

# CHILDREN AND THE LAW - LAW 324

University of Victoria Faculty of Law

Spring 2012

Instructor: Tim Richards  
Email: [trichard@uvic.ca](mailto:trichard@uvic.ca)  
Office: Room 236  
Office Hours: You may drop by my office or schedule an appointment. Generally, I will be unavailable for one and a half hours prior to LRW and Children and the Law classes.  
Phone: 721-8185  
Class Time: 9:00 – 10:30 a.m., Tuesday and Thursday  
Location: Rm. 204  
Unit Value: 1.5

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## COURSE DESCRIPTION AND OBJECTIVES

Law 324 explores the experiences of children in our society and studies the legal relations and rights that shape their lives. The course will place the child as the centre of study and explore the agency they possess in their legal worlds. At the outset the course will briefly canvas the nature of childhood in its recent historical and its contemporary context and theories of children's rights. Legal instruments including the *Convention of the Rights of the Child* and the *Charter of Rights and Freedoms* will be used as reference points for the scope of the concerns canvassed by the course. The course will proceed to study diverse concerns affecting children including the provision, protection and participation rights of children, the discipline of children, children and medical consent, children's rights to health services, youth and the criminal justice system, and the effects of digital technology on children. The course will have an interdisciplinary element drawing from fields such as history, sociology, psychology and medicine.

The objectives of the course are to:

- explore some of the key concerns and issues that shape the realities of children today;
- critically study the role of law in these realities;
- understand how the experience of childhood is affected and shaped by the law in the form of specific legislation, court decisions and international instruments;
- enable students to delve into a specific issue affecting children and its legal dimensions through writing a research paper that critically analyzes this concern.

The rights of children arise in family law courses and this course will seek to avoid duplicating the content of these courses.

## METHODOLOGY

The course will primarily follow an advanced seminar format. Teaching methods are designed to maximize student participation and will include lectures by the course instructor and guest speakers, class discussion of assigned readings and seminar presentations by students. Students are expected to attend all classes and to be prepared to discuss the issues raised in the assigned readings.

For part of the course the topics will be organized in weekly blocks. The first class will develop the context and general content for the topic. In the second class students will present and lead discussion on the week's topic based on the class readings.

## COURSE MATERIALS

The required course materials are composed of a short coursebook of readings that provide the foundations for understanding children's rights. The readings for the balance of the course will be made available through the Moodle site for the course.

## EVALUATION METHODOLOGY

Students have the choice of Options A or Option B for evaluation, as outlined below. A student who wishes to choose Option A must meet with the instructor no later than January 31 to plan the work of the Commentator Presentation.

### Option A

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|---------------------------------------|-----|
| 1. The Research Paper:                |     |
| A. The Paper                          | 75% |
| B. The Presentation of Research Paper | 5%  |
| 2. The Commentator Presentations      | 20% |

### **1. The Research Paper: 80%**

#### **A. The Paper 75%**

The research paper is an exploration and analysis of an issue related to children and the law which of particular interest to you. Given the nature and scope of the course, students have considerable latitude in selecting their topic. The content and sources of each paper will reflect the specific topic chosen, but students should consider integrating primary and secondary sources of law into their paper and situating these in a critical analysis of the topic. The paper length is 18 – 20 pages in the formatting outlined below.

With permission of the instructor, students may work in groups on this assignment. In this case the length of the paper will be 18 – 20 pages multiplied by the number of students working on the paper.

The following deadlines apply to this assignment.

- A. Students must submit a one page description of their paper proposal no later than February 7<sup>th</sup>. This should include:
  - a. the general topic area of the paper,
  - b. possibilities for a more specific focus for the paper,
  - c. a preliminary outline of the structure and parts of the paper, and
  - d. a preliminary list of sources.
- B. The research paper is due the last day of classes, April 5<sup>th</sup>, 2012.

### **General Comments**

It is common that papers quickly expand beyond what can be well analyzed in 18 – 20 pages. Be aware of this as you choose your topic and develop your paper. Your paper will be better if it analyzes in depth a specific narrow topic in an area of children and the law than if it consists of a general survey of a broad topic.

### **An Option to Consider**

Students may also work on a topic which is suggested by or helpful to a community organization. Students considering this option should be aware that the staff of many community organizations have multiple pressing responsibilities and that this can limit the extent of the student's collaboration with the organization. Under this option, with the permission of the instructor, part of the work submitted for evaluation can be materials that would be used for educational or advocacy purposes. This option often works best when a student works with an organization with which they currently work or with they have worked in the past.

### **Page and Format Requirements**

- Pages: 18 – 20 (per student)
- Page size: 8.5" x 11"
- Font: 12 pt. Times New Roman
- Lines: Double spaced
- Margins: 1" on each side
- Footnotes or Endnotes: 10 pt. Times New Roman, single spaced

The page limit is exclusive of the title page, the bibliography and any appendices. It includes footnotes and endnotes. All papers must have a bibliography.

I recommend that you include an appendix if your paper references statutory provisions.

### **The Major Paper Option**

I am open to supervising a limited number of major papers in this course. Due to the work that supervision entails, the number of papers I accept will be limited. If you are interested in this possibility, please enquire from the front office the time requirements for applying for this, and please contact me by the end of the second week of the course.

## **B. The Presentation of Research Paper: 5%**

The last three classes of the course consist of students presenting a summary of their research paper. This is an opportunity to develop the skill of clearly and concisely presenting the results of your research and analysis and your perspective on an issue related to children and the law. The presentations will be evaluated based on the organization and selection of the material in the presentation, the clarity of the presentation, facilitation of student discussion, and the effective use of the time allotted.

## **2. The Commentator Assignment: 20%**

**Nature of Assignment:** The purpose of this assignment is to give you and one of your colleagues an opportunity to serve as a discussion leader on one of the course topics. At the outset of the seminar, you will select or be assigned the role of “commentator” for a given topic, with one or two students serving as commentators for each week. In some cases the topic of this class will build on that of the previous class. The commentators will lead the first half of the class for the topic. The principal purpose of the comment is to enrich, through student selection, the range of materials and readings considered in the course and to provoke discussion and reflection on themes and issues of interest to the students.

I encourage you to select a week in which the topic is one that may relate to your research paper. This assignment will give you an opportunity to begin to explore or test some of your reactions and ideas.

**Responsibilities of the Commentator:** Students have the option of developing the topic from a previous class or embarking upon a new topic in Children and the Law. Under the former option, having reviewed and digested the readings for the week that they have selected, the commentators identify an aspect of the week’s theme that is of particular interest to them. They then select one article, case, or other reading of any genre *not included* in the week’s readings or covered elsewhere in the course. Although you may choose any reading that is of interest to you and that you would like to present to the class, you may meet with me to discuss possible sources or themes to explore. Under either option, the commentator should come to class prepared to briefly present the reading and, most importantly, their insights or thoughts arising from this reading as it relates to the week’s themes. Other students **will not be expected to read** this reading, so the magic comes in briefly describing the piece and then offering reflections, questions, or criticisms *that will encourage and provoke class discussion*. Each commentator has a maximum of 30 minutes for their presentation. The commentator(s) for the week may, if they wish, select 2 pieces rather than 1 and work together in presenting them. Both should make some oral comments and if two are collaborating together, at least one of the two pieces selected should be a secondary reading rather than a case or other source. If students work together, they may take a total of 50 minutes to present.

Each commentator will then be required to submit to me by e-mail attachment a 4 – 5 page (double spaced) written critical commentary on the selected piece. These critical commentaries

are due no later than two weeks after making your presentation. This is an opportunity to offer a written discussion and critical analysis of the piece that you selected, as well as its relationship to the week's themes and your evolving thoughts on the issues that you raised. ***There is no need to describe the piece again in your written commentary***, though reference to specific passages and arguments in the piece will make the commentary more effective and interesting. Although this 4 – 5 page written piece should broadly reflect the content of the commentary given in class (supplemented by any further reflections and reactions you may have had over the course of thinking about and discussing the topic during class time), the written commentary may emphasize one aspect of the oral commentary over others. If you worked together with the other commentator for the purposes of the oral presentation, you may wish to divide responsibility for addressing different aspects of your oral commentary. To be clear, **each commentator must submit their individual written submission, which is to reflect the individual student's thought and reactions.**

**Assessment:** Commentators' work (both oral and written) will be assessed on the basis of the thoughtfulness, clarity, creativity, and engagement with the course themes, having regard to factors such as:

- The demonstrated **relationship** between the selected reading and the week's theme;
- The extent to which the student drew out **new and interesting aspects** of the week's theme;
- The **quality and succinctness** of the student's oral description of the selected piece;
- The extent to which the student **successfully engaged colleagues** in conversation;
- **Insight** shown in the oral and written analysis of the selected piece and the week's readings; **Creativity** in both substance and form of work;
- The style, grammar, analytic cogency and rhetorical **effectiveness** of the written work.

Marks for the commentator work will be assigned at the end of the course.

### **Option B**

The Research Paper:

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|---------------------------------------|-----|
| A. The Paper                          | 95% |
| B. The Presentation of Research Paper | 5%  |

Under this option, the expectations, recommendations and requirements for the research paper are identical to those explained under Option A, with the exception that the length of the paper must be between 22 and 25 pages.

### **SCHEDULE OF CLASS TOPICS**

The schedule of class topics will be presented at the start of the course.

## MARKING AND GRADING

This course uses the Faculty of Law grading system.

Letter Grade	Grade Point Value	Percentage Value	Narrative Description
A+	9	90-100%	Exceptional, outstanding, and excellent performance, normally achieved by a minority of students. These grades indicate a student who is self-initiating, exceeds expectation, and has an insightful grasp of subject matter.
A	8	85-89%	
A-	7	80-84%	
B+	6	75-79%	Very good, good, and solid performance, normally achieved by the largest number of students. These grades indicate a good grasp of subject matter or excellent grasp in one area balanced with satisfactory grasp in the other area.
B	5	70-74%	
B-	4	65-69%	
C+	3	60-64%	Satisfactory or minimally satisfactory performance. These grades indicate a satisfactory performance and knowledge of subject matter.
C	2	55-59%	
D	1	50-54%	Marginal performance. A student receiving this grade demonstrates a superficial grasp of subject matter.
F	0	49 and below	Unsatisfactory performance.

Please be aware of the following requirements and information.

- To pass this course, students must complete all of the assignments. See penalties below for failure to do so.
- The final grade for this course will be calculated by adding the weighted numerical grades of all evaluation components and determining the equivalent letter grade for the total of those weighted components.
- The written work you submit for evaluation must be your own. Please consult the university regulations for information concerning what constitutes plagiarism and academic dishonesty.

### **Academic Integrity**

As part of the academic community of both the Faculty of Law and the University as a whole, academic integrity is centrally important in the work of faculty and students.

Please consult the University Calendar for policies respecting paraphrasing, plagiarism, and cheating. The policy on academic integrity can be found in the University of Victoria Calendar 2011-12 on the University's website at the following address:

<http://web.uvic.ca/calendar2011/FACS/UnIn/UARe/PoAcI.html> and are also posted on the Faculty of Law website at: [http://law.uvic.ca/current/academic\\_regs.php](http://law.uvic.ca/current/academic_regs.php).

If you have any concerns or questions, or require clarification about any matters related to academic integrity, please do not hesitate to drop by my office or to send me an e-mail. You may also, of course, consult Professor Heather Raven, Associate Dean Academic and Student Relations: [lawassoc@uvic.ca](mailto:lawassoc@uvic.ca).

## **OTHER IMPORTANT NOTICES**

### **Classroom Climate**

The University of Victoria and the Faculty of Law are committed to promoting, providing and protecting a positive, supportive and safe learning and working environment for all its members. As an instructor, my goal is to establish an inclusive, respectful, and diverse classroom environment in which all class members feel welcomed and equally able to contribute to class discussions. To achieve this, I as instructor and you as students must endeavor to be respectful in our language, in our examples, and in the manner in which we conduct discussions and group work. If concerns arise during the term about the climate of the class, please feel free to discuss them with me or the Associate Dean.

Regarding laptop computers, please extend me the courtesy of not displaying on your laptops material that is not related to the class. Students may not record the class without my permission. Also, please do your utmost to prevent your electronic equipment of any kind from adding to the soundscape of the class.

### **Illness, Disability, Family Circumstances Accommodation**

The Faculty of Law provides reasonable accommodation to students on the basis of factors such as illness, disability, family circumstances, family or personal emergencies or affliction, or other similar special needs, when such factors interfere with the ability of a student to attend or to complete assignments or examinations at regularly scheduled dates or in other circumstances. Accommodation to enable religious observance is also provided. Students should feel free to consult me or the Associate Dean of Academic and Student Relations (Kim Hart-Wensley) regarding such matters.

### **Other Faculty Regulations and Policies**

Students should also ensure that they are familiar with all regulations and policies pertaining to their status as students.

The University's regulations and policies for undergraduates appear in the University Calendar at: <http://web.uvic.ca/calendar2011/FACS/UnIn/UARe/index.html>. The academic regulations of the Faculty of Law are included in the University Calendar at <http://web.uvic.ca/calendar2011/FACS/FoLa/FARe.html> and are also posted on the Faculty of Law website at: [http://law.uvic.ca/current/academic\\_regs.php](http://law.uvic.ca/current/academic_regs.php)

More detailed information about Faculty policies and practices regarding various matters related to students, including examinations and grades, can be found on the Associate Dean's Page on the Faculty of Law website at: <http://law.uvic.ca/current/associatedean.php>. You are strongly encouraged to familiarize yourself with this information.

