

## Section 3: Specific Curriculum Outcomes

### Overview

Specific Curriculum Outcomes (SCOs) are a further breakdown of the General Curriculum Outcomes. The SCOs and accompanying delineations which appear in column 1 of this section of the curriculum guide are designed to give clear direction to teachers with respect to Canadian Law 2104 and 2204. They set out what students are expected to know and be able to do as a result of their learning experiences in the course. These outcomes also assist educators in determining the most efficient resources and methodologies available to meet the needs of the student.

The competencies and dispositions articulated in the General Curriculum Outcomes are integrated throughout the SCOs and related sample teaching/learning strategies and student assessment strategies. Each delineation is classified on a three-level hierarchy of thinking skills - from acquiring basic knowledge (knowing), to using this knowledge in new situations (applying), and to reflecting and making judgments on this knowledge (integrating). The range of sample teaching and learning strategies in column 2 are used to achieve the outcomes articulated by the SCOs and delineations in column 1.

The SCOs and their delineations represent required learnings. Advance planning for the course and each unit should include consideration of the SCOs and their delineations and how they will be addressed and integrated within units and with other specific curriculum outcomes.

### How to Use the Four-Column Curriculum Layout

The specific curriculum outcomes, suggested teaching and learning strategies, assessment ideas and resources for this course have been organized into four columns for several reasons:

- to illustrate how learning experiences flow from the outcomes
- to illustrate the range of strategies for teaching and learning associated with a specific outcome or outcomes
- to demonstrate the relationship between outcomes and assessment strategies
- to suggest ways teachers can make cross-curricular connections

SECTION 3: SPECIFIC CURRICULUM OUTCOMES

**Column 1: Outcomes**

This column provides the specific curriculum outcomes and delineations describing what students are expected to know, be able to do, and value by the end of the course.

**Column 2: Sample Learning/Teaching Strategies**

This column offers a range of instructional strategies from which teachers and students may choose. Suggested learning experiences can be used in various combinations to help students achieve an outcome or outcomes. It is not necessary to use all of these suggestions, nor is it necessary for all students to engage in the same learning experience.

**Column 3: Student Assessment Strategies**

This column provides suggestions for ongoing assessment that is part of the learning experience. It identifies both assessments related to activities in column two (formative) as well as new assessments (summative).

**Column 4: Resources and Notes**

This column provides links to other curriculum areas, resources, and other agencies (local, national, international).

Canadian Law 2104 and 2204 Required Units  
Unit 1: Foundations of Law in Canada

Outcomes	Sample Learning/Teaching Strategies
<p>1.1.1 Identify the role of the courts in the legal system.</p> <p>1.1.2 Explain how the courts interpret the law.</p> <p>1.1.3 Describe the structure of the courts in Canada.</p>	<ul style="list-style-type: none"> <li>• Use a flowchart to map the structure of the courts in Canada.</li> <li>• Watch a video on the role of the courts in the legal system.</li> <li>• Read a case study on the role of the courts in the legal system.</li> <li>• Listen to a podcast on the role of the courts in the legal system.</li> <li>• Watch a video on the role of the courts in the legal system.</li> <li>• Read a case study on the role of the courts in the legal system.</li> <li>• Listen to a podcast on the role of the courts in the legal system.</li> </ul>

Canadian Law 2104 and 2204 Required Units  
Unit 2: Foundations of Law in Canada

Student Assessment Strategies	Resources and Notes
<ul style="list-style-type: none"> <li>• Use a flowchart to map the structure of the courts in Canada.</li> <li>• Watch a video on the role of the courts in the legal system.</li> <li>• Read a case study on the role of the courts in the legal system.</li> <li>• Listen to a podcast on the role of the courts in the legal system.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Canadian Judicial Council</a></li> <li>• <a href="#">Supreme Court of Canada</a></li> <li>• <a href="#">Federal Courts</a></li> <li>• <a href="#">Provincial Courts</a></li> <li>• <a href="#">Municipal Courts</a></li> <li>• <a href="#">Tribunals</a></li> </ul>

## **Section 1 - Required Units**

### **Canadian Law 2104 and 2204**



## **Unit 1: Foundations of Law in Canada**

The purpose of this unit of study is to have students explore the nature of law in general and Canadian law in specific. By examining the evolution of ideas of justice and democratic right through history, students should have a deep understanding of the basic concepts that guide the judicial system, as well the role of the judiciary in maintaining liberal democratic values.

## Canadian Law 2104 and 2204 Required Units

### Unit 1: Foundations of Law in Canada

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 1.1: Students will be expected to understand the historical evolution of the formalization of law.</i></p> <p>1.1.1 Explain the need for and purposes of law. (k)</p> <p>1.1.2 Distinguish between the concepts of law, morality and justice. (k)</p> <p>1.1.3 Describe the historical evolution of law by referring to the contribution of the following: (k)</p> <ul style="list-style-type: none"> <li>- the Code of Hammurabi</li> <li>- Mosaic law</li> <li>- Greek law</li> <li>- Roman law</li> <li>- Justinian's Code</li> <li>- the Napoleonic Code</li> </ul>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"> <li>• Define “values” and brainstorm to create a list of important societal values.</li> <li>• Examine Judeo-Christian values as presented in the Mosaic Law. Discuss how and why these are reflected in our current laws.</li> <li>• Identify instances where changing values have caused revisions to the law.</li> <li>• Participate in the following cooperative learning activity: <ul style="list-style-type: none"> <li>- Divide students into small groups.</li> <li>- Inform students that they have been marooned on a desert island.</li> <li>- Ask each group the following questions: <ul style="list-style-type: none"> <li>▪ What happens?</li> <li>▪ What rules are needed?</li> <li>▪ Why?</li> <li>▪ How are the rules made?</li> <li>▪ Have each group present their laws and model of government to the class.</li> <li>▪ Highlight the similarities and differences between each set of laws.</li> <li>▪ Identify any common values held by each group.</li> </ul> </li> </ul> </li> <li>• Examine the idea that the law is not always consistent with ideas of morality: <ul style="list-style-type: none"> <li>- Read excerpts of legislation from Nazi Germany.</li> <li>- View photographs illustrating segregation laws in the United States or South Africa.</li> </ul> </li> <li>• Consider throughout this unit the question: What philosophy/value/principle/standard does the government use to guide the making of laws?</li> </ul>

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**Canadian Law 2104 and 2204 Required Units****Unit 1: Foundations of Law in Canada**

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**Student Assessment Strategies**

Students may, for example:

- Based on the desert island simulation, list the main laws needed to maintain a civil society. Justify your choices.
- Create a visual organizer that represents the main contributions of each historical period in the evolution of law.

**Resources and Notes**

- Cross curricula (with English) - *Lord of the Flies*
- *Alive: The True Story of the Andes Survivors* (video) - soccer team resorts to cannibalism after a plane crash

## Canadian Law 2104 and 2204 Required Units

### Unit 1: Foundations of Law in Canada

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#### Outcomes

*SCO 1.2: Students will be expected to demonstrate an understanding of how the fundamental concepts of justice evolved in British law.*

- 1.2.1 Examine the role of the following in the development of the concept of justice: (a)
- trial by ordeal
  - divine right
  - common law
  - rule of precedent
  - rule of law
  - Magna Carta
  - habeas corpus

- 1.2.2 Explain how the concept of justice in Canadian law has been influenced as it evolved as part British law: (k)
- early British law
  - the Feudal system
  - common law
  - the *Magna Carta*

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Create a timeline of legal landmarks in British law.
- Participate in the following cooperative learning activity:
  - organize students into groups
  - have them research a specific development in the concept of justice
  - have each present their research in the form of a skit or role play to the rest of the class

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## Canadian Law 2104 and 2204 Required Units

### Unit 1: Foundations of Law in Canada

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#### Student Assessment Strategies

Students may, for example:

- Critique the degree to which each development in 1.2.1 is just, or promoted justice.
- Complete a brief assessment to identify any portions of the evolution of British law that are found in Canada today.

#### Resources and Notes

- Canada's System of Justice  
<http://canada.justice.gc.ca/en/dept/pub/just/index.html>
- About Canada: Canada's Legal Tradition  
[http://www.mta.ca/faculty/arts/canadian\\_studies/english/about/law/index.htm](http://www.mta.ca/faculty/arts/canadian_studies/english/about/law/index.htm)
- *How Canadian's Govern Themselves* (Eugene A. Forsey)

## Canadian Law 2104 and 2204 Required Units

### Unit 1: Foundations of Law in Canada

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 1.3: Students will be expected to demonstrate an understanding of the classifications of law.</i></p> <p>1.3.1 Explain how common law, statute law and constitutional law form the basis of Canadian law today. (a)</p> <p>1.3.2 Distinguish between the primary categories of law: (k)</p> <ul style="list-style-type: none"> <li>- international law and domestic law</li> <li>- substantive law and procedural law</li> <li>- public law and private law</li> </ul> <p>1.3.3 Classify actions/legislation within the various categories of law. (a)</p>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"> <li>• Create a diagram that illustrates the relationship among common, statute and constitutional law.</li> <li>• Classify current cases in the news according to the type of law concerned.</li> <li>• Invite a member from the Newfoundland and Labrador Human Rights to speak on the significance of the <i>Charter</i> as a part of constitutional law.</li> </ul>

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**Canadian Law 2104 and 2204 Required Units****Unit 1: Foundations of Law in Canada**

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**Student Assessment Strategies**

Students may, for example:

- Classify various cases by type of law.
- Create case studies and classify them according to category.

**Resources and Notes**

- *The Telegram*
- Local community newspapers
- Local TV or radio news programs
- *Canadian Charter of Rights and Freedoms*
- Samples of legislation

## Canadian Law 2104 and 2204 Required Units

### Unit 1: Foundations of Law in Canada

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 1.4: Students will be expected to demonstrate an understanding of the importance of the judiciary as a part of good government</i></p> <p>1.4.1 Identify the powers of the three branches of government: (k)</p> <ul style="list-style-type: none"> <li>- executive</li> <li>- legislative</li> <li>- judicial</li> </ul> <p>1.4.2 Describe the process by which laws are made in Canada at both the federal and provincial levels. (k)</p> <p>1.4.3 Describe the structure of the federal and provincial courts. (k)</p> <p>1.4.4 Explain how the three branches of government serve as a system of “checks and balances”. (k)</p> <p>1.4.5 Justify the need for the judiciary to be impartial and independent. (i)</p>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"> <li>• Invite a local MP, MHA, Mayor or councilor to speak on the law making process.</li> <li>• Diagram the passage of a law at the federal and provincial level.</li> <li>• Chart the powers of the three branches of government.</li> <li>• Consider the implications for the accused and society as a whole if judges were elected.</li> <li>• Classify current issues in the news according to the branch of government that has jurisdiction.</li> </ul>

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## Canadian Law 2104 and 2204 Required Units

### Unit 1: Foundations of Law in Canada

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#### Student Assessment Strategies

Students may, for example:

- Assess a chart of the passage of a bill becoming law.
- Evaluate a chart illustrating the structure of federal and provincial courts.
- Research Supreme Court cases that have impacted legislation.

#### Resources and Notes

- How a law is made in Canada
  - <http://www.parl.gc.ca/information/about/process/info/ParliamentFAQ01-e.htm>
  - <http://www.parl.gc.ca/information/about/process/info/ParliamentFAQ02-e.htm>
  - <http://www.parl.gc.ca/information/about/process/house/precis/chap11-e.htm>
- Role of the Governor-General  
[http://www.gg.ca/governor\\_general/role\\_e.asp](http://www.gg.ca/governor_general/role_e.asp)
- Canada's System of Justice  
<http://canada.justice.gc.ca/dept/pub/just/index.html>
- Role of Judges  
<http://www.tryjudging.ca>
- Supreme Court of Canada  
[http://www.scc-csc.gc.ca/aboutcourt/system/index\\_e.asp](http://www.scc-csc.gc.ca/aboutcourt/system/index_e.asp)

## Canadian Law 2104 and 2204 Required Units

### Unit 1: Foundations of Law in Canada

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 1.5: Students will be expected to understand the historical development of the concept of human rights</i></p> <p>1.5.1 Explain, using historical examples, why a law may be unjust. (a)</p> <p>1.5.2 Describe the development of the concept of liberty in western democratic society through the use of historical documents: (a)</p> <ul style="list-style-type: none"> <li>- <i>Declaration of Independence</i> (USA, 1776)</li> <li>- <i>Declaration of the Rights of Man and the Citizen</i> (France, 1789)</li> <li>- <i>On Liberty</i> (J. S. Mill, 1859)</li> <li>- <i>Universal Declaration of Human Rights</i> (UN, 1948)</li> </ul>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"> <li>• Examine examples that illustrate that the law is not always just:               <ul style="list-style-type: none"> <li>- Plato’s account of the death of Socrates</li> <li>- read excerpts of legislation from Nazi Germany.</li> <li>- view photographs illustrating segregation laws in the United States or South Africa</li> </ul> </li> <li>• Return to the question posed earlier in 1.1: What philosophy/value/principle/standard does the government use to guide the making of laws?</li> <li>• Work with a partner to develop a definition of liberty, using T-P-S (think-pair-share).</li> <li>• Critique John Stuart Mill’s ideas of morality and liberty to determine what impact it would have on law making today.</li> <li>• Create visuals that illustrate the key excerpts noted in the documents in 1.5.2.</li> </ul>

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**Canadian Law 2104 and 2204 Required Units****Unit 1: Foundations of Law in Canada**

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**Student Assessment Strategies**

Students may, for example:

- Critique laws to determine if they are unjust.
- Create posters illustrating unjust laws.
- Assess various scenarios to identify moral issues.
- Identify injustices in literature, such as an excerpt from *Les Miserable*.

**Resources and Notes**

Available on line from various sites:

- *Declaration of Independence* (USA, 1776)
- *Declaration of the Rights of Man and the Citizen* (France, 1789)
- *On Liberty* (J. S. Mill, 1859)
- *Universal Declaration of Human Rights* (UN, 1948)

## Canadian Law 2104 and 2204 Required Units

### Unit 1: Foundations of Law in Canada

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 1.6: Students are expected to understand how the Charter protects human rights in Canada</i></p> <p>1.6.1 Explain the need for the protection of human rights at the federal level. (a)</p> <p>1.6.2 Identify the rights afforded by the <i>Charter</i> with reference to sections 1, 2, 7, 8, 9, 10 c, 11 d, and 15 (1). (k)</p> <p>1.6.3 Assess how the significance of section 7 of the <i>Charter</i> will result in continued evolution of Canadian law. (i)</p>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"> <li>• Create an inventory of personal rights and responsibilities from the <i>Canadian Charter</i> and <i>Newfoundland Human Rights Act</i>, then create and present a master list of Canadians' rights and responsibilities.</li> <li>• Create and present examples/scenarios to illustrate Canadian's rights and responsibilities.</li> </ul>

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**Canadian Law 2104 and 2204 Required Units****Unit 1: Foundations of Law in Canada**

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**Student Assessment Strategies**

Students may, for example:

- Assess the examples/scenarios presented that illustrate Canadian's rights and responsibilities.
- Identify human rights issues in current news articles.
- Apply section 7 of the *Charter* to an emerging issue, such as privacy rights or euthanasia.

**Resources and Notes**

- *Charter of Rights and Freedoms*
- Testing the *Canadian Bill of Rights*  
<http://canada.justice.gc.ca/en/justice2000/88mile.html>



## **Unit 2: Criminal Law and the Trial Process**

This unit focuses on the nature of crime and how criminal proceedings are carried out. Students will be guided to examine the need to criminalize certain behaviours. The unit then provides for an in-depth study of the criminal trial process. This review of the trial process is built upon in the following unit on civil litigation.

## Canadian Law 2104 and 2204 Required Units

### Unit 2: Criminal Law and the Trial Process

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#### Outcomes

*SCO 2.1: Students will be expected to understand what constitutes criminal behaviour.*

- 2.1.1 Explain why society criminalizes certain behaviours. (k)
- 2.1.2 Identify the criteria used to classify an act or omission as a crime. (k)
- 2.1.3 Distinguish between indictable and summary conviction offences. (a)
- 2.1.4 Evaluate the appropriateness of criminalizing certain acts or omissions. (i)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Debate a controversial legal issue such as the legalization of marijuana, gun registration, or euthanasia to establish the reasons why some activities are criminalized.
- Compare Canada's legislation to that of other countries to determine the impact on each society.
- Analyze cases to classify the offence as summary conviction or indictable and identify the implications for punishment.

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## Canadian Law 2104 and 2204 Required Units

### Unit 2: Criminal Law and the Trial Process

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#### Student Assessment Strategies

Students may, for example:

- Stage a formal debate on a contemporary, controversial legal issue. Assess the research and discussion.
- Categorize various crimes as summary or indictable or hybrid offenses.
- Create arguments for and against the criminalization of a controversial issue.
- Assess the social impact of decriminalizing a serious crime, such as theft.

#### Resources and Notes

- *Justice Denied* (Donald Marshall)
- *The Telegram*
- Local community newspapers
- Local TV or radio news programs
- Criminal Code of Canada  
<http://laws.justice.gc.ca/en/C-46/39070.html>

## Canadian Law 2104 and 2204 Required Units

### Unit 2: Criminal Law and the Trial Process

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Outcomes	Sample Learning/Teaching Strategies
SCO 2.2: Students will be expected to analyze criminal actions.	Teachers can ask students to:
2.2.1 Explain how <i>mens rea</i> can be established: (a) <ul style="list-style-type: none"><li>- intent (general, specific)</li><li>- knowledge</li><li>- negligence</li><li>- willful blindness</li><li>- recklessness</li></ul>	<ul style="list-style-type: none"><li>• Invite a police officer to review specific cases to establish <i>mens rea</i> and <i>actus reus</i>.</li><li>• Diagram specific cases to illustrate the parties to an offence.</li><li>• Work in small groups to create brief role-plays and have the rest of the class identify the <i>mens rea</i> and <i>actus reus</i> and the parties to the offence.</li></ul>
2.2.2 Analyze the roles of the various parties to an offence: (a) <ul style="list-style-type: none"><li>- perpetrator</li><li>- aiding</li><li>- abetting</li><li>- counseling</li><li>- accessory</li></ul>	
2.2.3 Explain how attempt and conspiracy are can lead to a criminal conviction. (k)	
2.2.4 Apply the elements of a crime to specific cases. (a)	

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## Canadian Law 2104 and 2204 Required Units

### Unit 2: Criminal Law and the Trial Process

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#### Student Assessment Strategies

Students may, for example:

- Analyze cases to identify *mens rea* and *actus reus*.
- Write cases to illustrate conspiracy, attempt, *mens rea*, *actus reus*, and the parties to an offence.
- Write a book review, fiction or non-fiction, with a criminal case at the centre of the story line.

#### Resources and Notes

- Supreme Court of Canada, “The Role of the Court” in *About the Court*  
[http://www.scc-csc.gc.ca/aboutcourt/role/index\\_e.html](http://www.scc-csc.gc.ca/aboutcourt/role/index_e.html)
- Statute and Case law  
[http://www.canlii.org/index\\_en.html](http://www.canlii.org/index_en.html)

## Canadian Law 2104 and 2204 Required Units

### Unit 2: Criminal Law and the Trial Process

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#### Outcomes

*SCO 2.3: Students will be expected to understand how a criminal proceeding is initiated.*

- 2.3.1 Explain why police must preserve a crime scene. (k)
- 2.3.2 Explain why suspects may remain silent when being questioned by police. (k)
- 2.3.3 Describe the process of making a lawful arrest. (k)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Invite guest speakers such as a Crown Prosecutor, defence attorney or police officer to speak on criminal investigation.
- Role play simulations of an arrest and identify if it was lawful or unlawful.
- View a brief excerpt from a program like *CSI* where the criminalist emphasises the importance of correctly preserving a crime scene.

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**Canadian Law 2104 and 2204 Required Units****Unit 2: Criminal Law and the Trial Process**

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**Student Assessment Strategies**

Students may, for example:

- Review a crime scene to identify possible contamination.
- Assess transcripts of an arrest to determine if it is lawful.

**Resources and Notes**

- First Line Criminal law Information  
*<http://www.brooksandmarshall.com/lobby.html>*
- RCMP On-line University  
*<http://www.rcmp-learning.org/iim.htm>*

## Canadian Law 2104 and 2204 Required Units

### Unit 2: Criminal Law and the Trial Process

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Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 2.4: Students will be expected to demonstrate an understanding of the role of each participant in an adversarial judicial system.</i></p> <p>2.4.1 Explain why Canada uses an adversarial judicial system. (k)</p> <p>2.4.2 Justify the importance of the judicial principle of “innocent until proven guilty.” (i)</p> <p>2.4.3 Describe the roles of the participants in a criminal trial: (k)</p> <ul style="list-style-type: none"><li>- judge</li><li>- prosecution</li><li>- defence</li><li>- witness</li><li>- jury</li></ul>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"><li>• Visit a court. Sketch the layout of the courtroom and identify all the officials and their functions.</li><li>• Create a chart detailing the jury system using the following headings: who is ineligible for jury duty, challenges available to Crown and defence, overall advantages, overall disadvantages.</li><li>• Conduct a mock trial.</li></ul>

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**Canadian Law 2104 and 2204 Required Units****Unit 2: Criminal Law and the Trial Process**

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**Student Assessment Strategies**

Students may, for example:

- Submit a journal noting their research for, and participation in, the mock trial.
- Present a report (written/PowerPoint/etc) where unequally matched opponents (lawyers) did not best serve the presumption of innocence of the accused, i.e., Rubin Carter.

**Resources and Notes**

- Supreme Court of Canada, “The Role of the Court” in *About the Court*  
[http://www.scc-csc.gc.ca/aboutcourt/role/index\\_e.html](http://www.scc-csc.gc.ca/aboutcourt/role/index_e.html)
- Mock Trial Resource: *Youth Justice Rocks Box - Role Play: Court Procedure*, available from Public Legal Information Association of Newfoundland

## Canadian Law 2104 and 2204 Required Units

### Unit 2: Criminal Law and the Trial Process

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 2.5: Students will be expected to understand the criminal trial process.</i></p>	<p>Teachers can ask students to:</p>
<p>2.5.1 Describe the criminal trial process: (k)</p> <ul style="list-style-type: none"> <li>- Crown’s opening statement</li> <li>- examination of witness(es)</li> <li>- defence response</li> <li>- summary of the case</li> <li>- charge to the jury</li> <li>- jury deliberation</li> <li>- verdict</li> </ul>	<ul style="list-style-type: none"> <li>• Argue cases informally using the rules evidence, standard defences and the principles of sentencing.</li> <li>• Research a high profile case and follow its progress through the appellate courts to the Supreme Court of Canada, e.g., the wrongful conviction of Donald Marshall or Guy Paul Morin.</li> </ul>
<p>2.5.2 Identify the purposes of sentencing: (k)</p> <ul style="list-style-type: none"> <li>- protection of the public</li> <li>- deterrence</li> <li>- denunciation</li> <li>- retribution</li> <li>- restitution</li> <li>- rehabilitation</li> </ul>	<ul style="list-style-type: none"> <li>• Chart the appellate courts of Canada.</li> </ul>
<p>2.5.3 Identify levels of appeal. (k)</p>	

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**Canadian Law 2104 and 2204 Required Units****Unit 2: Criminal Law and the Trial Process**

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**Student Assessment Strategies**

Students may, for example:

- Apply the rules of judgement and the principles of sentencing to cases not previously considered.
- Prepare opening statements and defence statements for a specific case.

**Resources and Notes**

- Statue and Case Law  
*[http://www.canlii.org/index\\_en.html](http://www.canlii.org/index_en.html)*
- CBC News – Marshall, Morin, Millgard, etc  
*[http://cbc.ca/news/indepth/facts/worng\\_convicted.html](http://cbc.ca/news/indepth/facts/worng_convicted.html)*
- Barnhorst & Barnhorst.  
*Criminal Law and the Canadian Criminal Code.* McGraw Hill, 1996. ISBN 0-07-552757-x
- *Youth Justice Rocks Box - Case Study: Sentencing* (PLIAN)

## Canadian Law 2104 and 2204 Required Units

### Unit 2: Criminal Law and the Trial Process

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#### Outcomes

*SCO 2.6: Students will be expected to demonstrate an understanding of defences used in criminal trials.*

- 2.6.1 Identify standard defences used criminal trials: (k)
- mental disorder
  - automatism
  - intoxication
  - self-defence
  - batters woman syndrome
  - defence of a dwelling
  - necessity
  - compulsion or duress
  - provocation
  - mistakes of law and fact
- 2.6.2 Apply standard defences to specific cases. (a)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Argue cases informally using standard defences.
- Create a visual organizer that summarizes criminal defences.

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**Canadian Law 2104 and 2204 Required Units****Unit 2: Criminal Law and the Trial Process**

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**Student Assessment Strategies**

Students may, for example:

- Given specific cases, develop appropriate defence arguments.

**Resources and Notes**

- Barnhorst & Barnhorst.  
*Criminal Law and the Canadian Criminal Code*. McGraw Hill, 1996. ISBN 0-07-552757-x
- SchoolNet lesson plans  
<http://www.acjnet.org/teacher>

## Canadian Law 2104 and 2204 Required Units

### Unit 2: Criminal Law and the Trial Process

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 2.7: Students will be expected to understand the factors that influence the determination of sentencing in the criminal trial process.</i></p>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"> <li>• Conduct a sentencing circle:               <ul style="list-style-type: none"> <li>- based on the model at <a href="http://www.usask.ca/nativelaw/jah_circle.html">http://www.usask.ca/nativelaw/jah_circle.html</a></li> <li>- apply this model to resolve in-class issues</li> </ul> </li> </ul>
<p>2.7.1 Define: aggravating factors, mitigating factors (k)</p>	<ul style="list-style-type: none"> <li>• Conduct a mock parole board hearing or prepare an application for parole on behalf of a fictitious inmate.</li> </ul>
<p>2.7.2 Identify types of traditional sentences: (k)</p> <ul style="list-style-type: none"> <li>- absolute discharge</li> <li>- conditional discharge</li> <li>- probation</li> <li>- suspended</li> <li>- intermittent</li> <li>- conditional</li> <li>- restitution</li> <li>- suspension of privileges</li> <li>- incarceration</li> </ul>	
<p>2.7.3 Evaluate the factors that are to considered prior to sentencing with reference to specific cases: (a)</p> <ul style="list-style-type: none"> <li>- offender</li> <li>- victim</li> <li>- society</li> </ul>	
<p>2.7.4 Identify alternative approaches to traditional sentences: (k)</p> <ul style="list-style-type: none"> <li>- victim-offender mediation</li> <li>- family group conferencing</li> <li>- victim-offender panels</li> <li>- aboriginal sentencing circles</li> <li>- extrajudicial measures</li> <li>- extrajudicial sanctions</li> </ul>	

## Canadian Law 2104 and 2204 Required Units

### Unit 2: Criminal Law and the Trial Process

#### Student Assessment Strategies

Students may, for example:

- Apply the rules of evidence and the principles of sentencing to cases not previously considered.
- Submit a journal of their research for, participation in, the parole board hearing.

#### Resources and Notes

- Corrections Canada  
*<http://www.csc-scc.gc.ca>*
- Corrections Canada. *Inside Out. A Teacher's Guided to Corrections and Conditional Release.* (Free kit – includes video)
- Parole  
*<http://www.npb-cnrc.gc.ca/infocntr/parolec/contribe.htm>*
- Aboriginal legal theory and restorative justice  
*[http://www.usak.ca/nativelaw/jah\\_guest.html](http://www.usak.ca/nativelaw/jah_guest.html)*
- Restorative Justice in Urban Aboriginal Communities  
*<http://www.cfcj-fcj.org/full-text/restorative.htm>*
- *Youth Justice Rocks Box (PLIAN):*
  - *Case Study: Sentencing*
  - *Case Study: Extrajudicial Measures*
  - *Case Study: Extrajudicial Sanctions*

## Canadian Law 2104 and 2204 Required Units

### Unit 2: Criminal Law and the Trial Process

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#### Outcomes

*SCO 2.8: Students will be expected to apply the principles of the criminal trial process to specific cases.*

2.8.1 Develop questions to examine a witness. (a)

2.8.2 Develop an appropriate defence for a given case. (a)

2.8.3 Apply the concepts and procedures of criminal law to analyze, prosecute, defend, and decide specific cases. (i)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Conduct a mock trial.
  - have each participant maintain a portfolio of their role in the trial

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## Canadian Law 2104 and 2204 Required Units

### Unit 2: Criminal Law and the Trial Process

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#### Student Assessment Strategies

Students may, for example:

- Submit their portfolio of the mock trial.

#### Resources and Notes

- Mock Trial Resources
  - [http://ojen.ca/eng/resources/how\\_to\\_guides/mock\\_trial\\_students\\_eng.pdf](http://ojen.ca/eng/resources/how_to_guides/mock_trial_students_eng.pdf)
  - <http://www.ccle.fourh.umn.edu/mock3.pdf> (excellent resource for the structure of a mock trial; note however that the time for completion is usually 3 to 5 hours/classes )
  - <http://www.crfc.org/mocktrial.html>
  - <http://www.streetlaw.org>
  - [http://www.classbrain.com/artteensm/publish/article\\_8.shtml](http://www.classbrain.com/artteensm/publish/article_8.shtml)
- *Youth Justice Rocks Box - Role Play: Court Procedure (PLIAN)*



## **Unit 3: Civil Law and Civil Procedures**

The primary focus of this unit is on how civil matters are resolved. Building on the previous unit students consider the need for civil litigation as a means for promoting justice in society. Attention is then given to the manner in which civil issues may be resolved, adapting some of the principles from criminal trials.

## Canadian Law 2104 and 2204 Required Units

### Unit 3: Civil Law and Civil Procedures

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#### Outcomes

*SCO 3.1: Students are expected to understand the necessity for civil actions beyond, or apart from, criminal procedures.*

- 3.1.1 Explain why some actions are both criminal and civil in nature. (a)
- 3.1.2 Identify the purpose of tort law. (k)
- 3.1.3 Explain why civil litigation may be more successful than criminal prosecution. (k)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Analyze cases to determine if they are civil or criminal matters.
- Analyze civil cases to identify the nature of the issue in dispute.
- Role play cases that are both criminal and civil in nature and have students identify the need for a civil remedy.
- View brief excerpts from videos that summarize the need for a civil case.

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**Canadian Law 2104 and 2204 Required Units****Unit 3: Civil Law and Civil Procedures**

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**Student Assessment Strategies**

Students may, for example:

- Given a number of previously unseen cases, classify each as civil or criminal and identify the type of civil law involved.
- Identify the possible remedies for civil cases.
- Create a display or scrapbook of civil cases.
- Prepare a brief research report on a landmark civil case.

**Resources and Notes**

- *Erin Brockovich* (video)
- *A Civil Action* (video)

## Canadian Law 2104 and 2204 Required Units

### Unit 3: Civil Law and Civil Procedures

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#### Outcomes

*SCO 3.2: Students are expected to understand the general categories of tortious actions.*

3.2.1 Explain the principles upon which the law of torts is founded. (k)

3.2.2 Distinguish between intentional and unintentional torts. (k)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Write illustrative cases demonstrating an understanding of the difference between intentional and unintentional torts.
- Collect current examples from the news to illustrate the definition of torts and the nature of tort law.
- Participate in the following cooperative activity:
  - organize the class into groups of four
  - have each group develop a role play to illustrate an intentional and unintentional tort
  - have the groups present their role plays to the class
  - have the class identify the type of tort portrayed

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**Canadian Law 2104 and 2204 Required Units****Unit 3: Civil Law and Civil Procedures**

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**Student Assessment Strategies**

Students may, for example:

- Submit a portfolio of their written illustrative cases for an understanding of the various types of torts.
- Create a scrapbook, collage, or bulletin board display illustrating the nature of torts. This could be completed over the course of this unit.

**Resources and Notes**

- Lloyd Duhaime. *Tort Law in Canada - An Introduction*  
<http://www.duhaime.org/tort.htm>

**Canadian Law 2104 and 2204 Required Units****Unit 3: Civil Law and Civil Procedures****Outcomes**

*SCO 3.3: Students are expected to understand the principles governing unintentional torts.*

**3.3.1 Define: (k)**

- negligence
- neighbour principle
- foreseeability
- standard of care
- reasonable person
- cause-in-fact
- remoteness of damage
- intervening act
- thin-skull rule

**3.3.2 Identify the factors necessary to establish negligence: (k)**

- duty of care
- standard of care
- causation

**3.3.3 Apply the principles of negligence to analyze specific cases. (a)****Sample Learning/Teaching Strategies**

Teachers can ask students to:

- Create a poster that illustrates how a “reasonable person” might act in a variety of situations showing both “negligence” and “standard of care.” i.e., a person leaving a rake on a walkway vs. placing it in an upright position in a safe place.
- Collect current examples from the news to illustrate the definition of torts and the nature of tort law – continued from 3.2.
- Interview school officials, coaches, doctors, child-care workers, etc., to find out what standard of care they are legally required to give.

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**Canadian Law 2104 and 2204 Required Units****Unit 3: Civil Law and Civil Procedures**

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**Student Assessment Strategies**

Students may, for example:

- Create a scrapbook, collage, or bulletin board display illustrating the nature of torts. This could be completed over the course of this unit - continues from 3.2.
- Present their interviews of various people in positions of responsibility.

**Resources and Notes**

- Lloyd Duhaime. *Tort Law in Canada - An Introduction*  
<http://www.duhaime.org/tort.htm>

## Canadian Law 2104 and 2204 Required Units

### Unit 3: Civil Law and Civil Procedures

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#### Outcomes

*SCO 3.4: Students are expected to understand the process by which civil cases may be resolved.*

- 3.4.1 Identify the parties in a civil action: (k)
- plaintiff
  - defendant
- 3.4.2 Describe the civil action process: (k)
- statement of claim
  - statement of defence
  - examination for discovery
  - pre-trial conference
  - trial court
  - appeal
- 3.4.3 Explain the importance of being able to settle a civil action out of court. (k)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Chart civil court procedures and identify and describe the roles of the officials involved in civil court proceedings.
- Argue the case for and against the plaintiff in specific civil actions.

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**Canadian Law 2104 and 2204 Required Units****Unit 3: Civil Law and Civil Procedures**

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**Student Assessment Strategies**

Students may, for example:

- Using a previously unseen civil case, prepare either a statement of claim or a statement of defence.
- Create a diagram/chart that compares criminal and civil proceedings.

**Resources and Notes**

- *The Telegram*
- Local community newspapers
- Local TV or radio news programs
- National newspapers

## Canadian Law 2104 and 2204 Required Units

### Unit 3: Civil Law and Civil Procedures

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#### Outcomes

*SCO 3.5: Students will be expected to demonstrate an understanding of defences used in unintentional torts.*

3.5.1 Define: (k)

- waiver
- inevitable accident
- act of God
- explanation

3.5.2 Apply general defences to negligence to specific unintentional torts: (a)

- contributory negligence
- voluntary assumption of risk
- statute of limitations

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Participate in the following cooperative activity:
  - divide students into small groups
  - assign each group a case study of an unintentional tort
  - have the group develop a defence for the case
  - have each group present a summary of the case to the class using a variety of formats, i.e., skit, poster, role play, etc.
  - there are some excellent case studies found at <http://www.ccle.fourh.umn.edu/mock3.pdf>
- Create a poster for the general public warning them of the issues associated with waivers and the voluntary assumption of risk.

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**Canadian Law 2104 and 2204 Required Units****Unit 3: Civil Law and Civil Procedures**

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**Student Assessment Strategies**

Students may, for example:

- Given a specific case, develop a defence.
- Draft a waiver for a specific activity.
- Create a visual representation such as a poster or cartoon strip, that illustrates the concepts of an "inevitable accident" and an "act of God".

**Resources and Notes**

- *The Telegram*
- Local community newspapers
- Local TV or radio news programs
- National newspapers
- Case studies found at <http://www.ccle.fourh.umn.edu/mock3.pdf>

## Canadian Law 2104 and 2204 Required Units

### Unit 3: Civil Law and Civil Procedures

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 3.6: Students will be expected to demonstrate an understanding of the remedies used in unintentional torts.</i></p> <p>3.6.1 Identify the remedies which may be awarded in tortious actions: (k)</p> <ul style="list-style-type: none"> <li>- general</li> <li>- special</li> <li>- punitive</li> <li>- nominal</li> <li>- specific</li> <li>- injunction</li> </ul> <p>3.6.2 Apply the principles governing the application of civil remedies to specific actions. (a)</p> <p>3.6.3 Assess the usefulness of alternate dispute resolution (ADR) as a means to avoid civil litigation. (i)</p>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"> <li>• Present current examples of awards to unintentional torts taken from newspapers, etc. (If the class has been completing the scrapbook from 3.2 this should be easily accomplished.)</li> <li>• Participate in the following cooperative activity: <ul style="list-style-type: none"> <li>- provide pairs of students with a specific unintentional tort</li> <li>- have each students decide on a remedy for the case</li> <li>- use a think-pair-share (T-P-S) to have students share and discuss the remedies they created</li> </ul> </li> <li>• Invite a guest speaker (lawyer, human rights agent, etc.) to discuss remedies and the place of ADR.</li> <li>• Award damages in specific illustrative cases and justify the awards according to current legal practices.</li> </ul>

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**Canadian Law 2104 and 2204 Required Units****Unit 3: Civil Law and Civil Procedures**

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**Student Assessment Strategies**

Students may, for example:

- Write decisions that apply remedies to specific cases.
- Create a report (essay/poster) that illustrates the appropriateness/advantages of ADR to civil litigation.
- Submit the scrapbook activity from 3.2 (if assigned).

**Resources and Notes**

- Lloyd Duhaime. *Tort Law in Canada - An Introduction*.  
<http://www.duhaime.org/tort.htm>
- Case studies found at  
<http://www.ccle.fourh.umn.edu/mock3.pdf>

## Canadian Law 2104 and 2204 Required Units

### Unit 3: Civil Law and Civil Procedures

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#### Outcomes

*SCO 3.7: Students will be expected to apply the principles of the civil action process to specific cases.*

- 3.7.1 Develop a statement of claim for a specific civil action. (a)
- 3.7.2 Create a counter claim for a litigation using a specific defence. (a)
- 3.7.3 Apply the concepts and procedures of civil action to analyze, litigate, defend, and decide specific cases. (i)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Conduct a mock civil trial.
  - have each participant maintain a portfolio of their role in the trial
  - **NOTE:** if this is the second or third mock trial, be sure to rotate the role of each student to ensure that no one remains as a juror, reporter or witness the entire course. The positions of lawyers and/or judges should be made available to each student by the end of the course if possible

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**Canadian Law 2104 and 2204 Required Units****Unit 3: Civil Law and Civil Procedures**

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**Student Assessment Strategies**

Students may, for example:

- Submit their portfolio of their role in the trial.

**Resources and Notes**

Now that teachers and students are comfortable with the concept of a mock trial, various case studies can be adapted from the news or fiction to be presented. The procedures and handouts noted at <http://www.ccle.fourh.umn.edu/mock3.pdf> can be used and modified to meet each teacher's individual needs.



## **Section 2**

# **Canadian Law 2204**

**Complete: Either Unit 4 or Unit 5**

**AND**

**any two of the remaining units chosen from Units 6 - 11**



## **Unit 4: Specific Criminal Offences**

In this unit students consider some of the primary crimes that have a significant impact on individuals and society as a whole. In addition to considering the crime of homicide, attention is given to crimes that students are most likely to be impacted by at some point in their lives: physical/sexual assault, motor vehicle offences, property violations, and drug related issues.

**Canadian Law 2204****Unit 4: Specific Criminal Offences**

<b>Outcomes</b>	<b>Sample Learning/Teaching Strategies</b>
<p><i>SCO 4.1: Students are expected to understand what constitutes the criminal offence of homicide.</i></p> <p>4.1.1 Define: (k)</p> <ul style="list-style-type: none"> <li>- homicide</li> <li>- murder</li> <li>- manslaughter</li> <li>- provocation</li> <li>- infanticide</li> <li>- assault</li> </ul> <p>4.1.2 Explain the distinction between the four classifications of homicide: (k)</p> <ul style="list-style-type: none"> <li>- first degree</li> <li>- second degree</li> <li>- manslaughter</li> <li>- infanticide</li> </ul> <p>4.1.3 Examine the different minimum and maximum sentences for the four classifications of homicide to justify their appropriateness. (a)</p> <p>4.1.4 Apply the principles of homicide to analyze, prosecute, defend, and decide specific cases. (i)</p>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"> <li>• Create a visual organizer that differentiates among the four classifications of homicide.</li> <li>• Conduct a formal debate assessing the strengths and weakness of the maximum and minimum sentences for homicide.</li> <li>• Participate in the following cooperative activity: <ul style="list-style-type: none"> <li>- divide the class into small groups</li> <li>- assign each group a different justification(s)</li> <li>- have each group examine crime rates for their jurisdiction(s) (here it would be ideal to compare jurisdictions that use capital punishment with those who do not)</li> <li>- have each group relate the frequency of homicide to the maximum penalty for the jurisdiction(s) to assess if more severe penalties are an effective deterrent for homicide</li> <li>- have the groups generalize their findings and share them with the class (using both oral and written form)</li> </ul> </li> <li>• Conduct a mock criminal trial. <ul style="list-style-type: none"> <li>- have each participant maintain a portfolio of their role in the trial</li> <li>- <b>NOTE:</b> if this is the second or third mock trial, be sure to rotate the role of each student to ensue that no one remains as a juror, reporter or witness the entire course. The positions of lawyers and/or judges should be made available to each student by the end of the course if possible</li> </ul> </li> </ul>

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**Canadian Law 2204****Unit 4: Specific Criminal Offences**

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**Student Assessment Strategies**

Students may, for example:

- Over the course of this unit create a scrapbook, collage, or bulletin board display illustrating the various examples of criminal activity from this unit. As part of the presentation of each example have students discuss the impact of each type of crime on the community and society as a whole. See the Sample Assessment Strategies in section 4.2 for more ideas.
- Assess the cooperative activity. (This could be done using self-assessment, group self-assessment or teacher assessment.)
- Submit their portfolio of their role in the trial.

**Resources and Notes**

Now that teachers and students are comfortable with the concept of a mock trial, various case studies can be adapted from the news or fiction to be presented. The procedures and handouts noted at <http://www.ccle.fourh.umn.edu/mock3.pdf> can be used and modified to meet each teacher's individual needs.

**Canadian Law 2204****Unit 4: Specific Criminal Offences**

<b>Outcomes</b>	<b>Sample Learning/Teaching Strategies</b>
<p><i>SCO 4.2: Students are expected to understand what constitutes the criminal offence of assault.</i></p> <p>4.2.1 Contrast the three levels of assault. (k)</p> <p>4.2.2 Explain why assaults of a sexual nature were reclassified. (k)</p> <p>4.2.3 Examine the reclassification of sexual assaults to determine the impact on both the accused and victims. (a)</p> <p>4.2.4 Apply the principles of assault to analyze, prosecute, defend, and decide specific cases. (a)</p>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"> <li>• Examine cases from television or film (use excerpts) to identify the impact that assault has on its victims.</li> <li>• Invite a guest speaker from a supporting/advocacy group (i.e., Women’s Crisis Intervention Centre, Newfoundland and Labrador Sexual Health Centre, etc.) to discuss the nature, frequency and impact of sexual assault.</li> <li>• Share their article for the offence being studied and share their ideas on the impact of each type of crime on the community and society as a whole [if students are completing the scrapbook (started in 4.1)].</li> </ul>

## Canadian Law 2204

### Unit 4: Specific Criminal Offences

#### Student Assessment Strategies

Students may, for example:

- Continue scrapbook started in 4.1.
- Assess the oral presentation of scrapbook excerpts if this activity has been assigned. Here it would be a good idea for students to know in advance when they will/may be called upon to share their example. If possible have a schedule developed for students, along with a brief rubric that is shared at the beginning of the assignment. While formal “speeches” are not the goal of this activity, the intent would be to have each student share orally once during the unit.
- Develop a written set of criminal charges for a given case involving assault. (In these types of assessment activities teachers may choose to provide students with appropriate legislation; the intent of these delineations is not to have students memorize sections of legislation.)
- Given summary facts for a case involving assault, create a written judgment. (If students can be grouped into a think-pair-share (T-P-S) where each student has a different case, this could also involve cooperative learning. If this approach is used, be sure to have each student record the contribution made by their partner.)

#### Resources and Notes

- Newspapers: *The Telegram, Globe and Mail, National Post*
- <http://www.cbc.ca>
- Canadian Association of Sexual Assault Centres  
<http://www.casac.ca/english/home.cfm>
- Sexual Assault Survivors  
<http://sexualassault.aloak.ca/>

**Canadian Law 2204****Unit 4: Specific Criminal Offences**

<b>Outcomes</b>	<b>Sample Learning/Teaching Strategies</b>
<p><i>SCO 4.3: Students are expected to understand what constitutes a criminal offence involving a motor vehicle.</i></p> <p>4.3.1 Explain why motor vehicle offences are considered crimes against a person. (k)</p> <p>4.3.2 Identify the criminal offences involving motor vehicles. (k)</p> <p>4.3.3 Identify the factors needed to establish dangerous operation of a motor vehicle. (k)</p> <p>4.3.4 Classify situations of motor vehicle offences given specific examples. (a)</p> <p>4.3.5 Apply the principles of crimes involving a motor vehicle to decide specific cases. (i)</p>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"> <li>• Invite a guest speaker from the highway section of a local detachment of the RNC/RCMP to discuss motor vehicle offences.</li> <li>• Participate in the following cooperative activity: <ul style="list-style-type: none"> <li>- divide students into small groups</li> <li>- assign each group a specific motor vehicle offence</li> <li>- have each group create a role play scenarios where a potential motor vehicle violation is prevented due to conscious behaviours of the driver or another intervener <ul style="list-style-type: none"> <li>▪ i.e., a party host facilitating a taxi service or sleep-over arrangements for guests who have been drinking</li> </ul> </li> </ul> </li> <li>• Conduct a mock criminal trial. <ul style="list-style-type: none"> <li>- Have each participant maintain a portfolio of their role in the trial.</li> </ul> </li> </ul>

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**Canadian Law 2204****Unit 4: Specific Criminal Offences**

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**Student Assessment Strategies**

Students may, for example:

- Given the summary of the facts of a case, decided if a motor vehicle offence has occurred. (In these types of assessment activities teachers may choose to provide students with appropriate legislation; the intent of these delineations is not to have students memorize sections of legislation.)
- Continue scrapbook started in 4.1.
- Continue the oral presentation of scrapbook excerpts started in 4.1/4.2.
- Submit their portfolio of their role in the trial.

**Resources and Notes**

- Newfoundland and Labrador Motor Vehicle Registration  
<http://www.gs.gov.nl.ca/gsmr/>
- Nova Scotia Registry of Motor Vehicles - Suspension of a Drivers Licence  
<http://www.gov.ns.ca/smsmr/rmv/licence/suspend.asp>
- Criminal Code  
<http://laws.justice.gc.ca/en/search.html>

## Canadian Law 2204

### Unit 4: Specific Criminal Offences

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#### Outcomes

*SCO 4.4: Students are expected to understand what constitutes a criminal offence against property.*

- 4.4.1 Define: (k)
  - theft
  - colour of right
  - robbery
- 4.4.2 Explain the necessity of establishing *mens rea* for the charge of breaking and entering. (k)
- 4.4.3 Explain the why there is a distinction in the maximum sentence of breaking and entering involving commercial and a private dwelling. (k)
- 4.4.4 Apply the principles of crimes involving property to decide specific cases. (a)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Participate in the following cooperative activity:
  - given summary facts for a case involving a crime against property have each student create a written judgment
  - group students into a think-pair-share (T-P-S)
  - have students comment on each others cases (ensure that each student has a different case)
  - have students revise their judgments as necessary
  - be sure to have each student record the contribution made by/to their partner

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**Canadian Law 2204****Unit 4: Specific Criminal Offences**

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**Student Assessment Strategies**

Students may, for example:

- Create a poster that illustrates the various acts that are considered a crime against property.
- Continue scrapbook started in 4.1.
- Continue the oral presentation of scrapbook excerpts started in 4.1/4.2.
- Evaluate the cooperative activity.

**Resources and Notes**

- Criminal Code  
*<http://laws.justice.gc.ca/en/search.html>*

**Canadian Law 2204****Unit 4: Specific Criminal Offences**

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 4.5: Students are expected to understand what constitutes a criminal offence involving drugs.</i></p>	<p>Teachers can ask students to:</p>
<p>4.5.1 Define: (k)</p> <ul style="list-style-type: none"> <li>- controlled substance</li> <li>- possession</li> <li>- trafficking</li> <li>- money laundering</li> </ul>	<ul style="list-style-type: none"> <li>• Invite a guest speaker from the drug section of the local RNC/RCMP to discuss the law related to drugs. Also ask the speaker to comment on the social impact of illicit drugs.</li> <li>• Invite a guest speaker from a community support group (such as Al-Anon) to discuss the impact of drug abuse.</li> </ul>
<p>4.5.2 Explain the factors that the <i>Controlled Drugs and Substances Act</i> uses to establish possession. (k)</p>	<ul style="list-style-type: none"> <li>• Design and create posters/brochures targeted for junior high students that outline why certain drugs are illegal and should not be used.</li> <li>• Develop and deliver a 15-30 minute drug-education presentation intended for other students (same grade or below) that deals with the impact of drugs, organized crime, and criminal offences.</li> </ul>
<p>4.5.3 Analyze specific situations to determine if charges of possession can be placed. (a)</p>	<ul style="list-style-type: none"> <li>• Conduct a formal debate examining the appropriateness of the sentences for possession, trafficking and possession for the purpose of trafficking.</li> </ul>
<p>4.5.4 Contrast trafficking and possession for the purpose of trafficking. (k)</p>	
<p>4.5.5 Apply the principles of <i>mens rea</i> and <i>actus reus</i> to analyze specific cases related to trafficking and possession for the purpose of trafficking. (a)</p>	
<p>4.5.6 Draw conclusions about the appropriateness of the Crown to ask for either indictable or summary convictions for the charges of possession, trafficking and possession for the purpose of trafficking. (a)</p>	

**Canadian Law 2204****Unit 4: Specific Criminal Offences****Student Assessment Strategies**

Students may, for example:

- Submit the posters/brochures created.
- Self-assess the drug-education program (design and delivery).
- Complete scrapbook started in 4.1.
- Continue the oral presentation of scrapbook excerpts started in 4.1/4.2.

**Resources and Notes**

- *Food and Drug Act*  
<http://laws.justice.gc.ca/en/F-27/>
- Al-Anon  
[http://nl.snis.ca/view/?organization\\_id=219](http://nl.snis.ca/view/?organization_id=219)
- Drug War Clock  
<http://www.drugsense.org/wodclock.htm>
- Support for youth  
<http://www.cdha.nshealth.ca/programsandservices/addictionprevention/choices.html>
- *Controlled Drugs and Substances Act*  
<http://laws.justice.gc.ca/en/C-38.8>



## **Unit 5: Specific Applications of Civil Law of International Torts**

There are a variety of issues in society that, while not criminal in nature, impede the maintenance of justice. In this unit students are afforded an in-depth analysis of intentional torts. The focus of these civil actions relate to interference with the person (mental or physical) or their property.

**Canadian Law 2204****Unit 5: Specific Applications of Civil Law of International Torts**

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 5.1: Students are expected to understand what constitutes the tort of intentional physical interference with the person.</i></p>	<p>Teachers can ask students to:</p>
<p>5.1.1 Define: (k)</p> <ul style="list-style-type: none"> <li>- assault</li> <li>- battery</li> <li>- sexual assault</li> <li>- medical battery</li> </ul>	<ul style="list-style-type: none"> <li>• Over the course of this unit create a scrapbook, collage, or bulletin board display illustrating the various examples of intentional torts from this unit. As part of the presentation of each example have students discuss the impact of each type of tort on the individual and society as a whole. See the Sample Assessment Strategies.</li> </ul>
<p>5.1.3 Identify sections of the <i>Charter</i> that related to specific torts against the physical person. (k)</p>	<ul style="list-style-type: none"> <li>• During this unit if students are completing the scrapbook call upon some students to share their article for the offence being studied and share their ideas on the impact of each type of tort or the individual and society.</li> </ul>
<p>5.1.4 Distinguish between assault and battery. (k)</p>	<ul style="list-style-type: none"> <li>• Examine cases from television or film (use excerpts) to identify the impact that assault has on its victims.</li> </ul>
<p>5.1.5 Examine situations to determine if assault or battery has occurs. (a)</p>	<ul style="list-style-type: none"> <li>• Conduct a mock civil trial. <ul style="list-style-type: none"> <li>- have each participant maintain a portfolio of their role in the trial</li> <li>- <b>NOTE:</b> if this is the second or third mock trial, be sure to rotate the role of each student to ensue that no one remains as a juror, reporter or witness the entire course. The positions of lawyers and/or judges should be made available to each student by the end of the course if possible.</li> </ul> </li> </ul>
<p>5.1.6 List the conditions that constitute the basis of medical battery. (k)</p>	
<p>5.1.7 Classify situations involving physical interference with the person by type of interference. (a)</p>	
<p>5.1.8 Apply the principles of intentional torts against the person to decide specific cases. (i)</p>	

## Canadian Law 2204

### Unit 5: Specific Applications of Civil Law of International Torts

#### Student Assessment Strategies

Students may, for example:

- Assess the oral presentation of scrapbook excerpts if this activity has been assigned. Here it would be a good idea for students to know in advance when they will/may be called upon to share their example. If possible have a schedule developed for students, along with a brief rubric that is shared at the beginning of the assignment. While formal “speeches” are not the goal of this activity, the intent would be to have each student share orally once during the unit.
- Develop a written statement of claim for a given tort involving the intentional physical interference with the person.
- Given a summary of facts for a given tort involving the intentional physical interference with the person, create a written judgement. (If students can be grouped into a think-pair-share (T-P-S) where each student has a different case, this could also involve cooperative learning. If this approach is used, be sure to have each student record the contribution made by their partner.)
- Submit their portfolio of their role in the trial.

#### Resources and Notes

- Now that teachers and students are comfortable with the concept of a mock trial, various case studies can be adapted from the news or fiction to be presented. The procedures and handouts noted at <http://www.ccle.fourh.umn.edu/mock3.pdf> can be used and modified to meet each teacher’s individual needs.
- Newspapers: *The Telegram, Globe and Mail, National Post*
- <http://www.cbc.ca>
- Canadian Association of Sexual Assault Centres  
<http://www.casac.ca/english/home.cfm>
- Sexual Assault Survivors  
<http://sexualassault.aloak.ca/>

**Canadian Law 2204****Unit 5: Specific Applications of Civil Law of International Torts**

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 5.2: Students are expected to understand what constitutes the tort of defamation of character.</i></p> <p>5.2.1 Define: (k)</p> <ul style="list-style-type: none"> <li>- defamation</li> <li>- slander</li> <li>- libel</li> <li>- truth</li> <li>- fair comment</li> <li>- malice</li> <li>- absolute privilege</li> <li>- qualified privilege</li> </ul> <p>5.2.2 Explain the necessity of the claim of malicious prosecution. (k)</p> <p>5.2.3 Identify the factors necessary to establish mental suffering. (k)</p> <p>5.2.4 Explain why it is importance to protecting individuals' right to privacy. (k)</p> <p>5.2.5 Analyze specific cases to determine if invasion of privacy has occurred. (a)</p> <p>5.2.6 Analyze specific situations to determine if defamation has occurred. (a)</p> <p>5.2.7 Classify specific situations as slander, libel, truth, fair comment. (a)</p> <p>5.2.8 Apply the principles of intentional torts against a person to analyze specific cases. (a)</p> <p>5.2.9 Evaluate the benefit to society by constitutionally protecting free speech (see sections 1 and 2 of the <i>Charter</i>). (i)</p>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"> <li>• Examine the collection and transfer of personal information due to existing and emerging technologies and assess the impact on privacy rights.</li> <li>• Critique articles from tabloids to identify possible examples of defamation.</li> <li>• Participate in the following cooperative activity: <ul style="list-style-type: none"> <li>- divide students into small groups</li> <li>- have students develop role plays that exemplify any two of slander, libel, truth, and fair comment</li> <li>- have the groups present their role plays to the class</li> <li>- have the class attempt to identify the type of interference dramatized in each role play</li> </ul> </li> <li>• During this unit if students are completing the scrapbook (started in 5.1) call upon some students to share their article for the tort being studied and share their ideas on the impact of each type of tort on the individual and society.</li> </ul>

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**Student Assessment Strategies**

**Resources and Notes**

**Canadian Law 2204****Unit 5: Specific Applications of Civil Law of International Torts**

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 5.3: Students are expected to understand what constitutes the tort of intentional interference with property.</i></p> <p>5.3.1 Define: (k)</p> <ul style="list-style-type: none"> <li>- trespass</li> <li>- private nuisance</li> <li>- public nuisance</li> <li>- chattel</li> <li>- conversion</li> </ul> <p>5.3.2 Explain the necessity of the protection of property as a means by which individuals may assert their rights under section 7 of the <i>Charter</i>. (a)</p> <p>5.3.3 Identify the conditions that constitute trespass. (k)</p> <p>5.3.4 Distinguish between theft and conversion. (k)</p> <p>5.3.5 Distinguish between private nuisance and public nuisance. (k)</p> <p>5.3.6 Classify given situations as either public or private nuisance. (a)</p> <p>5.3.7 Explain why some actions may not be considered a public nuisance in relation to sections 1 and 2 of the <i>Charter</i>. (k)</p> <p>5.3.8 Apply the principles of intentional torts against property to decide specific cases. (i)</p>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"> <li>• Participate in the following cooperative activity: <ul style="list-style-type: none"> <li>- have students create brief “case studies” modelled on <i>Mind Trap</i> game cards that examine the types of interference with property (including key terms)</li> <li>- use a round-robin cooperative approach to have students quiz each other using brief “case studies”</li> </ul> </li> <li>• If students are completing the scrapbook (started in 5.1) have them share their article for the tort being studied and share their ideas on the impact of each type of tort on the individual and society.</li> <li>• Conduct a mock civil trial. <ul style="list-style-type: none"> <li>- Have each participant maintain a portfolio of their role in the trial.</li> </ul> </li> </ul>

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**Canadian Law 2204****Unit 5: Specific Applications of Civil Law of International Torts**

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**Student Assessment Strategies**

Students may, for example:

- Evaluate the “case study” cards developed for the cooperative activity
- Complete scrapbook started in 5.1.
- Continue oral presentation of scrapbook excerpts.
- Submit their portfolio of their role in the trial.

**Resources and Notes**

- *Mind Trap*
- Local and national newspapers and web-based news sources (i.e., CBC, CNN, etc.)



**Complete any TWO of the following units:**

**Unit 6 - Investigation and Arrest**

**Unit 7 - Contract Law**

**Unit 8 - Family Law**

**Unit 9 - Criminal Law and Young People**

**Unit 10 - Human Rights**

**Unit 11 - Aboriginal Peoples and the Law**



## **Unit 6: Investigation and Arrest**

This is the only optional unit that allows students to explore the area of procedural law. Allowing students to consider the role of various peace officers, and other civil agents, in the promotion of justice and due process is a vital, yet often overlooked feature of the judicial system.

## Canadian Law 2204

### Unit 6: Investigation and Arrest

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#### Outcomes

*SCO 6.1: Students are expected to understand what the functions of the various levels of policing in Canada.*

- 6.1.1 Contrast the purposes of federal, provincial and municipal policing. (k)
- 6.1.2 Describe the eight areas of responsibility of the RCMP. (k)
- 6.1.3 Classify criminal situations by area of enforcement. (a)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Invite an RNC officer and RCMP officer to discuss the similarities and differences in their responsibilities.
- Develop a graphic organizer to explain the three levels of policing in Canada.

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**Canadian Law 2204****Unit 6: Investigation and Arrest**

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**Student Assessment Strategies**

Students may, for example:

- Create a poster that explains the role of peace officers in Canada, highlighting the different areas of responsibility for each level.
- Given specific offenses, classify them according to area of justification.

**Resources and Notes**

- RCMP  
*<http://rcmp-grc.ca>*
- Royal Newfoundland Constabulary  
*<http://justice.gov.nl.ca/rnc/index.htm>*

## **Canadian Law 2204**

### **Unit 6: Investigation and Arrest**

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#### **Outcomes**

*SCO 6.2: Students are expected to understand the purpose and processes of conducting a police investigation.*

- 6.2.1 Contrast the roles of a patrol officer and criminal identification officer. (k)
- 6.2.2 Describe the chain of custody of evidence from the time of collection to entry into court. (k)
- 6.2.3 Analyze the chain of custody of evidence to determine if it has been contaminated. (a)

#### **Sample Learning/Teaching Strategies**

Teachers can ask students to:

- Invite a criminal identification officer to discuss what their role is in an investigation and the procedures and tools they use.
- Create “crime scenes” in the classroom/school and have students apply the procedures of how to secure a crime scene to describe what should be done to preserve the evidence.

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**Canadian Law 2204****Unit 6: Investigation and Arrest**

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**Student Assessment Strategies**

Students may, for example:

- Create a project as outlined:
  - construct miniature models of a crime scene
  - identify the various possible pieces of evidence that must be preserved
  - alternatively this could be organised as a comic strip

**Resources and Notes**

- CSI Handbook  
*<http://www.cbs.com/primetime/csi/handbook/index.php?section=evidence>*
- A non-commercial CSI site  
*<http://www.crime-scene-investigator.net/>*

## Canadian Law 2204

### Unit 6: Investigation and Arrest

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#### Outcomes

*SCO 6.3: Students are expected to understand the contributions made by forensic investigation.*

- 6.3.1 Describe the types of impressions that may be used as part of a forensic investigation. (k)
- 6.3.2 Identify the sources that may be used to collect DNA. (k)
- 6.3.3 Demonstrate how DNA profiling is used in police investigations. (k)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Invite a criminal identification officer to discuss what their role is in an investigation and the procedures and tools they use.
- Create “crime scenes” in the classroom/school and have students apply the procedures of what should be done to preserve evidence.

## Canadian Law 2204

### Unit 6: Investigation and Arrest

#### Student Assessment Strategies

Students may, for example:

- Research and present a report on the procedures/techniques/technologies used as a part of crime scene investigation.
- Participate in the following cooperative/cross curricular activity (English, theatre arts, science):
  - organize students into partners/small groups
  - have each group develop a crime scene that involves a case/area studied in the course so far this year
  - have students create props that represent the various elements/evidence for the crime scene
  - have students identify the importance of the evidence gathered on the overall investigation
  - have students describe how evidence is collected/analyzed
  - this project could be completed using a variety of formats: life size, scale model, video report, PowerPoint presentation
  - the research report noted above could also be completed part of this project
  - this project might be presented at the same time as the Heritage Fair in schools that have a intermediate/senior high combination, or with another open house (science fair, English night, etc.)

#### Resources and Notes

- CSI Handbook  
<http://www.cbs.com/primetime/csi/handbook/index.php?section=evidence>
- A non-commercial CSI site  
<http://www.crime-scene-investigator.net/>

**Canadian Law 2204****Unit 6: Investigation and Arrest**

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 6.4: Students are expected to understand what constitutes legal arrest and search.</i></p>	<p>Teachers can ask students to:</p>
<p>6.4.1 Explain the purpose of police interrogation. (k)</p>	<ul style="list-style-type: none"> <li>• Role play an arrest by having students read a caution statement.</li> </ul>
<p>6.4.2 Identify the steps necessary for a legal arrest. (k)</p>	<ul style="list-style-type: none"> <li>• Invite a crown prosecutor and/or judge to discuss the types of evidence used in court and the relative importance of each.</li> </ul>
<p>6.4.3 Explain the importance of <i>reasonable grounds</i> to ensure that an arrest does not violate sections 7, 8, 9 or 10 of the <i>Charter</i>. (a)</p>	<ul style="list-style-type: none"> <li>• Organize a formal debate examining the necessity of search warrants.</li> </ul>
<p>6.4.4 Identify the circumstances under which an arrest may be made without a warrant. (k)</p>	<ul style="list-style-type: none"> <li>• Evaluate the admissibility of evidence that was collected in a manner that violated an individual's <i>Charter</i> rights/freedoms. (See section 24(2) of the <i>Charter</i>.)</li> </ul>
<p>6.4.5 Analyze situations to determine if a warrant is necessary to conduct a legal search. (a)</p>	
<p>6.4.6 Identify the types of evidence that carry the most weight in court. (k)</p>	
<p>6.4.7 Analyze evidence collected to determine admissibility in court. (a)</p>	
<p>6.4.8 Defend why a warrant is normally necessary to conduct a legal search. (i)</p>	
<p>6.4.9 Apply the principles of arrest and search to decide specific cases. (i)</p>	

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**Canadian Law 2204****Unit 6: Investigation and Arrest**

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**Student Assessment Strategies**

Students may, for example:

- Review specific cases to verify the legality of the arrest and the search.
- Prepare a research report that justifies the need for protection against unwarranted search and seizure.
- Critique evidence to determine its admissibility.

**Resources and Notes**

- RCMP  
*<http://rcmp-grc.ca>*
- Royal Newfoundland Constabulary  
*<http://justice.gov.nl.ca/rnc/index.htm>*
- Supreme Court of Canada  
*[http://www.scc-csc.gc.ca/Welcome/index\\_e.asp](http://www.scc-csc.gc.ca/Welcome/index_e.asp)*
- Search and Seizure  
*<http://www.camagazine.com/multimedia/camagazine/Library/EN/1995/Jun//taxation.pdf>*



## **Unit 7: Contract Law**

The pervasiveness of legal requirements in day to day life is often taken for granted. Contract law applies not only to major financial transactions, but also to the purchase of a cup of coffee or a candy. This unit allows students to explore an area of law that they deal with on a daily basis.

## Canadian Law 2204

### Unit 7: Contract Law

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#### Outcomes

*SCO 7.1: Students are expected to understand the need for, and various types of, contracts.*

7.1.1 Explain the need for contractual agreements. (k)

7.1.2 Identify the types of contracts: (k)

- oral
- written
- implied
- express
- under seal

7.1.3 Classify given contracts by type. (a)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Participate in the following cooperative activity:
  - in small groups generate a list of various community organizations
  - identify the different reasons/needs these groups would have for making contracts with their members or customers
  - discuss what would happen if contracts did not exist in these circumstances
- Create a list of examples where not having a contract caused a problem (i.e., having a “cash” repair/service did not carry a warranty).
- Role play a situation where a person returns an item to a store that does not have a return policy.

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**Canadian Law 2204****Unit 7: Contract Law**

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**Student Assessment Strategies**

Students may, for example:

- Given a listing of various contracts, classify them by type.
- Given a specific case, outline the nature of the contractual relationship between parties.

**Resources and Notes**

- Contract law centre  
*<http://www.duhaime.org/contract/default.aspx>*
- Law Library (U of T)  
*<http://www.law-lib.utoronto.ca/resources/topic/cont.htm>*
- UBC  
*<http://faculty.law.ubc.ca/biukovic/Contracts%20law/contractsindex.htm>*

## Canadian Law 2204

### Unit 7: Contract Law

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#### Outcomes

*SCO 7.2: Students are expected to understand what constitutes a valid contract.*

- 7.2.1 Identify the elements of a valid contract: (k)
  - offer
  - acceptance
  - consideration
- 7.2.2 Create an example of a valid contractual arrangement. (i)
- 7.2.3 Identify the rules that govern acceptance. (k)
- 7.2.4 Distinguish between a contract and a gratuitous promise. (k)
- 7.2.5 Examine various contractual agreements to assess their validity. (a)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Invite a lawyer as a guest speaker to discuss contract law.
- Work in small groups to develop a short skit that illustrates the concept of a valid oral contract and a gratuitous promise.
- Examine various standard contracts and identify the parts that make the contract valid.

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**Canadian Law 2204****Unit 7: Contract Law**

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**Student Assessment Strategies**

Students may, for example:

- Create/write a valid contract for the sale of a good between two adults.
- Analyze a contract to determine its validity.

**Resources and Notes**

- *Newfoundland and Labrador Sales of Goods Act*  
<http://www.hoa.gov.nl.ca/hoa/statutes/s06.htm>
- USA  
<http://www.pushormitchell.com/fullarticle.asp?PMArtID=18>

## Canadian Law 2204

### Unit 7: Contract Law

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#### Outcomes

*SCO 7.3: Students are expected to understand how various factors may invalidate a contract.*

- 7.3.1 Explain what constitutes incapacity to contract. (k)
- 7.3.2 Examine contracts made by minors to determine which ones are enforceable. (a)
- 7.3.3 Identify factors that invalidate a contract: (k)
  - mistake
  - misrepresentation
  - illegality
  - contrary to public policy
  - duress
  - undue influence
  - unconscionability
- 7.3.4 Classify various examples of contract invalidation by type. (a)

#### Sample Learning/Teaching Strategies

Teachers can ask students to:

- Participate in the following cooperative activity:
  - organize students into small groups
  - have each group develop two role plays exemplifying invalidating factors
  - have each group share their role plays
  - have the class determine what invalidating factor was dramatized

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**Canadian Law 2204****Unit 7: Contract Law**

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**Student Assessment Strategies**

Students may, for example:

- Create case studies that illustrate both enforceable and non-enforceable contracts involving minors.
- Given a case study, classify the type of contract invalidation present.

**Resources and Notes**

- Employment contracts (Ontario)  
*<http://www.emond-harnden.com/oct00/nikolic.html>*
- Contract with government (Ontario)  
*<http://www.osler.com/resources.aspx?id=8024>*
- Contracts with small business  
*[http://www.cgarchitect.com/upclose/article5\\_DW.asp](http://www.cgarchitect.com/upclose/article5_DW.asp)*
- Unfair practices (Ontario)  
*<http://www.legalline.ca/consumer/813.html>*

**Canadian Law 2204****Unit 7: Contract Law****Outcomes**

*SCO 7.4: Students are expected to understand the remedies for a breach of contract.*

- 7.4.1 Describe how a contract may be discharged: (k)
- performance
  - agreement
  - frustration
  - breach
- 7.4.2 Classify various examples of contract discharge by type. (a)
- 7.4.3 Identify the principles governing the remedies available for breach of contract: (k)
- damages
  - mitigation of damages
  - injunction
- 7.4.4 Apply a remedy to settle a breach of contract. (a)
- 7.4.5 Describe the remedies available for both buyers and sellers involved in sale of goods. (k)
- 7.4.6 Apply the concepts of discharge and remedy in contract law to decide specific cases. (i)

**Sample Learning/Teaching Strategies**

Teachers can ask students to:

- Invite a representative from a consumer/business group (Better Business Bureau, Chamber of Commerce, etc.) to discuss how a breach of contract impacts consumers/business and how a remedy may be achieved.
- Discuss the cost/impact of the Federal Government canceling the military helicopter purchase with reference to the company and taxpayers.
- Conduct a mock civil trial involving contracts.
  - have each participant maintain a portfolio of their role in the trial

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**Canadian Law 2204****Unit 7: Contract Law**

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**Student Assessment Strategies**

Students may, for example:

- Submit their portfolio of their role in the trial.
- Given specific cases, write a judgment and set an award as a remedy for a breach of contract.

**Resources and Notes**

- Transcript regarding the cancelled helicopters  
[http://www.parl.gc.ca/37/3/parlbus/chambus/house/debates/034\\_2004-04-01/han034\\_1635-e.htm](http://www.parl.gc.ca/37/3/parlbus/chambus/house/debates/034_2004-04-01/han034_1635-e.htm)
- Case studies and procedures found at  
<http://www.ccle.fourh.umn.edu/mock3.pdf>



## **Unit 8: Family Law**

For most students, part of their lives will involve a relationship that includes some form of cohabitation. For approximately half of those students, that relationship will end. The creation, maintenance and dissolution of a family unit has legal and financial implications. In this unit students are able to explore the area of law governing families.

**Canadian Law 2204****Unit 8: Family Law****Outcomes**

*SCO 8.1: Students are expected to understand the legal concepts of marriage and cohabitation.*

## 8.1.1 Define: (k)

- capacity
- consent
- consanguinity
- affinity
- monogamy
- annulment
- consummation

## 8.1.2 Explain the legal requirements for marriage under common law: (k)

- mental capacity
- valid consent
- minimum age
- absence of a prohibited relationship
- termination of prior marriages
- sexual capacity

## 8.1.3 Examine various scenarios to determine if the legal requirements exist for a valid marriage. (a)

## 8.1.4 Identify the general requirements for marriage under provincial law: (k)

- marriage licence
- publication of banns
- marriage ceremony

## 8.1.5 Identify the requirements for a valid marriage ceremony. (k)

***(continued on page 130)***

**Sample Learning/Teaching Strategies**

Teachers can ask students to:

- Identify the various types of family/living relationships in Canada and compare them to the legal definition of a family in Canada.
- Role play a valid marriage ceremony.
- Note: the role play could be done as an extension of a licensed marriage officer visiting the class as a guest speaker.
- Participate in the following cooperative activity:
  - organize students into pairs
  - assign each pair various assets that each “partner” is bringing into a marriage or cohabitation arrangement
  - have each pair develop a written prenuptial or cohabitation agreement
  - have the student pair join into groups of four to share and discuss their respective agreements

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**Canadian Law 2204****Unit 8: Family Law**

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**Student Assessment Strategies**

Students may, for example:

- Analyze various case studies to determine if a valid marriage is in effect.
- Design and create a poster that illustrates the evolving nature of the family unit.
- Create a research report that assesses the degree of fairness present in Canadian law regarding marriage/cohabitation. A variety of formats for this project might include:
  - written
  - PowerPoint
  - poster
  - video

**Resources and Notes**

- Vanier Institute (general)  
*<http://www.vifamily.ca/>*
- Vanier Institute (research/statistics)  
*<http://www.gdsourcing.ca/works/Vanier.htm>*
- Federal Family Law resources  
*<http://canada.justice.gc.ca/en/ps/flas/>*

## Canadian Law 2204

### Unit 8: Family Law

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#### Outcomes

*SCO 8.1: Students are expected to understand the legal concepts of marriage and cohabitation.*

**(continued)**

8.1.6 Explain why there are various living arrangements that can be described as a family. (a)

8.1.7 Define: (k)  
- cohabitation  
- domestic contract

8.1.8 Justify why laws governing cohabitation in Canada promote fairness. (i)

#### Sample Learning/Teaching Strategies

**Canadian Law 2204**

**Unit 8: Family Law**

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**Student Assessment Strategies**

**Resources and Notes**

**Canadian Law 2204****Unit 8: Family Law**

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 8.2: Students are expected to understand the legal principles governing the ending of a marriage.</i></p>	<p>Teachers can ask students to:</p>
<p>8.2.1 Distinguish between a separation agreement and a divorce. (k)</p>	<ul style="list-style-type: none"> <li>• Invite a counselor as a guest speaker to discuss the impact of separation and divorce on the partners and children.</li> </ul>
<p>8.2.2 Examine various scenarios to determine if a divorce can be granted. (a)</p>	<ul style="list-style-type: none"> <li>• Invite a lawyer as a guest speaker to discuss the issues surrounding separation agreements, child custody and support payments.</li> </ul>
<p>8.2.3 Apply the guidelines that govern the dissolution of common law relationships to specific cases. (a)</p>	<ul style="list-style-type: none"> <li>• Invite a social worker to discuss the legal requirements of parents for their children.</li> <li>• Compare civil and religious requirements for an annulment.</li> </ul>
<p>8.2.4 Identify the conditions necessary to validate a marriage breakdown. (k)</p>	<ul style="list-style-type: none"> <li>• Participate in the following cooperative activity:               <ul style="list-style-type: none"> <li>- organize students into pairs</li> <li>- have each pair develop a separation agreement that divides their property and satisfies any prenuptial/cohabitation agreement</li> <li>- have the student pair join into groups of four to share and discuss their respective agreements</li> </ul> </li> </ul>
<p>8.2.5 Describe the considerations in settling issues of child custody: (k)</p> <ul style="list-style-type: none"> <li>- tender years doctrine</li> <li>- type of custodial award</li> <li>- access</li> <li>- "best interests of the child"</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct a mock civil trial involving a divorce with consideration for child custody, child support and spousal support.               <ul style="list-style-type: none"> <li>- have each participant maintain a portfolio of their role in the trial</li> </ul> </li> </ul>
<p>8.2.6 Apply the considerations for determining child custody to specific cases. (a)</p>	
<p>8.2.7 Explain the purpose of spousal support. (k)</p>	
<p>8.2.8 Define: (k)</p> <ul style="list-style-type: none"> <li>- equalization payment</li> <li>- matrimonial home</li> </ul>	
<p>8.2.9 Apply the considerations used in division of assets to analyze specific cases. (a)</p>	
<p>8.2.10 Apply the principles of family law to decide specific cases. (i)</p>	

**Canadian Law 2204****Unit 8: Family Law****Student Assessment Strategies**

Students may, for example:

- Write a research report that highlights landmark cases in family law.
- Have students write a judgment for a specific case involving the division of assets in a divorce.
- Submit their portfolio of their role in the trial.

**Resources and Notes**

- An excellent and comprehensive on-line source is available at Public Legal Information Association of Newfoundland <http://www.publiclegalinfo.com/publications.html>
- Vanier Institute (general) <http://www.vifamily.ca/>
- Vanier Institute (research/statistics) <http://www.gdsourcing.ca/works/Vanier.htm>
- Federal Family Law resources <http://canada.justice.gc.ca/en/ps/flas/>
- Child Support <http://canada.justice.gc.ca/en/ps/sup/index.html>
- Divorce Act <http://laws.justice.gc.ca/en/D-3.4/>
- Alternate Divorce <http://www.collaborativedivorce.ca/>



## **Unit 9: Criminal Law and Young People**

Canadian society places a special value on the lives of children and young people. Historically the functioning of the legal system has not always supported that same sense of value. Over the past one hundred years Canadian law concerning the treatment of young people has evolved radically. This unit explores the unique needs of young people in the legal system, and considers the appropriateness of current legislation.

**Canadian Law 2204****Unit 9: Criminal Law and Young People**

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 9.1: Students are expected to understand the need for special criminal legislation to apply to young people.</i></p>	<p>Teachers can ask students to:</p>
<p>9.1.1 Identify some of the influences that may lead a young person to commit a criminal action. (a)</p>	<ul style="list-style-type: none"> <li>• Examine a variety of news stories involving young people in criminal actions.</li> </ul>
<p>9.1.2 Define: (k) - juvenile delinquent - training school</p>	<ul style="list-style-type: none"> <li>• Debate the merits of treating young people differently than adults in criminal law.</li> </ul>
<p>9.1.3 Describe the evolution of attitudes toward the treatment of young offenders over the past century. (k)</p>	<ul style="list-style-type: none"> <li>• Discuss an issue such as bullying, harassment, drug use/trafficking, etc., regarding the place of young people in perpetrating these crimes.</li> </ul>
<p>9.1.4 Define: (k) - incapacity of children</p>	<ul style="list-style-type: none"> <li>• Invite a youth counsellor or social worker to discuss the special considerations regarding young offenders.</li> </ul>
<p>9.1.5 Explain why there are special legal provisions for young offenders. (a)</p>	<ul style="list-style-type: none"> <li>• Invite a defence lawyer to discuss the nature of defences for young offenders.</li> </ul>
<p>9.1.6 Contrast the provisions of the <i>Juvenile Delinquents Act</i> (1908), the <i>Young Offenders Act</i> (1984; 1992; 1995) and the <i>Youth Criminal Justice Act</i> (2002). (k)</p>	
<p>9.1.7 Define: (k) - young offender - presumptive offences</p>	
<p>9.1.8 Assess the appropriateness of treating young offenders differently than adult offenders. (i)</p>	
<p>9.1.9 Explain why children are generally not criminally responsible for their actions. (k)</p>	

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**Canadian Law 2204****Unit 9: Criminal Law and Young People**

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**Student Assessment Strategies**

Students may, for example:

- Create a chart that compares the underlying philosophy, procedures and penalties of the *Juvenile Delinquents Act*, the *Young Offenders Act*, and the *Youth Criminal Justice Act*.
- Create a research report on the Steven Truscott (or similar) case: describe his treatment, and compare how he would be treated today.
- Write a position paper justifying the need for special legislation providing for the special treatment of young offenders.

**Resources and Notes**

- Steven Truscott:
  - <http://www.statementanalysis.com/truscott/>
  - <http://www.cbc.ca/fifth/truscott/>
  - [http://canada.justice.gc.ca/en/news/nr/2004/doc\\_31272.html](http://canada.justice.gc.ca/en/news/nr/2004/doc_31272.html)
  - <http://www.injusticebusters.com/04/Truscott.shtml>
- *Youth Criminal Justice Act*  
<http://laws.justice.gc.ca/en/Y-1.5/>
- *Youth Criminal Justice Act (Opinion)*  
<http://www.canadiancontent.ca/issues/0599offenders.html>

**Canadian Law 2204****Unit 9: Criminal Law and Young People**

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 9.2: Students are expected to understand the provisions Youth Criminal Justice Act.</i></p>	<p>Teachers can ask students to:</p>
<p>9.2.1 Describe the rights of young people in a criminal investigation: (k)</p> <ul style="list-style-type: none"> <li>- search</li> <li>- evidence from questioning</li> <li>- publication of identity</li> </ul>	<ul style="list-style-type: none"> <li>• Participate in the following cooperative activity: <ul style="list-style-type: none"> <li>- divide students into small groups</li> <li>- assign each group a region in the world (assign each group member a specific country)</li> <li>- have each group research the treatment of young offenders in that region</li> <li>- have each group rate the countries/regions treatment of young people with respect to: severity of punishment, opportunities for rehabilitation, reintegration. (1=high/excellent to 4=lowest/appalling)</li> <li>- have each group present their research back to the class</li> <li>- have the class collectively re-rate each country as necessary</li> </ul> </li> </ul>
<p>9.2.2 Explain the need for additional rights to protect young people beyond those provided for in the <i>Charter</i>. (a)</p>	<ul style="list-style-type: none"> <li>• Invite a judge from youth court as a guest speaker to discuss the principles and issues surrounding youth offences.</li> </ul>
<p>9.2.3 Identify the conditions under which an extrajudicial sanction may be applied. (k)</p>	<ul style="list-style-type: none"> <li>• Review cases that outline the rights/obligations of young people regarding search and seizure, and expectation of privacy when at school.</li> </ul>
<p>9.2.4 Explain the purpose of extrajudicial sanctions. (a)</p>	<ul style="list-style-type: none"> <li>• Conduct a mock criminal trial involving a young person. <ul style="list-style-type: none"> <li>- have each participant maintain a portfolio of their role in the trial</li> </ul> </li> </ul>
<p>9.2.5 Define: (k)</p> <ul style="list-style-type: none"> <li>- custody</li> </ul>	
<p>9.2.6 Identify the main principles of the <i>Youth Criminal Justice Act</i> that are used when sentencing. (k)</p>	
<p>9.2.7 Compare the sentencing options that are appropriate for less serious crimes. (a)</p>	
<p>9.2.8 Identify the factors used in determining if an adult sentence is warranted. (k)</p>	
<p><b><i>(continued on page 140)</i></b></p>	

**Canadian Law 2204****Unit 9: Criminal Law and Young People****Student Assessment Strategies**

Students may, for example:

- Design and create a poster that explains the main features of the *Youth Criminal Justice Act* to intermediate/senior high school students.
- Have each student present a report on their country from the cooperative activity.
- Submit their portfolio of their role in the trial.

**Resources and Notes**

- Test your knowledge of youth crime in Canada  
<http://www.legal-info-legale.nb.ca/yj/quiz1.htm>
- The Great Young Offenders Act Debate  
<http://www.lawyers.ca/tgyad/index.htm>
- *Youth Criminal Justice Act*  
<http://laws.justice.gc.ca/en/Y-1.5/>
- *Youth Justice Rocks Box* (PLIAN)

## Canadian Law 2204

### Unit 9: Criminal Law and Young People

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Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 9.2: Students are expected to understand the provisions Youth Criminal Justice Act. (continued)</i></p>	
<p>9.2.9 Assess the appropriateness of the <i>Youth Criminal Justice Act</i> in terms of: (a)</p> <ul style="list-style-type: none"><li>- whether sentences are too lenient or harsh</li><li>- reducing the likelihood of repeat offenders</li><li>- whether the <i>Act</i> is an effective deterrence</li><li>- it's ability to rehabilitate young offenders</li></ul>	
<p>9.2.10 Apply the principles of the <i>Youth Criminal Justice Act</i> to decide specific cases. (i)</p>	

**Canadian Law 2204**

**Unit 9: Criminal Law and Young People**

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Student Assessment Strategies

Resources and Notes



## **Unit 10: Human Rights Law**

Continuing from the concepts introduced in Unit 1, this section explores more thoroughly the need to identify and protect the basic rights of citizens. Focusing on both federal and provincial legislation, students should complete this unit with a greater appreciation for rights and liberties associated with human dignity and freedom.

**Canadian Law 2204****Unit 10: Human Rights Law****Outcomes**

*SCO 10.1: Students will be expected to understand the development and application of human rights in general.*

## 10.1.1 Define: (k)

- minority
- tyranny of the majority

## 10.1.2 Explain why certain rights are considered inalienable. (a)

10.1.3 Assess the significance of *R. v. Dudley and Stevens* (1884) as it relates to the concept of the tyranny of the majority. (i)**Sample Learning/Teaching Strategies**

Teachers can ask students to:

- View an excerpt from a motion picture that illustrates the exercise of pure democratic practice (i.e., the end of a fight scene in *Gladiator*).
- Dramatize *R. v. Dudley and Stevens*:
  - assign the roles of these stranded in the boat, rescue ship, and port officials in England
  - do not share the end of the case, just act it scene-by-scene
  - as each scene unfolds discuss what has happened, and what guided the participants to act in the manner they did
- Examine various human rights abuses over the past century.
- Discuss the concept of individual liberty as it evolved in western society (see Unit 1 sections 1.1, 1.2, 1.5) and has been influenced by writers such as John Stuart Mill.
  - Debate Mill's assertion:
    - “... the individual is not accountable to society for his actions, in so far as these concern the interests of no person but himself.” Or
    - “Over himself, over his own body and mind, the individual is sovereign.”

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**Canadian Law 2204****Unit 10: Human Rights Law**

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**Student Assessment Strategies**

Students may, for example:

- Have students write a position paper that justifies the protection of the rights of the individual over that of the community (i.e., inalienable rights, see section 7 of the *Charter*.)
- Create a graphic presentation (poster/comic strip/collage/etc.) that explores the following quotation: “What, then, is the rightful limit to the sovereignty of the individual over himself? Where does the authority of society begin? How much of human life should be assigned to individuality, and how much to society?”

**Resources and Notes**

- *On Liberty*  
<http://www.bartleby.com/130/>
- *Protecting Liberty and Human Rights*  
<http://www.liberty-human-rights.org.uk/>
- Introduction to civil liberty for students  
<http://www.bccla.org/rightstalk/getting.html>

**Canadian Law 2204****Unit 10: Human Rights Law****Outcomes**

*SCO 10.2: Students are expected to understand the application of human rights legislation at the federal and provincial levels of government in Canada.*

10.2.1 Identify the weakness of the *Bill of Rights* (1960). (k)

10.2.2 Identify the jurisdiction of the *Canadian Charter of Rights and Freedoms*. (k)

10.2.3 Identify the fundamental freedoms as outlined in the *Canadian Charter of Rights and Freedoms*. (k)

- democratic and mobility rights
- legal and equity rights
- language and general rights

10.2.4 Assess how the significance of section 7 of the *Charter* may result in continued evolution of Canadian law. (i)

10.2.5 Define: (k)

- affirmative action
- accommodate
- undue hardship

10.2.6 Explain the conditions under which apparent discrimination is justified as legal. (a)

10.2.7 Compare constructive discrimination and direct discrimination. (k)

10.2.8 Apply the principle of undue hardship to resolve a specific complaint. (a)

**Sample Learning/Teaching Strategies**

Teachers can ask students to:

- Participate in the following cooperative activity:
  - without reference to the *Charter* have students identify what they feel are the five most important rights of citizens
  - have students organize into pair-share, and with their partner justify their choice of rights
  - have two partnerships merge into a group of four
  - have each group re-organize their ideas into one unified list
  - have each group present their “bill of right” on poster paper and display in the classroom
  - as a class highlight the similarities and differences among the lists
- Invite a guest speaker from a human rights advocacy group (i.e., Newfoundland and Labrador Human Rights Association) to discuss the issues surrounding discrimination and affirmative action.
- Discuss the judgements from the think-pair-share on undue hardship (see Student Assessment Strategies).

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**Canadian Law 2204****Unit 10: Human Rights Law**

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**Student Assessment Strategies**

Students may, for example:

- Summarize the key concepts of the *Canadian Charter of Rights and Freedoms* in graphic format. (Teachers may choose to summarize only specific sections.)
- In a small group role play an example of undue hardship, and then have students work in a think-pair-share to prepare a written remedy of judgment.

**Resources and Notes**

- *Canadian Bill of Rights*  
<http://laws.justice.gc.ca/en/C-12.3/>
- *Canadian Charter of Rights and Freedoms* found in back of text for this course

**Canadian Law 2204****Unit 10: Human Rights Law****Outcomes**

*SCO 10.3: Students are expected to understand the application of human rights legislation at the provincial level in Canada.*

## 10.3.1 Define: (k)

- discrimination
- human rights codes
- stereotyping, prejudice

10.3.2 Distinguish between the protections afforded by the *Canadian Human Rights Act* and the *Newfoundland and Labrador Human Rights Code* as compared to the *Charter* (k)

## 10.3.3 Define: (k)

- complainant
- respondent
- mediation
- conciliation

## 10.3.4 Describe the process of resolving a human rights complaint in Newfoundland and Labrador. (k)

## 10.3.5 Evaluate the effectiveness of remedies available to complainants. (a)

## 10.3.6 Evaluate the impact of a poisoned environment on workers' rights. (a)

10.3.7 Apply the principles of the *Newfoundland and Labrador Human Rights Code* to decide specific cases. (a)**Sample Learning/Teaching Strategies**

Teachers can ask students to:

- Participate in the following cooperative activity:
  - divide students into small groups
  - assign each group a concept such as discrimination, stereotyping, prejudice, or bias
  - have each group develop a role play for their concept
  - have each group present their role play to the class
  - discuss: Why do people discriminate/stereotype? How does it feel to be the object of discrimination/stereotyping? What impact does discrimination/stereotyping have on the community/society?
- Invite a representative from the Newfoundland and Labrador Human Rights Commission to discuss the *Newfoundland and Labrador Human Rights Code* and how it differs from the *Charter*.
- Review case studies of the violation of provincial human rights legislation.
- Chart/diagram the process of resolving a human rights complaint/appeal in Newfoundland and Labrador.
- Discuss: Do the remedies for human rights violations restore a sense of justice? Compensate the victim?

**Canadian Law 2204****Unit 10: Human Rights Law****Student Assessment Strategies**

Students may, for example:

- Create a poster that highlights the key features of *Newfoundland and Labrador Human Rights Code*.
- Given case studies, identify violations of the *Newfoundland and Labrador Human Rights Code*.
- Given a specific case, study write a judgment and remedy.
- Research and present a report on the impact of poisoned work environments that assess both the impact on workers and the organization in general.
- Develop a position paper on how the damage done to members of the community by systematic human rights abuses might be healed (i.e., racial discrimination).

**Resources and Notes**

- *Newfoundland and Labrador Human Rights Code*  
<http://www.hoa.gov.nl.ca/hoa/statutes/h14.htm>
- *Sexual Harassment and the Newfoundland and Labrador Human Rights Code*  
<http://www.mun.ca/sexualharassment/Definitions2.html>
- Directory of other human rights codes and related legislation and organizations  
<http://www.canadianlawsite.com/civilrights.htm>



## **Unit 11: Aboriginal Peoples and the Law**

Like many colonial governments, Canada's historic treatments of First Nations and Aboriginal peoples has been less than exemplary. In this unit students review the impact of legislation governing Aboriginal persons in Canada, and Newfoundland and Labrador. Additionally students are to consider the ways in which Aboriginal concepts of justice might improve Canadian society in general, and the Canadian judiciary in particular.

**Canadian Law 2204****Unit 11: Aboriginal Peoples and the Law****Outcomes**

*SCO 11.1: Students are expected to understand the legal context that is used to examine Aboriginal issues.*

- 11.1.1 Identify the role of the *Charter* in guaranteeing the rights of Aboriginal peoples. (k)
- 11.1.2 Explain why the judiciary interprets Section 35 of the *Constitution Act (1982)* in a liberal manner. (k)
- 11.1.3 Differentiate between the definitions of Status and non-Status Indians under the *Indian Act*. (k)
- 11.1.4 Contrast between the rights, freedoms and responsibilities afforded Status and non-Status Indians under the *Indian Act*. (k)
- 11.1.5 Assess the impact of changes made in the *Indian Act* through *Bill C-31*. (a)
- 11.1.6 Differentiate between Aboriginal Rights and Treaty Rights. (k)
- 11.1.7 Compare the concept of Aboriginal self-government with the Canada's federal system of governance. (a)
- 11.1.8 Evaluate the impact of integrating concepts of aboriginal self-government into Canada's current system of governance. (a)

**Sample Learning/Teaching Strategies**

Teachers can ask students to:

- Examine section 35 of the *Constitution Act* and create a framework for resolving conflict.
- Invite a guest speaker from an aboriginal group to discuss how various aboriginal peoples view their relationship with the federal and provincial governments.
- View *Welcome to Nunavut* and compare the system of governance with Newfoundland and Labrador.
- Present in graphic/poster form their new models of governance for Canada based on the Suggested Student Assessment activity.
- Create a simulation/role play illustrating the different ways the same issues might be dealt with by an Aboriginal-style government and a parliamentary government.

## Canadian Law 2204

### Unit 11: Aboriginal Peoples and the Law

#### Student Assessment Strategies

Students may, for example:

- Create a chart/diagram that compares the definitions of Status and non-Status Indians.
- Compare Aboriginal Rights and Treaty Rights through the creation of a two-column table.
- Develop a new model of governance for Canada that incorporates concepts of Aboriginal justice and governance.

#### Resources and Notes

- *The Indian Act*  
<http://laws.justice.gc.ca/en/I-5/>
- Commentaries on *The Indian Act*
  - <http://www.bloorstreet.com/200block/sindact.htm>
  - <http://www.abo-peoples.org/background/indianact.html>
  - <http://www.socialpolicy.ca/cush/m8/m8-t7.stm>
- *Bill C-31*  
<http://laws.justice.gc.ca/en/1996/18/>
- Commentaries on *Bill C-31*
  - [http://www.johnco.com/native/bill\\_c31.html](http://www.johnco.com/native/bill_c31.html)
  - <http://www.abo-peoples.org/programs/C-31/c-31.html>
  - [http://research2.csci.educ.ubc.ca/indigenation/Indian\\_ReACTions/Indian\\_ReACTions/BillC-31.htm](http://research2.csci.educ.ubc.ca/indigenation/Indian_ReACTions/Indian_ReACTions/BillC-31.htm)
  - <http://www.ammsa.com/classroom/CLASS1C-31.html>
- Video: *Welcome to Nunavut*

**Canadian Law 2204****Unit 11: Aboriginal Peoples and the Law**

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 11.2: Students will be expected to understand the legal issues surrounding Innu, Inuit, Mi'kmaq and Métis of Newfoundland and Labrador.</i></p> <p>11.2.1 Identify the Aboriginal peoples of Newfoundland and Labrador. (k)</p> <p>11.2.2 Explain the impact of the <i>Terms of Union</i> (1949) on Aboriginal legal and cultural issues. (k)</p> <p>11.2.3 Assess the current legal status of the Aboriginal peoples of Newfoundland and Labrador. (a)</p> <p>11.2.4 Evaluate the impact of past and present legislation concerning Aboriginal peoples on Aboriginal communities and culture. (i)</p>	<p>Teachers can ask students to:</p> <ul style="list-style-type: none"> <li>• Invite as guest speakers representatives from each of the Aboriginal peoples of Newfoundland and Labrador to discuss their history in our province.</li> <li>• Examine issues surrounding land claims from other justifications: <ul style="list-style-type: none"> <li>- view the movie <i>Kahnesetake</i></li> <li>- debate the issue of inherent right to land vs. the rights of municipalities to determine land usage in areas inhabited by First Nations before and after contact</li> <li>- apply these ideas to the setting of Newfoundland and Labrador</li> </ul> </li> </ul>

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**Canadian Law 2204****Unit 11: Aboriginal Peoples and the Law**

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**Student Assessment Strategies**

Students may, for example:

- Research each of the Aboriginal peoples of Newfoundland and Labrador and discuss the issues surrounding their legal status.
- Present a position paper on the impact of legislation on Aboriginal peoples. It is suggested that this assignment be completed for the end of the unit and include both federal and provincial legislation.

**Resources and Notes**

- *Terms of Union*  
<http://www.collectionscanada.ca/confederation/023001-2230.860.1-e.html>
- *Royal Commission on Renewing and Strengthening Our Place in Canada* (excellent resource)  
<http://www.gov.nf.ca/publicat/royalcomm/research/Hanrahan.pdf>
- Video: *Kahnesetake*

**Canadian Law 2204****Unit 11: Aboriginal Peoples and the Law**

Outcomes	Sample Learning/Teaching Strategies
<p><i>SCO 11.3: Students are expected to understand how Aboriginal cultural influences the application of law within of various parts of Aboriginal society.</i></p>	<p>Teachers can ask students to:</p>
<p>11.3.1 Identify the rights of Aboriginal peoples regarding hunting and fishing. (k)</p>	<ul style="list-style-type: none"> <li>• Invite as guest speakers representatives from each of the Aboriginal peoples of Newfoundland and Labrador to discuss their culture in our province.</li> </ul>
<p>11.3.2 Examine legal decisions that validate Aboriginal cultural practices concerning the concept of the family: (a)</p> <ul style="list-style-type: none"> <li>- marriage</li> <li>- adoption</li> </ul>	<ul style="list-style-type: none"> <li>• Examine such provincial laws such as the <i>Fish and Wildlife Act</i> to determine how Aboriginals are written into or out of the law.</li> <li>• Review major cases that establish the validity of Aboriginal custom within Canadian law: marriage and adoption.</li> <li>• Invite a guest speaker from an Aboriginal group to discuss the application of justice within Aboriginal communities.</li> </ul>
<p>11.3.3 Identify the principles used to govern Aboriginal property rights. (k)</p>	<ul style="list-style-type: none"> <li>• Once students have completed their research report on Aboriginal justice (see <i>Sample Assessment Strategies</i>) the following cooperative activity is suggested: <ul style="list-style-type: none"> <li>- organize students into small groups</li> <li>- have each group develop a model of justice based on their research reports</li> <li>- have each group summarize their model with a chart/diagram and accompanying key terms/concepts/procedures</li> <li>- have each group present it's model to the class</li> <li>- have the class create a single model to use in a mock trial.</li> </ul> </li> </ul>
<p>11.3.4 Assess the need for legislation such as the <i>First Nations Policing Policy</i>. (a)</p>	<ul style="list-style-type: none"> <li>• Conduct a mock trial using the model of Aboriginal justice developed by the class.</li> </ul>
<p>11.3.5 Explain the concept of restorative justice. (k)</p>	<ul style="list-style-type: none"> <li>- Have each participant maintain a portfolio of their role in the trial.</li> </ul>
<p>11.3.6 Evaluate the impact of incorporating concepts of Aboriginal justice into Canada's judicial system. (i)</p>	

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**Canadian Law 2204****Unit 11: Aboriginal Peoples and the Law**

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**Student Assessment Strategies**

Students may, for example:

- Create a research report that examines Aboriginal justice.
- Submit their portfolio of their role in the trial.

**Resources and Notes**

- *Fisheries Act* (federal)  
<http://laws.justice.gc.ca/en/F-14/>
- *Newfoundland and Labrador Wild Life Act*  
<http://www.hoa.gov.nl.ca/hoa/sr/>
- The concept of restorative justice  
<http://www.sfu.ca/cfrj/fulltext/vaes.pdf>

