



Prince Edward Island Social Studies Curriculum

Education and Early
Childhood Development
English Programs

Social Studies

Law 521A
Introductory Law

CURRICULUM

2008
Prince Edward Island
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Law 521A
Introductory Law



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Introduction

Background

The undertaking of renewal in curriculum documents is a process that typically involves many people, along with much deliberation, discussion, research, and time. The renewal of Introductory Law 521A was based upon the need for an updated approach to the study of law that would reflect current pedagogical theory and practice as well as developments and revisions in law content and practice. The course is also based upon the premises and principles that are set out in the Foundation for the Atlantic Canada Social Studies Curriculum (1999). The aim of the course is to introduce students to the basics of law in Canada. It is not intended to be a comprehensive study of all aspects of either the development or administration of law, but may serve as a springboard into more complex studies as students progress in their academic careers or move into the work world.

Aims of Social Studies

The vision for the Atlantic Canada social studies curriculum is for it to enable and encourage students to examine issues, respond critically and creatively, and make informed decisions as individuals and as citizens of Canada and an increasingly interdependent world.

An effective social studies curriculum prepares students to achieve all essential graduation learnings. In particular, social studies, more than any other curriculum area, is vital to developing citizenship. Social studies embodies the main principles of democracy, including freedom, equality, human dignity, justice, rule of law, and civic rights and responsibilities.

The introductory law course set out in this document encourages students to think critically and creatively about specific issues related to law in Canada and, in many cases, issues related to their own involvement with law either now or in the future. Students will become aware of their own place in Canadian society, along with the rights and responsibilities that define “being Canadian” in a democratic system with its inherent values and beliefs.

Principles Underlying the Social Studies Curriculum

Empowering and effective social studies *is meaningful, significant, challenging, active, integrative, and issues based.*

- *Meaningful* social studies encourages students to learn through purposeful experiences designed around stimulating ideas, social issues, and themes, and discourages the memorization of disconnected pieces of information.
- *Significant* social studies is student centred and age appropriate. Superficial coverage of topics is replaced by emphasis on the truly significant events, concepts, and principles that students need to know and be able to apply in their lives.
- *Challenging* social studies requires that teachers model high expectations for their students and themselves, promote a thoughtful approach to inquiry, and demand well-reasoned arguments.
- *Active* social studies encourages students to assume increasing responsibility for managing their own learning. Exploration, investigation, critical and creative thinking, problem solving, discussion and debate, decision making, and reflection are essential elements of this principle. This active process of constructing meaning encourages lifelong learning.
- *Integrative* social studies crosses disciplinary borders to explore issues and events while using and reinforcing informational, technological, and application skills. This approach facilitates the study of the physical and cultural environment by making appropriate, meaningful, and evident connections to the human disciplines and to the concepts of time, space, continuity, and change.
- *Issues-based* social studies considers the ethical dimensions of issues and addresses controversial topics. It encourages consideration of opposing points of view, respect for well-supported positions, sensitivity to cultural similarities and differences, and a commitment to social responsibility and action.

Purpose of the Law Curriculum Guide

The overall purpose of any social studies curriculum guide is to advance social studies education and to improve social studies teaching and learning, and, at the same time, to recognize and validate effective practices that already exist in many classrooms.

More specifically, the Law 521A Introductory Law curriculum guide

- informs both educators and members of the general public about the philosophy and assumptions underlying the study of law in Prince Edward Island senior high schools;
- provides specific curriculum outcomes with elaborations to which educators and others can refer when making decisions about learning experiences, instructional techniques, and assessment strategies for Introductory Law 521A;
- promotes effective learning practices for students of Introductory Law 521A.

Contexts for Learning and Teaching

The Social Studies Learning Environment

The Effective Social Studies Classroom

With the accelerating pace and scope of change, today's students cannot prepare for life by merely learning isolated facts. Problem solving, critical and creative thinking, and informed decision making are essential for success in the future. The social studies learning environment can contribute significantly to the development of these essential attributes.

An effective instructional environment incorporates principles and strategies that recognize and accommodate the varied learning styles, multiple intelligences, and diverse abilities that students bring to the classroom. Teaching approaches and strategies foster a wide variety of experiences to actively engage all students in the learning process. The nature and scope of social studies provide unique opportunities to do this.

To meet these challenges, the social studies program reflects a wide range of characteristics.

Respectful of diversity

Students come to the classroom from backgrounds that represent Canada's diversity in terms of social identity, socio-economic status, race, ethnicity, and gender. The social studies learning environment attempts to affirm the positive aspects of this diversity and foster an understanding and appreciation of the multiple perspectives that this diversity can lend to the classroom. Regardless of their backgrounds, students should be given equal access to educational opportunities and can be successful at them.

Inclusive and inviting

The social studies classroom should be a psychologically safe place in which to learn. It should be free from bias and unfair practices that may arise from perceptions related to ability, race, ethnicity, culture, gender, or socio-economic status. Students do come with different attitudes, levels of knowledge, and points of view, but rather than being obstacles, these differences should offer opportunities for students to rise above stereotypes and develop positive self-images. Students should be provided collaborative learning contexts in which they can become aware of and transcend their own stereotypical attitudes and behaviours.

Engaging and interactive

If classrooms are to be places where there is respect for diversity and where learning is engaging and interactive, then students will be expected to participate in inquiry and problem-solving situations. Students will be provided with direct and vicarious experiences in which they can purposefully apply social studies skills, strategies, and processes. Rather than assuming passive roles, students bring their critical faculties to knowledge to shape it into meaningful patterns.

Relevant and significant

Since the senior high learner naturally challenges what the adult world represents, it is necessary for the social studies curriculum to be convincing and relevant. Consequently, it must provide learning situations that arouse student interest while encouraging students to question what they already know — their assumptions and attitudes. In so doing, they will come to more deeply understand and appreciate their own heritage and culture.

Resource-Based Learning

Effective social studies teaching and learning actively involve students, teachers, and library staff in the effective use of a wide range of print, non-print, and human resources. Resource-based learning fosters students' development by accommodating their diverse backgrounds, learning styles, needs, and abilities.

Resource-based learning supports students as they develop information literacy: more specifically, accessing, interpreting, evaluating, organizing, selecting, producing, and communicating information in and through a variety of media, technologies, and contexts. When students engage in their own research with appropriate guidance, they are more likely to take responsibility for their learning, and to retain information.

In a resource-based learning environment, students and teachers make decisions about appropriate sources of information and tools for learning, and how to access them. A resource-based approach raises the issues of selecting and evaluating information sources. Developing the critical skills needed for these tasks is essential to social studies.

The range of possible resources for studying law include the following:

- print—books, magazines, newspapers, documents, and other publications
- visuals—maps, illustrations, photographs, charts, and graphs
- artifacts—concrete objects and primary source documents
- individual and community—interviews, courtroom visits, and field trips to penal or justice institutions
- multimedia—films, audio and video tapes, digital archives, television, and radio

- information technology—computer software, databases, CD-ROMs, DVDs
- communication technology—Internet connections, blogs, e-mail

Resource-based learning takes place in the law classroom through a variety of means. The prescribed text book, although a principal source of information for the student, is only one of many resources available. It is also a resource that contains bias of its own and must be treated accordingly. Students in an introductory law class will make use of many other sources of information, including case studies, news articles, Internet Web sites, government publications, and court transcripts. For a fully enriched learning experience, students should be encouraged to explore and engage in as many diverse sources of information as possible.

Literacy through Social Studies

Literacy has always been an important component of social studies education. In recent years, however, through the promotion of research in critical theory, the meaning of literacy has broadened to encompass all forms of communication. In today's social studies classrooms, learners are encouraged to examine, compose, and decode spoken, written, and visual texts to aid in their understanding of content and concepts, and to better prepare them for full and effective participation in their community. Additionally, the goals of literacy include not only language development, but also critical engagement with text, visuals, and auditory information. These goals have implications for the role of the social studies teacher.

The ability to read is critical for success in school. Therefore, it is vital that social studies teachers develop and use strategies that specifically promote students' abilities to read, comprehend, and compose text, no matter what form that text might take. Similarly, writing as a process should be stressed as a means that allows students to communicate effectively what they have learned and to raise the questions they need to ask.

Critical literacy in social studies curriculum addresses several goals. Through the implementation of various strategies, teachers will develop students' awareness of stereotyping, cultural bias, author's intent, hidden agendas, silent voices, and omissions. Students are encouraged to be aware that authors construct texts with specific purposes in mind. Further, critical literacy helps students comprehend texts at a deeper level by encouraging them to view content and ideas from a variety of perspectives, and to interpret the various levels of meaning in a given text, both explicit and implicit.

In this regard the level and focus of questioning becomes very important. The depth of a student's response will often be determined by the depth of questioning and inquiry. Teachers need to pose high-level, open-ended questions that allow students to use their prior knowledge and experiences, providing opportunity for a sustained engagement before, during, and after reading or viewing text.

Strategies that promote literacy through social studies include helping students comprehend the meaning of words, symbols, pictures, diagrams, and maps in a variety of ways. It means engaging students in many learning opportunities which are designed to challenge and enhance their communication in a variety of modes, such as writing, debating, persuading, and explaining, and in a variety of mediums, such as the artistic and technological. In the social studies classroom, all literacy strands—reading, writing, speaking, listening, viewing, and representing—are significant.

In the context of social studies, literacy also addresses the promotion of citizenship. Literacy for active citizenship involves understanding different perspectives on key democratic struggles, learning how to investigate current issues, and participating creatively and critically in community problem solving and decision making. Exercising civic rights and responsibilities is a practical expression of important social values and requires specific personal, interpersonal, and advocacy skills. Through this important focus, the social studies program will help students become more culturally sensitive and effective cross-cultural communicators in a world of increasing cultural and linguistic diversity.

Developing literacy in the law classroom involves all of the same strategies as in any other classroom. Due to the sometimes technical nature of law “talk” (specialized vocabulary), students may face specific challenges in comprehending meaning or decoding passages or texts. Teachers may wish to refer to specific cross-curricular reading strategies such as those in Appendix D2, D3, and D4.

Integration of Technology in Social Studies

Technology, including Communication and Information Technology (CIT), plays a major role in social studies learning and teaching. Computers and related technologies are valuable classroom tools for acquiring, analysing, and presenting information. These technologies provide further opportunity for communication and collaboration and allow students to become more active participants in research and learning.

CIT and related technology (digital video and digital cameras, scanners, CD-ROMs, word-processing software, graphics

software, video-editing software, HTML editors, and the Internet, including the World Wide Web, databases, electronic discussions, e-mail, and audio- and video-conferencing) afford numerous possibilities for enhancing learning. Computers and other technologies are intended to enhance social studies learning. In that context, technological resources can provide a variety of opportunities.

- The Internet and CD-ROMs give teachers and students quicker and easier access to extensive and current information. Research skills are key to efficient use of these resources. Questions of validity, accuracy, bias, and interpretation must still be applied to information available on the Internet and CD-ROMs.
- Interactions and conversations via e-mail, video and audio conferencing, student-created Web sites, and on-line discussion groups provide connections between students and people from cultures around the world. This exposure to first-hand information will enable students to directly employ inquiry skills.
- Students present what they have learned in a wide variety of forms (e.g., graphs, maps, text, graphic organizers, Web sites, multimedia presentations) that fit their learning styles. These presentations can be shared with others, both in their classroom and beyond.
- Students are actively involved in their learning through controlling information gathering, processing, and presentation. For example, Geographic Information Systems (GIS) software enables students to collect data on a community or region, plot the data using Global Positioning Systems (GPS), and analyse and present their findings by creating maps that demonstrate their learning. Students in Law 521A may use GIS Software to relate law statistics to specific areas, for example.

Technology can open up a means for exploring up-to-date statistics, current court proceedings, real-time events, and other on-line information, while enabling communication with other jurisdictions in the country or around the world. Technology can also provide students with a means for communicating new learning and sharing ideas and research with classmates and teachers through the use of various presentation tools. Diverse learning styles and abilities are found in every classroom, and technology enables a myriad of approaches to teaching and learning, in law as in any other course of study.

Equity and Diversity

The Atlantic Canada social studies curriculum is designed to meet the needs and interests of all students.

The society of Atlantic Canada, like that of all of Canada, reflects diversity in race, ethnicity, gender, ability, values, lifestyles, and languages. Schools should foster the understanding of such diversity. Social studies curriculum promotes a commitment to equity by valuing, appreciating, and accepting the diverse and multicultural nature of our society and by fostering awareness and critical analysis of individual and systemic discrimination.

All students are entitled to be respected and valued and, in turn, are responsible for respecting and valuing all other people. They are entitled to a school setting characterized by mutual trust, acceptance, and respect, and to an educational system that affirms diverse gender, racial, ethnic, and cultural identity and promotes the development of a positive self-image. Educators should ensure that classroom practices and resources positively and accurately reflect diverse perspectives and reject prejudiced attitudes and discriminatory behaviours.

Assessing and Evaluating Student Learning

Introduction

Assessment is the systematic process of gathering data on student learning. Evaluation is the process of analysing patterns in the data, forming judgments about possible responses to these patterns, and making decisions about future actions.

An integral part of the planned instructional cycle is the evaluation *of learning for learning*. *Evaluation of learning* focusses on the degree to which students have achieved the intended outcomes and the extent to which the learning environment was effective toward that end. *Evaluation for learning*, depending upon what it reveals, focusses on designing future learning situations to meet the needs of the learners.

The quality of assessment and evaluation has a profound, well-established link to student performance. Regular monitoring and feedback are essential to improving student learning. What is assessed and evaluated, how it is assessed and evaluated, and how the results are communicated send clear messages to students and others in the community about what is really valued - what is worth learning, how it should be learned, what elements of quality of performance are most important, and how well students are expected to perform.

Assessment

To determine how well students are learning, assessment strategies are designed to systematically gather information on the achievement of curriculum outcomes. In planning assessments, teachers should use a broad range of data sources, appropriately balanced, to give students multiple opportunities to demonstrate their knowledge, skills, and attitudes. Many sources of assessment data can be used to gather such information. Some examples include, but are not limited to, the following:

formal and informal observation	interviews
work samples	rubrics
anecdotal records	simulations
conferences	checklists
teacher-made and other tests	questionnaires
portfolios	oral presentations
learning journals	role-plays
questioning	debates
essay writing	rating scales
performance assessments	case studies
peer- and self-assessments	panel discussions
multimedia presentations	graphical representations

Observation

This technique provides a way of gathering information fairly quickly while a lesson is in progress. When the technique is used formally, the student(s) is/are made aware of the observation and the criteria being assessed. Used informally, observation could be a frequent, but brief, check on a given criterion. Observation may offer information about a student's level of participation or about his/her application of a given process. The results may be recorded in the form of checklists, rating scales, or brief written notes. It is important to plan so that specific criteria are identified, suitable recording forms are ready, and all students are observed in a reasonable period of time.

Performance

Law 521A curriculum encourages learning through active participation. There is a balance between process and content. It is important that assessment provide feedback on skill development throughout the course. Many activities referenced in this guide provide opportunities for students to reflect on their skill development, and for teachers to assess student skill development throughout the course.

Journal

Although not assessed in a formal manner, journals provide opportunities for students to express thoughts and ideas, and to reflect on their transferrable skills. Recording feelings, perceptions of success, and responses to new concepts, may help a student to identify his or her most effective learning style and skills. Knowing how to learn in an effective way is powerful information.

Journal entries also give some indication of a student's developing attitudes; his or her understanding of concepts, processes, and skills; and ways in which these may be applied in the context of society. Self-assessment through a journal permits a student to consider strengths and weaknesses, attitudes, interests, and transferrable skills.

Interview

LAW521A curriculum promotes the understanding and application of many concepts. Interviewing a student allows the teacher to confirm that learning beyond factual recall has taken place. Discussion allows a student to display an ability to use information and clarify understanding. Interviews may be brief discussions between teacher and student, or they may be more extensive and include student, parent, and teacher. Such conferences allow a student to be pro-active in displaying understanding. It is helpful for students to know which criteria will be used to assess formal interviews. The assessment technique provides an opportunity to students whose verbal presentation skills are stronger than their written skills.

Paper and Pencil

These techniques can be formative or summative. Several curriculum outcomes call for displaying ideas, plans, conclusions, and/or the results of research, and can be in written form for display or for direct teacher assessment. Whether it is a part of learning, or a final statement, students should know the expectations for the exercise and the rubric by which it will be assessed. Written assignments can be used to assess knowledge, understanding, and application of concepts. They are less effective for assessing skills, processes, and attitudes. The purpose of the assessment should determine what form of paper and pencil exercise is used.

Presentation

Law 521A curriculum includes outcomes that require students to analyse and interpret information, to identify relationships, to be able to work in teams, to critically reflect, and to communicate information. Many of these activities are best displayed and assessed through presentations, which can be given orally, in written/pictorial form, by project summary, or by using electronic systems such as video or computer software. Whatever the level of complexity or format used, it is important to consider the curriculum outcomes as a guide to assessing the presentation. The outcomes indicate the process, concepts, and context for which and about which a presentation is made.

Portfolio

Portfolios offer another option for assessing student progress in meeting curriculum outcomes over a more extended period of time. This form of assessment allows the student to be central in the process. Decisions about the portfolio and its contents can be

made by the student. What is placed in the portfolio, the criteria for selection, how the portfolio is used, how and where it is stored, and how it is evaluated are some of the questions to consider when planning to collect and display work in this way. The portfolio should provide a long-term record of growth in learning and skills. This record of growth is important for individual reflection and self-assessment, but it is also important to share with others. For many students it is exciting to review a portfolio and see the record of development over time.

Evaluation

Evaluation is a continuous, comprehensive, and systematic process. It brings interpretation, judgments and decisions to the data collected during the assessment phase. Questions include the following: How valid and reliable is the data gathered? What does the data suggest about student achievement of course outcomes? Does student performance confirm the success of instructional practice or indicate the need to change it? Are students ready to move on to the next phase of the course, or is there need for remediation?

Teacher-developed assessments and the evaluations based on them have a variety of uses, including the following:

- providing feedback to improve student learning
- determining whether curriculum outcomes have been achieved
- certifying that students have achieved certain levels of performance
- setting goals for future student learning
- communicating with parents about their children's learning
- providing information to teachers on the effectiveness of their teaching, the program, and the learning environment
- meeting goals of guidance and administrative personnel

Evaluation is conducted within the context of the outcomes, which should be clearly understood by learners before teaching and evaluation take place. Students must understand what teachers expect of them and the basis on which they will be evaluated. The evaluation of a student's progress may be classified as pre-instructional, formative, or summative, depending on the purpose.

Pre-instructional evaluation is conducted before the introduction of unfamiliar subject matter, or when learners are experiencing difficulty. It gives an indication of *where students are* and is not a measure of what they are capable of doing. The purpose is to analyse student's progress to date in order to determine the type and depth of instruction needed. This type of assessment is

mostly conducted informally and continuously.

Formative evaluation is conducted throughout instruction. Its primary purpose is to improve instruction and learning. It is an indication of *how things are going*. It identifies a student's strengths or weaknesses with respect to specific curriculum outcomes so necessary adaptations can be made.

Summative evaluation occurs at the end of a designated period of learning. It is used, along with data collected during the formative stage, to determine learner achievement. This assessment is used to report the degree to which curriculum outcomes have been achieved.

Guiding Principles

In order to provide accurate, useful information about the achievement and instructional needs of students, certain guiding principles for the development, administration, and use of assessments must be followed.

Principles for Fair Student Assessment Practices for Education in Canada (1993) articulates five basic assessment principles:

- Assessment strategies should be appropriate for and compatible with the purpose and context of the assessment.
- Students should be provided with sufficient opportunity to demonstrate the knowledge, skills, attitudes, or behaviours being assessed.
- Procedures for judging or scoring student performance should be appropriate for the assessment strategy used, and be consistently applied and monitored.
- Procedures for summarizing and interpreting assessment results should yield accurate and informative representations of a student's performance in relation to the curriculum outcomes for the reporting period.
- Assessment reports should be clear, accurate, and of practical value to the audience for whom they are intended.

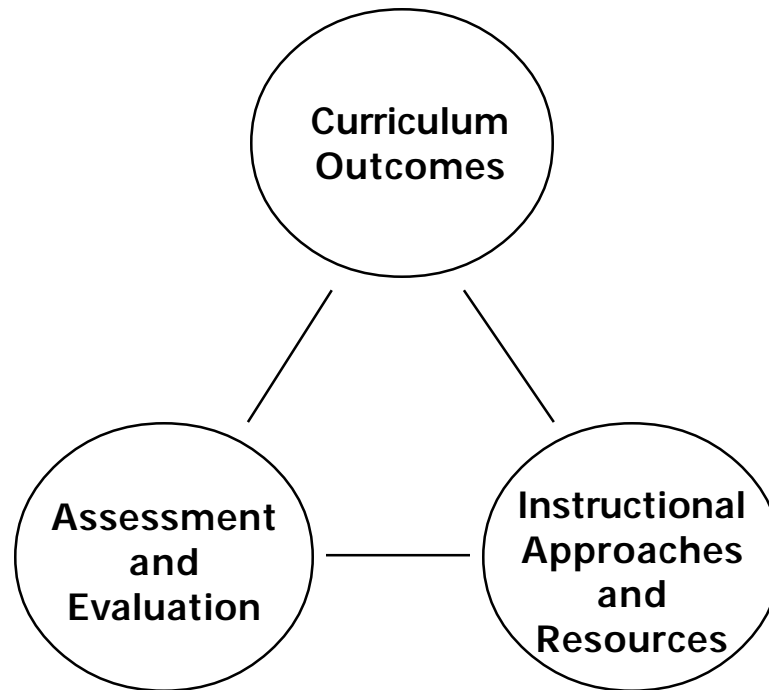
These principles highlight the need for assessment that ensures that

- the best interests of the student are paramount
- assessment informs teaching and promotes learning
- assessment is an integral and ongoing part of the learning process and is clearly related to the curriculum outcomes
- assessment is fair and equitable to all students and involves multiple sources of information.

While assessments may be used for different purposes and audiences, all assessments must give each student optimal opportunity to demonstrate what he or she knows and can do.

Assessing and Evaluating Student Learning in the Social Studies Classroom

There should be a congruence between what is taught, how it is taught, and what is emphasized in the evaluation process. Social Studies educators should recognize that “...quality programming and instruction are neither content-based nor process-based, but a wise and judicious mixture of both.” (Frost 1989, 11.)



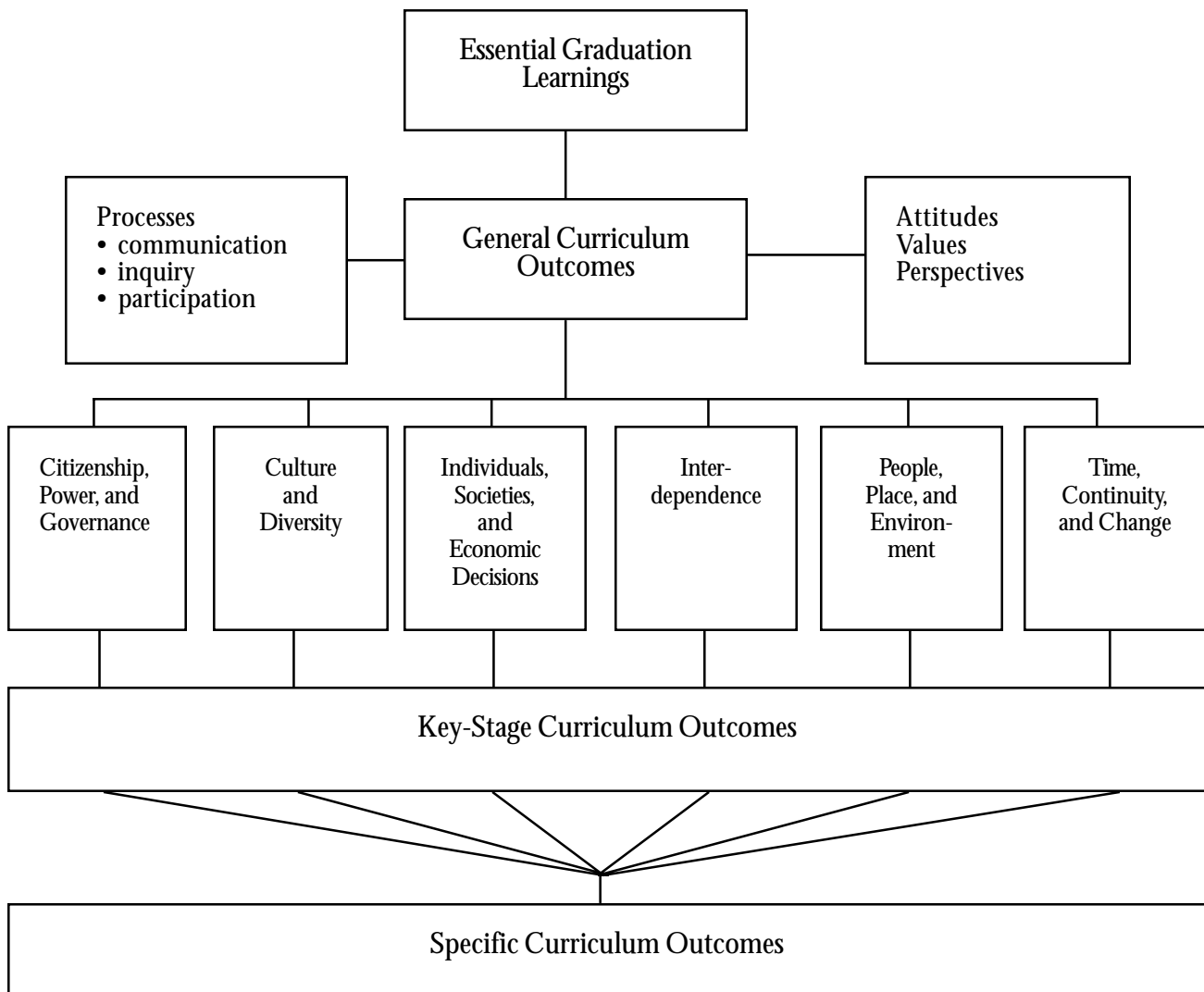
(Adapted from *The Evaluation of Students in the Classroom: A Handbook and Policy Guide*, Department of Education, Government of Newfoundland and Labrador, 1990)

The assessment of student learning must be aligned with the curriculum outcomes and the types of learning opportunities made available to students.

Program Design and Outcomes

Overview

The Law 521A Introductory Law curriculum is based on the Foundation for the Atlantic Canada Social Studies Curriculum (1999). Specific curriculum outcomes (SCOs) have been developed to be congruent with key-stage curriculum outcomes (KSCOs), general curriculum outcomes (GCOs), and essential graduation learnings (EGLs). In addition, the processes, attitudes, values, and perspectives of social studies are embedded in the SCOs. Teachers may refer to the Social Studies Foundation Document for more information.



General Curriculum Outcomes for Social Studies

General Curriculum Outcomes for social studies are organized around six conceptual strands. Below are the six conceptual strands and samples of Specific Curriculum Outcomes (SCOs) from the first three units of the Law 521A curriculum. Students' individual efforts in research during the inquiry unit (Unit 4) will also present opportunities for learning across the six conceptual strands of social studies.

Citizenship, Power, and Governance

Students will be expected to demonstrate an understanding of the rights and responsibilities of citizenship and the origins, functions, and sources of power, authority, and governance.

- 1.1.3 identify and describe the sources that create the basis of Canadian law
- 1.2.4 describe the structure and powers of the federal and provincial courts
- 1.3.1 assess the impact of the Charter of Rights and Freedoms on Canadians

Culture and Diversity

Students will be expected to demonstrate an understanding of culture, diversity, and world view, recognizing the similarities and differences reflected in various personal, cultural, racial, and ethnic perspectives.

- 1.3.2 analyse the impact of past and present legislation concerning Aboriginal peoples
- 1.3.3 explain the role of the Supreme Court in decisions related to the Charter of Rights and Freedoms

Individuals, Societies, and Economic Decisions

Students will be expected to demonstrate an ability to make responsible economic decisions as individuals and as members of society.

- 2.4.4 demonstrate an understanding of Canada's correctional system
- 2.5.4 assess the validity of treating young offenders differently from adults
- 3.3.1 describe remedies available for victims of civil wrongdoing

Interdependence

Students will be expected to demonstrate an understanding of the interdependent relationships among individuals, societies, and the environment — locally, nationally, and globally — and the implications for a sustainable future.

- 1.1.1 explain the need for and purpose of law
- 3.2.4 explain various types of special liability

People, Place, and Environment *Students will be expected to demonstrate an understanding of the interactions among people, places, and environment.*

1.2.2 demonstrate an understanding of issues related to
Aboriginal self-government within Canada

2.1.1 explain society's need to criminalize certain behaviours

Time, Continuity, and Change *Students will be expected to demonstrate an understanding of the past and how it affects the present and the future.*

1.1.2 describe the historical roots and influences on Canadian
law

2.5.1 explain changing attitudes over time toward the
treatment of young offenders

How to Use the Four-Column Curriculum Layout

The curriculum guide has been organized into four columns to relate learning experiences to the outcomes by

- providing a range of strategies for learning and teaching associated with a specific outcome or cluster of outcomes
- demonstrating the relationship between outcomes and suggested assessment and learning strategies
- providing suggested supplementary resources to enhance the learning experience or to access differentiated learning applications.

Column 1: Outcomes

Column 1 contains specific curriculum outcomes for each unit, explaining what students are expected to know or be able to do within that particular task.

Column 2: Elaborations-Suggestions for Learning and Teaching

Column 2 contains elaborations for each specific curriculum outcome within the unit. Elaborations are intended to clarify the intent of the outcome as well as the intended scope of the knowledge content or skill within the outcome, where applicable. Suggested strategies for each outcome are offered, although teachers may elect to design their own strategies for any particular outcome, or modify the strategy suggested within this column.

INTRODUCTORY LAW - UNIT 1: FOUNDATIONS OF LAW	
Section 3: The Rights and Freedoms of Canadians	
Specific Curriculum Outcomes	Elaborations - Suggestions for Learning and Teaching
<p><i>Students will be expected to</i></p> <p>1.3.3 examine the role of the Supreme Court in decisions related to the Charter of Rights and Freedoms</p>	<p><i>The Supreme Court is the highest court in the country. Its powers enable it to hear cases related to any area of law although the Court is selective in both the number of cases and the relevance of the cases it hears. Hearings at this level are generally reserved for cases of national interest such as those stemming from a Charter of Rights and Freedoms issue. In this outcome, students will examine the significant role that the Supreme Court plays in decision-making related to the Charter cases.</i></p> <p>Students may, for example,</p> <ul style="list-style-type: none"> • create a graphic organizer to summarize key elements of the Supreme Court of Canada including: <ul style="list-style-type: none"> - comprised of nine judges - one chief justice and eight judges representing regions throughout Canada (3 from Quebec, 3 from Ontario, 2 from western Canada and one from the Atlantic region) - located in Ottawa - runs October through June (usually 18 weeks) - hearings taped for broadcast in both official languages - hears approx 80 cases per year • discuss possible reasons for such a configuration of judges and other pertinent elements such as the number of cases heard. • discuss some of the types of cases that may be heard in the Supreme Court (e.g. language rights, same-sex marriage, assisted suicide) Create a brain-stormed list of possible appeals that may make it to the Supreme Court and apply the three criteria questions used by the Court to determine whether the case might proceed: <ul style="list-style-type: none"> - Was the right infringed or violated by government or its agencies? - Is the right in question covered under the Charter? - Is the violation or infringement within a reasonable limit? • research a particular case involving the Supreme Court of Canada (e.g. Sue Rodriguez) and debate the decision of the Court.
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**Column 3:
Suggestions for
Learning and Assessment**

This column provides suggestions for ongoing assessment that form an integral part of the learning experience. These suggestions may refer to teaching and learning tools such as visual organizers that have been provided in the appendix.

**Column 4:
Resources and Links**

This column provides a quick reference to page links in the prescribed resource, *Law in Action*, or components of it, such as the Teacher’s Resource, Assessment Masters, or other supplementary resources and Web links. Teachers may also wish to record their own notes and/or resources in this column.

INTRODUCTORY LAW - UNIT 1: FOUNDATIONS OF LAW	
Section 3: The Rights and Freedoms of Canadians	
Suggestions for Learning and Assessment	Resources and Links
<p>Students may, for example,</p> <p><i>Performance</i></p> <ul style="list-style-type: none"> • roleplay a media interview between a reporter outside the Supreme Court and a member of the Court after a land-mark decision has been handed down. • debate the role or powers of the Supreme Court in upholding Canadian law related to Charter cases. <p><i>Paper and Pencil</i></p> <ul style="list-style-type: none"> • given a Charter case, track the decision of the Supreme Court and the rationale for the decision. <p><i>Presentation</i></p> <ul style="list-style-type: none"> • create a flowchart showing how a specific Charter appeal to the Supreme Court proceeds. • design a brochure for public education related based on Charter decisions and the role of the Supreme Court. 	<p><i>Law in Action: Understanding Canadian Law</i></p> <p><u>Student Resource</u> pg. 83-85</p> <p><u>Web Links</u></p> <p>Supreme Court Charter Decisions http://www.mapleleafweb.com/scc/public3/</p> <p>Supreme Court of Canada www.scc-csc.gc.ca/</p> <p>CBC News Feature www.cbc.ca/news/background/supremecourt/</p> <p><u>Technology</u> <i>Journey On</i> Lesson: CBC Archives Lesson Plans</p> <p><u>Supplementary Resources</u></p> <p><i>Try Judging</i> Module 3: What is the Judge’s Role in the Justice System? The Structure of Canada’s Courts, pg. 65-69 Teacher Background, pg. 78-79 Appendix E, pg. 74</p> <p><i>Canadian Case Law Studies</i> (McGraw-Hill Ryerson) © 2004 Supreme Court of Canada Case Commentary (Activity 3) pg. 174-176 (This resource should be in your school)</p>
<hr/> <p>PRINCE EDWARD ISLAND SOCIAL STUDIES CURRICULUM: LAW 521A 51</p>	

Law 521A Course Organization

The course is organized by units, beginning with an opening unit, “Foundations of Law,” which introduces students to the language and basic concepts and philosophies of law. The subsequent units include “Criminal Law” and “Civil Law”, and the final unit is presented as an inquiry-focussed study whereby students use standard research skills to explore specific areas of law that may be of special interest to them. Students are expected to complete one research project for evaluation purposes, although the format for presentation of their research findings may vary. The inquiry aspect of the course should be introduced early in the term, preferably soon after the foundation unit, so that students can plan their projects and time lines, and teachers can plan sufficient presentation time, if applicable, near the end of the term.

Unit 1: Foundations of the Law provides an introduction to the study of law and how it is administered in Canada. Students will explore the history and purpose of law, the development of Canadian law, the processes involved in law, as well as other issues within this area. Students will also examine legislation surrounding human rights and freedoms within Canada and how these are articulated and safeguarded. The suggested time allotment for this unit is 20% of total course time.

Section 1: The Fundamentals of Law

1.1.1	explain the need for and purpose of law
1.1.2	describe the historical roots and influences on Canadian law
1.1.3	identify and describe the sources that create the basis of Canadian law
1.1.4	differentiate among primary categories of Canadian law
1.1.5	analyse factors that influence change in law

Section 2: The Process of Lawmaking

1.2.1	explain the division of powers among federal, provincial, and municipal governments
1.2.2	demonstrate an understanding of issues related to Aboriginal self-government within Canada
1.2.3	explain the lawmaking process at various levels of government in Canada
1.2.4	describe the structure and powers of the federal and provincial courts

Section 3: The Rights and Freedoms of Canadians

1.3.1	assess the impact of the Charter of Rights and Freedoms on Canadians
1.3.2	analyse the impact of past and present legislation concerning Aboriginal peoples
1.3.3	explain the role of the Supreme Court in decisions related to the Charter of Rights and Freedoms
1.3.4	compare the Canadian Human Rights Act and the PEI Human Rights Act

Unit 2: Criminal Law introduces students to what constitutes a criminal offence and the types of offences. There are five sections within the unit that investigate the roles and procedures involved in pre-trial, trial, and post-trial stages. The final section explores how all of the above elements apply to youth, with a focus on the Criminal Code of Canada and the Youth Criminal Justice Act. The suggested time allotment for this unit is 50% of total course time.

Section 1: Understanding Criminal Law:

2.1.1	explain society's need to criminalize certain behaviours
2.1.2	define crime, criminal law, and the Criminal Code of Canada
2.1.3	explain the elements of a criminal offence and of selected specific offences
2.1.4	identify parties to an offence
2.1.5	distinguish among indictable, summary, and hybrid conviction offences
2.1.6	analyse cases according to the Criminal Code of Canada

Section 2: Bringing the Accused to Trial

2.2.1	describe the legal aspects of police investigation
2.2.2	compare the rights of citizens and the responsibilities of police upon arrest or detention
2.2.3	identify release and pre-trial procedures

Section 3: Trial Procedure

2.3.1	explain the role(s) of the court and its various officers
2.3.2	describe trial procedures
2.3.3	demonstrate an understanding of the types of evidence and "rules of evidence" in a criminal trial
2.3.4	analyse elements of the jury system, including jury selection and duties
2.3.5	describe standard defences to criminal charges

Section 4: Sentencing

2.4.1	explain the objectives of sentencing
2.4.2	demonstrate an understanding of traditional types of sentencing as well as alternative justice measures
2.4.3	demonstrate an understanding of release procedures
2.4.4	demonstrate an understanding of Canada's correctional system

Section 5: Youth and Law

2.5.1	explain changing attitudes over time toward the treatment of young offenders
2.5.2	compare the provisions of the Juvenile Delinquents Act, the Young Offenders Act, and the Youth Criminal Justice Act, and current or proposed legislation
2.5.3	identify special rights and protections currently provided to young offenders upon arrest and detention, during trial, and with respect to dispositions and alternative measures
2.5.4	assess the validity of treating young offenders differently from adults

Unit 3: Civil Law introduces students to laws that affect private individuals and procedures that they, as private individuals, may face in the civil justice system. Students will understand the difference between public and private law, the concept of “torts,” and the remedies and defences available to litigants within the civil system. The suggested time allotment for this unit is 20% of total course time.

Section 1: Understanding Civil Law

3.1.1 distinguish between civil and criminal matters and different types of civil law
3.1.2 contrast civil court procedures with criminal court procedures

Section 2: Understanding Torts

3.2.1 demonstrate an understanding of torts and purposes of tort law
3.2.2 distinguish between intentional and unintentional torts
3.2.3 demonstrate an understanding of the three categories of torts – negligence, intentional, and strict liability
3.2.4 explain various types of special liability

Section 3: Remedies and Defences

3.3.1 describe remedies available for victims of civil wrongdoing
3.3.2 identify specific defences to various torts
3.3.3 apply their understanding of tort law to specific cases

Unit 4 - Inquiry-Based Learning in Other Areas of Law

This unit provides an opportunity for students to explore other areas of interest within the field of law. Teachers are encouraged to incorporate inquiry-based learning through an independent study project. Teachers may choose to focus the independent study assignment on one area of law, or allow students to select an area of interest. The onus should be on the student to formulate an essential question or thesis statement to be addressed in his/her study. Teachers may need to guide students initially in formulating questions then allow personal interests and natural curiosity to shape the process. (See Inquiry Model, Appendix C-11, Teacher Background.)

In this unit of study, current issues related to the chosen area of law should be included. The unit should be introduced early in the semester, preferably after the foundation unit. Students should be expected to follow a standard research process, although the end products could be any of a variety of formats (such as oral presentations, visual presentations, Web sites, mind maps and concept maps, written reports, or other teacher-approved projects). Teacher-librarians will be able to assist students in following proper research techniques. Although the research process may vary slightly depending upon subject area, generally the process involves the following steps: 1) formulating a thesis statement or essential question; 2) acquiring information; 3) organizing information (and evaluating sources of information); 4) analysing and interpreting information; and 5) presenting or sharing the response to the initial question in a format such as a research paper or other form of presentation. The suggested time allotment for this unit is 5-10% of total course time.

Some different fields of law are listed below. Students may select some aspect of one of these fields, or another teacher-approved topic. Refer to Unit 4 for more details.

Unit 4 Specific Curriculum Outcomes

Students will be expected to conduct research into a selected area of investigation within one of the following law fields. (See pp. 130-131, Unit 4 of this guide.) Some suggestions are provided to guide inquiry. However, other topics may arise as well.

- Family Law
- Contractual Law
- Aboriginal Law
- International Law
- Immigration Law
- Environmental Law
- Employment Law
- Consumer Law
- Media and Internet Law

Unit 1: Foundations of Law

Unit 1: Foundations of Law

Overview

Unit 1: Foundations of Law provides an introduction to the study of law and how it is administered in Canada. Students will explore the history and purpose of law, the development of Canadian law, the processes involved in law, as well as others issues within this area. Students will also examine legislation surrounding human rights and freedoms within Canada and how these are articulated and safeguarded. The suggested time allotment for this unit is 20% of total course time.

Specific Curriculum Outcomes

Section 1: The Fundamentals of Law

The opening section, “Fundamentals of Law,” forms a basis for the rest of the course in that it provides an opportunity for students to explore and construct meaning about the origins of the Canadian and more global systems of law. Initial activities invite student participation, reflection, and contribution at a very basic level— everyday life and an imaginary setting where there are no rules. Values and beliefs within society become a focal point of discussion and reflection in this unit.

Students will be expected to

- 1.1.1 explain the need for and purpose of law
- 1.1.2 describe the historical roots and influences on Canadian law
- 1.1.3 identify and describe the sources that create the basis of Canadian law
- 1.1.4 differentiate among primary categories of Canadian law
- 1.1.5 analyse factors that influence change in law

Section 2: The Process of Lawmaking

The section entitled “The Process of Lawmaking” will introduce students to the structures, levels, and divisions of power within Canadian governance, and the responsibilities incumbent upon each level with regard to law. The process of how laws come into being and the classification of laws are integral components of this section.

Students will be expected to

- 1.2.1 explain the division of powers among federal, provincial, and municipal governments
- 1.2.2 demonstrate an understanding of issues related to Aboriginal self-government within Canada
- 1.2.3 explain the lawmaking process at various levels of government in Canada
- 1.2.4 describe the structure and powers of the federal and provincial courts

Section 3: The Rights and Freedoms of Canadians

Rights and freedoms for Canadians have become an assumption that is often taken for granted. In this unit, students will explore the historical beginnings of constitutional rights and freedoms for Canadians and why they are so vital to our society. Students will examine how constitutional rights of Aboriginal peoples are affected by the Indian Act and consider the implications of this Act for the present and the future. Remedies for righting wrongs will be also be explored as they pertain to the Canadian Human Rights Act and the PEI Human Rights Act.

Students will be expected to

- 1.3.1 assess the impact of the Charter of Rights and Freedoms on Canadians
- 1.3.2 analyse the impact of past and present legislation concerning Aboriginal peoples
- 1.3.3 explain the role of the Supreme Court in decisions related to the Charter of Rights and Freedoms
- 1.3.4 compare the Canadian Human Rights Act and the PEI Human Rights Act

Section 1: The Fundamentals of Law

Specific Curriculum Outcomes

Students will be expected to

1.1.1 explain the need for and purpose of law

Elaborations - Suggestions for Learning and Teaching

This outcome is intended to be an introduction to the broad concept of law and the reasons behind having a legal system. Students will be challenged to think about the concept of justice in society and how it relates to the values, beliefs, and morals within a society. While the need for law speaks to the “why” question, the purpose of law refers to the multiple branches and layers of law that deal with violators. Students will learn that “rule of law”, a three-part principle of justice, is a fundamental underpinning of law in Canadian society and is based upon the following assumptions: 1) law is necessary in society; 2) law applies equally to all; and 3) a person’s rights can not be arbitrarily removed, except in accordance with the law. Although the outcome will not require a great deal of time, it is important that students form their own understanding of the purpose of law in a society that values justice, equality, and democracy.

Students may, for example,

- discuss the difference between rules and laws within the contexts of home, school, sports, other. Students can speculate as to what criteria differentiate the two terms and their applications.
- engage in a “Think-Pair-Share” exercise in which they explore and share their own beliefs about the need for and purpose of law. Record ideas and use as a basis for discussion in class or in small groups (see Appendix A-1, Teaching Strategies).
- participate in a simulation exercise – in small groups, students can imagine they are marooned on a desert island and must discuss possible scenarios for establishing a “Survivor Island Code of Laws.” Present to the class. Consider the following questions: What rules are needed? Why? How are they made? Who decides?
- create a graphic organizer (e.g., diagram or poster) to illustrate the three principles of rule of law in our society. Write a concluding paragraph explaining the significance of the rule of law (roots of which lie in the Magna Carta of 1215) to current Canadian and global society.
- discuss the concept of values and beliefs in the making of law and how changing values or conflicting beliefs may affect law-making.

Section 1: The Fundamentals of Law

Suggestions for Learning and Assessment

Students may, for example,

Performance

- present “Survivor Island Code of Laws” with group members. Group members must be able to explain how they arrived at their list and be able to justify choices of laws.

(Note: Teachers may ask audience members to write a brief statement about what a presenting group’s laws reveal about their island “society.” Discuss as a class.)

Journal

- write a journal entry to express their own views on the need for and the purpose of law prior to class discussion and study, and then revisit the entry later to reassess their views, adding other points if desired.
- write a reflective entry in response to the cue, “Laws are a necessary part of society because.....”

Presentation

- develop a brief but effective multimedia presentation that would explain the need for and purpose of law to a younger audience, or peer audience.
- collect several news articles referring to legal cases, and explain (verbally or in writing) how the law in each case either protected society or served justice.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource

pp. 9-16

Teacher Resource

pp. 16, 20, 24, 25, 49
p. 49 BLM 1-1, Survivor Island Scenario

Assessment Master 1.1

Rubric: Survivor Island Legal Code

Technology

Journey On

Lesson Plan: Preparing for Debate
Using Discussion Forum

Section 1: The Fundamentals of Law

Specific Curriculum Outcomes

Students will be expected to

1.1.2 describe the historical roots and influences on Canadian law

Elaborations - Suggestions for Learning and Teaching

Students will explore the evolution of laws and legal systems from earlier times to recognize that present-day practices are deeply rooted in history. The concepts of morals and values are also examined in reference to lawmaking, as well as the significance of codifying rules within a society. Students will be asked to consider how differing morals and values might create conflict, and how changing values contribute to the evolution of laws. Students will be expected to connect at least one important point from each of the following eleven historical legal systems which are known to have influenced the formation of Canadian law. While it is important for students to understand that current law has evolved over time due to the influences and historical roots discussed in this section, this outcome is not intended to extend beyond one to two classes. Historical roots and influences will include common law, Hammurabi's Code, Mosaic law, Greek law, Roman law, Justinian's Code, the feudal system, Napoleonic Code, early British law, the Magna Carta, and Aboriginal law.

Students may, for example,

- compare Judeo-Christian values (Ten Commandments) as presented in Mosaic Law to values found in the Code of Hammurabi. Discuss how these are reflected in our current system of laws.
- discuss the concepts of morals and values and create a list of important societal values within their awareness. In groups or pairs, form a response to the following questions:
 - How might laws based upon morals and values create conflict? (E.g., One culture's beliefs may clash with those of another.)
 - How is this especially relevant in a multicultural country such as Canada?
 - Whose voice(s) may dominate in this case?
 - Whose voice(s) may be silenced?
 - How is this resolved?
- make jot notes referring to significant contributions of various historical codes or practices over time which have influenced Canadian law. Students may record 1-2 critical points for each contributing influence (e.g., Greek law = jury system). Use a chart to record key words or notes.
- participate in a "jigsaw" activity, with each group becoming an expert on a particular historical legal system that has influenced Canadian law. Students return to their home groups to share their expertise with other group members. (See Appendix A-2, Teaching Strategies.)

Section 1: The Fundamentals of Law

Suggestions for Learning and Assessment

Students may, for example,

Journal

- respond to the questions, Which of the historical roots do you believe has had the greatest impact on Canadian Law? Why?

Interview

- ask, What aspect of traditional Aboriginal law is found in Canadian law?

Paper and Pencil

- summarize the key points of the various historical roots and influences on Canadian Law.

Presentation

- create a visual or diagram to organize and illustrate the historical influences on Canadian law including the Code of Hammurabi, Mosaic law, Greek law, Roman law, British law, Aboriginal law, and other significant influences.
- connect present-day practices in law with their historical roots (e.g., Quebec Civil Code > French Civil Code or Napoleonic Code; restitution > Hammurabi's laws; adversarial system > British law;). Students may choose to represent these in a written list, graphic organizer, or concept map.
- create a collaborative class or group visual or booklet/newspaper/brochure that outlines and describes the various historical influences on Canadian law.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 17-23

Teacher Resource
pp. 20-45

Law in Action Web site
www.pearsoned.ca/law
Search these Net Links:
Translation of the Magna Carta
The Great Binding Law
Law Museum

Canada's History: Voices and Visions
[Gage] 0-7715-8044-4
Resource for Can History 621A
pp. 142-147

Section 1: The Fundamentals of Law

Specific Curriculum Outcomes

Students will be expected to

1.1.3 identify and describe the sources that create the basis of Canadian law

Elaborations - Suggestions for Learning and Teaching

In this outcome, students will focus on the basis of Canadian law by examining the main sources of law — common, statute, and constitutional. Understanding the origins of these sources and the parameters and limitations of each source will later help students to recognize how individual cases are classified. Students will be expected to distinguish among the three sources and be able to describe elements of each.

- Common law is “common” or universal to all and is based upon decisions made in previous cases.
- Statute law refers to laws or “acts” that have been passed by elected representatives.
- Constitutional law sets out the basic laws, principles, and standards adhered to by all other law and serves to limit the powers of government.

Students may, for example,

- create a diagram to illustrate the sources of Canadian law (common, statute, and constitutional) and brainstorm examples of cases that fall into each category.
- discuss why constitutional law supersedes all other law in Canada, and find cases that are examples of this.
- throughout the course of study, maintain an ongoing class or individual portfolio or bulletin board display of news clippings to classify various cases according to category throughout the course of study.

Section 1: The Fundamentals of Law

Suggestions for Learning and Assessment

Students may, for example,

Presentation

- create an outline or other visual organizer (mind map, concept map) to illustrate the sources of Canadian law and the areas of responsibilities that fall into each category (See Appendix B 1-10 and sample 10a, Visual Organizers.)

Paper and Pencil

- classify newspaper articles regarding legal cases that demonstrate these sources of law — common, statute, and constitutional.
- write an informative article for a youth law magazine based on clearly explaining the sources of law in Canada and the key elements of each source.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 35-37

Teacher Resource
p. 60

Assessment Master G-5
Rubric: Visual Display

Supplementary Resources

Try Judging
Module 1: Why Do We Need Judges?
Lesson 4: Sources of Canadian Law,
p. 15
Appendix E, p. 23
Teacher Background, pp. 31-36

Section 1: The Fundamentals of Law

Specific Curriculum Outcomes

Students will be expected to

1.1.4 differentiate among primary categories of Canadian law

Elaborations - Suggestions for Learning and Teaching

Categorizing law allows students to see that there is a system within a system and that all cases involving the law can be sorted and classified. Although it is not imperative that students memorize facts related to every category of law, it is expected that they be able to differentiate among primary categories:

- Domestic — laws made and enforced within a nation’s borders.
- International — laws governing the conduct of independent nations in their relationships to other nations.
- Tort — a branch of civil law designed to hold private individuals or organizations responsible for negligent or deliberate actions.
- Family — a branch of civil law dealing with various aspects of family life.
- Substantive — a category of domestic law that defines the rights, duties, and obligations of citizens and government.
- Procedural — laws which state the methods of enforcing the rights, duties, and responsibilities of substantive law.

Students may, for example,

- create a diagram that depicts the categories of law, leaving some categories blank. Exchange with a partner to fill in the gaps in the diagram, and compare.
- cut puzzle pieces to depict categories of law (Domestic, International, Tort, Family, Substantive, Procedural) and arrange into the correct configuration.
- list categories of law (see above) and jot 1-2 main points for each that will serve as an outline, memory tool, or discussion point.
- participate in a jigsaw activity where students leave their home groups to become experts in a category (e.g., substantive law), then return to home group to share knowledge and create an organizer to illustrate categories as a whole. (See Appendix A-2, Teaching Strategies.)
- classify current cases or statutes according to its category of law.
- challenge other students to classify hypothetical examples of cases and then justify their choice of category for each case.

Section 1: The Fundamentals of Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- research case studies (print or on-line) to find one example for each category of law.
- classify current cases in the news according to the type of law.

Presentation

- given a set of case studies (news articles or brief summaries), connect each case with the most logical category of law, and be able to justify answer.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 38-50

Teacher Resource
pp. 60-66

Supplementary Resources

Canadian Case Law Studies
[McGraw-Hill Ryerson] 2004
This resource should be in your school.

Section 1: The Fundamentals of Law

Specific Curriculum Outcomes

Students will be expected to

1.1.5 analyse factors that influence change in law

Elaborations - Suggestions for Learning and Teaching

In this outcome, students learn how changes in values, lifestyles, and even technologies affect the making of law and the interpretation of law. The outcome examines social factors and organized efforts that have influenced and continue to influence changes in law. Students may examine historical change as well as contemporary influences, some of which they may even be a part of (such as Students Against Drunk Driving, SWITCH, or other service clubs). They will also consider the influences on law-making that are considered outside of the law (e.g., civil disobedience and circumstances that sometimes provoke this type of reaction).

Students may, for example,

- identify and analyse instances where changing social values have caused revisions to the law (e.g., women’s vote, capital punishment, public smoking, same-sex marriage, drunk driving, drug use, obscenity, and pornography).
- research lobby groups (e.g., Mothers Against Drunk Driving) or other bodies (e.g., Royal Commissions) to determine the level of influence these groups assert in the process of revising or bringing about new laws.
- identify three unusual laws (preferably Canadian) and present with an explanation of why the law is or is not significant in today’s society, as well as the factors that contributed to its development and/or demise.
- map legal landmarks in Canadian history on a time line or other means of representation to illustrate milestones that have effected change in our system. Analyse the factors that influence change.
- predict how a current law may evolve in the future, or how a new law may be introduced to deal with a current social issue.

Section 1: The Fundamentals of Law

Suggestions for Learning and Assessment

Students may, for example,

Journal

- respond to question, What factors in today's society do you foresee as influencing change in contract law?

Paper and Pencil

- complete a chart such as the one that follows.

Social Change	Effect on Law(s)
Increased awareness of health dangers due to known chemicals	“No-smoking” legislation Pesticide bans “No trans-fats” legislation
Technological advancements	

Presentation

- research a specific lobby group that has influenced Canadian law (or is currently attempting to) and report on the group's beliefs, actions, and results. Research may be presented in a variety of formats (e.g., oral, written, multimedia, role-play).
- research a peculiar or outdated law and present findings to class. Presentation may be in varied formats: oral, written, multimedia, role-play, etc.

Portfolio

- collect from popular media articles about how laws have been changed. Analyse the factors that causes the law to change.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 66-69

Teacher Resource
pp. 82-84

Assessment Master G-2
Rubric: Research Report

Assessment Master G-3
Rubric: Case Analysis

Assessment Master G-5
Rubric: Role-Play

Section 2: The Process of Lawmaking

Specific Curriculum Outcomes

Students will be expected to

- 1.2.1 explain the division of powers among federal, provincial, and municipal governments**

Elaborations - Suggestions for Learning and Teaching

This outcome focusses on the similarities and differences within and among the various levels of government in Canada. Students will examine the role(s) of historical documents in the establishment of responsibilities amongst governments. The British North American Act, 1867 (officially known as the Constitution Act, 1867) is considered to be the foundation document upon which legislative powers are based. Students are invited to examine sections 91 to 95 of the document, in particular, which set out the delegation of powers between federal and provincial governments. Students will also discover that while the BNA Act is still considered to be Canada's constitutional foundation document, there have been amendments over the years with regard to the division of powers. When the Constitution Act was patriated in 1982, a notable amendment, for example, was section 92A, which gave provinces more control over non-renewable resources. Students should also engage in discussion around third level governments (municipal and township) and Aboriginal governments, and powers delegated to these bodies.

Students may, for example,

- identify sections of the BNA Act which played a role in establishing the division of powers within Canada.
- research sections 91 and 92 of the Constitution Act (1867) to develop a summary statement of each section regarding authority or power in a particular jurisdiction.
- identify key roles or positions within jurisdictions that pertain to the division of power.
- classify current issues in the news according to the level of government that has jurisdiction.
- chart the levels and division of powers in Canada in a visual graphic.
- visit the provincial legislature and take jot notes of observations in order to participate in a group or class discussion as a follow-up.
- invite an MLA or municipal politician to speak to the class on the division of powers among the different levels of government. Write a summary of his/her presentation explaining the division of power.

Section 2: The Process of Lawmaking

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- sort examples of federal and provincial powers by matching each to the appropriate level of government.
- write a brief editorial stating why the powers of government are divided the way they are, and speculate on whether there might be an alternative model.

Presentation

- create a brief multimedia presentation to explain the division of powers amongst different levels of government.
- create a visual (poster, graphic organizer, etc.) that explains the various divisions of power.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 52-61

Teacher Resource
pp. 75-84

Law in Action Web site
www.pearsoned.ca/law
Go to Study Guide/Chapter 3:
“Government and Statute Law”

Web Links

CBC Archives
www.cbc.ca/for_teachers
Search by category: Politics and Economy; or by other key term

The Canadian Encyclopedia
www.canadianencyclopedia.ca
Search: Constitutional Act, 1867

Supplementary Resources

School of Justice (police academy) in Slemmon Park, Summerside welcomes class visits.

Technology

Journey On

Lesson Plan: CBC Archives Lesson Plan

Section 2: The Process of Lawmaking

Specific Curriculum Outcomes

Students will be expected to

1.2.2 demonstrate an understanding of issues related to Aboriginal self-government within Canada

Elaborations - Suggestions for Learning and Teaching

Views on governance are sometimes conflicting, and Canadians have experienced this throughout history. The intent of this outcome is to present another viewpoint on governance that has many implications for Canadians, and which will likely be a reality in students' lives as they reach adulthood. Any examination of issues related to Aboriginal self-government in Canada will involve past and current legislation and legal documents. Students will be asked to peruse specific sections of the Constitution Act, 1982, the Charter of Rights and Freedoms, and the *Report of the Royal Commission on Aboriginal Peoples*, (1996) dealing with historical and current boundaries and barriers that exist in the quest for Aboriginal self-government. Students may demonstrate their understanding of Aboriginal sovereignty issues by analysing a specific legal decision, writing an editorial or essay about Aboriginal sovereignty issues, or using text reformulation strategies such as in Appendix D-4. Students will develop a better understanding of the issues at hand for the Aboriginal community, and will be better able to engage in meaningful debate in the future.

Students may, for example,

- research early models of Aboriginal constitutions, such as that described in The Great Binding Law of the Iroquois Confederacy. Compare elements of the constitution with those of contemporary Canada.
- discuss implications of having differing or distinct systems of governance and powers within a country. Students may wish to use an organizer with three headings — Pros, Cons, and Who is Affected?

Pros	Cons	Who is affected?

- examine Section 35 of the Constitution Act, 1982 and Sections 1 and 25 of the Charter of Rights and Freedom. How do these legal clauses play a role in the quest for sovereignty of Aboriginal peoples?

Section 2: The Process of Lawmaking

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- write an expository essay on one of the following topics:
 - evolution of lawmaking within the Aboriginal community from the days of The Great Binding Law to present day
 - current issues surrounding Aboriginal self-government
 - barriers to self-government for Aboriginal communities
- write a letter to the editor about the issue of Aboriginal self-government. Include some historic references and mention past events to support the need for Aboriginal sovereignty in addressing societal issues.
- analyse the following quotation:

The First Nations are not a threat to Canada. We do not preach separatism. This is our country, from north to south and east to west. It is the only homeland we have. We did not come from anywhere else; we have nowhere else to return to and we have no divided loyalties...In seeking explicit recognition of our self-government in the Canadian Constitution, we [are] not advocating the dismemberment of the country; rather we envisage the sharing of the land and its bountiful resources based on mutual respect and co-existence of jurisdictions, and based on the recognition of our inherent rights and our distinct societies in Canada.

Ovide Mercredi
Grand Chief of the Assembly of First Nations
(from *Canada's History: Voices and Visions*)

Presentation

- research Canadian law for a landmark decision pertaining to Aboriginal issues and self-government, and present a short explanation of the case.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 37, 68, 101, 108-109, 263-264

Teacher Resource
pp. 82, 94, 122

Assessment Master G-2
Rubric: Research Report

Assessment Master G-5
Rubric: Visual Display

Assessment Master G-11
Rubric: Essay

Assessment Master G-12
Rubric: Current Events Report

Assessment Master 1-2
Rubric: Analysis of an Aboriginal Nation's Laws

Assessment Master G-6
Rubric: Letter to the Editor

Web Links

www.fngovernance.org/resources/timeline.htm
The Inherent Right of Self-Governance — Timeline

www.fngovernance.org/index.htm
First Nations Self-Governance Web site

Supplementary Resources

Canada's History: Voices and Visions
[Gage] 0-7715-8044-4
Resource for Canadian History 621A,
p. 218

Section 2: The Process of Lawmaking

Specific Curriculum Outcomes

Students will be expected to

1.2.3 explain the lawmaking process at various levels of government in Canada

Elaborations - Suggestions for Learning and Teaching

In order to understand the justice system in Canada, students need a basic grasp of the processes involved, and an understanding of small or large differences that may exist between the lawmaking processes in different jurisdictions. If time permits, the class may stage a mock parliament to role-play the process of a bill passing through legislation. If your school has a student who has participated in a youth parliament, invite the student to speak to the class.

Students may, for example,

- chart or diagram the passage of a bill at the federal, provincial, and municipal levels.
- explain the role of the Senate in passing federal laws.
- visit the Parliament of Canada Web site and follow the progress of a current bill as it moves through the stages of enactment. Explain the process in a summary statement.
- invite the local MP, MLA, mayor, or councillor to speak on the lawmaking process within his/her jurisdiction.
- invite a Youth Parliamentarian to speak to the class about how laws are made.
- simulate a parliamentary procedure by proposing, debating, and voting on a law (a mock parliament).
- compose and propose a mock law and role-play its passage through the system at a federal, provincial, or municipal level.

Section 2: The Process of Lawmaking

Suggestions for Learning and Assessment

Students may, for example,

Performance

- form groups to discuss the need for a new law within their school or community. Within the larger class group, students can role-play the various stages for passage of a bill, and then pass or reject the proposed bill.
- role-play a mock parliament to demonstrate the passage of a bill through various stages.

Paper and Pencil

- draw a flowchart depicting the passage of a bill at a given level of government. How does a municipality pass legislation?
- explain in a letter to a friend (who does not live in Canada) how an idea gets transformed into legislation in your country.
- write a letter to your mayor, Premier, or MLA suggesting new legislation to address a particular issue within the community or province. Students must be able to justify the proposed bill and demonstrate that they know the process of how laws come to be.

Presentation

- create a chart to explain and compare the three branches of government (executive, legislative, and judiciary) at both the federal and provincial levels of government.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 62-68

Teacher Resource
pp. 73, 82

Assessment Master G-5
Rubric: Visual Display

Assessment Master G-6
Rubric: Letter to the Editor
(Use as template for any letter)

Assessment Master G-15
Rubric: Role Play

Web Links

www.parl.gc.ca/legisinfo/index

www.ccle.fourh.umn.edu/mock3.pdf

CBC Archives
www.cbc.ca/for_teachers
Search by category: Politics and Economy or by other key term

Technology

Journey On

Lesson Plan: CBC Archives Lesson Plans

Supplementary Resources

Canadians and Their Government: A Resource Guide, Heritage Canada
(Check in the school library or with the Canadian History 621A teacher)

Section 2: The Process of Lawmaking

Specific Curriculum Outcomes

Students will be expected to

1.2.4 describe the structure and powers of the federal and provincial courts

Elaborations - Suggestions for Learning and Teaching

In an earlier outcome, students examined the similarities and differences among the powers of government at different levels. This outcome asks students to describe the powers of the courts at two levels. Positions and roles within the court system are examined as students develop their understanding of how the justice system is structured provincially and federally. Teachers may consider visiting a provincial court.

Students may, for example,

- chart the structures of the federal and provincial courts to illustrate similarities and differences.
- identify and describe various roles and positions and list associated job responsibilities within the court system.
- create a concept map to illustrate the various levels and responsibilities of the courts (see Appendix B 1-10, Visual Organizers).
- visit a provincial court (arrange at least one month in advance).
- invite a federal or provincial judge to speak to your class.

Section 2: The Process of Lawmaking

Suggestions for Learning and Assessment

Students may, for example,

Performance

- research the various roles and positions within a particular court system and role-play to illustrate court structure and powers.

Paper and Pencil

- use a T-Chart to compare similarities and differences in court structures, powers, and jurisdictions. Present to class if time allows (see Appendix B-11, Visual Organizers).

Presentation

- create a chart or a web diagram to illustrate the structure of the courts at various levels.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource

pp. 162-168, 346-349

Teacher Resource

pp. 177, 332-333

Assessment Master G-5

Rubric: Visual Display

Technology

Journey On

Lesson: Canada's Court System: An Island Perspective

Supplementary Resources

Try Judging

Module 3: What is the Judge's Role in the Justice System?

The Structure of Canada's Courts,
pp. 65-69

Teacher Background, pp. 78-79

Appendix E, p. 74

Section 3: The Rights and Freedoms of Canadians

Specific Curriculum Outcomes

Students will be expected to

1.3.1 assess the impact of the Charter of Rights and Freedoms on Canadians

Elaborations - Suggestions for Learning and Teaching

This outcome provides a fundamental gateway to a basic understanding of Canada's legal system. The signing of the Charter as a defining moment in Canadian history is well known. Students will be able to see that many of their own situations or beliefs are reflected in sections of the Charter. It is important that students understand how the Charter protects all citizens and how there is leeway for the Charter to evolve to meet future needs. Students are asked to reflect on and assess the significance of this document to Canadians, and to draw conclusions regarding the implications of the Act on their own lives as well of those of others.

Students may, for example,

- define a “right” and a “freedom” and consider how these concepts may be interpreted (or misinterpreted).
- discuss how the concept of responsibility plays an integral role in the Charter of Rights and Freedoms.
- identify who is protected under the Charter and what parameters are included in the Charter.
- paraphrase sections of the Charter as a way to understand specific sections. Include the following:
 - Section 1 - “reasonable limits” clause
 - Section 33 - “notwithstanding” clause
- consider the question of how the lives of Canadians might be different without the Charter of Rights and Freedoms.

Section 3: The Rights and Freedoms of Canadians

Suggestions for Learning and Assessment

Students may, for example,

Performance

- debate the balance of rights and freedoms as related to examples such as
 - hate literature
 - mandatory retirement
 - media censorship
 - dress codes.

Paper and Pencil

- research specific cases on-line, in the text, or in case study books to evaluate how human rights law is applied in cases which involve
 - Aboriginals
 - women
 - immigrants
 - persons with disability
 - persons living with poverty.
- collect news articles pertaining to Charter cases and analyse each to see which part of the Charter is the basis of the case (see Appendix C-2 and C-3).
- interview an Aboriginal person who is involved in policy-making or social justice to determine his or her perspective on the impact of the Charter of Rights and Freedoms. Write a news article or summary report of the interview.

Presentation

- create and present examples/scenarios to illustrate Canadians' rights and responsibilities, stating the significance of these rights and responsibilities for each example.
- create a youth-friendly or child-friendly Charter of Rights and Freedoms and include an expression of how or why these rights and freedoms are significant.
- create a concept map to illustrate the seven sections of the Charter of Rights and Freedoms that pertain to particular rights and freedoms (e.g., Democratic or Mobility Rights). See Appendix B 1-10, Visual Organizers. For each section, provide a summary stating how or why these rights and freedoms are significant to Canadians.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 80-109, 519-523

Teacher Resource
pp. 101-108

Web Links

www.cbc.ca

Search Education/Archives:
The Constitution and the Charter
Re-evaluated (Clip2002)

www.canadianencyclopedia.com
Search: Indian Act

www.laws.justice.gc.ca
Search: Indian Act
<http://laws.justice.gc.ca/en/const/index.html>

Technology

Journey On

Lesson: CBC Archives Lesson Plan

Supplementary Resources

Canadians and Their Government: A Resource Guide, Heritage Canada
(Check in the school library or with the Canadian History 621A teacher)

Section 3: The Rights and Freedoms of Canadians

Specific Curriculum Outcomes

Students will be expected to

1.3.2 analyse the impact of past and present legislation concerning Aboriginal peoples

Elaborations - Suggestions for Learning and Teaching

The Indian Act of 1876 consolidated all legislation from the BNA Act pertaining to Aboriginal peoples into one framework that has had a lasting impact on Canada's Aboriginal community and Canadian history. The Act was intended to control every aspect of their lives and denied rights that other citizens enjoyed. The Indian Act replaced any other form of traditional Aboriginal governing structure and created a dual system of Status and Non-Status regulations. This outcome is intended to have students illustrate the effects of history-making legislation and show how decision making has long-term implications on the daily lives of ordinary people.

Students may, for example,

- compare the impact of the Indian Act on the lives of Aboriginal people to that of the Charter of Rights and Freedoms (Outcome 1.3.1.).
- invite an Elder or representative of an Aboriginal organization to the classroom to discuss how the Indian Act and later revisions affects the lives of Aboriginal people.
- conduct research into cases such as the Lavell case (1973), the *Drybones* case (1970), or *Lovelace v. Ontario* (2000) to prepare a brief oral presentation or to write a journal entry about the impact of past legislation on Aboriginal peoples. Include a statement about any changes that occurred as a result of the decision handed down in the case.
- access landmark documents such as the *Report of the Royal Commission on Aboriginal Peoples* (1996) to research specific aspects of the Indian Act (1876) which had an impact on Aboriginal peoples of Canada. Examples include the following:
 - denial of right to vote
 - denial of right to sit on juries
 - exemption from conscription (despite record numbers of volunteers during wartime)
 - ban of cultural activities such as Potlatch or other celebrations
 - ban on possession of alcohol
 - ban on loitering in pool halls or other public places
 - removal of children (to be educated and assimilated in residential schools)
 - exclusion of definition of "person"

Section 3: The Rights and Freedoms of Canadians

Suggestions for Learning and Assessment

Students may, for example,

Performance

- create a multimedia presentation to explain key elements of the Indian Act, and subsequent amendments. Conclude with a statement regarding the impact the Act has had and continues to have on Aboriginal peoples.

Paper and Pencil

- write a letter to the editor from the perspective of an Aboriginal person explaining the key elements of the Indian Act and what it means to people of Aboriginal descent in contemporary society.

Presentation

- present a case study involving Aboriginal rights or freedoms.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource

pp. 113, 108-109, 263-264

Web Links

www.thecanadianencyclopedia.com

Search: Indian Act and the following cases:

Lavell (1973)

Lovelace v. Ontario (2000)

Drybones (1970)

www.edu.gov.mb.ca/aed/research.html

Search: Landmark Documents/
Royal Commission on Aboriginal Peoples/Indian Act and
The Hawthorne Report
Parts 1 and 2

www.laws.justice.gc.ca
Search: Indian Act

www.fngovernance.org/resources/timeline.htm

The Inherent Right of Self-Governance — Timeline

www.fngovernance.org/index.htm
First Nations Self-Governance Web site

Supplementary Resources

Canada's History: Voices and Visions
[Gage] 0-7715-8044-4
Resource for Canadian History 621A,
pp 221-222

Section 3: The Rights and Freedoms of Canadians

Specific Curriculum Outcomes

Students will be expected to

1.3.3 explain the role of the Supreme Court in decisions related to the Charter of Rights and Freedoms

Elaborations - Suggestions for Learning and Teaching

The Supreme Court is the highest court in the country. Its powers enable it to hear cases related to any area of law although the Court is selective in both the number of cases and the relevance of the cases it hears. Hearings at this level are generally reserved for cases of national interest, such as those stemming from a Charter of Rights and Freedoms issue. In this outcome, students will examine the significant role that the Supreme Court plays in decision making related to the Charter cases. Teachers may elect to feature a local Charter case, such as the one that resulted in the building of a French school in the western part of the province.

Students may, for example,

- create a graphic organizer to summarize key elements of the Supreme Court of Canada, the including the following:
 - comprised of nine judges — one chief justice and eight judges representing regions throughout Canada (three from Quebec, three from Ontario, two from western Canada and one from the Atlantic region)
 - located in Ottawa
 - runs October through June (usually 18 weeks)
 - hearings taped for broadcast in both official languages
 - hears approximately 80 cases per year
- discuss some of the types of cases that may be heard in the Supreme Court (e.g., language rights, same-sex marriage, assisted suicide). Create a brainstormed list of possible appeals that may make it to the Supreme Court and apply the three criteria questions used by the Court to determine whether the case might proceed:
 - Was the right infringed upon or violated by government or its agencies?
 - Is the right in question covered under the Charter?
 - Is the violation or infringement within a reasonable limit?
- research a particular case involving the Supreme Court of Canada (e.g., Sue Rodriguez) and debate the decision of the Court.

Section 3: The Rights and Freedoms of Canadians

Suggestions for Learning and Assessment

Students may, for example,

Performance

- role-play a media interview outside the Supreme Court with a member of the Court after a landmark decision has been handed down.

Paper and Pencil

- given a Charter case, track the decision of the Supreme Court and the rationale for the decision.

Presentation

- create a flowchart showing how a specific Charter appeal to the Supreme Court proceeds.
- design a public education brochure on Charter decisions and the role of the Supreme Court.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 83-85

Web Links

Supreme Court Charter Decisions
<http://www.mapleleafweb.com/scc/public3/>

Supreme Court of Canada
www.scc-csc.gc.ca/

CBC News Feature
www.cbc.ca/news/background/supremecourt/

Technology

Journey On

Lesson: CBC Archives Lesson Plans

Supplementary Resources

Try Judging

Module 3: What is the Judge's Role in the Justice System?

The Structure of Canada's Courts,
pp. 65-69

Teacher Background, pp. 78-79
Appendix E, p. 74

Canadian Case Law Studies

(McGraw-Hill Ryerson) 2004

Supreme Court of Canada Case
Commentary (Activity 3)

pp. 174-176 (This resource should
be in your school.)

Section 3: The Rights and Freedoms of Canadians

Specific Curriculum Outcomes

Students will be expected to

1.3.4 compare the Canadian Human Rights Act and the PEI Human Rights Act

Elaborations - Suggestions for Learning and Teaching

The issue of human rights is a far-reaching one that has implications for all citizens, Canadian and global. Students will compare provincial legislation to national legislation to gain an understanding of the philosophies and mandates contained within both. While it is not necessary for students to memorize all aspects of both federal and provincial human rights legislation, they should be able to explain the similarities and differences between the two. For example, the Canadian Human Rights Act deals with certain types of discrimination that may occur in federally regulated industries such as banks, telephone companies, airlines, or radio/television. Provincial human rights commissions oversee the same types of discrimination cases, but on a level that deals with provincial government, schools, retailers, restaurants, and other organizations not covered by the federal Act. Students should be able to describe the eleven types of discrimination that both Acts address: discrimination based on race, national or ethnic origin, colour, religion, age, sex, marital status, family status, pardoned conviction, disability, and sexual orientation. Key case studies will illustrate how the process of a human rights complaint works.

Students may, for example,

- research the Canadian Human Rights Act Web site. This site offers a tour of four distinct periods of human rights in Canada. Students may work individually or in groups to research the four periods and key cases and laws associated with human rights in Canada since 1900.
- in groups, or pairs, either write a fictional case scenario based upon discrimination, or find a newspaper/magazine/Web article that provides a case study. Present the case to the rest of the class, explaining why it is either a provincial case or a federal case.
- invite a member of the PEI Human Rights Commission to speak about the Act and how it is related to the Canadian Human Rights Act.

Section 3: The Rights and Freedoms of Canadians

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- write a research paper focussing on historical key points of the Canadian Human Rights Act and the PEI Human Rights Act (see Appendix C 4-9, Teacher Background).
- write an editorial article about the evolution of human rights acts in Canada, and how the Canadian Human Rights Act led to the establishment of provincial acts.
- search media for a current human rights case and write a critique explaining why it is either a provincial case or a federal case.

Resources and Links

Web Links

Canadian Human Rights
www.chrc-ccdp.ca/en/index.asp

Prince Edward Island Human Rights
www.peihumanrights.ca

CLIA - Community Legal Information Association (PEI)
www.cliapei.ca

Media-Awareness Network
www.media-awareness.ca
Search: Canadian Human Rights Act

Unit 2: Criminal Law

Unit 2: Criminal Law

Overview

Unit 2: Criminal Law introduces students to what constitutes a criminal offence and the types of criminal offences. Five sections within the unit investigate the roles and procedures involved in pre-trial, trial, and post-trial stages. Students will examine the correctional system of Canada including diversionary interventions or sentencing programs. The final section explores how all of the above elements apply to youth, with a focus on the Criminal Code of Canada and the Youth Criminal Justice Act. The suggested time allotment for this unit is 50% of total course time.

Specific Curriculum Outcomes

Section 1: Understanding Criminal Law

The opening section of the Criminal Law unit introduces students to the basic principles and terminology that relate to this type of law. Students will gain an overall understanding of why this category of law is needed in society, and how is it administered. Students will be able to distinguish among different types of criminal offences as well as the parties that are involved in these types of offences.

Students will be expected to

- 2.1.1 explain society's need to criminalize certain behaviours
- 2.1.2 define crime, criminal law, and the Criminal Code of Canada
- 2.1.3 explain the elements of a criminal offence and of selected specific offences
- 2.1.4 identify parties to an offence
- 2.1.5 distinguish among indictable, summary, and hybrid conviction offences
- 2.1.6 analyse cases according to the Criminal Code of Canada

Section 2: Bringing the Accused to Trial

This section of the Criminal Law unit deals with the procedures that occur once a crime has been committed. The procedures referred to in this section are specific to the arrest, investigation, and events leading up to a court appearance. Students who have been influenced by popular crime dramas in the media may have preconceived notions about these procedures. It is important for them to understand that some of these procedures, although similar, may differ in the United States and Canada.

Students will be expected to

- 2.2.1 describe the legal aspects of police investigation
- 2.2.2 compare the rights of citizens and the responsibilities of police upon arrest or detention
- 2.2.3 identify release and pre-trial procedures

Section 3: Trial Procedure

Considering the gravity of the possible consequences in any criminal trial, it is crucial that what occurs within a courtroom is strictly structured in order to maintain the integrity of the legal system. This section focusses on the procedures in the courtroom and the people who conduct the proceedings during a trial.

Students will be expected to

- 2.3.1 explain the role(s) of the court and its various officers
- 2.3.2 describe trial procedures
- 2.3.3 demonstrate an understanding of the types of evidence and "rules of evidence" in a criminal trial
- 2.3.4 analyse elements of the jury system, including jury selection and duties
- 2.3.5 describe standard defences to criminal charges

Specific Curriculum Outcomes

Section 4: Sentencing

Section 4 deals with the post-trial procedure of meting out appropriate punishment for the guilty party. Many factors are considered and any decision is undertaken with gravity. Oftentimes, the sentencing and parole aspects of the justice system are criticized as either too lenient or too severe by those who may not know the details of the crime or the intention of the penalty.

Students will be expected to

- 2.4.1 explain the objectives of sentencing
- 2.4.2 demonstrate an understanding of traditional types of sentencing as well as alternative justice measures
- 2.4.3 demonstrate an understanding of release procedures
- 2.4.4 demonstrate an understanding of Canada's correctional system

Section 5: Youth and Law

This section of Unit 2 will be especially interesting to students, as many of the regulations will apply to their age group. There have been many changes in the treatment of youth in Canada over the years, and it can be pointed out that this is an aspect of law that is constantly evolving to reflect the changing views of society in general. Students will become more aware of the views of society and of how these views are translated into legislation and actions.

Students will be expected to

- 2.5.1 explain changing attitudes over time toward the treatment of young offenders
- 2.5.2 compare the provisions of the Juvenile Delinquents Act, the Young Offenders Act, and the Youth Criminal Justice Act, and current or proposed legislation
- 2.5.3 identify special rights and protections currently provided to young offenders upon arrest and detention, during trial, and with respect to dispositions and alternative measures
- 2.5.4 assess the validity of treating young offenders differently from adults

Section 1: Understanding Criminal Law

Specific Curriculum Outcomes

Students will be expected to

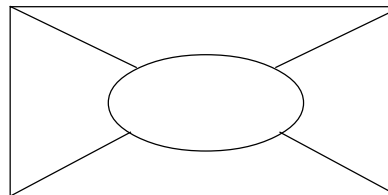
2.1.1 explain society’s need to criminalize certain behaviours

Elaborations - Suggestions for Learning and Teaching

This outcome serves to set the stage for discussions and further study in the area of criminal behaviour. Students will be asked to reflect upon their own notions of what constitutes criminal behaviour, and why. Similar to the desert island simulation in Unit 1, students must consider the complexities of determining what is and what is not criminal behaviour.

Students may, for example,

- discuss the reasons behind society’s need to criminalize specific behaviours (e.g., violence, theft, vandalism).
- debate a controversial legal issue, such as gun control, or marijuana use, to illustrate that there are varying perspectives on an issue and that it is sometimes difficult to find consensus on what constitutes criminal behaviour.
- participate in a “place-mat” activity to compile a list of criteria that students feel should provide a basis to determine whether an act is “criminal” (e.g., hurtful to others, dangerous). Groups can compare lists to form a class set of criteria (see Appendix A-3, Teaching Strategies).



- consider how crime affects communities and societies in general; how other countries deal with crime; how beliefs and value systems play a role in how criminal behaviour is determined and addressed.
- simulate the desert island scenario and conduct a group meeting to determine what will be considered criminal behaviour on the island and what will be the consequence(s) for violating the rules.

Section 1: Understanding Criminal Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- write a reflective journal entry about society's need to criminalize certain behaviours.
- write a position paper based upon a particular issue that is related to criminal behaviour (e.g., legalization of marijuana, cruelty to animals).
- write an editorial about criminal behaviour and how society deals with it, or should deal with it.

Presentation

- prepare and deliver arguments for a debate on the pros and cons of criminalizing a particular behaviour.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 139-142

Teacher Resource
p. 155

Assessment Master G-17
Rubric: Position Paper

Assessment Master G-4
Rubric: Checklist: Debate
Evaluation

Assessment Master G-9
Rubric: Assessing an Editorial

Section 1: Understanding Criminal Law

Specific Curriculum Outcomes

Students will be expected to

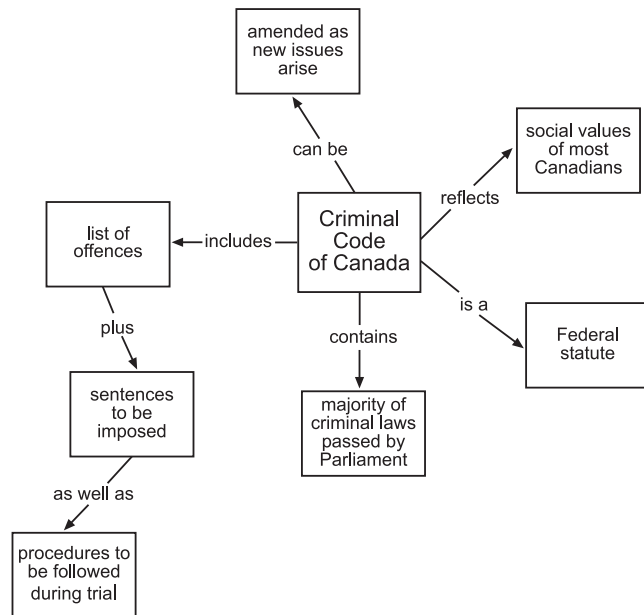
2.1.2 define crime, criminal law, and the Criminal Code of Canada

Elaborations - Suggestions for Learning and Teaching

In order to understand the elements of criminal law, it is helpful for students to grasp the basic premise of what is considered “crime” and how crime is dealt with in Canadian society. This outcome connects what students have discussed in Unit 1 — law and how it evolves— with our contemporary understanding of “crime”.

Students may, for example,

- write personal definitions of “crime” and “criminal law” and compare to several other definitions from authorized sources (e.g., dictionary, encyclopedia, texts).
- create a mind map to define or explain the Criminal Code of Canada (see Appendix B-10, Visual Organizers).



Section 1: Understanding Criminal Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- create a dictionary “page” by writing clear, concise definitions for crime, criminal law, and the Criminal Code of Canada.

Presentation

- create a brochure section aimed at teaching people the basics of Canadian law, including definitions of crime, criminal law, and the Criminal Code of Canada.
- create a visual poster that might be used as a teaching tool to define crime, criminal law, and the Criminal Code of Canada.
- define crime, criminal law, and the Criminal Code of Canada by way of a mind map or concept map. See Appendix B 1-10, Visual Organizers.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 139-141

Teacher Resource
pp. 150-151

Assessment Master G-14
Checklist: Creating a Brochure

Assessment Master G-5
Rubric: Visual Display

Section 1: Understanding Criminal Law

Specific Curriculum Outcomes

Students will be expected to

- 2.1.3 explain the elements of a criminal offence and of selected specific offences**

Elaborations - Suggestions for Learning and Teaching

This outcome leads students to a deeper understanding of what constitutes a criminal offence. Students will understand that the two elements of crime — *actus reus* (guilty act) and *mens rea* (guilty mind) — form the critical basis for deciding whether a crime has occurred or not.

Students may, for example,

- discuss the meaning behind the Latin terms *actus reus* and *mens rea* and what these might “look like” in a crime situation.
- view a short crime episode and discuss the elements of *actus reus* and *mens rea* as they relate to the story.
- review the court section of the local newspaper or other journals to identify the elements of *actus rea* and *mens rea* in specific cases (or determine whether they exist).
- list and discuss the various ways in which *mens rea* may be determined to exist, and the difficulties involved in proving some of these in particular cases
 - knowledge
 - intent
 - criminal negligence
 - recklessness
 - wilful blindness
- select several case studies (see Web site or other source) to identify and explain *actus reus* and *mens rea*, where they exist. Chart cases in a graphic organizer according to whether the two elements exist or not, and show how *mens rea* was determined.
- discuss exceptions to the rule of determining *mens rea*.

Section 1: Understanding Criminal Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- apply knowledge to analyse specific cases to determine the existence of *mens rea*. Write a brief summary.
- analyse a short story or novel with regard to elements of crime.

Presentation

- classify via a chart or other graphic organizer the various ways in which *mens rea* may be proven to exist even in the cases where *actus reus* may not exist (such as cases involving attempt or conspiracy).

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 146-160

Teacher Resource
pp. 156-168

Supplementary Resource

Canadian Case Law Studies
[McGraw-Hill Ryserson] 2004
ISBN 0-07-095067-9 [This resource should already be in your school]

Section 1: Understanding Criminal Law

Specific Curriculum Outcomes

Students will be expected to

2.1.4 identify parties to an offence

Elaborations - Suggestions for Learning and Teaching

Once students understand the elements of law and the various conditions that may exist in identifying a crime, it is logical to include the parties that play a role in a crime and the various ways in which a person may become involved in an offence. In this outcome, students explore these various roles and players. “Parties to an offence” actions include the following:

- perpetrating
- acting as an accessory
- abetting
- aiding
- counselling

Students may, for example,

- view short episodes of crime cases or read case studies and chart the various roles individuals played in the offence.
- in groups, write short scenarios and include a variety of players to demonstrate the various roles that may be played in a particular case. Exchange the scenarios with another group and have them identify the roles within the scenario.
- role-play a fictitious crime scenario and have audience members identify the various players and roles.
- read a book (or story) (fiction or non-fiction) that involves criminal offence(s) and chart the various elements and roles within the story.

Section 1: Understanding Criminal Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- analyse and diagram specific case studies to show the various parties to the offence.
- write short vignettes and role-play to demonstrate the roles of those involved in a crime.
- write a newspaper article from the perspective of a court reporter who is tasked with describing for readers a particular case and the parties involved.

Presentation

- create a brief multimedia presentation that presents a particular case, including the parties to the offence.

Resources and Links

Law in Action: Understanding Canadian Law

Student resource
pp. 152-153

Web Links

Statute and Case Law
www.canlii.org

Section 1: Understanding Criminal Law

Specific Curriculum Outcomes

Students will be expected to

2.1.5 distinguish among indictable, summary, and hybrid conviction offences

Elaborations - Suggestions for Learning and Teaching

The intent of this outcome is to have students further analyse offences to gain an understanding of the different types of offences that are chargeable under the Criminal Code of Canada. Students will learn, for example, that causing a disturbance will be treated as a summary offence, but setting a barn on fire is much more serious and will be treated as an indictable offence. In some cases, circumstances dictate that although the act itself may be minor (e.g., theft of a bicycle), a more serious or indictable charge may apply if the offender has a history of this behaviour. The latter case is known as a hybrid offence, as it contains elements of both minor and major crimes. Students will be expected to distinguish between a minor action (e.g., parking infraction) and a more serious action (e.g., hit and run) in order to understand the difference between summary and indictable. Students may need more teacher support in determining when and why an offence is considered “hybrid.” It may be advisable to download a version of the Criminal Code of Canada, or to access the document on-line so that students can check their knowledge.

- Indictable — serious crime, carries a heavy penalty
- Summary — minor offence, usually light penalty
- Hybrid — may be tried as either summary or indictable, as decided by the Crown

Students may, for example,

- write a brief personal definition of indictable, summary, and hybrid offences.
- scan newspaper articles and on-line news to identify cases involving the three types of offences. Chart these as a group or class to be referred to later in discussions.
- create fictitious scenarios to illustrate the three types of offences and have peers identify the correct conviction type in each.

Section 1: Understanding Criminal Law

Suggestions for Learning and Assessment

Students may, for example,

Performance

- role-play fictitious or real cases as examples of different types of offences.

Presentation

- create a graphic organizer (e.g., poster) to illustrate the three types of offences and possible consequences for each type.

Portfolio

- collect criminal case stories or summaries and create a scrapbook or portfolio with cases categorized as indictable, summary, or hybrid. Include the results of sentencing in each case, if available. See Appendix D-1, Teacher-Made Materials.

Resources and Links

Law in Action: Understanding Canadian Law

Student resource
pp. 221-223

Teacher resource
pp. 225, 241-242

Technology
Journey On
Lesson: Analysing Crime Rate Statistics

Supplementary Resource

Canadian Case Law Studies
[McGraw-Hill Ryerson] 2004
ISBN 0-07-095067-9 (This resource should already be in your school.)

Section 1: Understanding Criminal Law

Specific Curriculum Outcomes

Students will be expected to

2.1.6 analyse cases according to the Criminal Code of Canada

Elaborations - Suggestions for Learning and Teaching

After studying various aspects of offences and laws in Canada, students can test their analytical skills by applying their knowledge to specific cases. An analysis may contain a variety of elements, but should include the following as a minimum: name of case, *actus reus* and *mens rea* (presence of, or exceptions), type of offence (summary, indictable, hybrid), and applicable section of Criminal Code of Canada. While it is not necessary to analyse a multitude of cases for this outcome, students should be able to demonstrate an ability to analyse at least one case of each type — summary, indictable, and hybrid.

Students may, for example,

- research a variety of cases that have taken place in Canada to identify the elements and roles of parties involved in the crime.
- follow current news stories to determine what elements and roles will be considered in the case.

Section 1: Understanding Criminal Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- write a report that analyses a case according to the Criminal Code of Canada.

Presentation

- present a case analysis to the class.

Resources and Links

Law in Action: Understanding Canadian Law

Teacher Resource

Generic Assessment Master G-2
Rubric: Case Analysis

Web Links

Statute and Case Law
www.canlii.org

Criminal Code (document)
www.pearsoned.ca/law

Supplementary Resource

Canadian Case Law Studies
[McGraw-Hill Ryserson] 2004
ISBN 0-07-095067-9 (This resource should already be in your school.)

Section 2: Bringing the Accused to Trial

Specific Curriculum Outcomes

Students will be expected to

2.2.1 describe the legal aspects of police investigation

Elaborations - Suggestions for Learning and Teaching

This outcome leads students to examine the more technical side of maintaining the law in Canada. Students will gain a better understanding and appreciation of the significance and urgency in preserving crime scenes and evidence as a means to bringing an accused to trial. Any police investigation of a crime scene follows certain rules and procedures. A police investigation may be broken down into three components: 1) arrival at the crime scene, 2) protecting and preserving the crime scene, and 3) roles of officers at the scene. Officers who arrive at the scene are required to follow a three-step procedure to ensure that injured persons are assisted, reinforcements are requested, and possible hazards to safety are identified. During the next stage, officers establish a crime scene perimeter in order for the investigating team to collect evidence without risking its contamination, and carefully document the scene. The final aspect of a police investigation involves the expertise of possibly four types of officers with specialty training. Students should be able to describe the main elements of the police investigation. While any discussion of police investigation will include types of evidence collected, it is not an expectation that students be able to describe these for the purpose of this outcome.

Students may, for example,

- discuss the varying levels of policing in Canada, including Aboriginal police forces, and how certain regulations and procedures are common to all.
- view a clip from a popular television episode that depicts the arrest and investigation process. Students can take jot notes to record the steps involved and the key points of an investigation (e.g., the preservation of a crime scene). In groups or as a class, discuss the reasons for certain steps and regulations.
- chart on a visual graphic steps or key points of the investigative process.
- role-play an investigative scene.
- invite a member of the RCMP or local police force to speak about the process of investigation under varying circumstances.
- set up a mock crime scene and have teams of student investigators examine the evidence while following proper procedure.
- create a visual or web to illustrate the various key elements of the investigative procedure (e.g., fingerprints, impressions).

Section 2: Bringing the Accused to Trial

Suggestions for Learning and Assessment

Students may, for example,

Performance

- role-play a scene involving the investigative process.

Paper and Pencil

- write a report focussing on errors in the investigation of a highly-publicized case (e.g., David Milgaard, Steven Truscott).

Presentation

- diagram or chart the investigative procedure leading to arrest or detention.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 193-211

Teacher Resource
pp. 202-206

Technology
Journey On
Lesson: CBC Archives Lesson Plans

Web Links

Steven Truscott case
www.cbc.ca
Archives

Section 2: Bringing the Accused to Trial

Specific Curriculum Outcomes

Students will be expected to

- 2.2.2 compare the rights of citizens and the responsibilities of police upon arrest or detention**

Elaborations - Suggestions for Learning and Teaching

While the first outcome focusses mainly on the physical police procedures involved once a crime has occurred, this outcome emphasizes the rights of both parties — perpetrators and lawkeepers. Police officers must follow four steps during an arrest:

- identify as police officer
- advise accused of arrest
- inform accused of charges and/or show warrant
- touch accused to indicate he/she is in legal custody

People who are under arrest are afforded three rights:

- right to legal counsel— immediately
- right to call any lawyer
- right to free legal advice from a legal aid lawyer

Students may, for example,

- create a class or group list of perceived rights of a citizen in the case of an arrest or detention. Compare with a factual list to see how many were correct.
- create a class or group list of perceived responsibilities of police in an arrest or detention situation. Compare with a factual list to determine knowledge level at this stage.
- re-create a situation involving an arrest or detention and have students role-play various parts. Intermittently change a variable in the scene to introduce a different element to the situation. Peers can direct players to follow correct procedures as the situation changes.
- create a web or visual illustrating the rights of a citizen balanced against the responsibilities of an arresting officer, and conclude by writing a speculative statement based on the outcome if either rights or responsibilities are neglected.
- role-play a citizen's arrest and discuss the rights and responsibilities involved.

Section 2: Bringing the Accused to Trial

Suggestions for Learning and Assessment

Students may, for example,

Performance

- role-play the steps of an arrest in various scenarios while peers critique for errors or omissions.

Interview

- interview a peace officer about the rights and responsibilities of citizens and police during an arrest.

Presentation

- make a chart listing the four steps that a police officer must follow in making an arrest, and the three rights afforded to citizens.
- construct a word web to illustrate the rights of a citizen and the responsibilities of an arresting officer in the event of an arrest or detention situation.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 202-211

Teacher Resource
pp. 202-206

Section 2: Bringing the Accused to Trial

Specific Curriculum Outcomes

Students will be expected to

2.2.3 identify release and pre-trial procedures

Elaborations - Suggestions for Learning and Teaching

This outcome is intended to help students understand the procedure(s) involved immediately before the accused goes to trial. It provides an opportunity for students to grasp concepts and considerations that are weighed in how an accused person is treated before the actual trial process. Included are the following:

- promise to appear
- surety
- recognizance
- bail
- show-cause
- reverse-onus

Students may, for example,

- discuss circumstances where detainees are released prior to a court appearance, and compare to circumstances whereby a detainee may not be released.
- chart the avenues of release and/or pre-trial procedures in a flowchart or cause-and-effect chart.
- view a clip of the pre-trial procedure to identify the various options open to the pre-trial judge, and then discuss the reasons for the choices made in the clip.
- read transcripts of a pre-trial procedure and discuss options and rationale for selecting one over another.
- research the pre-trial procedures of several cases to make a comparison chart showing the results and reasons for these procedures.

Section 2: Bringing the Accused to Trial

Suggestions for Learning and Assessment

Students may, for example,

Interview

- interview a police officer, lawyer, or judge (or other authority) about pre-trial procedures.

Paper and Pencil

- read case studies to determine which aspects of pre-trial release were utilized. Write brief summaries.

Presentation

- construct a chart illustrating pre-trial release procedures.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 212-213

Teacher Resource
p. 208

Supplementary Resource

Canadian Case Law Studies
[McGraw-Hill Ryerson] 2004
ISBN 0-07-095067-9 (This resource should already be in your school.)

Section 3: Trial Procedure

Specific Curriculum Outcomes

Students will be expected to

2.3.1 explain the role(s) of the court and its various officers

Elaborations - Suggestions for Learning and Teaching

This outcome is intended to reinforce student understanding of the various roles and responsibilities that are involved in a criminal court case. Students have an opportunity to broaden the views that they may already bring to the study of criminal law, and should be able to make better sense of the courtroom configuration. While certain officers or other personnel of the court are expected to be present at trials (judge, defence counsel, Crown attorney or prosecutor, court clerk, court reporter, and court security officer or sheriff), there are other participants whose roles are also significant in the justice process (duty counsel, justice of the peace, and members of the jury).

Students may, for example,

- visit a local courtroom to observe the roles played by various persons during a trial.
- sketch the courtroom and identify the various officers of the court.
- role-play a mock trial, incorporating the various roles of the court.
- write a summary paragraph describing the role(s) of the persons within the courtroom.
- view an episode of a popular television crime series (or movie) and identify the various roles portrayed during the courtroom scene. Explain why American shows and Canadian dramas may differ.
- distribute envelopes containing “role” cards and “definition” cards — have students match within a small group, with the fastest group winning.
- distribute cards as above but leave out one role card or one definition card — students must complete card correctly to win.

DEFENCE

- | |
|---|
| <ul style="list-style-type: none"> • person charged with a crime • accused • defendant |
|---|

Section 3: Trial Procedure

Suggestions for Learning and Assessment

Students may, for example,

Presentation

- create a visual illustrating the layout of a courtroom with descriptors of the various officers of the court.
- using a large display sketch of a courtroom, place markers (such as sticky-notes) in the appropriate locations of the courtroom denoting each officer of the court and his or her role.
- label a chart with the positions and duties of each officer.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 162-173

Teacher Resource
pp. 177-179, 191-192

Technology
Journey On
Lesson: Canada's Court System:
An Island Perspective

Supplementary Resources

Try Judging
Module 3: What is the Judge's Role
in the Justice System?
The Structure of Canadian Courts,
pp. 65-69
Teacher Background: pp. 78-84
Appendix C, The Role of the Courts,
p. 72

Section 3: Trial Procedure

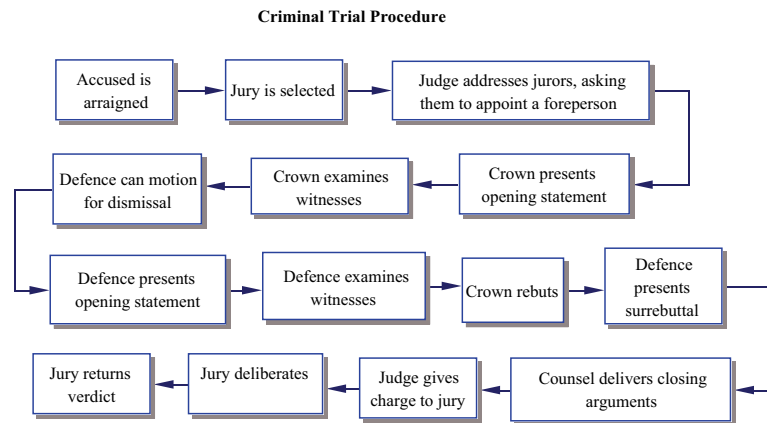
Specific Curriculum Outcomes

Students will be expected to

2.3.2 describe trial procedures

Elaborations - Suggestions for Learning and Teaching

This outcome also speaks to the integrity of the system and the principle that all persons accused deserve equal treatment. Therefore, the procedures that comprise a criminal trial must follow strict guidelines in every way. Students examine the court procedures to gain an understanding of the sequence of events and the possible options within this sequence. The criminal trial process generally involves a standard sequence of events, although sometimes certain steps may be omitted by choice of counsel, or in the case of a trial being dismissed part way through. Teachers can refer to the following flowchart:



Students may, for example,

- diagram the trial procedure by creating a flowchart or mind map.
- role-play various stages or aspects of the proceedings, such as the judge’s opening remarks or an objection raised during the trial.
- view a clip or episode of a television crime series or movie to identify the chain of events as they occur during the trial. The clip may be stopped at intervals to ask students to predict what comes next or ask why a particular event took place. Note: Remind students that Canadian and American law dramas will have some differences.
- explain the sequence of events in the trial procedure to a peer or other audience.

Section 3: Trial Procedure

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- create a diagram or flowchart of the trial process.
- create an outline that summarizes the trial procedure and exchange with a peer to assess and make corrections/additions.
- given a chart outlining only part of the court procedure, add the missing steps.
- given an incorrect outline of court procedure, make corrections.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 174-183

Teacher Resource
pp. 179-180, 191-192

Section 3: Trial Procedure

Specific Curriculum Outcomes

Students will be expected to

2.3.3 demonstrate an understanding of the types of evidence and “rules of evidence” in a criminal trial

Elaborations - Suggestions for Learning and Teaching

“Rules of evidence” include five elements that are commonly used grounds during the trial procedure to lodge an “objection.” Judges then must decide if the evidence is “admissible.” Closely associated are the types of evidence and the basis upon which evidence is admissible.

Rules of evidence include the following:

- leading questions
- hearsay statements
- opinion statements
- immaterial or irrelevant questions
- non-response answers

Types of evidence include the following:

- direct
- circumstantial
- character
- electronic surveillance
- polygraph tests
- voir-dire

Students may, for example,

- discuss situations in which the rules of evidence are employed.
- write a brief summary explaining the rules of evidence and how they may be employed during a trial.
- view a crime drama clip that includes a courtroom scene illustrating an example of the use of the rules of evidence.
- give examples of various types of evidence that may be introduced in a criminal trial.
- discuss relevant news stories pertaining to “evidence,” such as in the Air India case or other national stories .

Section 3: Trial Procedure

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- analyse a current case to determine the types of evidence that were uncovered in the investigation. Write a summary.
- follow (view a clip or read a court transcript) a trial and list the objections that were heard during the proceedings. Explain why each objection was sustained or overruled.

Presentation

- design a brochure or a multimedia presentation to explain “rules of evidence” and types of evidence.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 175-177

Teacher Resource
pp. 179-180

Assessment Master G-14
Checklist: Creating a Brochure

Supplementary Resources

Canadian Case Law Studies
[McGraw-Hill Ryerson] 2004
ISBN 0-07-095067-9 (This resource should be in your school.)

Section 3: Trial Procedure

Specific Curriculum Outcomes

Students will be expected to

2.3.4 analyse elements of the jury system, including jury selection and duties

Elaborations - Suggestions for Learning and Teaching

Prior to analysing elements of the jury system, it is beneficial to remind students of one of the fundamental responsibilities of a citizen — that of jury duty. This outcome delves into the complexities of the jury system, including qualifications and selection for duty. Students may also wish to discuss the challenges in selecting an unbiased jury in high-profile cases, or consider other difficulties involved in serving on a jury (e.g., time away from work, family). Some elements that should be analysed in pursuit of this outcome include the qualifications for jury duty (Canadian citizen, 18 years of age, resident of the province for at least a year); the exclusion of some professionals who work in the justice system, and other reasons for exemption (including religion, health, or financial difficulties). Jury selection involves six steps, including random selection of names of potential jurors from a box, followed by a process whereby jurors may be challenged or pre-empted if they are deemed biased or otherwise unsuitable. Students will be expected to analyse elements of jury selection and duty to reach conclusions about the challenges presented by this aspect of the judicial process.

Students may, for example,

- write personal definitions or create a web graphic of concepts related to a jury and compare and compile responses to create a class or group definition or web that best describes a jury and its role.
- select 12 students at random to represent a jury. Each “juror” is also given a card that states a particular fact about the person, such as “is 17 years old,” or “is a police officer”. Have each student step forward to explain his/her situation while peers decide whether or not the person can serve on a jury.
- analyse the “challenge for cause” aspect of jury selection and the difficulties encountered by both sides in the selection process.
- follow a current legal case which is about to make jury selections and predict what some of the challenges may be in the process.

Section 3: Trial Procedure

Suggestions for Learning and Assessment

Students may, for example,

Presentation

- analyse a high-profile case from the past, or a current case, to determine what challenges were/are evident in selecting a jury and what some of the challenges were/will be for the jury. Present to the class.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 171-174

Teacher Resource
pp. 179-180

BLM 7-2: Steps in Jury Selection,
p. 193

BLM 7-3: Choosing a Jury,
pp. 194-195

Section 3: Trial Procedure

Specific Curriculum Outcomes

Students will be expected to

2.3.5 describe standard defences to criminal charges

Elaborations - Suggestions for Learning and Teaching

Defences to criminal charges are critical to the principle of all persons receiving fair treatment, and to the principle that a person is presumed innocent until proven guilty. However, in many cases it may become incumbent upon the accused to provide evidence that he or she either did not commit the crime (denial), or that there was good reason for committing the act. It is then up to a judge and jury to decide whether to accept the defence or not. Below is a list of standard defences to criminal charges.

- mental disorder
- automatism
- intoxication
- self-defence
- battered woman syndrome
- defence of a dwelling
- necessity
- compulsion or duress
- provocation
- mistake of law and fact

Students may, for example,

- list and summarize standard defences, giving a fictitious example to illustrate where necessary.
- research cases to identify and describe the defence employed, along with other defences which were rejected, and why.
- sort defences on a ranking ladder or continuum-type graphic organizer according to level of difficulty (see Appendix B, Visual Organizers).

Section 3: Trial Procedure

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- analyse several different cases to determine what kind of defence was employed. Describe the defence and why it was employed.
- describe an appropriate defence for a real or fictitious case.

Presentation

- create a visual organizer, multimedia presentation, or other presentation to depict and summarize standard defences.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 250-270

Teacher Resource
pp. 245-258

BLM 10-1: Criminal Defence Survey, p. 265

BLM 10-2: Criminal Trial Report, p. 266

BLM 10-3: Newspaper Article Report, p. 267

BLM 10-4: Defences and Amendments Form, p. 268

BLM 10-5: Developing Your Knowledge of Defences, p. 269

Section 4: Sentencing

Specific Curriculum Outcomes

Students will be expected to

2.4.1 explain the objectives of sentencing

Elaborations - Suggestions for Learning and Teaching

This outcome is a means to understanding that not all sentences are alike and that there are several variations on the objective of a sentence. It is this aspect of sentencing that is misunderstood by the general public when a sentence is perceived as too lenient, for example. Another significant reality of sentencing is that the sentencing body (judge, jury, and parole board) is often bound by strict rules and regulations pertaining to the type and length of sentence. The following are the generally accepted objectives of sentences in Canadian law:

- protection of the public
- deterrence
- denunciation
- retribution
- restitution
- rehabilitation

Students may, for example,

- participate in a jigsaw activity to learn about the various rationales for sentencing. Students leave their home group to join an expert group whose focus is one objective of sentencing. Each expert then rejoins the home group to share information in forming the larger picture (see Appendix A-2, Teaching Strategies).
- research one of the objectives of sentencing, such as deterrence to present a mini-report to peers regarding the success rates related to this goal.
- discuss the merits of the various objectives of sentencing as related to specific cases.

Section 4: Sentencing

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- write a position paper on sentencing, stating your own views. Support your views with examples.
- deconstruct cases to determine why a particular sentence was handed down. Make notes to share.
- research a specific case involving a unique or controversial sentence to determine and explain the rationale for handing down the sentence.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 274-278

Teacher Resource
p. 277

Assessment Master G-17
Rubric: Position Paper

Assessment Master G-4
Checklist: Debate Evaluation

Section 4: Sentencing

Specific Curriculum Outcomes

Students will be expected to

- 2.4.2 demonstrate an understanding of types of sentencing as well as alternative justice measures**

Elaborations - Suggestions for Learning and Teaching

Sentence types cover a broad range and may incorporate more than one type, depending on the offence and the circumstances. Incarceration is extremely costly and does not always suit the circumstances. When possible, it is sometimes preferable to seek out alternative sentencing, also known as “restorative justice.” This is especially the case when youth are involved in crime. At the same time, the public may decry the supposedly light sentences imposed and put pressure on legislators to change the standard practices and rulings surrounding sentencing.

Types of traditional sentences

- discharge — absolute or conditional
- sentence — suspended, intermittent, or conditional
- restitution
- probation
- plea bargaining
- electronic monitoring
- binding-over, deportation, or fines
- suspension of privileges
- incarceration

Various diversion programs

- victim-offender mediation
- family-group conferencing
- victim-offender panels
- Aboriginal sentencing circles
- extrajudicial measures
- extrajudicial sanctions

Students may, for example,

- discuss reasons why there is more than one type of sentencing – what are the advantages and disadvantages?
- compare types of sentencing to those in another country’s system — what are the similarities and differences?
- create a visual graphic (for display in class) depicting the various types of traditional sentences and key points related to each.
- discuss how diversion (or restorative) programs differ from the traditional types of sentencing.
- create a visual graphic to depict the various alternative measures and include a key statement on each one regarding its use.
- track cases in the local newspaper or on-line to record the types of sentences that have been handed down locally for specific crimes.

Section 4: Sentencing

Suggestions for Learning and Assessment

Students may, for example,

Performance

- debate traditional versus restorative justice sentencing.

Interview

- interview a youth worker or other official in the justice department about sentencing, and share with class.

Paper and Pencil

- write a position paper on an aspect of the types of sentencing, such as traditional versus diversionary or alternate.
- research an aspect of sentencing by developing a thesis statement and then supporting it with details.

Presentation

- present a multimedia show or other graphic display to explain types of sentencing.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 281-293, 320

Teacher Resource
pp. 278-279

Assessment Master G-17
Rubric: Position Paper

Assessment Master G-4
Checklist: Debate Evaluation

Assessment Master G-13
Rubric: Interview

Assessment Master G-2
Rubric: Research Report

Section 4: Sentencing

Specific Curriculum Outcomes

Students will be expected to

2.4.3 demonstrate an understanding of release procedures

Elaborations - Suggestions for Learning and Teaching

This outcome focusses on the various release procedures that exist in Canada's correctional system. An individual's release may take the form of parole or conditional release. According to the National Parole Board, parole and conditional release are "among the most controversial and misunderstood areas of Canadian criminal justice" (*Myths and Realities*, NPB). Parole decisions are not made lightly, and many factors are taken into consideration. Although the public view of parole is sometimes a negative one, research has proven that it is the most effective means of integrating an offender back into society with the help of support programs. Although parole may be considered a form of conditional release, the latter includes other types of release as well, including work release, statutory release, and temporary absences. A pardon may also be a component of the release procedure. When an offender is pardoned by the Solicitor General of Canada, his or her record remains intact, but is set aside. Clemency, also known as "Royal Prerogative of Mercy," is reserved for exceptional cases and can only be granted by Cabinet or the Queen's representative, the Governor General.

Students may, for example,

- invite a member of the National Parole Board to speak to the class about how parole decisions are made.
- research a case and role-play a parole hearing.
- research criteria by which an observer may apply to attend a parole hearing.
- research the current debate surrounding the time interval between parole hearings for convicted killers. Currently, parole hearings for convicted killers are held every two years. Some proponents of parole reform are proposing that the interval be increased to five or even ten years to allow families of victims a longer reprieve from the stress endured during parole hearings for the killers of their loved ones.
- research on-line articles about parole, and Canadian cases in *Macleans* magazine, and write or give a brief oral presentation about what you have learned about Canada's parole and release procedures.
- research cases involving pardons (Royal Prerogative of Mercy) and create an information pamphlet to explain aspects of pardons.
- discuss why the National Parole Board incorporates requested changes into their hearing procedures (e.g., seating circles, or Aboriginal smudging ceremonies). How has the traditional setting changed? How might these changes benefit the offender? Why do you think the NPB has gone this route?

Section 4: Sentencing

Suggestions for Learning and Assessment

Students may, for example,

Performance

- role-play a parole hearing which uses a traditional format or incorporates a circle format.

Paper and Pencil

- write a journal entry about proposed parole reform, including the reasons for proposed reform, and how it might benefit families of victims.

Presentation

- present, orally or visually, findings from research conducted into parole and pardons.
- debate pros and cons of issuing pardons using specific examples, if possible.
- create a multimedia presentation to share information on parole and pardons.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 297-301

Web Links

[www.npb-cnrc.ca/victims/
ParoleHearingFacts_e.htm](http://www.npb-cnrc.ca/victims/ParoleHearingFacts_e.htm)

[www.thecanadianencyclopedia.
com/](http://www.thecanadianencyclopedia.com/)

Search: *Maclean's*
keyword: parole

[www.justice.gc.ca/en/news/nr/
1997/rtrpm.html](http://www.justice.gc.ca/en/news/nr/1997/rtrpm.html)

[www.npb-cnrc.gc.ca/infocntr/
factsh/royal_pre.htm](http://www.npb-cnrc.gc.ca/infocntr/factsh/royal_pre.htm)

Section 4: Sentencing

Specific Curriculum Outcomes

Students will be expected to

2.4.4 demonstrate an understanding of Canada’s correctional system

Elaborations - Suggestions for Learning and Teaching

Canada’s correctional system has experienced many developments and changes over the years. In the beginning, the system was synonymous with incarceration and/or punishment, and provided little or no support for offenders exiting the system. In contemporary times, the correctional system in Canada still makes use of incarceration, but also uses alternatives to punishment, and provides support and rehabilitative programs for offenders, including community support for offenders re-entering society. This outcome asks students to examine various aspects of the correctional system, including diversionary programs and measures aimed at respecting cultural differences.

Students may, for example,

- use an Anticipation Guide or other pre-reading to stimulate discussion and activate prior knowledge regarding Canada’s correctional system (see Appendix D 2-4, Teacher-made materials).
- create a graphic organizer to compare provincial correctional systems with the federal correctional systems.

Systems	
Provincial	Federal
closed protective → open → custody	maximum medium → minimum → security

- list various correctional programs available to offenders and discuss how these may assist an individual in re-entering society.
- research the costs associated with incarceration and write a position paper on whether tax dollars should be invested into more lock-up facilities or into more social programs.
- write a fictional story of a character who goes through the correctional system. Include rehabilitative measures, incarceration, special programs, release conditions, or any other common measures that might be realistic for someone in this situation.
- invite a member of the National Parole Board to speak to the class.
- read a biography of a Canadian inmate and share the story with classmates as a discussion starter regarding Canada’s correctional system.

Section 4: Sentencing

Suggestions for Learning and Assessment

Students may, for example,

Presentation

- present a research project based on the Canadian correctional system.
- create a multimedia presentation comparing aspects of Canada's correctional system with that of another country.
- design, for the general public, a brochure on parole.
- research Aboriginal justice issues and incarceration rates in Canada and present findings in a format of any choosing (e.g., multimedia, poster, paper, oral presentation).

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 290 - 301

Web Links

www.history-histoire.csc-scc.gc.ca/index_e.shtml

www.publicsafety.gc.ca/prg/cor/acc/about-en.asp

www.csc-scc.gc.ca/text/prgrm/correctional/abissues/know/10_e.shtml (Demographic Overview of Aboriginal Peoples in Canada and Aboriginal Offenders in Federal Corrections)

Assessment Master G-14
Checklist: Creating a Brochure

Assessment Master G-7
Rubric: Oral Presentation

Section 5: Youth and Law

Specific Curriculum Outcomes

Students will be expected to

2.5.1 explain changing attitudes over time toward the treatment of young offenders

Elaborations - Suggestions for Learning and Teaching

This outcome asks students to explore and reflect upon changing attitudes within society—in this case, attitudes toward young people and how they and their actions are viewed in today’s world. Students will realize that vast shifts in thinking have occurred over the years, and that the legal system has had to re-evaluate how it treats young people who commit offences. Students will learn that young offenders, even children as young as seven years, were once treated as adults. They will learn that society’s views shifted to seeing a young offender as someone lacking guidance and therefore requiring training. Views have changed over time and current attitudes involve having young offenders take responsibility for their actions.

Students may, for example,

- participate in a Think-Pair-Share activity to brainstorm reasons why the treatment of youth who commit crimes has changed over time. Share ideas with the rest of the class in deciding what are the main factors in this paradigm shift (see Appendix A-1, Teaching Strategies).
- discuss how the media plays a role in portraying the actions and attitudes of youth today to the general public, and explain the impact of these messages.
- write a journal entry based upon personal observations or thoughts about changing attitudes toward youth in society.
- interview family members (parents and/or grandparents) about how youth were regarded and treated in “their” day. How were young offenders treated at that time? What has changed? How have their own views changed?

Section 5: Youth and Law

Suggestions for Learning and Assessment

Students may, for example,

Performance

- debate whether the media portrays a fair or unfair image of youth in today's society, and how this portrayal may affect policy on young offenders.

Paper and Pencil

- write a journal entry based on how society views its youth now compared to in earlier times.
- write an editorial based upon the power of mass media in portraying an image of a segment of society (e.g., youth) and discuss how this impacts public attitude.
- write a response or create an artistic impression of Pierre Berton's poem "Requiem for a Fourteen-Year-Old," which is based upon the Steven Truscott story. Conclude with a statement on how public views have changed (or not) since that period (see Appendix C-10, Teacher Background).

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 306-314

Teacher Resource
p. 297

Assessment Master G-9
Rubric: Assessing an Editorial

Assessment Master G-4
Checklist: Debate Evaluation

Assessment Master G-11
Rubric: Essay

Section 5: Youth and Law

Specific Curriculum Outcomes

Students will be expected to

2.5.2 compare the provisions of the Juvenile Delinquents Act, the Young Offenders Act, and the Youth Criminal Justice Act, and current or proposed legislation

Elaborations - Suggestions for Learning and Teaching

Over time, in Canada, many changes have taken place in the legal system with regard to the treatment of youth who commit offences. The three main documents showing these changes in legislation are the Juvenile Delinquents Act (1908), the Young Offenders Act (1984), and the Youth Criminal Justice Act (2003). Students explore and compare the provisions of all three acts to draw conclusions about the evolving nature of youth offenders and the legislation that has been drafted to address this sector of society. This is an opportune time to follow current news items related to the demands for more changes to the Youth Criminal Justice Act, (YCJA), Canada’s most current legislation.

Students may, for example,

- use a chart format such as the sample below to gather information related to each Act.

Juvenile Delinquents Act 1908
<i>To whom did it apply?</i> runaways children who skipped school children considered unmanageable
<i>What was the basis of the Act?</i> deviant behaviour blamed on poor upbringing
<i>What was the “treatment”?</i> training schools
<i>Why was the Act rejected or changed?</i> welfare approach not working powers of police and judge seen as too broad
<i>How long was the Act in effect?</i> 76 years

- collaborate within a pair or group to write a summary statement about changes in youth legislation over the course of Canadian history, showing how past legislation compares to that of today.

Section 5: Youth and Law

Suggestions for Learning and Assessment

Students may, for example,

Performance

- create a role-play of a fictional character who exists through time, showing how he or she is treated as a young offender in different time frames? Portray this through actions or as a tableau (freeze frame).

Paper and Pencil

- create a time line that illustrates the changes in treatment of young offenders over time.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 308-313

Teacher Resource
p. 313

Assessment Master G-4
Checklist: Debate Evaluation

Section 5: Youth and Law

Specific Curriculum Outcomes

Students will be expected to

- 2.5.3 identify special rights and protections currently provided to young offenders upon arrest and detention, during trial, and with respect to dispositions and alternative measures**

Elaborations - Suggestions for Learning and Teaching

Historically, since the acceptance of the UN Universal Declaration of Human Rights (1948), and with Canada's own efforts in entrenching the Charter of Rights and Freedoms (1982), the rights of children and youth have gained a higher profile. This outcome is intended to help students understand the special circumstances and sensitivities that are considered in the treatment of young offenders. Separating youth from adults in the treatment of offences is a socially acceptable practice as research has proven that there are good reasons for doing so. Special rights or protections for young people include certain options available to law enforcement officers at the time of an arrest. Other special considerations include the right to have a parent present during questioning, rights related to the admissibility of evidence, and a ban on the publishing of names or pictures in order to protect the identity of the youth. Youth programs offered during custody are also aimed at protecting and aiding youth who offend.

Students may, for example,

- discuss the assumption of “incapacity of children” as it relates to criminal behaviour and *mens rea*. How do the authorities deal with children under the age of 12 who commit crimes?
- discuss the added protections afforded by the Youth Criminal Justice Act that enhance the rights of young people as already set out in the Charter of Rights and Freedoms.
- list and discuss the options that are available to arresting officers in a case involving a youth offender.
- discuss various scenarios that may occur in the sentencing of a young offender (include youth sentence, secure custody, open custody, supervision order, youth worker) and the factors that are taken into consideration during deliberations (the extent to which the youth was involved in the crime, the harm imposed, previous crimes, reparations made, detention already spent, and the content of the victim impact statement).
- interview a youth worker, probation officer, or other official within the justice system to gather research data for a presentation. Prepare questions in advance to stay focussed.

Section 5: Youth and Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- analyse a case involving a young offender to determine what special protections and rights were utilized from beginning (arrest) to end (sentencing). Write a summary.
- write a fictional case to illustrate the use of several special youth rights and protections as they exist in the Canadian system.
- analyse a case scenario to determine which sentence would best suit the crime/offender, and rationalize.
- write a journal entry to explain why a ban on the publication of names is one of the fundamental protections afforded to a child/youth involved in criminal behaviour — either as a perpetrator, or as a victim. Agree or disagree with this practice.

Presentation

- create a visual or multimedia presentation to explain the special protections and rights afforded to young offenders within the Canadian system.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 315-327

Teacher Resource
pp. 301-307

Assessment Master G-13
Rubric: Interview

Section 5: Youth and Law

Specific Curriculum Outcomes

Students will be expected to

2.5.4 assess the validity of treating young offenders differently from adults

Elaborations - Suggestions for Learning and Teaching

The special treatment afforded to young offenders continues to be the focus of this outcome. In this case, students are asked to consider and then assess the validity of providing special status for youth who offend. Students should reflect upon the implications of actions and decisions made by youth — for the victim(s), the community, the system, the future of the youth and his/her family. In some areas, it may be possible to access a young adult who is willing to talk to the class about his or her experiences as a former young offender, and who would be able to respond to questions from the class. (Keep in mind that this may be a sensitive issue/area and that it is best to check with public agencies such as CLIA for suggested speakers.)

Students may, for example,

- invite a guest to class who can speak to the young offender experience and respond to questions.
- invite a youth worker to speak to the class regarding their experience with young offenders.
- in groups, students can create a chart showing the differences in treatment of a youth and an adult under current legislation, and the difference without current legislation. Conclude the exercise with each group writing a positional statement about the validity of treating young offenders differently than adults, and compare the groups' statements.

Treatment of Offenders

Youth	Adult

- debate the issue of whether young offenders should be treated differently than adult offenders. Assign Pro or Con sides to student teams and allow time to form arguments and prepare for rebuttals.

Section 5: Youth and Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- write a follow-up report based on a presentation by a guest speaker who has worked with youth in the justice system.
- write a position paper arguing the validity of special supports and protections for youth when they offend.
- compare Canadian law with that of another country to illustrate similarities or differences in how young offenders are treated and sentenced. Conclude with a statement assessing the validity of Canada's treatment of young offenders.

Presentation

- create a dual sided visual, such as a flowchart, to compare the legal process involving a youth with the process involving an adult. Add a summary statement explaining the rationale for different treatment.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 315-327

Teacher Resource
pp. 301-307

Assessment Master G-17
Rubric: Position Paper p. 91

CLIA - Community Legal Information Association (P.E.I.)
www.cliapei.ca

Web Links

www.cbc.ca
Search Education and Archives
Steven Truscott

Unit 3: Civil Law

Unit 3: Civil Law

Overview

Unit 3: Civil Law introduces students to laws that affect private individuals and the procedures that they, as private individuals, may face in the civil justice system. Students will understand the difference between public and private law, examine the concept of “torts”, and consider the remedies and defences available to litigants within the civil system. The suggested time allotment for this unit is 20% of total course time.

Specific Curriculum Outcomes

Section 1: Understanding Civil Law

Civil law is a branch of law that allows people to settle disputes of a private nature — private citizen versus private citizen, or private citizen versus a company. The most significant difference between criminal and civil law is that the latter seeks to provide compensation rather than punishment for a wrong. Civil law is generally considered to be derived from two sources — tort law and contract law, although it also addresses issues related to families, wills and estates, property, and employment. This unit examines the various types of civil laws and types of torts, as well as the processes that are followed in pursuing remedies.

Students will be expected to

- 3.1.1 distinguish between civil and criminal matters and different types of civil law
- 3.1.2 contrast civil court procedures with criminal court procedures

Section 2: Understanding Torts

In the previous section, students learned the fundamental differences between criminal law and civil law. This section serves to deepen the knowledge and understanding of the area of law known as “tort law.” Some students may draw meaning from the term “tort” based upon their prior knowledge of the French term “tort” meaning “wrong.” Torts, in a legal context, refer to the “wrongs” which are inflicted upon another person in either an unintentional manner (e.g., accidental injury or death) or in an intentional manner (e.g., assault, property damage, libel). In this section, students will gain a deeper understanding of the concept of torts, different types of torts, and responsibilities associated with torts.

Students will be expected to

- 3.2.1 demonstrate an understanding of torts and purposes of tort law
- 3.2.2 distinguish between intentional and unintentional torts
- 3.2.3 demonstrate an understanding of the three categories of torts—negligence, intentional, and strict liability
- 3.2.4 explain various types of special liability

Section 3: Remedies and Defences

Remedies and defences in civil law are similar yet different from those in criminal law. Students have already learned the fundamental differences between criminal law and civil law, and this section will enable them to build upon that knowledge. The section explores the unique elements within civil cases and the range of remedies and defences that may apply within any case.

Students will be expected to

- 3.3.1 describe remedies available for victims of civil wrongdoing
- 3.3.2 identify specific defences to various torts
- 3.3.3 apply their understanding of tort law to specific cases

Section 1: Understanding Civil Law

Specific Curriculum Outcomes

Students will be expected to

3.1.1 distinguish between civil and criminal matters and different types of civil law

Elaborations - Suggestions for Learning and Teaching

This outcome is intended to introduce students to the characteristics that separate civil law from criminal law. Upon examining various cases, they will be able to distinguish the factors that make a case either criminal or civil, and determine where, in some cases, the categories overlap. While many civil cases fall into the area of tort law, whereby a person seeks compensation for being wronged, there are also civil cases involving contracts, families, wills and estates, property, and employment. Because it is important for students to understand the difference in terminology used in civil and criminal law, an initial discussion of terms may be helpful.

Students may, for example,

- brainstorm situations to elicit responses as to why one case may be described as civil while another falls into the criminal category.

Civil	Criminal
Customer accident in a restaurant	Hit and run accident
Employer/employee dispute	Employee theft
Property damage at a party	Malicious damage to property

- compare the terms “guilty” and “not guilty,” used in criminal court, to their civil court counterparts “liable” and “not liable.” How are they similar and different?

Section 1: Understanding Civil Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- using previously unseen cases, classify each case as civil or criminal and identify the type of civil law involved.

Presentation

- create an information brochure intended to inform the general public about the differences between civil law and criminal law.
- create a multimedia presentation which could serve as an educational presentation to the public regarding the similarities and differences between civil and criminal law.

Portfolio

- create a scrapbook or portfolio containing well-known civil cases, and include a brief summary that explains why a specific case has become notorious or special.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 337-339

Teacher Resource
p. 331

Assessment Master G-5
Rubric: Visual Display

Assessment Master G-14
Checklist: Creating a Brochure

Supplementary Resources

Erin Brockovich (video/DVD)
A Civil Action (video/DVD)

Canadian Case Law Studies
[McGraw-Hill Ryserson] 2004
ISBN 0-07-095067-9 [This resource should already be in your school]

Section 1: Understanding Civil Law

Specific Curriculum Outcomes

Students will be expected to

3.1.2 contrast civil court procedures with criminal court procedures

Elaborations - Suggestions for Learning and Teaching

While court proceedings are similar in criminal and civil cases, there are some differences in approach and terminology. A fundamental difference in the two is in the “burden of proof.” Whereas in a criminal case the onus is on the Crown to prove the guilt of a defendant “beyond a reasonable doubt,” civil courts operate differently. In this case, it is up to the plaintiff and the defendant to prove that his or her own version of the story is the most believable.

Students may, for example,

- make a comparison chart to illustrate the differences between criminal and civil court proceedings (Criminal Procedure, p.183 of the text).
- create a flowchart showing the procedures involved in a civil court, and compare it to one created for outcome 2.3.2 (Criminal Procedure).
- make a comparison of other terms or phrases that have similar but different meaning in the two courts:
 - litigation/litigants
 - perpetrator versus plaintiff
 - accused versus defendant
 - beyond a reasonable doubt
 - burden of proof versus balance of probabilities
 - damages versus sentencing

Section 1: Understanding Civil Law

Suggestions for Learning and Assessment

Students may, for example,

Performance

- describe orally, in writing, or graphically, the procedures that apply to civil cases, and compare them to procedures in criminal cases.

Presentation

- create a poster or other visual organizer to explain the procedures followed in a civil courtroom and compare them to procedures used in criminal cases.
- create a comparative graphic to show the similarities and differences between a civil procedure and a criminal procedure.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 337-345

Teacher Resource
pp. 331, 348-349

Section 2: Understanding Torts

Specific Curriculum Outcomes

Students will be expected to

3.2.1 demonstrate an understanding of torts and purposes of tort law

Elaborations - Suggestions for Learning and Teaching

In the opening outcome for this section, students use their prior knowledge and critical-thinking skills to work toward a firm understanding of the concept of “torts.” Fundamental to this understanding is an appreciation of the intent and purpose of the remedies behind tort law and how these may differ from criminal law.

Students may, for example,

- write a personal definition of “tort” prior to class discussion to establish the level of understanding within the class. Invite students to share their definitions (if they wish) and to construct a collaborative definition which may serve as a starting point for discussion. Compare with definitions from other sources, such as dictionaries.
- deconstruct a “found” or “researched” definition of “torts” to its main components to form an understanding of the concept.
- consider how an action may be a tort at the same time that it is a crime. Discuss with a partner, then share with small groups or within the class. Use case examples to support discussion.
- create a comparison chart, such as a T-Chart to illustrate how the purpose(s) of tort law differ(s) from those of criminal law. Alternatively, students may wish to approach the comparison from the perspective of similarities and differences (see Appendix B-11, Visual Organizers).

Section 2: Understanding Torts

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- write a paragraph (or page) to explain what the law of torts means and why it is an important part of our legal system.
- collect several news stories involving tort cases and write a brief summary for each, explaining how the law served or did not serve its purpose.
- collect a number of cases that are both criminal and civil cases, and provide a brief summary explaining the outcome of each case under both forms of law.

Presentation

- use a cause/effect chart to illustrate how tort law serves the public.
- contrast tort law with criminal law to explain how each is important and how each serves a specific purpose. Present to the class.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource

pp. 366-375, 390-391

Teacher Resource

pp. 355-357, 359-361, 387

Section 2: Understanding Torts

Specific Curriculum Outcomes

Students will be expected to

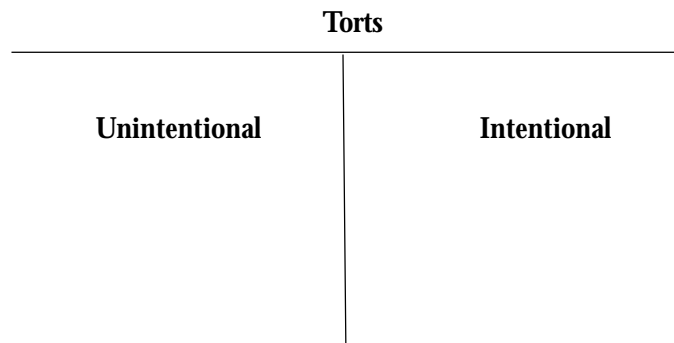
3.2.2 distinguish between intentional and unintentional torts

Elaborations - Suggestions for Learning and Teaching

An understanding of the law of torts includes knowing the difference between “intentional” and “unintentional” acts of wrongdoing, and the elements that define the boundaries of each. Students will be expected to clarify the meaning behind “intentional” and “unintentional” torts and to apply this knowledge to everyday cases in private law.

Students may, for example,

- use a Think-Pair-Share strategy to brainstorm possible scenarios or cases that would illustrate both intentional and unintentional acts of wrongdoing, including the types of personal injury or loss that might occur from such actions (see Appendix A-1, Teaching Strategies).
- use an organizational chart to create a list of intentional and unintentional torts by using newspaper clippings, online case studies, or other sources of case examples.



- analyse, with teacher help, some of the preceding cases to determine the nature of the tort involved.

Section 2: Understanding Torts

Suggestions for Learning and Assessment

Students may, for example,

Performance

- present orally to the class a case analysis involving two cases, one an unintentional tort and the other an intentional tort.

Paper and Pencil

- analyse cases to ascertain whether they should be classified as intentional torts or unintentional torts.

Presentation

- create a display (multi-media, visual, or written) to illustrate the difference between intentional and unintentional torts.
- design a mind map or concept web to show your understanding of intentional and unintentional torts (see Appendix B 1-10, Visual Organizers).

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 366-367, 390-391

Teacher Resource
pp. 376-377, 387

Section 2: Understanding Torts

Specific Curriculum Outcomes

Students will be expected to

3.2.3 demonstrate an understanding of the three categories of torts — negligence, intentional, and strict liability

Elaborations - Suggestions for Learning and Teaching

Torts can be further analysed by type. Certain elements determine the responsibilities of the parties involved, where fault may lie, how much fault may be apportioned to a party, and other aspects of a case that should be considered. This outcome delves further into the broad subject of torts to examine the three categories of negligence, intentional torts, and strict liability.

Stage 1: Duty of Care
[e.g., neighbour principle, foreseeability]

Stage 2: Standard of Care
[e.g., reasonable person, specialized standard of care, liability insurance]

Stage 3: Causation
[e.g., cause-in-fact, apportionment]

Students may, for example,

- discuss the term “negligence” and actions that may be considered negligent, such as in a baby-sitting scenario where a baby-sitter chats on the phone while ignoring the children in his or her care. Brainstorm similar scenarios that might be familiar in an everyday setting, such as a sports venue or school.
- create a graphic organizer such as a mind map to illustrate the three factors in determining negligence, and any concepts or terms that are associated with a particular stage (see above).
- consider and discuss within small groups how “intent” changes the nature of a tort in which a person is injured or endures a loss of property or enjoyment of property. Complete a table such as the one below to organize and summarize the principle types of intentional tort. Sub-categories, such as sexual assault or medical battery, may be added as understanding grows.

Intentional Torts Summary

Assault - threat of physical or bodily harm
Battery -
Trespass -
Defamation -

Section 2: Understanding Torts

Suggestions for Learning and Assessment

Students may, for example,

Performance

- present orally a brief mini-lesson on the three categories of tort law — negligence, intentional, and strict liability.

Paper and Pencil

- classify case examples by category — negligence, intentional, and strict liability.
- write a fictional news article about a particular case that falls under tort law using concept terms within the article to explain the circumstance and the likely outcome.
- create a point-form argument either for or against “strict liability” as it may pertain to a real or fictional case.
- research the special circumstances that are associated with “strict liability” and discuss why this category of tort exists. Using one example (such as the case of owning a dangerous animal) create a scenario that would involve a tort and explain how a court might view the case. Discuss the accepted notion that, in the area of strict liability, damage is sufficient grounds to determine liability except in the case of an “Act of God”.

Situation	Who is Responsible	Why

Presentation

- create a graphic organizer or other means to illustrate the key elements of the three categories of tort law: negligence, intentional, and strict liability (see Appendix B, Visual Organizers).

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 367-375, 390-400

Teacher Resource
pp. 359-361, 376-378,

Section 2: Understanding Torts

Specific Curriculum Outcomes

Students will be expected to

3.2.4 explain various types of special liability

Elaborations - Suggestions for Learning and Teaching

Within of tort law and negligence there are several different types of “special liability” that are often fundamental considerations in determining fault and responsibility. These include liabilities related to products, occupants (homeowners), hosts, automobiles, and people who are not directly involved in a tort but who may be found negligent vicariously. This outcome examines the aspects of liability that fall within these areas.

Students may, for example,

- use a jigsaw activity to learn the various aspects involved in other areas of liability. Students leave their home group to join an expert group that has been assigned one of the areas of liability, such as “Host Liability.” Using small group discussions and jot notes, students become experts in an assigned topic and then return to the home group to share acquired knowledge. The home group can organize information by using written notes or a visual organizer which can be used for later reference or as a learning aid (see Appendices A-Teaching Strategies, and B-Visual Organizers).
- analyse cases that fall into the special liability area to determine which category is appropriate per case and why.
- in groups, create a role-play or situational scene that can illustrate the basic elements of a particular type of liability in tort law.

Section 2: Understanding Torts

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- examine specific case studies to determine the type of special liability that is involved. Write a brief summary statement for each case.
- using a specific case as a template, change some of the key details that might lead to a different determination of liability.
- write a journal entry to respond to the following proposition, stating why you support or do not support it in terms of “special liability”.

Parents should be held responsible for the actions of their children.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 375-380

Teacher Resource
pp. 360-363

Section 3: Remedies and Defences

Specific Curriculum Outcomes

Students will be expected to

3.3.1 describe remedies available for victims of civil wrongdoings

Elaborations - Suggestions for Learning and Teaching

Within civil law a variety of remedies are available to plaintiffs, some of a monetary nature, and others of a non-monetary nature. This outcome focusses on the difference between monetary and non-monetary remedies, and examines how guidelines provided by established law in Canada may be applied to determine which is appropriate in a given situation. Pecuniary damages refer to awards that are monetary in nature and may be determined by such factors as an injured individual's loss of future income. Non-pecuniary awards, on the other hand, involve losses of a non-monetary nature, such as pain and suffering. These awards are particularly difficult to assess and may include the following:

- punitive damages
- nominal damages
- specific performance
- injunctions
- special damages

Students may, for example,

- define “pecuniary” and “non-pecuniary” damages and cite an example for each category. Consider the process of establishing awards under each category and write a summary statement to explain.
- write a response to the following by agreeing or disagreeing with the statement and using supporting details or examples:

Canada's establishment of a cap on compensation for damages (currently at \$280,000) is a logical decision that shows money can not fully compensate for certain losses in life.

- create a visual organizer or an information pamphlet to explain the main elements of alternative types of damages, including punitive, nominal, specific performance, injunctions, and special damages.

Section 3: Remedies and Defences

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- examine case studies to determine whether the damages awarded fall into the “pecuniary” or “non-pecuniary” category, and explain why.

Presentation

- create a brochure or other form of informational text that serves to explain the various types of damages, such as punitive, nominal, specific performance, injunctions, and special damages.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 350-357

Teacher Resource
pp. 333-335

Assessment Master G-8
Rubric: Creating a Pamphlet

Assessment Master G-14
Checklist: Creating a Brochure

Section 3: Remedies and Defences

Specific Curriculum Outcomes

Students will be expected to

3.3.2 identify specific defences to various torts

Elaborations - Suggestions for Learning and Teaching

Defences are integral to the civil law process and can vary depending upon the circumstances. Defences differ according to whether the case involves a matter of intentional or unintentional tort. Students should keep in mind that one of the basic assumptions in civil law is the “balance of probabilities” that will determine the judgment of the case. A defendant may be able to successfully argue his or her side of a case using any one of the accepted defences. In pursuit of this outcome, students will examine common defences in both categories of tort law. See chart below.

Defences

Unintentional (Negligence)	Intentional
<ul style="list-style-type: none"> - did not owe a duty of care - met the standard of care - acts did not cause damage - contributory negligence - voluntary assumption of risk - inevitable accident - Act of God - explanation - statute of limitations 	<ul style="list-style-type: none"> - consent - self-defence - defence of a third party - legal authority - statutory authority

A charge of defamation of character might give rise to a different type of defence.

Defamation of Character

- truth
- fair comment
- absolute privilege
- qualified privilege

Students may, for example,

- discuss how “self-defence” may be an accepted form of defence in a case involving an intentional tort. Provide examples of how this might occur.
- research other forms of defence and create a table to illustrate whether the defence falls into the category of “negligence” or “intentional” tort. In pairs or small groups discuss the key elements of each defence, and give an example of a situation in which the defence may be presented.

Section 3: Remedies and Defences

Suggestions for Learning and Assessment

Students may, for example,

Performance

- prepare a statement of defence for a given case (previously unseen).

Presentation

- analyse cases to determine what type of defence is being presented for each. Create a graphic organizer, such as a poster, to categorize the cases according to the defence used.
- prepare and present a role-play that illustrates one type of defence in civil law.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource

pp. 381-384, 401-404, 406-408

Teacher Resource

pp. 363-364, 390-393

Assessment Master G-15
Rubric: Role Play

Section 3: Remedies and Defences

Specific Curriculum Outcomes

Students will be expected to

3.3.3 apply their understanding of tort law to specific cases

Elaborations - Suggestions for Learning and Teaching

At this stage, students will be familiar enough with the elements of tort law to be able to apply their knowledge to either real or fictional cases. In deconstructing cases, students will be able to identify the key elements that are considered in a civil case, and in constructing arguments and defences, students will use their knowledge of these elements to see a case through.

Students may, for example,

- examine selected clips from a television series that present a defence, and identify the category of tort law and the defence used in each case.
- deconstruct selected case studies to identify key elements of tort law (categories, remedies, and defences).
- create a “Torts” section for a portfolio or scrapbook based upon a collection of cases (either real or fictional). Each case should demonstrate a different aspect or element of tort law (category, remedies, defences). See Appendix D-1, Teacher-Created Materials.
- given a description of a civil lawsuit, prepare a defence and/or a remedy that would be appropriate for the case.
- examine the following statement taken from Section 89(1) of the Indian Act and write a brief explanation regarding the implications of this statement in civil litigation.

...the real and personal property of an Indian or a band situated on a reserve is not subject to charge, pledge, mortgage, attachment, levy, seizure, distress or execution in favour or at the instance of any person other than an Indian or a band.

Section 3: Remedies and Defences

Suggestions for Learning and Assessment

Students may, for example,

Performance

- prepare and present a mock civil trial involving a real or fictional tort law case. Each individual maintains a portfolio or journal to document his or her role in the trial.

Paper and Pencil

- analyse several different cases involving tort law and categorize according to type of tort.
- explain why traditional defences and remedies may not be appropriate in cases where the litigants are Aboriginal.
- using Section 89(1) as a basis, suggest alternatives to resolving litigation against Aboriginal respondents.

Portfolio

- create case profiles for several civil law cases summarizing the type of tort involved, defences presented, and remedies recommended, as well as any special circumstances surrounding the case. Add to student/course portfolio.

Resources and Links

Law in Action: Understanding Canadian Law

Teacher Resource

pp. 403-404 (cases), 397-398

Web Links

Mini Mock Trial Manual

www.ccle.fourh.umn.edu/mock3.pdf

**Unit 4:
Inquiry-Based Learning
in other Areas of Law**

Unit 4: Inquiry-Based Learning in Other Areas of Law

Overview

Unit 4: Inquiry-Based Learning in Other Areas of Law

This unit provides an opportunity for students to explore other areas of interest within the field of law. Teachers are encouraged to incorporate inquiry-based learning through an independent study project. Teachers may choose to focus the independent study assignment on one specific area of law, or allow students to select an area of interest. The onus should be on the student to formulate an essential question or thesis statement to be addressed in his/her study. Teachers may need to guide students initially in formulating questions, then allow personal interests and natural curiosity to shape the process. Students will research current issues in one chosen area, and the completed project will be one of the products used for evaluation purposes.

This unit should be introduced early in the semester, preferably after the foundation unit. Students should be expected to follow a standard research process, although the end products could be any of a variety of formats (such as an oral presentations, visual presentations, Web sites, mind maps and concept maps, written reports, or other teacher-approved projects). Teacher-librarians will be able to assist students in following proper research techniques. The suggested time allotment for this unit is 5-10% of total course time.

Research Process and Skills

Inquiry-based learning has many advantages for students. Research has shown that students benefit from participating in a process that draws upon their innate curiosity and asks them to acquire, investigate, process, and interpret information that leads to new understanding and knowledge. The research process that students are encouraged to follow in Unit 4 will ask them to consider questions about particular topics. Formulating an essential question about a topic ensures that research is restricted to a particular area, and helps the student avoid the problem of topical research, where only superficial and discrete bits and pieces of information are acquired and presented as an end-product. Critical thinking and analysis of information is the aim of research at the grade 11 academic level. Following a standard research process, which includes evaluation and documentation of resources, is an essential part of the process.

Although the research process may vary slightly amongst subject areas, generally the process involves steps such as 1) formulating a thesis statement or essential question; 2) acquiring information sources; 3) organizing information (and evaluating sources of information); 4) analysing and interpreting information; and 5) presenting or sharing the response to the initial question in a format such as a research paper or other form of presentation. Students at this level must be aware of the pitfalls of plagiarism, and teachers must emphasize zero tolerance for this illegal practice. Skills to consider during research for this unit should include some of the following:

Selection and Utilization of Resources

- preparing a research question or thesis statement and identifying a range of resources
- generating a variety of search terms to locate information related to the topic
- recognizing the difference between primary and secondary sources of information
- selecting appropriate resources using the school's automated database
- accessing and navigating on-line periodical databases such as EbscoHost
- locating and utilizing traditional and digital reference resources such encyclopedias, thesauri, case studies, legal documents, historical documents, and indexes

Comprehension, Study, and Literacy

- skimming to select relevant information for the research purpose
- paraphrasing and summarizing information
- recording and organizing information into notes, outlines, or graphic organizers
- evaluating sources for bias, credibility, accuracy, and validity
- preparing an outline to organize information
- utilizing proper citation formats, within the text and in a bibliography

Production and Presentation

- selecting an effective format for sharing information (this may be teacher-directed)
- ensuring neatness and formatting of text
- providing clear and concise information, whether written, oral, or in digital format

Unit 4 Specific Curriculum Outcome: Conduct research into a selected area of investigation within one of the following law fields. (See Inquiry Model, Appendix C-11, Teacher Background.) Some suggestions are provided to guide inquiry. However, other topics may arise as well.

Family Law

- explain the difference between common-law relationships and marriage, and the legal implications of both
- examine the legal processes involved in separation and divorce
- examine the issues related to child/spousal support and child custody
- examine children’s rights within the family — child protection and adoption

Contractual Law

- identify the essential elements and types of contracts
- analyse issues regarding validity of contracts
- outline the processes and remedies available for breach of contract

Aboriginal Law

- analyse legal issues surrounding the Indian Act (1876) and the Constitution Act (1982) for Aboriginal peoples
- identify unique circumstances that may exist within civil or criminal law cases involving Aboriginals
- describe the cultural and legal distinctions among Canada’s Aboriginal peoples
- evaluate the legal impact of Aboriginal rights and treaty rights

International Law

- examine international institutions (e.g., NATO, UN)
- explain how International Law is made and applied
- examine the role of international courts (e.g., Nuremberg Trials, International Court of Justice)
- examine international co-operation in relation to global justice issues — terrorism, extradition, POWs, U.S. and Canadian “no-fly” lists

Immigration Law

- chart the immigration process as defined by immigration law, including the appeal process
- examine the important role of immigration in the development of Canada, in the past and for the future

Environmental Law

- explain the purposes and types of environmental protection laws in Canada and the areas of jurisdiction for federal, provincial, and municipal governments
- evaluate the effectiveness of environmental laws in protecting natural resources, including national parks, endangered species, forests, fish, and water, and in preventing various types of pollution

Employment Law

- examine common law and the statutes that govern employment, including wages, hours, and working conditions
- analyse issues relating to employment, such as discrimination, hiring practices, equity, harassment, and unions

Consumer Law

- research the purposes and types of consumer protection laws in Canada, including areas of jurisdiction for federal, provincial, and municipal governments
- evaluate the effectiveness of consumer protection laws in Canada, including the Food and Drugs Act, the Hazardous Products Act, and laws related to packaging and labelling

Media and Internet Law

- examine the role of law as it pertains to Internet activity, including copyright, commerce, and freedom of speech
- analyse the limitations of Canadian law as it relates to Internet activity

Appendix

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Appendix A

Teaching Strategies

A-1 Think-Pair-Share

A-2 Jigsaw

A-3 Placemat

Think-Pair-Share

Purpose:

This strategy allows time for students to think and discuss ideas before having to share publicly. It is important for teachers to allow enough “think” time for students to come up with thoughts and ideas that are relevant and insightful. This strategy works well for inquiry type questions that require critical and creative thinking as well as questions regarding controversial subjects that may have many varied responses.

Method:

Teacher poses a question such as “Why do we need laws?” and asks students to pair up for a few minutes in order to brainstorm ideas and discuss briefly. Pairs will then be asked to share with the rest of the class to compare ideas and add to the class collection of ideas.

Variations:**Think-Pair-Square**

Students pair up to discuss ideas but then instead of sharing with the entire class, each pair links up with another pair to create a “square” for sharing.

Sketch-Pair-Write-Pair-Share

This variation may be used to ask students to explore concepts that require a more visual means of expressing ideas such as describing a courtroom layout or as a planning tool for a concept or mind map.

Jigsaw

Purpose:

This strategy provides an efficient way to cover several concept areas in a certain amount of time by making each student responsible for becoming an “expert” in one particular area and then accountable by sharing with his or her “home” group so that the entire group can collect the “expertise” and form a collective understanding of new material.

Method:

Students are divided into groups, usually 4-5 per group depending upon the number of concepts to be presented. Explain to students that each will become an “expert” in one particular area and then must return to his or her home group to “teach” the concept to his or her group mates. The home group is then responsible for organizing the collected information into a cohesive presentation or system to be shared. Time allowed depends on the complexity of the concepts and the makeup of the class.

In the case of learning new material regarding the roots of law, for example, students may be divided into groups representing 1) Code of Hammurabi; 2) Mosaic Law; 3) Greek Law; 4) Roman Law; and 5) Justinian’s Code. If there are more than 5-6 concepts it is better to break the jigsaw up into two or more sessions in order to avoid information overload.

Example - Roots of Canadian Law:

Class of 30 students =

6 “home” groups of 5 students: ABCDE

5 “expert” group of 6 students:

AAAAAA group = Code of Hammurabi

BBBBBB group = Mosaic Law

CCCCCC group = Greek Law

DDDDDD group = Roman Law

EEEEEE group = Justinian’s Code

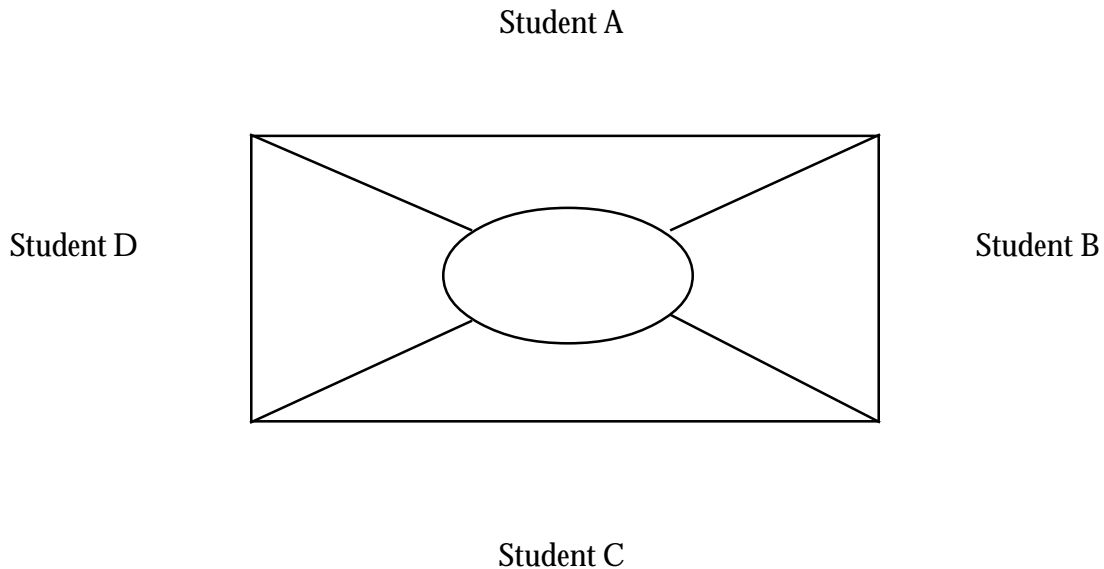
Placemat

Purpose:

This teaching strategy encourages small group discussion while maintaining individual accountability. Similar to a Think-Pair-Share strategy in the sharing of ideas, the Placemat strategy goes a step beyond in having students write down ideas and then critically analyzing these in order to select the most appropriate ones to form the group's response. Groups can then share their responses with other groups within the classroom.

Method:

Students are divided into groups of four at a table and provided with a "placemat" organizer (see below). Given a particular task such as determining criteria by which an activity is deemed illegal behaviour, each student in the group of four jots his or her ideas within the 1/4 space allotted. When time is up (at the discretion of the teacher), students discuss the group's collective ideas and select the best ones to be recorded in the centre circle of the placemat. Structured comparisons with other groups may ensue, or a whole-class discussion.



Appendix B

Visual Organizers

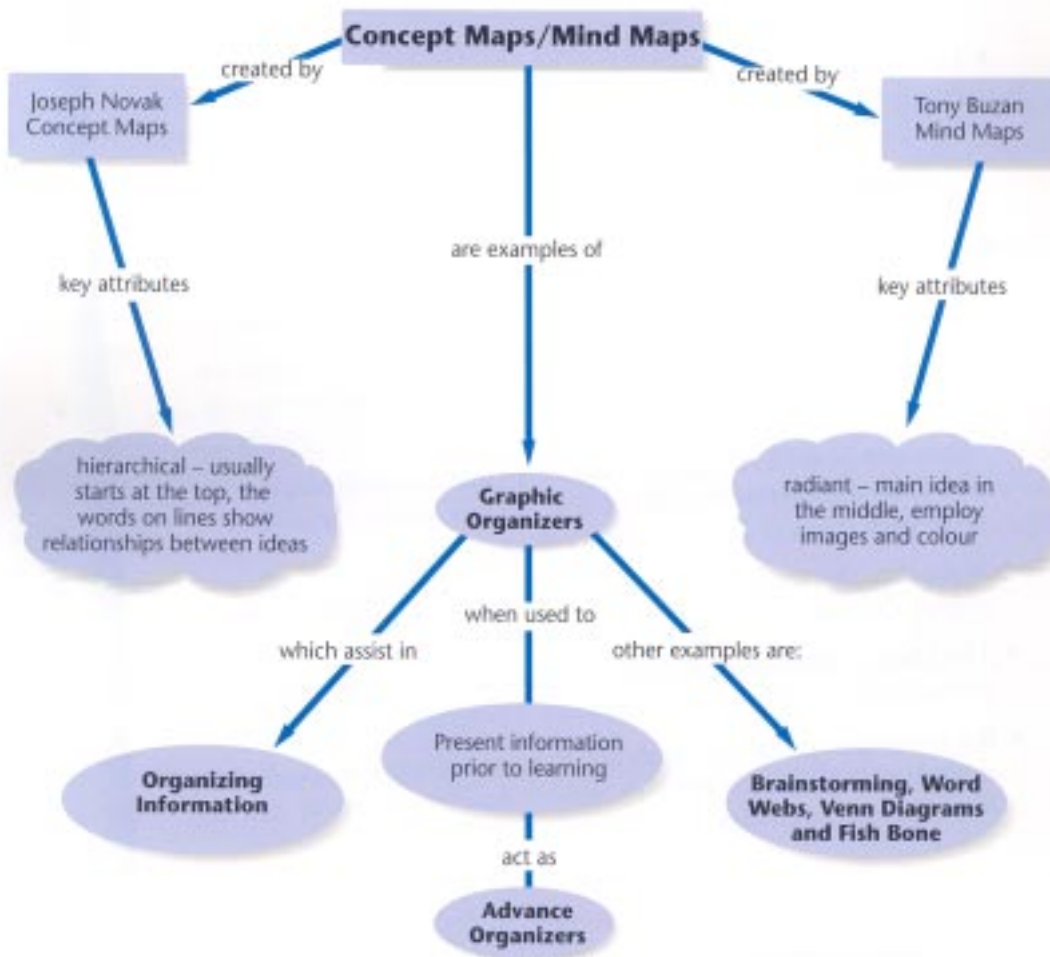
- B-1 Complex Organizers
- B-2 Similarities and Differences
- B-3 An Explanation of Mind Mapping
- B-4 Steps for Creating a Basic Mind Map
- B-5 Sample Rubric for Evaluating a Mind Map
- B-6 Sample Mind Maps
- B-7 An Explanation of Concept Mapping
- B-8 Steps in Creating a Basic Concept Map
- B-9 Sample Rubric for Evaluating a Concept Map
- B-10 Sample Concept Maps
- B-10a Sample Inspiration Concept Map -
Canadian Law Classifications
- B-11 T-Chart
- B-12 Ranking Ladder
- B-13 Continuum and KWL Chart

N.B.

Visual organizers (B-1 to B-10) in Appendix B are used with permission from the following instructional resource: Bennett, B, & Rolheiser, C (2001). *Beyond Monet: The Artful Science of Instructional Integration*. Toronto: Bookation Inc. Check your school library or the professional development section of your school for the complete resource.

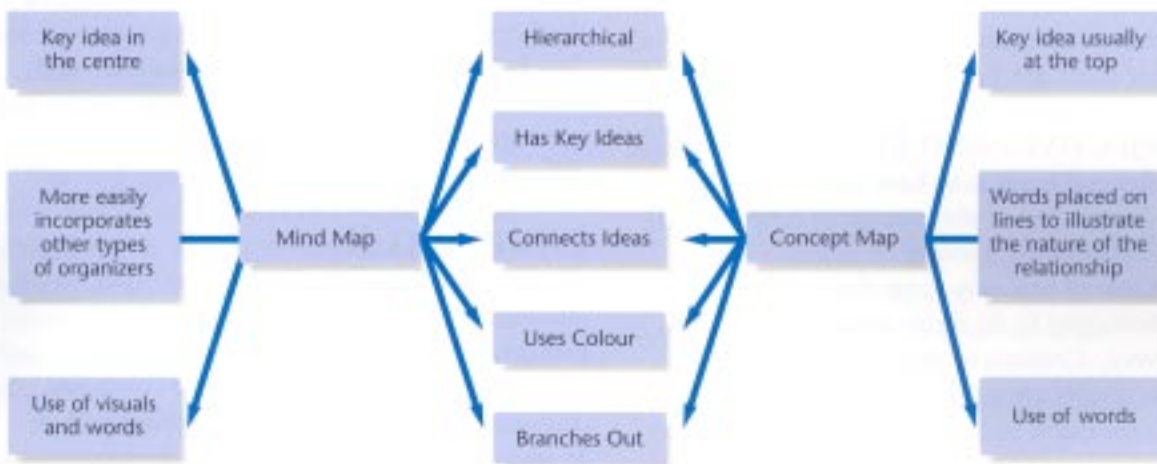
Chapter Ten

Complex Organizers: Mind Mapping and Concept Mapping





Mind Maps and Concept Maps: Similarities and Differences



On the following three pages are two lessons that incorporate one of each of these processes. You do not see the product; rather you see how the process is woven into the lesson.



An Explanation of Mind Mapping

We strongly recommend Tony Buzan's (1993) book, *The Mind Map Book: Radiant Thinking*. It is an excellent and colourful resource for taking you deeper into the Mind Mapping process. It also provides numerous examples of Mind Maps. Buzan makes connections to the literature related to brain research and learning. He sees Mind Mapping as a natural function of the human brain.

Another useful book is Nancy Margulies' (1991) book, *Mapping Inner Space*. This book illustrates practical ways to get started. The ideas provided in both are essential - Buzan's book provides an in-depth explanation of the process while Margulies' book provides a useful introduction regarding how to start.

Mind Mapping is an analytical process that involves creatively integrating a combination of visuals, colour, codes, words, and connectors. It can be employed as a method to take notes, to study before an exam, to brainstorm, or make connections between ideas. It can be extended with little effort to be an alternative way of applying Hilda Taba's Inductive Thinking model of teaching (see Chapter 9). Additionally, several high-school English teachers have students employ Mind Maps to collect and portray their arguments when involved in Academic Controversy (explained in Chapter 11).

Buzan states that Mind Maps have four essential characteristics and several non-essential characteristics. We would argue that

colour is also a critical attribute rather than non-essential. Our rationale is the mind processes and is intrigued by colour.

ESSENTIAL:

1. a central image that represents the subject being mapped
2. main themes that radiate like branches from that central image
3. those branches have a key image or key word printed on an associated line
4. the branches have a connected structure

NON-ESSENTIAL:

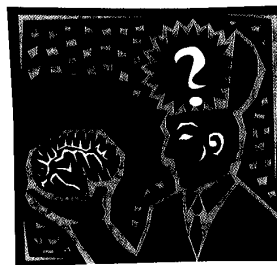
1. colour
2. codes

RATIONALE: Mind Maps enhance the brain's capacity to store and recall information.

Because it uses visuals and colours, it provides a novel and interesting way to make sense of

something the student is learning. It can be a motivating way for students to summarize a unit on a Friday afternoon when things are dragging and a bit of a "pick-me-up" is required. One enjoyable example of integration is to weave the Johnsons' Cooperative Learning process (explained in Chapter 7) with Buzan's Mind Mapping process to have a small group create a Mind Map. The lesson on heroes later in this chapter illustrates this integration.

Also, students can employ Cooperative Learning structures such as Gallery Tour and Three-Step-Interview to explain the major messages in their Mind Map.





Steps in Creating a Basic Mind Map

MATERIALS: Each student or group of students will need a sheet of paper and coloured pens or crayons. The size of paper will depend on the topic, the time, the amount students know, and what you are going to do with the Mind Maps. You can also have students cut and paste pictures from magazines instead of (or along with) their drawings.

SIZE: If the Mind Map is to be a poster for sharing, the size will be different than if it is to serve as notes and placed in a binder for review before a test. We saw a Mind Map that took up the complete wall of the classroom and evolved over the year—it served as an ongoing summary of the students' learning in a middle-school English class.

The following steps are only suggestions; feel free to add, adapt, or extend to make it responsive to your students' needs. Remember that when you do this with a partner, you are attending to five of the eight intelligences identified by Howard Gardner, as well as the brain's propensity for creating patterns and its need for talk.

1. **Select a topic** (for example “the heart” or “factoring” or “poetry” or “democracy”).
 - Think of a visual that captures the essence of that topic and place that visual in the centre of the paper using colours that will assist you to remember that idea. For example, in a kindergarten class, the students did a Mind Map of the story “The Billy Goats Gruff.” They put a picture of the bridge in the middle.



Steps in Creating a Basic Mind Map:

2. **Brainstorm for the key ideas related to that topic.**
 - Record all the ideas that come to you - this can be personal or group brainstorming. Now you can simply pick out the most important ideas that will branch out first or you can group those ideas into common categories - give each of those categories a label and then those become the first key ideas.
 - Draw a picture or symbol that represents each of the key ideas you brainstormed. Then position those visuals that make sense to you around the outside of the visual you placed in the centre of the map. Put in the key word and then connect the key words to the centre topic with a line or bubbles.
 - Flow with ideas radiating out from each of those key ideas; again, think of visuals that capture the essence of that idea and place them in a way that makes sense to you. Then, place the word by the visual. Again, connect with lines.
 - Continue until you have exhausted the topic, the space, the time, or your patience.
3. **Reflect with a partner or with small groups or with the class —perhaps a Three-Step-Interview or Gallery Tour.**
 - In your mind or with a partner, talk through the journey you took to conceptualize the key ideas related to the topic. Explore the relationships between different aspects of the map.

Beyond Monet / Barrie Bennett / Carol Rolheiser



Sample Rubric for Evaluating a Mind Map

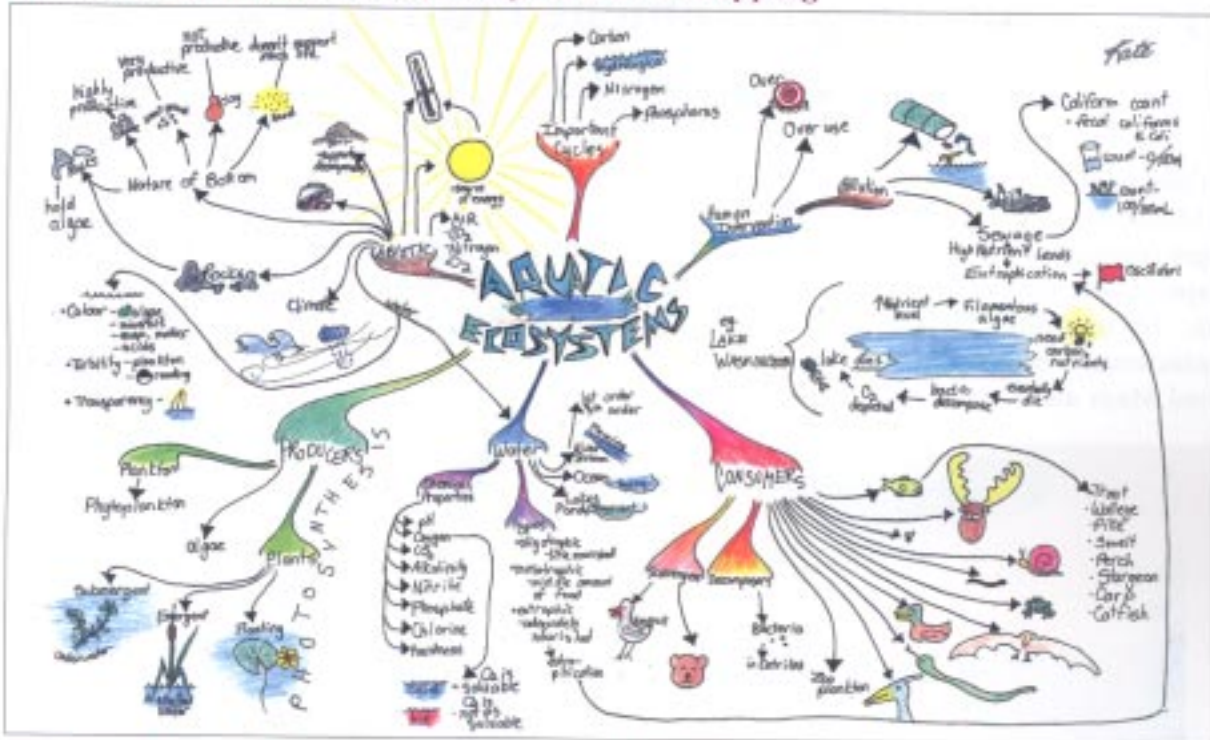
Rubric for Mind Map Performance Levels

CRITERIA	PERFORMANCE INDICATORS (Observable descriptors indicating extent to which a criterion is met.)			
	Level 1	Level 2	Level 3	Level 4
Central Image	Not clear; difficult to separate from other information	Present; not eye catching or memorable	Clear; use of picture or image that relates to key idea	Stands out; meaningfully grasps the key idea through metaphor or humour
Ideas radiate out from central image and from most to least complex	Little to no indication that ideas are connected to and radiating out from centre, from most to least complex	Ideas radiate out from centre, some confusion as you follow ideas moving from most to least complex	Ideas clearly connect to central image and ideas, and for the most part move from most to least complex	Ideas clearly connect to central image and ideas consistently and accurately shift from most to least complex
Ideas have key images or key words	Little to no evidence of key images. May have a few keywords or vice-versa	Images and keywords are evident, but either too few or imprecise	Images and key words clearly show an understanding of the content, although not that memorable	Dynamic use of images and keywords. They clearly connect to central image. See use of metaphor, humour, cut-outs from magazines, clipart, etc.
Colour or codes or links used to illustrate connections between ideas	Little to no use of colour, codes, or links to illustrate connections between ideas	Obvious attempt is made to use colour, codes or links to enhance clarity and memory. Still a bit confusing.	Clearly uses colour, codes, or links to clarify connections and to assist with memory for most aspects of Mind Map	Effectively uses colour, codes, or links to meaningfully clarify connections for all aspects of Mind Map
Depth of coverage	Insufficient coverage of content covered	Shows a basic level of coverage of key ideas but little extension of ideas	Shows a solid grasp of most of the content and shows extensions of most key ideas	Shows a solid grasp of all the content covered. Extensions of the key ideas show a deep understanding of that content

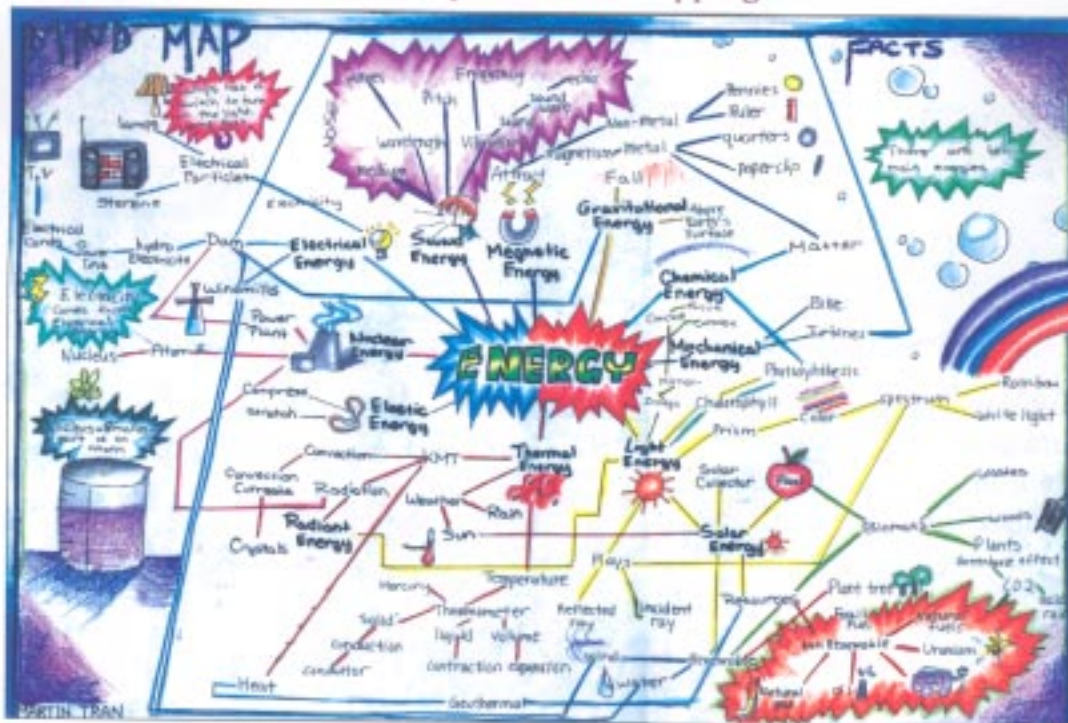
Note: this is one teacher's suggestion for evaluation – please feel free to design your own or adapt this one.

Appendix B-6: Visual Organizers

university student's second attempt at Mind Mapping



grade eight student's second attempt at Mind Mapping





An Explanation of Concept Mapping

Although we provide you with an introduction to Concept Mapping, as stated previously, we recommend that you read Novak's and Gowan's (1984) book, *Learning How to Learn*. As well, you may want to read articles related to Concept Mapping to assist you in taking the process deeper. Chapter Two in the book *Probing for Understanding* by Richard White and Richard Gunstone (1992) provides a useful and detailed explanation of the process with a number of student examples of Concept Maps.

EXPLANATION: A Concept Map is a visual representation that illustrates how one understands relationships between concepts. Those concepts could be any combination of things, people, ideas, arguments, solutions, places, etc. Concept mapping serves to move the learner from simply recalling facts to making the linkages or relationships between those facts. It encourages more complex and meaningful thinking. Below are the essential characteristics of a Concept Map.

ESSENTIAL:

1. Start with a major term or idea from which the next term or idea extends either in a hierarchical or radiating format — Concept Maps usually start at the top.
2. Shift is from a more complex to less complex idea or major idea to minor idea. It often ends with an example.
2. Connecting line is drawn between concepts.
3. Linking words are placed on the lines stating the relationship between concepts
4. Cross links between one segment of the concept hierarchy or classification and another

NON-ESSENTIAL:

1. Colour to clarify segment areas or ideas that relate. This is useful when the use of connecting lines makes it confusing to follow the relationships.
2. Examples of the concept being presented. This adds meaning, communicates that the student understands the concept and aids in retention of the information.

Who can use Concept Maps? Like Mind Maps, Concept Maps can be used by students of all ages (kindergarten to adult learners — although younger students will need more help). For more in-depth information on younger students, see Stice (1987). This educator examined the potential of using Concept Maps with kindergarten to grade five students. With older students, teachers often employ Concept Maps as alternatives to essays or as organizers for essays.

Like Mind Maps, Concept Maps (often called semantic maps) increase students' abilities to organize and represent their thoughts. Initially, Concept Mapping was associated primarily with metacognition and science. More recently, it has been applied to reading comprehension as it helps the learner activate and retrieve prior knowledge. In one of our doctoral classes (a research colloquium on current brain research) large concept maps were created to facilitate the synthesis of each book and to find connections and patterns between books.

Jeni Wilson (1987) in her article on Concept Mapping, argues that although Concept Maps are personal, peer discussion is extremely worthwhile for assisting students to verify, clarify, and extend their graphic representation.





Steps in Creating a Basic Concept Map

The steps are similar to those of Mind Mapping. Before we describe the steps, we will review the four major differences between Mind Maps and Concept Maps.

First, Concept Maps usually start at the top, but can begin at the bottom or sides or in the centre; whereas Mind Maps begin in the middle and radiate out.

Second, Concept Maps employ words on the lines between concepts to illustrate the link between those concepts. Mind Maps usually do not.

Third, Concept Maps seldom employ colour; Mind Maps usually employ colour.

Fourth, Concept Maps seldom employ visuals; Mind Maps employ visuals. You can see that these two processes can be easily integrated.

MATERIALS: Each student or group of students will need a sheet of paper and coloured pens or crayons. The size of paper will depend on the topic, the time, the amount you know, and what you are going to do with it.

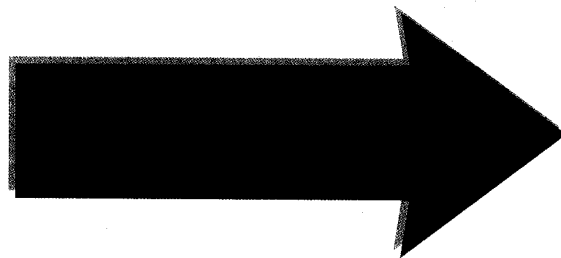
SIZE: If the Concept Map is to be a poster to be shared, the size will be different than if it is to serve as notes and placed in a binder for a review before a test.

The following steps are only suggestions, feel free to add, adapt, or extend to make Concept Mapping responsive to the students' needs. Remember that when you do this with a partner, you are attending to five of the eight intelligences identified by Howard Gardner, as well as the brain's propensity for creating patterns and its need for talk.



Steps in Creating a Concept Map:

1. Brainstorm (individually or in a group) the key ideas. So if you are studying energy, you might introduce the unit by creating a class Concept Map of the students' current understanding of energy. The result might be items such as: solar energy, nuclear energy, electrical energy, nuclear waste, global warming, sun, solar heating, gas, oil, pollution, fossil fuel, etc.
2. Students put the ideas onto cards or post-it notes. (Students enjoy manipulating the data.) Once the ideas are on cards, they can begin to sort and classify these cards, looking for relationships between ideas. If working alone, they can work for a few minutes, and then do a Walk-About to see how others are sorting the cards.
3. The students can now paste or transfer the ideas onto a piece of paper. They then draw lines between the concepts and place words on the lines that illustrate their thinking about the relationships between the concepts. They will have to decide whether they want to create a hierarchical Concept Map or a more radiant Concept Map (similar to Mind Mapping).
4. Students also look for cross links between different concepts.





Sample Rubric for Evaluating a Concept Map

Performance Levels

Performance Indicators	Level 1	Level 2	Level 3	Level 4
Concepts	<ul style="list-style-type: none"> Insufficient number of concepts selected relating to topic Arrangement of concepts illustrates no understanding of conceptual relationships 	<ul style="list-style-type: none"> Minimal but acceptable number of concepts selected, with some relationships to the topic Arrangement of concepts demonstrates simple understanding of subordinate conceptual relationships 	<ul style="list-style-type: none"> Most concepts relating to topic were selected Arrangement of concepts demonstrates an understanding of subordinate conceptual relationships 	<ul style="list-style-type: none"> Most concepts and all significant concepts selected and they clearly relate to the topic Arrangement of concepts demonstrates complete understanding of subordinate conceptual relationships
Hierarchical Structure	<ul style="list-style-type: none"> Concepts are displayed in a linear sequence. Little or no sense of hierarchical structure 	<ul style="list-style-type: none"> Limited hierarchical structure used 	<ul style="list-style-type: none"> Concepts connected in a hierarchical structure 	<ul style="list-style-type: none"> Concepts connected in a hierarchical structure leading to more specific concepts
Linkages	<ul style="list-style-type: none"> Some basic relationships indicated by connected lines Linking words are simple and repetitive 	<ul style="list-style-type: none"> Straightforward relationships connected with linking words Linking words show variety 	<ul style="list-style-type: none"> Most relationships indicated with a connecting line and labeled with linking words Linking words are accurate and varied 	<ul style="list-style-type: none"> All relationships indicated by a connecting line and accurately labeled with appropriate linking words Linking words are expressive and purposeful
Cross Links	<ul style="list-style-type: none"> Cross links not used 	<ul style="list-style-type: none"> Few cross links are used to illustrate minimal connections 	<ul style="list-style-type: none"> Cross links used to reflect straightforward connections 	<ul style="list-style-type: none"> Cross links show complex relationships between two or more distinct segments of the concept map

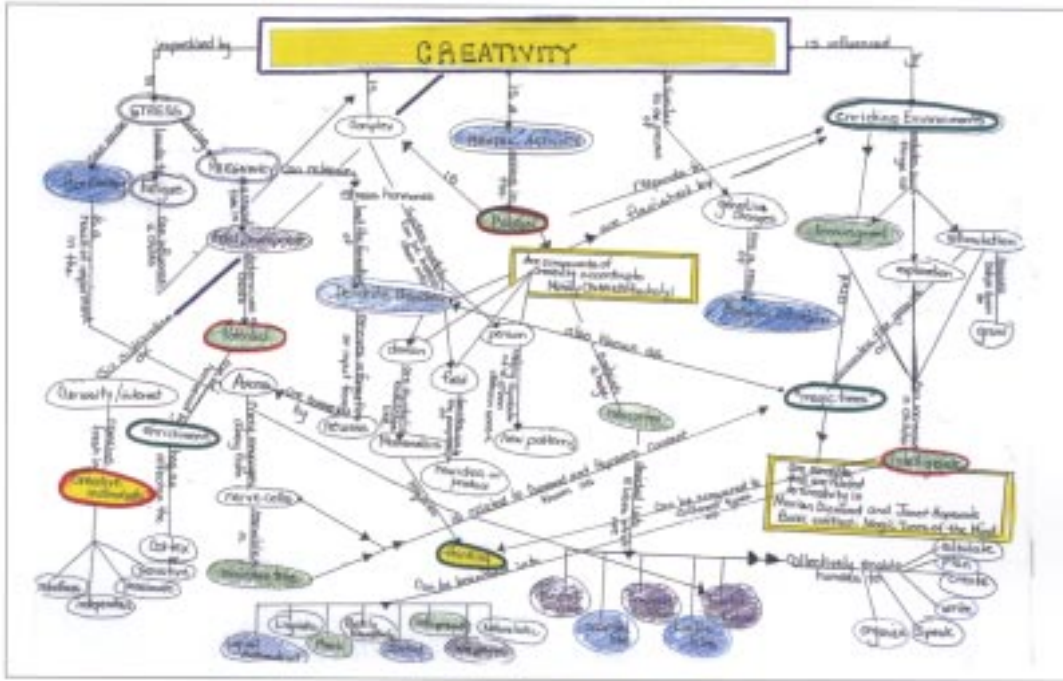
Designed by: Shirley Smith, Bev Elaschuk

Feel free to adapt this rubric or create your own.



Concept Maps

university student's first attempt at a Concept Map

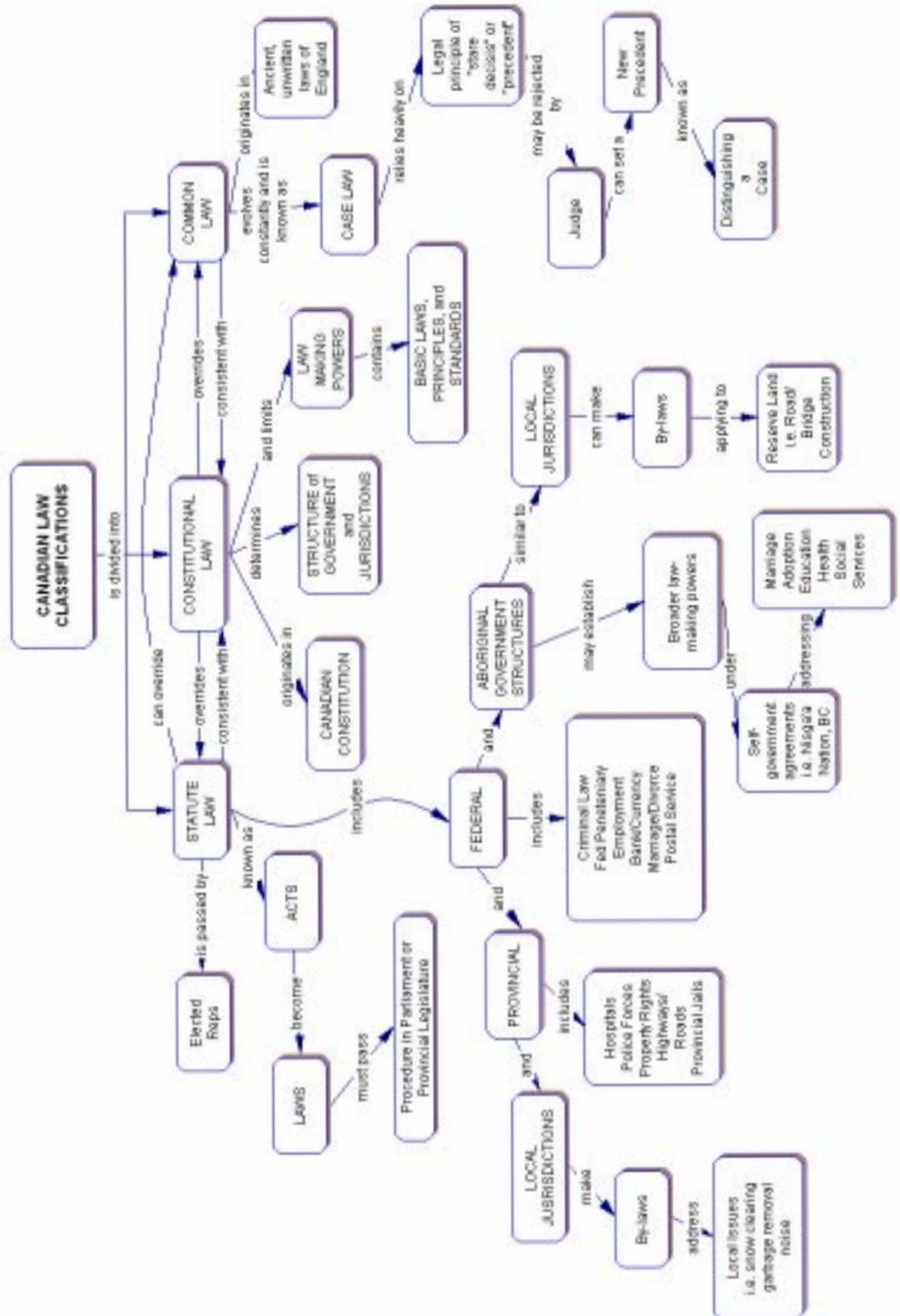


grade four's first attempt at a Concept Map



Appendix B-10a

Sample Concept Map Using Inspiration Software

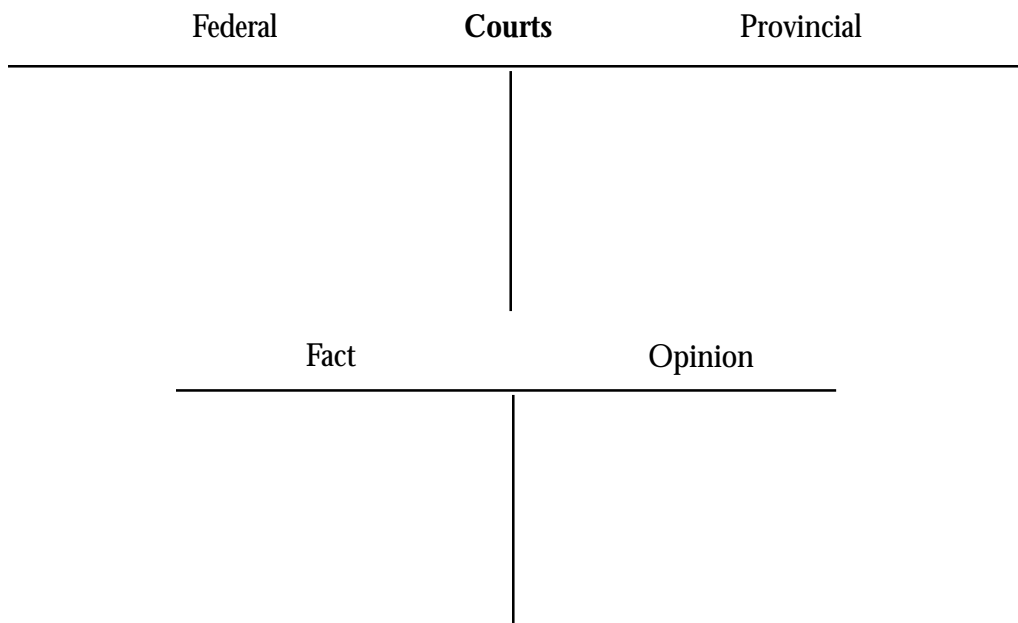
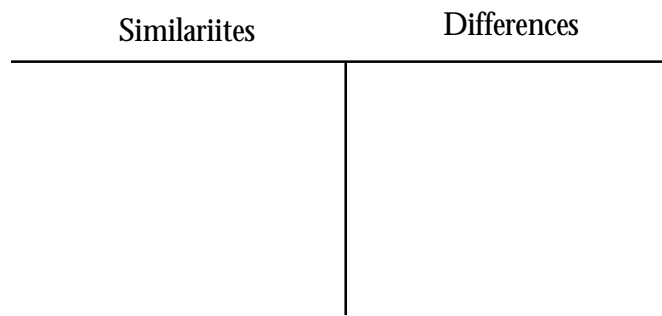
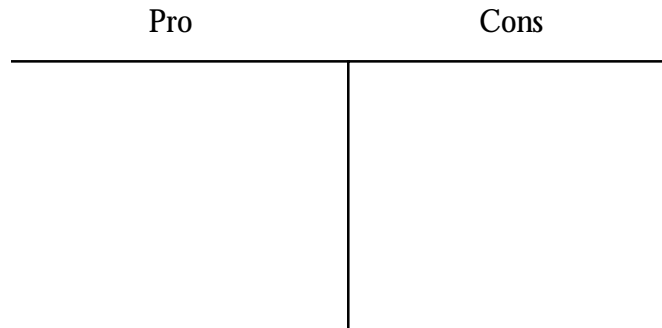


Appendix B-11: Visual Organizers

T-Chart

Purpose:

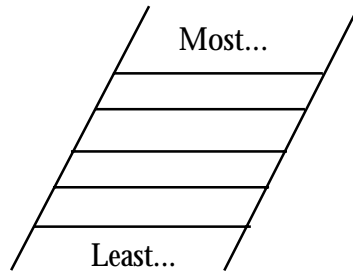
This organizer is used to examine or compare dual side of an issue or two aspects of a concept such as similarities and difference.



Ranking Ladder

Purpose:

This organizer provides a means to ranking ideas or concepts according to a given criteria: importance, relevance, probability, significance, or other means.

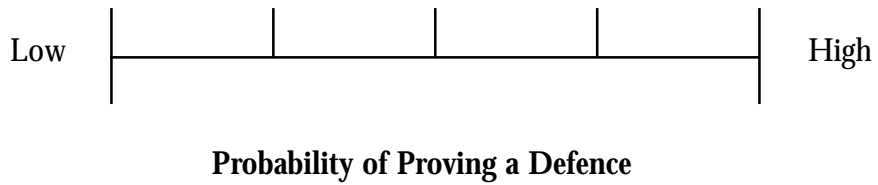


Appendix B-13: Visual Organizers

Continuum

Purpose:

Similar to the ranking ladder, this organizer can be used in a variety of ways. It is useful in creating time lines, sequences, rating scales, or opinion scales. It is important to consider the criteria that will form the ends of the line.



KWL

Purpose:

Use the KWL chart as a pre-lesson activity or as a diagnostic tool to determine the level of knowledge of a particular topic or concept. Students jot notes as to what they already KNOW, and what they WANT to know, and later - what they have LEARNED about a particular area.

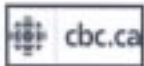
K	W	L

Appendix C

Teacher Background

- C-1 CBC Archives - George Erasmus
- C-2 Ottawa discriminates...
- C-3 Top Court...
- C-4 PEI adopts...
- C-5 Human Rights in Canada
- C-6 Securing the Vote
- C-7 Married Women
- C-8 Time Portal
- C-9 Dealing with ...
- C-10 Berton Poem
- C-11 Inquiry Model (Unit 4)





- News
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CBC Archives Home

CBC Archives

A Accessible version

Home > Politics and Economy > Georges Erasmus: Native Rights Crusader

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Georges Erasmus: Native Rights Crusader



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TOPIC INDEX

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ON THIS DAY

GREAT INTERVIEWS INDEX

CBC *Days to Remember*

For Teachers

Georges Henry Erasmus has a dream: Self-government for the native peoples of Canada. The charismatic native leader has devoted his life to fighting tirelessly for the right of his people to control their own lives and the land they live on. From his early days as the president of the Dene Nation or as the co-chair of the historic Royal Commission on Aboriginal Peoples, Erasmus has never swayed from his vision. It's a dream that has yet to be fully realized.



Educational
Georges Erasmus

1 Our home and native land



Erasmus debates the importance of self-rule for native peoples. (TV; runs 9:48)

2 Hail the new chief!



Erasmus is elected National Chief of Assembly of First Nations in a tight race. (Radio; runs 2:05)

3 No deal!



Another constitutional conference fails to reach a deal on native sovereignty. (Radio; runs 5:10)

4 GREAT INTERVIEWS
Deal with us now or suffer the consequences!



A frustrated Erasmus warns of inevitable violence. (TV; runs 6:30)

5 Nothing to celebrate



Erasmus wonders why native peoples should honour Canada's 125th. (Radio; runs 2:05)

6 Abandoning neutrality



Erasmus condemns Catholic Church's support of the government's hearing for the Royal Commission on Aboriginal Peoples. (Radio; runs 2:05)

Ottawa 'discriminates' in same-sex pension payments: court

Last Updated: Thursday, March 1, 2007 | 11:25 AM ET
CBC News

The Supreme Court of Canada has ruled that denying Canada Pension Plan benefits to some surviving partners of same-sex relationships is discriminatory and unconstitutional under the equality provisions of the Charter of Rights and Freedoms.

The ruling was in response to a class action challenge to Ottawa's policy of denying same-sex survivors' benefits to people whose partners died before 1998. That date was set when Parliament passed legislation in 2000 that broadened benefit rights for gay couples.

The petitioners had also been seeking retroactive payment of all benefits not paid, but the Supreme Court ruled against this, saying surviving partners from gay unions were entitled to 12 months of benefits after the death of a same-sex spouse but no more.

The ruling said there was no evidence that Ottawa was acting in bad faith by denying benefits to some surviving members of same-sex relationships. It also noted granting retroactive benefits could impose undue financial burdens on the Canada Pension Plan and encroach upon the rights of Parliament to pass legislation and set limits on government payments.



George Hislop, right, seen here with lawyer Douglas Elliott in 2001, didn't live to see the Supreme Court rule in his favour.
(Aaron Harris/Canadian Press)

Toronto activist launched case

The case was launched by the legendary Toronto gay rights activist George Hislop, who took issue with Ottawa's decision to deny him survivors' benefits after the death of his partner of 28 years in 1986.

Hislop died from inoperable cancer in 2005. About 1,500 people were named as co-petitioners in the case.

Hislop's lawyer argued that the plan discriminated against certain gay and lesbian survivors of same-sex relationships because it only paid benefits to people whose partners had died after Jan. 1, 1998.

That date was set in July 2000 when the Liberal government passed legislation that gave same-sex couples full pension rights, with benefits to be paid to surviving spouses.

More than partial victory: lawyer

The lead lawyer for the plaintiffs, Douglas Elliot of Toronto, said he was disappointed that his clients won't be receiving large amounts of retroactive benefit payments, "but to call this a partial victory is to take away from the fact that we won on the fundamental issue, ending discrimination against gay and lesbian surviving partners."

<http://www.cbc.ca/canada/story/2007/03/01/supcourtsex.html>

3/1/2007

During legal proceedings, financial experts estimated that paying full retroactive benefits to all of the plaintiffs would cost Ottawa about \$80 million dollars. The Canada Pension Plan has assets of around \$98 billion.

A12 The Guardian
Saturday, February 24, 2007

CANADA

Top court rules system used to fight terrorism violates Charter of Rights

OTTAWA (CP) — The Supreme Court of Canada, in a landmark ruling hailed as a victory for civil liberties, has told Parliament to find a new way of dealing with foreign-born suspects accused of harbouring terrorist sympathies.

In a 9-0 judgment Friday, the court overturned the current system of security certificates used by Ottawa to detain and deport non-citizens on public safety grounds, saying the regime violates the Charter of Rights.

But Justice Beverley McLachlin, writing for the unanimous bench, suspended the full legal effect of the ruling for a year. That will give legislators time to rewrite the law and comply with constitutional principles that guarantee fundamental justice and pro-

hibit arbitrary detention.

Peter Van Loan, the Conservative House leader in the Commons, said it will take time to study all the implications of the ruling, but he signalled that the Tories will get to work quickly.

"We will be reviewing that decision and seeing if there is a way to — and we are confident we can — reconcile the need to protect the security of Canadians with the directions to Parliament from the court," Van Loan told the House.

Public Safety Minister Stockwell Day, a staunch



Charkaoui

defender of the certificate system in the past, issued a written statement promising to respond in a "timely and decisive fashion" to the ruling.


But he also hinted at partisan battles to come, branding his Liberal opponents "soft on terrorism" and portraying the Conservative government as "unwavering in its determination to safeguard national security."

Johanne Doyon, the lawyer for Moroccan native Adil Charkaoui, one of three men who challenged the certificate system, described the court decision as a "nearly total victory."

She predicted the government wouldn't dare try to deport any of the three during the grace period it will take to revise the law.

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HUMAN RIGHTS IN CANADA: A Historical Perspective



Prince Edward Island's adopts its *Human Rights Act*

Charlottetown, Prince Edward Island 1968

Prince Edward Island joins other provinces in the fight against discrimination by passing its own *Human Rights Act*. This was a particularly significant act for P.E.I. as it did not have many individual laws prohibiting discrimination.

A Human Rights Commission would follow in 1975.

Déjà vu

The Birth of Human Rights Codes

Want to know more?

See:
P.E.I. Human Rights Act S. P.E.I. 1968 c. 24

Already on board

- Ontario (1962)
- Nova Scotia (1963)
- Alberta (1966)
- New Brunswick (1967)

Time Portals

- 1900-1924
- 1925-1949
- 1950-1974
- 1975-2000

← HUMAN RIGHTS SUFFER A SET-BACK
■ HUMAN RIGHTS ARE BALANCED
→ HUMAN RIGHTS MOVE FORWARD

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HUMAN RIGHTS IN CANADA: A Historical Perspective

Welcome to the Canadian Human Rights Commission website on the evolution of human rights in 20th Century Canada.

On these pages you'll explore the key court cases* and laws that have shaped human rights in our country since 1900.

Our tour is divided into 4 distinct periods:

- 1900-1924
- 1925-1949
- 1950-1974
- 1975-2000

Select a **Time Portal** to start your voyage. You can also access these chronological milestones by subject. To do so, click on "Browse by Subject" in the top navigation.

Select a **Time Portal** to start your voyage. You can also access these chronological milestones by subject by clicking on the links provided on the side bar to the right.


Like any great story, the past 100 years of human rights is filled with highs and lows, big surprises and unexpected twists. To tell that fascinating story, the Department of Justice Canada has put together an impressive array of historical background material, case studies, cross references and anecdotal information. We trust you will find this site both instructive and entertaining.

*The court cases featured on this site have been reproduced in the original language of their delivery, since prior to the Government of Canada's Official Bilingualism Act, enacted in 1969, official court transcripts were not translated.

The Canadian Charter of Rights and Freedoms: Twenty years later

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HUMAN RIGHTS IN CANADA: A Historical Perspective



Securing The Vote for Women in Prince Edward Island

Charlottetown, Prince Edward Island May 3, 1922

Prince Edward Island has become the 10th government in Canada to grant caucasian women over 21 the vote.

Want to know More?

Read *The Election Act, S.P.E.I. 1922, c.5*




Links below to previous provincial legislative changes.


Already on board

- Manitoba (1916)
- Saskatchewan (1916)
- Alberta (1916)
- B.C. (1917)
- Ontario (1917)
- Nova Scotia (1918)
- Federal (1918)
- New Brunswick (1919)

Time Portals


- 1900-1924
- 1925-1949
- 1950-1974
- 1975-2000

-  HUMAN RIGHTS SUFFER A SET-BACK
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-  HUMAN RIGHTS MOVE FORWARD



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HUMAN RIGHTS IN CANADA: A Historical Perspective



Married Women, Throw off Your Chains

Charlottetown, Prince Edward Island 1903

In Prince Edward Island at least, married women are now people too, at least when it comes to property rights.

Following the national trend, they are given the same legal capacity as men.

Quotable quotes: "As the 19th Century was that of the United States, so I think the 20th Century shall be filled by Canada."

Prime Minister Wilfred Laurier Addressing the Canadian Club in 1904

Want to Know More?

Read the *Married Women's Property Act S.P.E.I. 1903, c.9*

Time Portals

- 1900-1924
- 1925-1949
- 1950-1974
- 1975-2000

← HUMAN RIGHTS SUFFER A SET-BACK
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Appendix C-8: Teacher Background

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Time Portals
1975-2000
Milestones by Province
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HUMAN RIGHTS IN CANADA: A Historical Perspective

Time Portals

Time Portal: 1975-2000

Want to get the Rights Stuff? It's simple. Each colour-coded number leads you to an important Canadian human rights milestone. You can explore these milestones in the following ways:

Chronologically - by following the numbers in order, from lowest to highest - either on the map or below it geographically - by selecting milestones in a particular province by subject.

Milestones 1-28 can be found in the time period 1900-1924
 Milestones 29-54 can be found in the time period 1925-1949
 Milestones 55-108 can be found in the time period 1950-1974

- HUMAN RIGHTS SUFFER A SET-BACK
- HUMAN RIGHTS ARE BALANCED
- HUMAN RIGHTS MOVE FORWARD

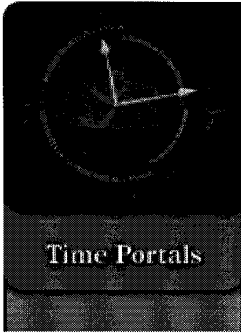
Human Rights Milestones in chronological order from 1975-2000

	109	Quebec City, 1975
	110	Ottawa, 1977
	111	Regina, 1979
	112	Toronto, 1982
	113	Ottawa, 1982

<http://www.chrc-ccdp.ca/en/timePortals/1975.asp>

8/23/2007

Reproduced with the permission of the Minister of Public Works and Government Services Canada, 2007.



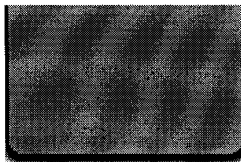
HUMAN RIGHTS IN CANADA: A Historical Perspective

Dealing with the Forced Sterilization of the Mentally Challenged :About Eve

**Prince Edward Island
October 23, 1986**

- 1900-1924
- 1925-1949
- 1950-1974
- 1975-2000

- HUMAN RIGHTS SUFFER A SET-BACK
- HUMAN RIGHTS ARE BALANCED
- HUMAN RIGHTS MOVE FORWARD



We've come a long way since Alberta passed the *Sexual Sterilization Act* in 1928. Still, the issue won't go away. The question remains: Can the courts allow a mother to sterilize her mentally challenged daughter?

In this case, the daughter - we'll call her Eve - is 24 years old. She is a pleasant and affectionate person who is virtually unable to communicate her thoughts or perceptions to others. Moreover, she isn't able to understand the idea of marriage, or even how sexual relations lead to pregnancy and birth.

So, when Eve struck up a close friendship with a male student at a school for mentally challenged adults - and talked of marriage - her elderly mother was concerned. She wanted Eve to be free and happy, yet she knew that Eve could never care for a child.

After much soul-searching, she applied to the Supreme Court of Prince Edward Island for permission to have Eve sterilized and the court refused.



The case was appealed to the Supreme Court of Canada Court which agreed that Eve could not be sterilized for non-medical reasons.

It ruled that while Canadian courts have the power to act on behalf of those who cannot care for themselves, that power can't be used to order sterilization for non-medical reasons without a person's consent. It added that although the benefits may seem attractive, they are outweighed by the serious intrusion on a person's rights and the resulting physical damage.

Freedom of choice and individual rights outweigh all other considerations in this case.

Want to Know More?

See:
 E. (Mrs.) v. Eve
[Forced sterilization of mental patients](#)

BERTON POEM



REQUIEM FOR A FOURTEEN-YEAR-OLD By: Pierre Berton

In Goderich town
The Sun abates
December is coming
And everyone waits:
In a small, dark room
On a small, hard bed
Lies a small, pale boy
Who is not quite dead.

The cell is lonely
The cell is cold
October is young
But the boy is old;
Too old to cringe
And too old to cry
Though young --

But never too young to die.

It's true enough
That we cannot brag
Of a national anthem
Or a national flag
And though our Vision
Is still in doubt
At last we've something to boast about:
We've a national law
In the name of the Queen
To hang a child
Who is just fourteen.

The law is clear:
It says we must
And in this country
The law is just
Sing heigh! Sing ho!
For justice blind
Makes no distinction
Of any kind;
Makes no allowances for sex or years,
A judge's feelings, a mother's tears;
Makes no allowances for age or youth
Just eye for eye and tooth for tooth
Tooth for tooth and eye for eye:
A child does murder
A child must die.

Don't fret ... don't worry ...
No need to cry
We'll only pretend he's going to die;
We're going to reprove him

Originally aired:
March 20, 2000

Updated:
January 10, 2007
at 9pm on CBC-TV

WATCH the fifth
estate ONLINE:



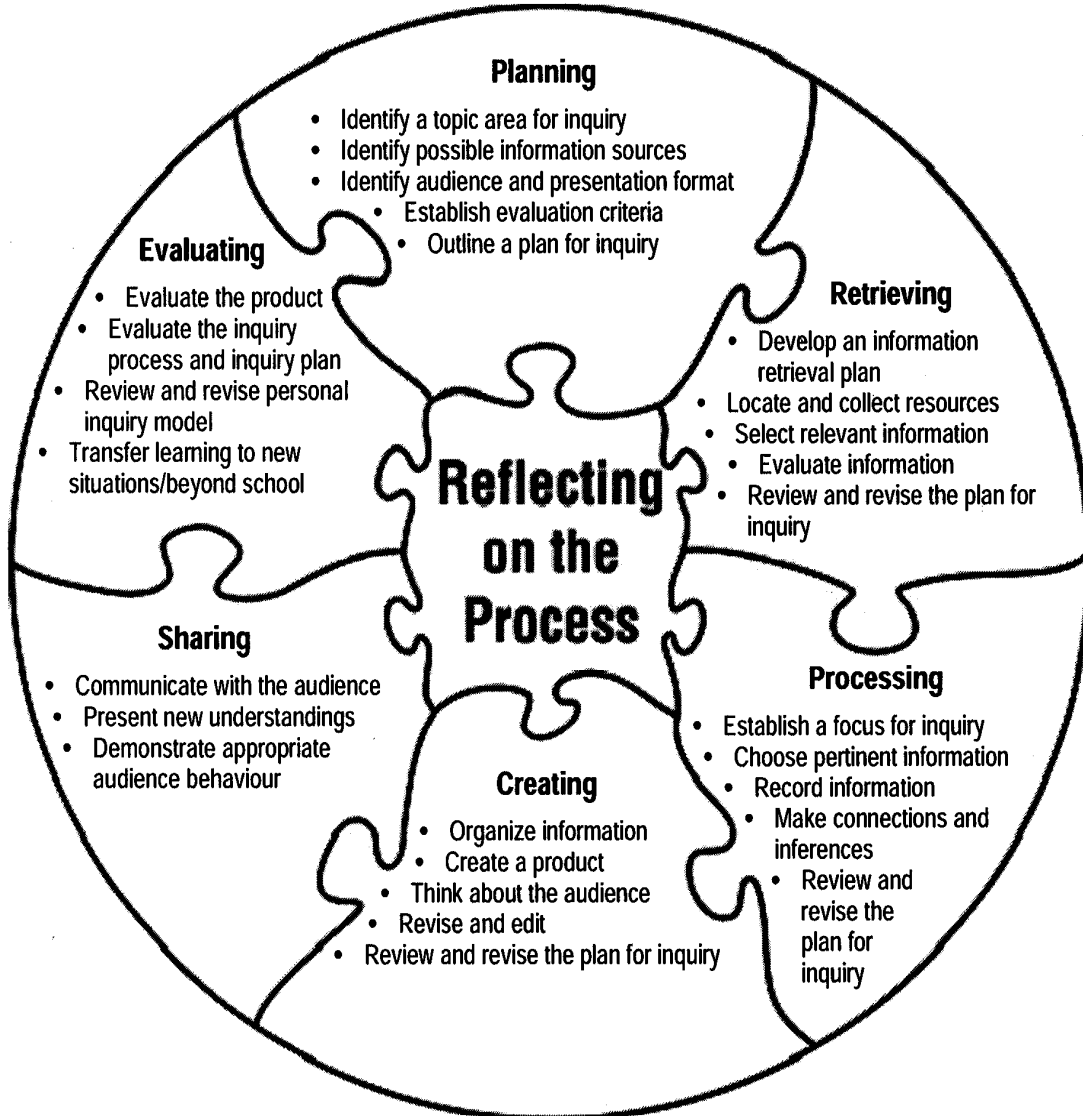
Runs 38:00
REPORTER: Linden
MacIntyre
PRODUCER: Theresa Burke
Video available in Windows
Media Player.

WEB EXCLUSIVE:



the fifth estate uncovers
evidence that a possible
suspect was never
investigated by the OPP. more

Inquiry Model



Appendix D

Teacher-Made Materials

- D-1 Scrapbook/Portfolio Assignment
- D-2 Sample - Anticipation Guide
- D-3 Sample - Vocabulary Exercise
- D-4 Sample - Text Reformulation Exercise

Law Assignment

Make a scrapbook or portfolio containing legal cases and related information.

Guidelines

- | | | | |
|----|-----------|----------------|--------------|
| A) | Section 1 | Criminal cases | (15 minimum) |
| B) | Section 2 | Civil cases | (10 minimum) |
| C) | Section 3 | Miscellaneous | (15 minimum) |
- The cases in this section should include the following: unusual or humorous cases, editorials, cartoons (no more than 5), legal news

Notes:

- 1) Cases must be entered in each assigned section.
- 2) Each section must be clearly marked.
- 3) Record the date and name of newspaper.
- 4) Make sure you have a variety of topics, especially in the criminal section (not all the same type of offence)
- 5) Neatness is essential.
- 6) Creativity will add to mark.
- 7) No photocopies or internet articles.
- 8) Try to consult different newspapers, if possible:
 - The Guardian
 - The Globe and Mail
 - The National
 - The Chronicle Herald

Due date:

Appendix D-2: Teacher-Made Materials

Sample Anticipation Guide Sentencing and the Correctional System

Respond to each statement twice, once before reading the text and again after reading it. To respond write “Agree” or “Disagree” in the space provided. (Text pg. 290-296)

Response Before
Reading

Response After

The right place for all criminals
is prison.

It serves no useful purpose for the
justice system to make the offender
and the victim talk to each other.

Canada’s incarceration rate is
roughly half that of the United
States.

Canadian prisons allow prisoners too
many freedoms and privileges and
need to become more unpleasant
places to be.

Women represent just over 10% of
the overall inmate population in
Canadian federal and provincial
prisons.

Note:

- A strong anticipation guide statement is one with which some students agree and some disagree.
- Use 2-4 statements. Any more than that and you risk losing your audience.
- An anticipation guide helps struggling readers by establishing a **PURPOSE** for the reading. Now they have something specific to look for while they read. Giving weak readers the questions only after the text has been read is too late. They’re unlikely to re-read in search of answers.

Sample Vocabulary Exercise
 Restorative Justice Programs
 (text pg 292)

From the New to the Known:

This word is totally new to me.	I've seen or heard this word but I'm not sure what it means.	I know one definition or could use this word in a sentence.	I know several ways this word could be used.

Word list:

restorative joint backlog amends
 facilitate address empower incarcerated
 accountability

Procedure:

- Either individually or in groups, students slot words into the graphic organizer.
- Brief class discussion to establish which words create the most confusion.
- Read the relevant text (see Restorative Justice Programs, page 290).
- Ask students to consider the context where the words appear.
- If you really want to help, **TEACH** them how to use context clues.

Appendix D-4: Teacher-Made Materials

Sample Text Reformulation Exercise

Mediation to Make Amends Context

(text pg 292)

What is it?

- An after-reading strategy in which students turn one type of text into another type of text.

How does it work?

- Students change expository text into narrative, newspaper articles into poetry, case studies into story boards or news articles, and so on.

Why use it?

- Encourages students to reread the text for main ideas, themes, cause and effect relationships, character motivation, and to think critically without becoming overwhelmed by the text. Provides a valid alternative to the overused read-and-answer-questions strategy.

Suggestions

- Model the strategy!
- Consider a variety of reformulation options. The book, *When Kids Can't Read*, by Kyrene Beers, (available in your school library) lists and explains a number of them (pg. 159-165).
- Allow students to choose the type of reformulation.
- Include text reformulation in group work, even as a bonus.

Example of a limerick and a haiku using mediation to make amends context:

The Offender

*There once was a sitter so bold,
That a valuable necklace she stole,
But when she was caught,
She learned quite a lot,
Now she's friends with her victim, I'm told.*

The Victim

*Now I understand!
Your mother needs medicine.
I can forgive you.*

Limerick Rules:

lines 1, 2, and 5 must rhyme;
lines 3 and 4 are short and rhyme;
sing-songy rhythm

Haiku Rules:

line 1 is 5 syllables
line 2 is 7 syllables
line 3 is 5 syllables