

St. Jerome's University in the University of Waterloo
Department of Sociology and Legal Studies
LS 202 (Section 001)
Criminal Law
Winter 2019
Tuesdays and Thursdays 1:00-2:20, SJ2 1004

Instructor and T.A. Information

Instructor: Anna Purkey, DCL

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Office Hours: Tuesdays 3:00pm-4:00pm, Wednesdays 12:30pm-1:30pm, other times by appointment

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Name	Contact	Jurisdiction (by Last Name)
Alishau Diebold	Alishau.diebold@gmail.com	Group 1: A-Ha
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Anna Purkey	anna.purkey@uwaterloo.ca	Group 3: S-Z Plus AccessAbility submissions

Course Description

Drawing on the Constitution, the Canadian Criminal Code and caselaw, this course will provide students with the opportunity to develop an awareness and appreciation of basic principles and concepts of criminal law in Canada. While discussing elements of the law, we will also focus on those factors that influence how criminal law develops, is interpreted and applied in Canada. Throughout the term, we will also seek to identify and explore the more contested dimensions of criminal law.

Course Goals and Learning Outcomes

Upon completion of this course students should be able to (1) understand and apply basic criminal law concepts; (2) understand the definitions and elements of select criminal and regulatory offences; (3) understand and evaluate selected defences in criminal law; and (4) understand the role that the Canadian Charter of Rights and Freedoms plays in the interpretation and enforcement of criminal law.

Required Text

The following text is required for the course:

- **Kent Roach, *Criminal Law, 7th Edition* (Irwin Law Inc., 2018)**
- ***Criminal Code*, R.S.C., 1985, c. C-46, online at : <https://laws-lois.justice.gc.ca/eng/acts/C-46/>**
- ***Canadian Charter of Rights and Freedoms*, online at : <https://laws-lois.justice.gc.ca/eng/Const/page-15.html>**

Required readings available on LEARN/Reserves:

- Additional compulsory readings can be accessed through the Library Course Reserves or through LEARN (see below).

- From time to time, as relevant, additional short readings (in particular articles from the media) may be posted as required readings.

Waterloo LEARN

LS 202 Section 001 has an online home that is accessible via learn.uwaterloo.ca. Students should visit this page for the latest course announcements, assignment instructions, course policies, and links to readings not found in the textbook. Students will be fully responsible for reading and responding appropriately to all information distributed through the Waterloo LEARN Course Page. Information provided on this page will be considered to have been provided to all registered students within 24 hours of posting. Please check regularly. **This should be your first stop prior to emailing either the TAs or the Instructor.**

Correspondence Etiquette

Please use email sensibly. Please attempt to answer your own question by looking at the syllabus or asking a classmate **before** contacting the Professor or the teaching assistant assigned to your group. When emailing, please type the course number in the subject heading, include your First and Last Name, and use a salutation and closing to open and close all emails. As this is a large class, the instructor and the TAs have a high volume of correspondence to deal with. We will make our best efforts to respond to all emails within 48 business hours. If you have not heard back from us, please re-send your email. Do not expect a reply on weekends. In addition, please do not email us asking for information that can be found in the course outline or on the Waterloo LEARN course page. If you have missed classes, it is your responsibility to obtain the notes from a fellow student.

Unless it is an urgent requirement (informing the instructor of sudden illness, etc.) we will not respond to emails regarding the exam or assignment **within 24 hours of the exam/assignment date**. Please do not leave your questions or assignments to the last minute!

Remember, the Professor has a minimum of two office hours each week and appointments can be made at other times if necessary. Please take advantage of these!

Course Requirements and Assessment

Requirement	Description	Value	Schedule
Midterm Exam	Long and short answer and multiple choice questions	25%	In class on February 14 th , 2019
Writing Assignment	Assignment details will be posted on LEARN	30%	Friday, March 15 th , 2019, 11:59PM To be submitted to the LEARN dropbox
Final Exam	Long and short answer and multiple choice questions. The final examination will cover the entire term.	45%	Conducted during the spring exam period, scheduled by the Registrar. Students are permitted to bring a single page of handwritten notes into the exam.

Submission of Assignments

The Essay Assignment must be submitted online via the LEARN Dropbox by 11:59 pm on Friday March 15th 2019. It is your responsibility to ensure that the assignment is received. If you are having trouble with LEARN, submit the assignment by email and contact the professor or your TA as soon as possible.

Turnitin.com: Text matching software (Turnitin®) may be used to screen assignments in this course. Turnitin® is used to verify that all materials and sources in assignments are documented. Students' submissions are stored on a U.S. server, therefore students must be given an alternative (e.g., scaffolded assignment or annotated bibliography), if they are concerned about their privacy and/or security. Students will be given due notice, in the first week of the term and/or at the time assignment details are provided, about arrangements and alternatives for the use of Turnitin® in this course.

It is the responsibility of the student to notify the instructor if they, in the first week of term or at the time assignment details are provided, wish to submit the alternate assignment.

Late Work

All assignments submitted after stated deadlines will be marked as late. Assignments will consider to have been received at the time and date automatically registered by the LEARN Dropbox when a document is uploaded.

Any assignment submitted after the date and time that it is due will be subjected to a 5% per day late penalty. For example, if a paper is assessed at 85%, it will fall to 80% if late by one day, 75% for two days, and so on. If an assignment is due at noon and is submitted at 3 pm instead, it will still be considered to be a day late. Please note that **assignments will NOT be accepted if they are more than five (5) days late.**

For all assignments and exams, accommodations will only be considered if:

- (a) you are ill and submit a **University of Waterloo Verification of Illness Form** to the professor **within 48 hours**;
- (b) there was a death of a family member, which you can prove through official documentation (travel receipts will not suffice) submitted to the professor;
- (c) due dates conflict with important dates on your religious calendar, and you have informed the professor of this fact within two weeks of learning about this conflict;
- (d) you are registered with [AccessAbility Services](#) and can provide the professor with the relevant documentation;
- (e) you inform the professor within two weeks of learning that you have an exam conflict, meaning a scheduled LS 101 exam is at the same time as, or is within two hours of another scheduled exam.

Familiarize yourself with the University of Waterloo's policies on what your responsibilities are in the event of a late or missed course requirement: <https://uwaterloo.ca/registrar/final-examinations/academic-regulations-related-assignments-tests-and-final-1>

Keep in mind the following regulations:

Students in on-campus courses who are ill and unable to meet assignment due dates or write a term test or final examination should seek medical treatment and provide confirmation of the illness to the instructor(s) within 48 hours by submitting a completed *University of Waterloo Verification of Illness Form* to support requests for accommodation due to illness.

The *University of Waterloo Verification of Illness Form* is normally the only acceptable medical documentation and is available on line at <https://uwaterloo.ca/health-services/student-medical-clinic/services/verification-illness>. Students who consult their physician or use the services of an off-campus walk-in clinic must provide this form to the attending physician for completion; doctors' notes and forms created by the physician or clinic are normally not acceptable.

Grade Re-Appraisals

The professor will re-evaluate examinations and/or assignments upon request only if:

- a) the student making the request first consulted the member of the Teaching Team who originally graded the work, and no mutually agreeable solution was achieved; and
- b) the student understands that the professor's re-appraisal is no guarantee of a higher grade, but in fact could result in a lower grade on the assignment or examination; and,
- c) It is under 14 days since the exam or assignment grade was released.

Electronic Device Policy

In the spirit of creating a classroom conducive to listening and learning, I would ask all students to restrict their laptop use during lectures to note-taking and to silence their cellphones and forgo texting. In a shared learning environment, surfing (MSN, Facebook, twitter, Instagram, etc.), texting, tweeting, and other such endeavors are distracting to other students. Research has shown that inappropriate computer usage not only affects your own grade, but impacts those around you even more. Your respectful consideration of others is very much appreciated. Your rights end where the rights of others begin. Students found to be inappropriately using any kind of media during the class time will be asked to leave immediately.

Attendance Policy

There is no attendance taken for this course. Naturally, your ability to do well will be heavily influenced by class attendance and preparation for the lectures. It will be easy to choose to hang out with your friends or take a nap instead of coming to class but come anyway. You (or your parents) paid a lot of money and worked hard for this opportunity. Make the most of it.

Course Outline / Class Schedule

Additional case studies, usually for the second class of the week, will occasionally be posted on LEARN. Please continue to check learn to keep up to date.

Week/Topic	Date	Readings
Week 1 Intro	1A: Tue Jan 8	Roach, Chapter 1, pp. 1-24
	1B: Thu Jan 10	Roach, Chapter 2, pp. 26-31
Week 2 Criminal Law and the Constitution	2A: Tue Jan 15	Review the <i>Canadian Charter of Rights and Freedoms</i> Roach, Chapter 2, pp. 33-44, 47-49(b), 51(d)-62(iv) <i>R v. Oakes</i> (LEARN)
	2B: Thu Jan 17	Roach Chapter 2, pp. 65-81(iii), 85(c)-91
Week 3 Actus Reus	3A: Tue Jan 22	Roach, Chapter 3, pp. 92-97(2), 99(4)-107, 107-110, 115-128
	3B: Thu Jan 24	See LEARN
Week 4 Mens Rea	4A: Tue Jan 29	Roach, Chapter 5, pp. 184-193, 196(b)-198, 204-217(5), 218-227
	4B: Thu Jan 31	See LEARN
Week 5 Regulatory Offenses, Strict or Absolute Liability Offenses	5A: Tue Feb 5	Roach, Chapter 6, pp. 240-257
	5B: Thu Feb 7	See LEARN
Week 6 Review/Midterm examination	6A: Tue Feb 12	Review
	6B: Thu Feb 14	Midterm Examination
Reading Week - No Classes		
Week 7 Inchoate and Incomplete Offenses (Attempts, counselling and conspiracy)	7A: Tue Feb 26	Roach, Chapter 4, pp. 143-173
	7B: Thu Feb 28	See LEARN
Week 8 Select Defences (Intoxication)	8A: Tue Mar 5	Roach, Chapter 7, 275-309
	8B: Thu Mar 7	See LEARN

Week 9 Select Defences (Mental Disorder)	9A: Tue Mar 12	Roach, Chapter 8, pp. 311-335
	9B: Thu Mar 14	See LEARN
Friday March 15, 11:59pm		<u>Writing Assignment Due!!</u>
Week 10 Selected Defences (Self-defence, Necessity and Duress)	10A: Tue Mar 19	Roach, Chapter 9, pp. 352-378,
	10B: Thu Mar 21	TBA
Week 11 Selected topic TBA	11A: Tue Mar 26	TBA
	11B: Thu Mar 28	TBA
Week 12 Selected topic TBA	12A: Tue Apr 2	TBA
	12B: Thu Apr 4	Exam Review

Important Information

Academic Integrity: To maintain a culture of academic integrity, members of the University of Waterloo and its Affiliated and Federated Institutions of Waterloo (AFIW) are expected to promote honesty, trust, fairness, respect, and responsibility. See the [UWaterloo Academic Integrity webpage and the Arts Academic Integrity webpage for more information.](#)

Discipline: A student is expected to know what constitutes academic integrity, to avoid committing academic offences, and to take responsibility for their actions. A student who is unsure whether an action constitutes an offence, or who needs help in learning how to avoid offences (e.g., plagiarism, cheating) or about “rules” for group work/collaboration should seek guidance from the course professor, academic advisor, or the Associate Dean. When misconduct has been found to have occurred, disciplinary penalties will be imposed under the [St. Jerome’s University Policy on Student Discipline](#). For information on categories of offenses and types of penalties, students should refer to [University of Waterloo Policy 71 - Student Discipline](#). For typical penalties check [Guidelines for the Assessment of Penalties](#).

Grievance: A student who believes that a decision affecting some aspect of their university life has been unfair or unreasonable may have grounds for initiating a grievance. Read the [St. Jerome’s University Policy on Student Petitions and Grievances](#).

Appeals: A decision made or penalty imposed under the St. Jerome’s University Policy on Student Petitions and Grievances (other than a petition) or the St. Jerome’s University Policy on Student Discipline may be appealed if there is a ground. A student who believes they have a ground for an appeal should refer to the [St. Jerome’s University Policy on Student Appeals](#).

Note for Students with Disabilities: The [AccessAbility Services](#) office, located on the first floor of the Needles Hall extension (1401), collaborates with all academic departments to arrange appropriate accommodations for students with disabilities without compromising the academic integrity of the curriculum. If you require academic accommodations to lessen the impact of your disability, please register with the AS office at the beginning of each academic term.