publicly (whether or not a fee is charged) without the express written consent of a faculty member. Unauthorized sharing of class content is subject to academic discipline.

Similarly, students own copyright in their own original papers and exam essays. If a faculty member wishes to post a student's answers or papers on the course website, they should ask for the student's written permission.

6. Use of Recordings

Participants in this course are not permitted to record the sessions, except where recording is an approved accommodation and/or the participant has the prior written permission of the instructor. Unauthorized recording and/or sharing of class content is subject to academic discipline.

7. Policy on Attendance

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.