



Education and Early
Childhood Development
English Programs

Prince Edward Island Social Studies Curriculum

Social Studies

Law 531A
Canadian Law

CURRICULUM

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Department of Education and
Early Childhood Development
PO Box 2000
Charlottetown, Prince Edward Island
Canada, C1A 7N8
Tel. (902) 368-4600
Fax. (902) 368-4622
www.gov.pe.ca/educ/

Law 531A
Canadian Law

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Introduction

Background

The undertaking of renewal in curriculum documents is a process that typically involves many people, along with much deliberation, discussion, research, and time. The renewal of Canadian Law 531A was based upon the need for an updated approach to the study of law that would reflect current pedagogical theory and practice as well as developments and revisions in the area of law content and practice. The course is also based upon the premises and principles that are set out in the Foundation for the Atlantic Canada Social Studies Curriculum (1999). The aim of the course is to introduce students to the basics of law in Canada. It is not intended to be a comprehensive study of all aspects of either the development or administration of law but may serve as a springboard into more complex studies as students progress in their academic careers or move into the work world.

Aims of Social Studies

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

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

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

Principles Underlying the Social Studies Curriculum

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

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

Purpose of the Law Curriculum Guide

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

More specifically, the Law 531A Canadian Law curriculum guide

- informs both educators and members of the general public about the philosophy and assumptions underlying the study of law in Prince Edward Island senior high schools;
- provides specific curriculum outcomes with elaborations to which educators and others can refer when making decisions about learning experiences, instructional techniques, and assessment strategies for Canadian Law 531A;
- promotes effective learning practices for students of Canadian Law 531A;

Contexts for Learning and Teaching

The Social Studies Learning Environment

The Effective Social Studies Classroom

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

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

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

Respectful of diversity

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

Inclusive and inviting

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

Engaging and interactive

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

Relevant and significant

Since the intermediate learner naturally challenges what the adult world represents, it is necessary for the social studies curriculum to be convincing and relevant. Consequently, it must provide learning situations that arouse student interest while encouraging students to question what they already know— their assumptions and attitudes. In so doing, they will come to more deeply understand and appreciate their own heritage and culture. History and contemporary studies provide the building blocks of social studies, but the students' rational and critical involvement in learning about them plays an integral part in their development as persons and citizens.

Resource-Based Learning

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

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

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

The range of possible resources for the study of law include the following

- print—books, magazines, newspapers, documents, and

other publications

- visuals—maps, illustrations, photographs, charts, and graphs
- artifacts—concrete objects and primary source documents
- individual and community—interviews, courtroom visits, field trips to other judicial institutions
- multimedia—films, audio and video tapes, digital archives, television, and radio
- information technology—computer software, databases, CD-ROMs, DVDs
- communication technology—Internet connections, on-line blogs, e-mail

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

Literacy through Social Studies

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

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

Critical literacy in social studies curriculum addresses several goals. Through the implementation of various strategies, teachers will develop students' awareness of stereotyping, cultural bias, author's intent, hidden agendas, silent voices, and omissions. Students are encouraged to be aware that authors construct texts

with specific purposes in mind. Further, critical literacy helps students comprehend texts at a deeper level by encouraging them to view content and ideas from a variety of perspectives, and to interpret the various levels of meaning in a given text, both explicit and implicit.

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

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

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

Developing literacy in the law classroom involves all the same strategies as in any other classroom. Due to the sometimes technical nature of law “talk” (specialized vocabulary) students may face specific challenges in comprehending meaning or decoding passages or texts. Teachers may wish to refer to specific cross-curricular reading strategies such as those in Appendix D 2-4.

Integration of Technology in Social Studies

Technology, including Communication and Information Technology (CIT), plays a major role in social studies learning and teaching. Computers and related technologies are valuable classroom tools for acquiring, analysing, and presenting informa-

tion. These technologies provide further opportunity for communication and collaboration and allow students to become more active participants in research and learning.

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

- The Internet and CD-ROMs give teachers and students quicker and easier access to extensive and current information. Research skills are key to efficient use of these resources. Questions of validity, accuracy, bias, and interpretation must still be applied to information available on the Internet and CD-ROMs.
- Interactions and conversations via e-mail, video and audio conferencing, student-created Web sites, and on-line discussion groups provide connections between students and people from cultures around the world. This exposure to first-hand information will enable students to directly employ inquiry skills.
- Students present what they have learned in a wide variety of forms (e.g., graphs, maps, text, graphic organizers, Web sites, multimedia presentations) that fit their learning styles. These presentations can be shared with others, both in their classroom and beyond.
- Students are actively involved in their learning through controlling information gathering, processing, and presentation. For example, Geographic Information Systems (GIS) software enables students to collect data on a community, plot the data using Global Positioning Systems (GPS), and analyse and present their findings by creating maps that demonstrate their learning. Students in Canadian Law 531A may use GIS software to compare statistics in various regions, for example.

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

Equity and Diversity

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

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

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

Assessing and Evaluating Student Learning

Introduction

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

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

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

Assessment

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

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

Observation

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

Performance

Law 531A curriculum encourages learning through active participation. There is a balance between process and content. It is important that assessment provide feedback on skill development throughout the course. Many activities referenced in this guide provide opportunities for students to reflect on their skill development, and for teachers to assess student skill development throughout the course.

Journal

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

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

Interview

LAW531A curriculum promotes the understanding and application of many concepts. Interviewing a student allows the teacher to confirm that learning beyond factual recall has taken place. Discussion allows a student to display an ability to use information and clarify understanding. Interviews may be brief discussions between teacher and student, or they may be more extensive and include student, parent, and teacher. Such conferences allow a student to be pro-active in displaying understanding. It is helpful for students to know which criteria will be used to assess formal interviews. The assessment technique provides an opportunity to students whose verbal presentation skills are stronger than their written skills.

Paper and Pencil

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

Presentation

Law 531A curriculum includes outcomes that require students to analyse and interpret information, to identify relationships, to be able to work in teams, to critically reflect, and to communicate information. Many of these activities are best displayed and assessed through presentations, which can be given orally, in written/pictorial form, by project summary, or by using electronic systems such as video or computer software. Whatever the level of complexity or format used, it is important to consider the curriculum outcomes as a guide to assessing the presentation. The outcomes indicate the process, concepts, and context for which and about which a presentation is made.

Portfolio

Portfolios offer another option for assessing student progress in meeting curriculum outcomes over a more extended period of time. This form of assessment allows the student to be central in

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

Evaluation

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

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

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

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

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

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

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

Guiding Principles

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

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

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

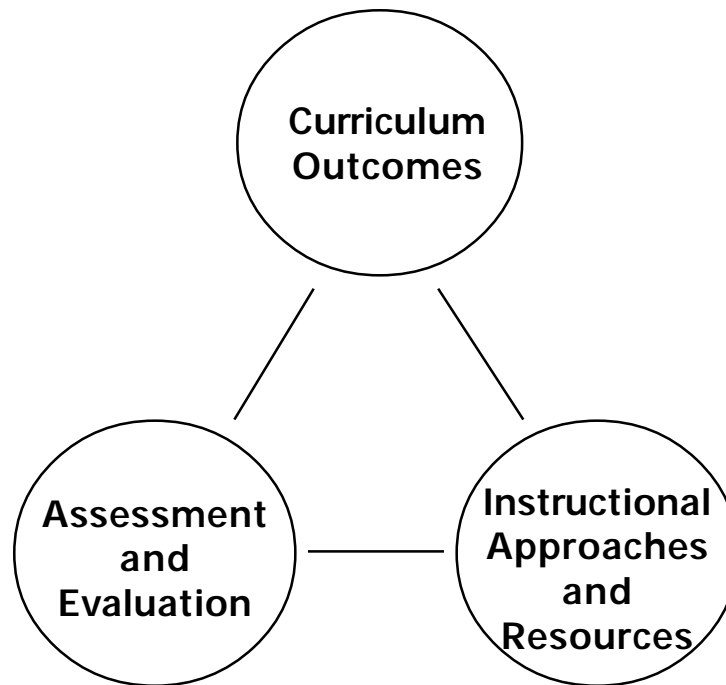
These principles highlight the need for assessment that ensures that

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

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

Assessing and Evaluating Student Learning in the Social Studies Classroom

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



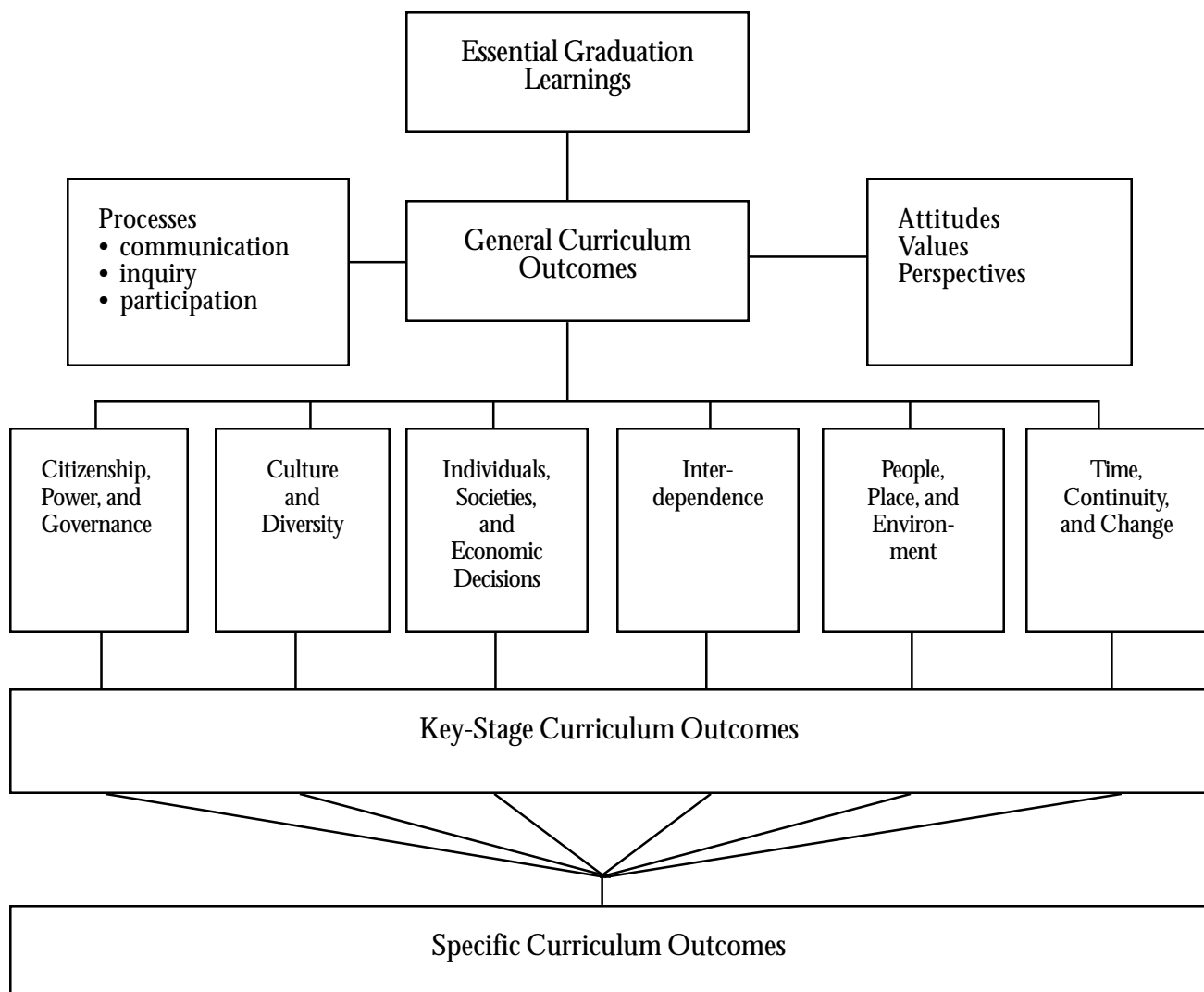
(Adapted from *The Evaluation of Students in the Classroom: A Handbook and Policy Guide*, Department of Education, Government of Newfoundland and Labrador, 1990)

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

Program Design and Outcomes

Overview

The Canadian Law 531A curriculum is based on the Foundation for the Atlantic Canada Social Studies Curriculum (1999). Specific curriculum outcomes (SCOs) have been developed to be congruent with key-stage curriculum outcomes (KSCOs), general curriculum outcomes (GCOs), and essential graduation learnings (EGLs). In addition, the processes, attitudes, values, and perspectives of social studies are embedded in the SCOs. Teachers may refer to the Social Studies Foundation Document for more information.



General Curriculum Outcomes for Social Studies

General Curriculum Outcomes for social studies are organized around six conceptual strands. Below are the six conceptual strands and samples of Specific Curriculum Outcomes (SCOs) from the Canadian Law 531A curriculum.

Citizenship, Power, and Governance

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

- 1.1.1 explain the need for and purpose of law
- 1.1.3 explain the division of powers among federal, provincial, municipal, and Aboriginal governments

Culture and Diversity

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

- 1.2.1 demonstrate an understanding of rights and freedoms as stated in the Canadian Charter of Rights and Freedoms
- 1.2.3 compare human rights to charter rights

Individuals, Societies, and Economic Decisions

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

- 2.4.3 demonstrate an understanding of release procedures
- 2.5.3 explain the rationale for treating young offenders differently from adults

Interdependence

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

- 1.1.1 explain the need for and purpose of law
- 2.4.1 explain the objectives of sentencing

People, Place, and Environment

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

- 3.1.1 distinguish between civil and criminal matters and different types of civil law
- 3.3.2 summarize the legal processes involved in separation and divorce

Time, Continuity, and Change

Students will be expected to demonstrate an understanding of the past and how it affects the present and the future.

- 1.1.2 describe some of the factors that influence change in law
- 2.5.1 explain changing attitudes over time toward the treatment of young offenders

How to Use the Four-Column Curriculum Layout

Column 1: Outcomes

Column 2: Elaborations-Suggestions for Learning and Teaching

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

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

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

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

CANADIAN LAW - UNIT 2: CRIMINAL LAW	
Section 5: Youth and Law	
Outcomes	Elaborations - Suggestions for Learning and Teaching
<p><i>Students will be expected to</i></p> <p>2.5.2 identify special rights and protections currently provided to young offenders upon arrest and detention, during trial, and with respect to dispositions and alternative measures</p>	<p>Historically, since the acceptance of the UN Universal Declaration of Human Rights (1948), and with Canada's own efforts in entrenching the Charter of Rights and Freedoms (1982), the rights of children and youth have gained a higher profile. This outcome is intended to help students understand the special circumstances and sensitivities that are considered in the treatment of young offenders. Separating youth from adults in the treatment of offences is a socially acceptable practice as research has proven that there are good reasons for doing so. Special rights or protections for young people include certain options available to law enforcement officers at the time of an arrest. Other special considerations include the right to have a parent present during questioning, rights related to the admissibility of evidence, and a ban on the publishing of names or pictures in order to protect the identity of the youth. Youth programs offered during custody are also aimed at protecting and aiding youth who offend.</p> <p>Students may, for example,</p> <ul style="list-style-type: none"> • discuss the assumption of "incapacity of children" as it relates to criminal behaviour and <i>mens rea</i>. How do the authorities deal with children under the age of 12 who commit crimes? • discuss the added protections afforded by the Youth Criminal Justice Act that enhance the rights of young people as already set out in the Charter of Rights and Freedoms. • list and discuss the options that are available to arresting officers in a case involving a youth offender. • discuss various scenarios that may occur in the sentencing of a young offender (include youth sentence, secure custody, open custody, supervision order, youth worker) and the factors that are taken into consideration during deliberations such as the extent to which the youth was involved in the crime, the harm imposed, previous crimes, reparations made, detention already spent, and the content of the victim impact statement).

**Column 3:
Suggestions for
Learning and Assessment**

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

**Column 4:
Notes**

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

CANADIAN LAW - UNIT 2: CRIMINAL LAW	
Section 5: Youth and Law	
<p>Suggestions for Learning and Assessment</p> <p>Students may, for example,</p> <p><i>Interview</i></p> <ul style="list-style-type: none"> interview a youth worker, probation officer, or other official within the justice system to gather research data for a presentation on rights and protections for youth in the criminal system. Prepare questions in advance to stay focused. <p><i>Paper and Pencil</i></p> <ul style="list-style-type: none"> select one special right or protection for youth and expand upon it in a paper, journal entry, or presentation by explaining why it is important. examine legal cases involving children under the age of 12 in Canada and other countries - how do the rights and protections of children compare in a legal situation? Draw a comparison chart to illustrate similarities and differences. write a journal entry to explain why a ban on the publication of names is one of the fundamental protections afforded to a child/youth involved in criminal behaviour either as a perpetrator or as a victim. Agree or disagree with this practice. <p><i>Presentation</i></p> <ul style="list-style-type: none"> create a visual organizer outlining the special rights and protections afforded to youth in various stages of the legal process. create a multimedia presentation outlining the special protections and rights afforded to young offenders within the Canadian system. 	<p>Resources and Links</p> <p><i>Law in Action: Understanding Canadian Law</i></p> <p><u>Student Resource</u> pp. 308 - 313</p> <p><u>Teacher Resource</u> pp. 313</p> <p>Assessment Master G-5 Rubric: Visual Display</p> <p>Assessment Master G-13 Rubric: Interview</p> <p>Assessment Master G-4 Checklist: Debate Evaluation</p> <p><u>Supplementary Resource</u></p> <p><i>Know Your Rights: A Legal Guide to your Rights and Responsibilities for People Under 18</i> a publication by Justice for Children and Youth www.jfcy.org [Hardcopies should already be in use in your school.]</p>
PRINCE EDWARD ISLAND SOCIAL STUDIES CURRICULUM: LAW 531A 85	

Canadian Law 531A Course Organization

Course Organization

The course is organized around three units: “Foundations of Law,” “Criminal Law,” and “Civil Law”. The opening unit, sectioned by “Fundamentals” and “Rights and Freedoms of Canadians”, introduces students to the language, basic concepts, and influences on law in Canada. Subsequent units see students investigating further into the broad categories of Criminal and Civil law. The Criminal Law unit leads students on a sequential path beginning with identifying activity that is deemed criminal to the process that follows a criminal act through the legal system. A final section, “Youth and Law”, provides students with a perspective on society’s views and the evolving treatment of youth offenders. The Civil Law unit broadens students’ understanding of different categories of law by exploring the similarities and differences between criminal law and civil law. An introductory section focuses on the comparison between the two categories, while a second section, “Understanding Torts”, introduces the main concepts and terminology that occur in the area known as “tort law”. A final section, “Family Law” looks at roles, responsibilities, issues, and everyday situations that involve (for the most part) non-criminal activity. **Teachers are advised to proceed with care and sensitivity in this section if there are students who may be involved in family custody battles or other sensitive situations that may require diplomacy within a group setting.**

Planning and Assessment

Teachers are encouraged to plan for the semester to ensure that there is sufficient time allowed for class activities, discussions, and project work. A sample planning guide is provided in Appendix D, Teacher-Made Materials, and may be modified to suit any classroom. A Student Self-Assessment, also found in Appendix D, may be kept in a student binder and referred to periodically to direct student learning needs and achievements. Assignment values and course weighting are to be determined in accordance with individual school or board policies around assessment and evaluation.

Adaptations and Differentiation

Students in Canadian Law 531A may require additional supports or differing approaches to new material. Teachers will likely be able to identify individual strengths, weaknesses, and areas of interest within a relatively short period of time. While it is not necessary for students of Canadian Law 531A to tackle lengthy passages of text, it is critical that they be able to grasp concepts related to law in order to be successful within the course. Supports may include paraphrasing sections of written information, providing handouts of notes when possible, small group discussions and debates, and active learning that may include forming “opinion corners” within the classroom or other forums expressing opinions associated with issues within law. Use of visual materials such as videos, DVDs, and television clips or audio clips of court transcripts will also be valuable in the Law 531A classroom. Allowing students to use their own strengths and interests in researching and preparing a special project is another means of capitalizing on individual strengths and building self-esteem. Knowledge of a particular area in law may be shared in a variety of ways - multimedia, drama, visual, and other presentations are just as valuable in gauging comprehension and application as traditional tests and written term papers.

Canadian Law 531A Course Units

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

Section 1: The Fundamentals of Law

1.1.1	explain the need for and purpose of law
1.1.2	describe some of the factors that influence change in law
1.1.3	explain the division of powers among federal, provincial, municipal, and Aboriginal governments
1.1.4	identify similarities in Canada's lawmaking process among various levels of government

Section 2: The Rights and Freedoms of Canadians

1.2.1	demonstrate an understanding of rights and freedoms as stated in the Canadian Charter of Rights and Freedoms
1.2.2	explain the significance of the Charter of Rights and Freedoms
1.2.3	compare human rights to charter rights

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

Section 1: Understanding Criminal Law:

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

Section 2: Bringing the Accused to Trial

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

Section 3: Trial Procedure

2.3.1	describe the role(s) of the court and its various officers
2.3.2	explain the importance of impartiality on the part of judges
2.3.3	describe trial procedure
2.3.4	demonstrate an understanding of types of evidence
2.3.5	describe the selection process and role of a jury
2.3.6	describe standard defences to criminal charges

Section 4: Sentencing

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

Section 5: Youth and Law

2.5.1	explain changing attitudes over time toward the treatment of young offenders
2.5.2	identify special rights and protections currently provided to young offenders upon arrest and detention, during trial, and with respect to dispositions and alternative measures
2.5.3	explain the rationale in treating young offenders differently from adults

Unit 3: Civil Law introduces students to laws that affect private individuals and procedures that they, as private individuals, may face in the civil justice system. Students will understand the difference between public and private law, the concept of “torts,” and the remedies and defences available to litigants within the civil system. A final section on Family Law provides students with the terminology and understanding of legislation and processes that are most relevant in their daily lives now and in the future. The suggested time allotment for Unit 3 is approximately 30% of the entire course time. Teachers should use caution and sensitivity in this section as some students may be experiencing familial difficulties related to these topics.

Section 1: Understanding Civil Law

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

Section 2: Understanding Torts

3.2.1 demonstrate an understanding of torts and purposes of tort law
--

3.2.2 distinguish between intentional and unintentional torts.
--

3.2.3 explain the fundamental legal elements of cases involving negligence
--

3.2.4 describe remedies and damages available through civil courts
--

3.2.5 identify defences to various torts
--

Section 3: Family Law

3.3.1 explain the difference between common-law relationships and marriage, including the legal implications of both
--

3.3.2 summarize the legal processes involved in separation and divorce
--

3.3.3 identify common issues related to child/spousal support and child custody

3.3.4 describe children's rights within the family, including child protection and adoption

Unit 1: Foundations of Law

Unit 1: Foundations of Law

Overview

Unit 1: Foundations of Law provides an introduction to the study of law and how it is administered in Canada. Students will explore the history and purpose of law, the development of Canadian law, the processes involved in law, and the role of law in human rights and freedoms within Canada. The suggested time allotment for this unit is approximately 20% of the total course time.

Specific Curriculum Outcomes

Section 1: The Fundamentals of Law

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

Students will be expected to

- 1.1.1 explain the need for and purpose of law
- 1.1.2 describe some of the factors that influence change in law
- 1.1.3 explain the division of powers among federal, provincial, municipal, and Aboriginal governments
- 1.1.4 identify similarities in Canada’s lawmaking process among various levels of government

Section 2: The Rights and Freedoms of Canadians

Rights and freedoms for Canadians are assumptions that are often taken for granted. In fact, many young people mistakenly assume that people all over the globe enjoy the same freedoms and rights. In this unit, students will explore the historical beginnings of constitutional rights and freedoms for Canadians and why they are so vital to our society.

Students will be expected to

- 1.2.1 demonstrate an understanding of rights and freedoms as stated in the Canadian Charter of Rights and Freedoms
- 1.2.2 explain the significance of the Charter of Rights and Freedoms
- 1.2.3 compare human rights to charter rights

Section 1: Fundamentals of Law

Outcomes

Students will be expected to

1.1.1 explain the need for and purpose of law

Elaborations - Suggestions for Learning and Teaching

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

Students may, for example,

- discuss the difference between rules and laws within the contexts of home, school, sports, other. Students can speculate as to what criteria differentiate the two terms and their applications.
- engage in a “Think-Pair-Share” exercise in which they explore and share their own beliefs about the need for and purpose of law. Record ideas and use as a basis for discussion in class or in small groups (see Appendix A-1, Teaching Strategies).
- participate in a simulation exercise — in small groups, students can imagine they are marooned on a desert island and must discuss possible scenarios for establishing a “Survivor Island Code of Laws.” Present to the class. Consider the following questions:
What rules are needed? Why? How are they made? Who decides?
- discuss the concept of values and beliefs in the making of law and how changing values or conflicting beliefs may affect law-making.

Section 1: Fundamentals of Law

Suggestions for Learning and Assessment

Students may, for example,

Performance

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

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

Paper and Pencil

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

Presentation

- develop a brief but effective multimedia presentation that would explain the need for and purpose of law to a younger audience, or peer audience.
- collect several news articles referring to legal cases, and explain (verbally or in writing) how the law in each case either protected society or served justice. See Appendix D-1, Teacher-Made Materials.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 9-16.

Teacher Resource
pp. 16, 20, 24, 25

BLM 1-1 Survivor Island, TR p 49

Assessment Master 1.1
Law in Action Teacher Resource or
Law in Action web site
“Components”

Supplementary Resources

Try Judging - multimedia educational resource available in schools and online at

www.tryjudging.ca

Module 1: Why Do We Need Judges

Lesson 1: Rule of Law, pp. 10-12

Appendix A, p. 19

Teacher Background, pp. 27-28

Just Law - teaching youth about the law in their lives, pp. 9-19

Teacher Resource 2005, 2006

Public Legal Education Association of Saskatchewan, Inc. (PLEA)

www.plea.org

[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Section 1: Fundamentals of Law

Outcomes

Students will be expected to

1.1.2 describe some of the factors that influence change in law

Elaborations - Suggestions for Learning and Teaching

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

Students may, for example,

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

Section 1: Fundamentals of Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- complete a chart such as the following example:

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

Presentation

- research a specific lobby group that has influenced Canadian law in the past (or is currently attempting to) and report on the group’s beliefs, actions, and results. Research may be presented in a variety of formats (e.g., oral, written, multimedia, role-play). Include mandate of lobby groups, historical information on group, successes, failures and reasons why they believe the lobby group’s work is valid or not valid.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 66-69

Teacher Resource
pp. 82-84

Assessment Master G-2
Rubric: Research Report

Assessment Master G-3
Rubric: Case Analysis

Assessment Master G-15
Rubric: Role-Play

Supplementary Resources

Just Law - teaching youth about the law in their lives, pp. 9-19
Teacher Resource 2005, 2006
Public Legal Education Association of Saskatchewan, Inc. (PLEA)
www.plea.org
[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Section 1: Fundamentals of Law

Outcomes

Students will be expected to

1.1.3 explain the division of powers among federal, provincial, municipal, and Aboriginal governments

Elaborations - Suggestions for Learning and Teaching

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

Students may, for example,

- examine key roles, positions, or responsibilities within jurisdictions that pertain to the division of power.
- classify current issues in the news according to the level of government that has jurisdiction.
- chart the levels and division of powers in Canada in a visual graphic, noting responsibilities at each level.
- create a web organizer (or other form of organizer) to illustrate the powers and responsibilities within an Aboriginal governing structure.
- visit the provincial legislature and take jot notes of observations in order to participate in a group or class discussion as a follow-up.
- research sections 91 and 92 of the Constitution Act (1867) to develop a summary statement of each section regarding authority or power in a particular jurisdiction.
- play a quiz game with classmates based on a mix-and-match of divisions with levels of government.

Section 1: Fundamentals of Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- sort examples of federal and provincial powers by matching each to the appropriate level of government.
- create a visual (poster, graphic organizer, etc.) that explains the various divisions of power.
- use a graphic organizer or model to compare Aboriginal government structure to Canadian government structure (e.g., roles, responsibilities).

Presentation

- create a brief multimedia presentation to explain the division of powers amongst different levels of government.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource

pp. 36-37, 64-68

Teacher Resource

pp. 73, 82

Web Links

www.laws.justice.gc.ca

Search:

- Indian Act (fully searchable)
- Section 34 (roads and bridges)
- Section 64 (expenditure of capital moneys)
- Section 81 (powers of the Council)

www.fngovernance.org/resources/timeline.htm

The Inherent Right of Self-Governance — Timeline

www.fngovernance.org/index.htm
First Nations Self-Governance — website

Supplementary Resources

Just Law - teaching youth about the law in their lives, pp. 9-19

Teacher Resource 2005, 2006

Public Legal Education Association of Saskatchewan, Inc. (PLEA)

www.plea.org

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Section 1: Fundamentals of Law

Outcomes

Students will be expected to

1.1.4 identify similarities in Canada's lawmaking process among the various levels of government

Elaborations - Suggestions for Learning and Teaching

In order to understand the justice system in Canada, students need a basic grasp of the processes involved and an understanding of small or large differences that may exist between lawmaking processes in different jurisdictions. If time permits, the class may stage a mock parliament to role-play the process of a bill passing through legislation. While the actual process of passing a bill is a key element of this outcome, it is also important that students understand the function of the passage – that there has been some catalyst to bring about this new legislation.

Students may, for example,

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

Section 1: Fundamentals of Law

Suggestions for Learning and Assessment

Students may, for example,

Performance

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

Paper and Pencil

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

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 36-37, 64-68

Teacher Resource
pp. 73, 82

Web Links

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

www.parl.gc.ca/legisinfo/index

Supplementary Resources

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

Just Law - teaching youth about the law in their lives, pp. 9-19
Teacher Resource 2005, 2006
Public Legal Education Association of Saskatchewan, Inc. (PLEA)
www.plea.org
[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Section 2: Rights and Freedoms of Canadians

Outcomes

Students will be expected to

1.2.1 demonstrate an understanding of the rights and freedoms as stated in the Canadian Charter of Rights and Freedoms

Elaborations - Suggestions for Learning and Teaching

This outcome provides a fundamental gateway to basic understanding of Canada's legal system. The signing of the Charter as a defining moment in Canadian history is well known. Students will be able to see that many of their own situations or beliefs are reflected in sections of the Charter. It is important that students understand how the Charter protects all citizens of Canada and how there is leeway for the Charter to "evolve" to meet future needs.

Students may, for example,

- define a "right" and a "freedom" and consider how these concepts may be interpreted (or misinterpreted).
- discuss how the concept of responsibility plays an integral role in the Charter of Rights and Freedoms and creates a balance of rights versus responsibilities.
- identify rights and freedoms from the Charter that are applicable to all citizens.
- debate the balance of rights and freedoms as related to examples such as:
 - hate literature
 - mandatory retirement
 - media censorship
 - dress codes
- research specific cases in the text, or in case study books, or on-line (Canadian Human Rights website) (see Appendix C 4-9 Teacher Background) to evaluate how human rights law is applied in cases which involve:
 - Aboriginals
 - women
 - immigrants
 - persons with disability
 - persons living with poverty

Section 2: Rights and Freedoms of Canadians

Suggestions for Learning and Assessment

Students may, for example,

Presentation

- create and present examples/scenarios to illustrate Canadians' rights and responsibilities.
- create a youth-friendly or child-friendly Charter of Rights and Freedoms.
- create a concept map to illustrate the seven sections of the Charter of Rights and Freedoms that pertain to particular rights and freedoms (e.g., Democratic or Mobility Rights). See Appendix B 1-10, Visual Organizers.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 80-109, 519-523

Teacher Resource
pp. 101-108

Web Links

www.cbc.ca

Search Education/Archives:

The Constitution and the Charter
Re-evaluated (Clip 2002)

Supplementary Resources

Try Judging - multimedia educational resource available in schools and online at

www.tryjudging.ca

Module 1: Why Do We Need Judges?

Lesson 1: Rule of Law, pp. 10-12

Appendix A, p. 19

Teacher Background, pp. 27-28

Just Law - teaching youth about the law in their lives, pp. 9-19

Teacher Resource 2005, 2006

Public Legal Education Association of Saskatchewan, Inc. (PLEA)

www.plea.org

[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Section 2: Rights and Freedoms of Canadians

Outcomes

Students will be expected to

1.2.2 explain the significance of the Charter of Rights and Freedoms

Elaborations - Suggestions for Learning and Teaching

Students are asked to reflect on the significance of this document for Canadians, and to draw conclusions regarding the implications of the Act on their own lives as well of those of others. It is likely that students will understand this 'significance' more easily when confronted with examples of people in other areas of the world that do not have the same rights and freedoms. A teacher of Global Issues may be able to provide some valuable examples for this purpose.

Students may, for example,

- visit the official site for the Charter of Rights and Freedoms or use a hard copy version to explore the document. Summarize the sections.
- consider the question of how the lives of Canadians might be different without the Charter of Rights and Freedoms.
- research Section 25 of the Charter to write a brief summary statement of how it protects the rights of Aboriginal peoples.
- compare Canada to another country that does not have similar protections for its citizens.
- predict some future amendments to the Charter based upon changing attitudes of society.

Section 2: Rights and Freedoms of Canadians

Suggestions for Learning and Assessment

Students may, for example,

Performance

- pretend you are working in a Newcomers Association office and are tasked with explaining the Charter of Rights and Freedoms to newly arrived immigrants, and the significance of the Charter in their lives. How would you approach this (assuming there are no language barriers)?

Paper and Pencil

- write a brief journal entry based upon the Charter and its significance in the lives of Canadians.
- write a letter or editorial from the perspective of an immigrant, Canadian, or Aboriginal stating how the Charter of Rights and Freedoms is an important document for all Canadians.

Presentation

- create a comparison chart which illustrates how Canada differs from another (or several other) country(ies) based upon the Charter of Rights and Freedoms being part of the constitution.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 80-109, 519-523

Teacher Resource
pp. 101-108

Web Links

Charter of Rights and Freedoms
<http://laws.justice.gc.ca/en/const/index.html>

Supplementary Resources

Just Law - teaching youth about the law in their lives, pp. 9-19
Teacher Resource 2005, 2006
Public Legal Education Association of Saskatchewan, Inc. (PLEA)
www.plea.org
[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Section 2: Rights and Freedoms of Canadians

Outcomes

Students will be expected to

1.2.3 compare human rights to charter rights

Elaborations - Suggestions for Learning and Teaching

The concept of rights involves protection from discrimination. This is the case in both human rights and charter rights. However, it is important for students to be able to distinguish the differences that exist between human rights and charter rights. When we refer to the Charter, in Canada, we are referring to a document that is now a fundamental part of the Constitution of Canada, and which acts as a regulator between an individual (or groups of individuals) and the state. Its purpose is to ensure equality rights and fundamental freedoms for Canadians within a particular context. Human rights, a basic foundation for the creation of the Canadian Charter, also refer to rights within a much broader context. Some human rights issues, such as age or gender discrimination cases, may be addressed through a provincial commission. Other human rights issues may involve the international community, for example, in the case of protecting civilians within an area engaged in military conflict. This outcome asks students to compare rights in both contexts to understand why some rights fall under the Canadian Charter of Rights and Freedoms umbrella while others are addressed on a different level, depending upon the situation.

Students may, for example,

- brainstorm ideas around the possible differences between human rights and charter rights. Compare responses and discuss.
- research the Canadian Human Rights Act Web site. This site offers a tour of four distinct periods of human rights in Canada. Students may work individually or in groups to research the four periods and key cases and laws associated with human rights in Canada since 1900. See Appendix C 4-9, Teacher Background.
- use the Complaint Form and Guide from the PEI Human Rights Commission to make up scenarios that would fit each of the following areas of discrimination. How might these scenarios shift to make them charter cases?
 - Accommodations
 - Employment
 - Lease or Sale of Property
 - Membership in Professional, Business, or Trade Associations, and Employee Associations
 - Publications, Broadcasts, Public Displays, and Advertisements
 - Services and Facilities Available to the Public
 - Volunteer Work
- in groups, or pairs, either write a fictional case scenario based upon discrimination, or find a newspaper/magazine/Web article that provides a case study. Present the case to the rest of the class.
- invite a member of the PEI Human Rights Commission to speak on the Act.

Section 2: Rights and Freedoms of Canadians

Suggestions for Learning and Assessment

Students may, for example,

Performance

- role-play a scenario involving a human rights case. Ask classmates to decide whether it is a charter case or a provincial human rights case.

Paper and Pencil

- write a journal entry explaining the similarities and differences between human rights and charter rights.
- search media for a current human rights case and write a critique. Compare it to a classmate's critique of a charter rights case.
- write a critique on a charter rights case in the media. Compare it to a classmate's critique of a human rights case.

Presentation

- present a comparison chart to show the differences and similarities between human rights and charter rights.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 112-134

Teacher Resource
pp. 128-138

Web Links

Charter of Rights and Freedoms
<http://laws.justice.gc.ca/en/const/index.html>

PEI Human Rights Commission
www.peihumanrights.ca

Supplementary Resources

Take More Action 2004 (book that may already be in school library or check with Global Studies/Issues teacher)

by
Marc Kielburger
Craig Kielburger
Deepa Shankaran

Just Law - teaching youth about the law in their lives, pp. 9-19
Teacher Resource 2005, 2006
Public Legal Education Association of Saskatchewan, Inc. (PLEA)
www.plea.org
[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Unit 2: Criminal Law

Unit 2: Understanding Criminal Law

Overview

Unit 2: Criminal Law introduces students to what elements constitute a criminal offence and the types of offences. In addition, this unit explores how all of the above elements apply to adults and youth with a focus on the Criminal Code of Canada and the Youth Criminal Justice Act. The suggested time allotment for this unit is approximately 50% of total course time.

Specific Curriculum Outcomes

Section 1: Understanding Criminal Law

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

Students will be expected to

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

Section 2: Bringing the Accused to Trial

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

Students will be expected to

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

Section 3: Trial Procedure

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

Students will be expected to

- 2.3.1 describe the role(s) of the court and its various officers
- 2.3.2 explain the importance of impartiality on the part of judges
- 2.3.3 describe trial procedure
- 2.3.4 demonstrate an understanding of types of evidence
- 2.3.5 describe the selection process and role of a jury
- 2.3.6 describe standard defences to criminal charges

Section 4: Sentencing

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

Students will be expected to

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

Section 5: Youth and Law

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

Students will be expected to

- 2.5.1 explain changing attitudes over time toward the treatment of young offenders
- 2.5.2 identify special rights and protections currently provided to young offenders upon arrest and detention, during trial, and with respect to dispositions and alternative measures

Section 1: Understanding Criminal Law

Outcomes

Students will be expected to

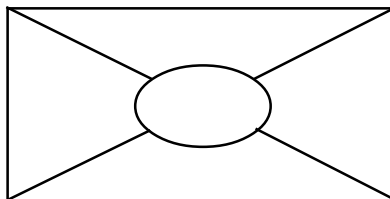
2.1.1 explain society's need to criminalize certain behaviours

Elaborations - Suggestions for Learning and Teaching

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

Students may, for example,

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



- consider how crime affects communities and societies in general; how other countries deal with crime? how beliefs and value systems play a role in how criminal behaviour is determined and addressed.

Section 1: Understanding Criminal Law

Suggestions for Learning and Assessment

Students may, for example,

Performance

- prepare an argument on the pros or cons of criminalizing or decriminalizing certain behaviours (e.g., marijuana possession). Present orally to the class.
- create a slogan for an ad campaign aimed at criminalizing or decriminalizing certain behaviours. Be able to justify your slogan.
- simulate the desert island scenario and conduct a group meeting that is held to determine what will be considered “criminal behaviour” on the island and what will be the consequence(s) for violating the rules.

Paper and Pencil

- write a journal entry about society’s need to criminalize certain behaviours.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 139-142

Teacher Resource
p. 155

Section 1: Understanding Criminal Law

Outcomes

Students will be expected to

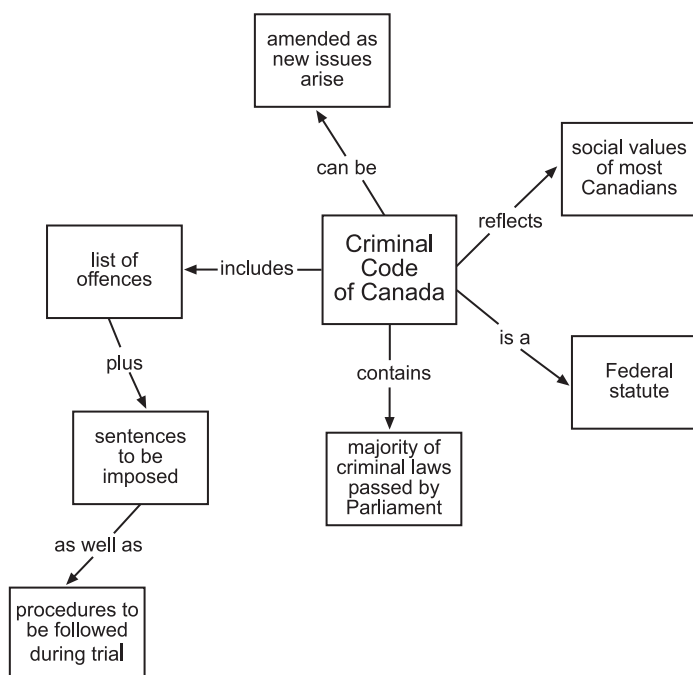
2.1.2 define crime, criminal law, and the Criminal Code of Canada

Elaborations - Suggestions for Learning and Teaching

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

Students may, for example,

- write personal definitions of “crime” and “criminal law” and compare to several other definitions from authorized sources (e.g., dictionary, encyclopedia, texts).
- create a mind map to define or explain the Criminal Code of Canada (see Appendix B 1-10, Visual Organizers).



Section 1: Understanding Criminal Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

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

Presentation

- create a brochure aimed at teaching people the basics of Canadian law.
- create a visual poster that might be used as a teaching tool to define crime, criminal law, and the Criminal Code of Canada.
- explain the terms by way of a mind map or concept map (see Appendix B 1-10, Visual Organizers).
- use text reformulation such as haiku or other to express their understanding of crime, criminal law, and the Criminal Code of Canada (see Appendix D-4, Teacher-Made Materials).

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 139-141

Teacher Resource
pp. 150-151

Assessment Master G-14
Checklist: Creating a Brochure

Assessment Master G-5
Rubric: Visual Display

Section 1: Understanding Criminal Law

Outcomes

Students will be expected to

2.1.3 explain the elements of a criminal offence and apply to specific offences

Elaborations - Suggestions for Learning and Teaching

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

Students may, for example,

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

Section 1: Understanding Criminal Law

Suggestions for Learning and Assessment

Students may, for example,

Observation

- examine a criminal case, real or fictional, to determine the existence of *mens rea*. Explain to classmates.

Presentation

- classify via a chart or other graphic organizer the various ways in which *mens rea* may be proven to exist even in the cases where *actus reus* may not exist (such as cases involving attempt or conspiracy).
- identify the elements of crime (*actus rea and mens rea*) in a short story, novel, or other story, real or fictional. Make a diagram or other graphic to express.
- create a one-minute role-play to show how *actus reus* and *mens reus* constitute a crime.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 146-160

Teacher Resource
pp. 156-168

Supplementary Resource

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

Section 1: Understanding Criminal Law

Outcomes

Students will be expected to

2.1.4 identify parties to an offence

Elaborations - Suggestions for Learning and Teaching

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

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

Students may, for example,

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

Section 1: Understanding Criminal Law

Suggestions for Learning and Assessment

Students may, for example,

Performance

- write a short vignette and role-play to demonstrate the roles of those involved in a crime.

Paper and Pencil

- write a newspaper article from the perspective of a court reporter who is tasked with describing for readers a particular case and the parties involved.

Presentation

- diagram specific case studies to show the various parties to the offence.
- create a brief multimedia presentation that presents a particular case, including the parties to the offence.
- draw a story-board for a film depicting the roles (parties to a crime) that are central to the story.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 152-153

Web Links

Statute and Case Law
<http://www.canlii.org>

Section 1: Understanding Criminal Law

Outcomes	Elaborations - Suggestions for Learning and Teaching
<p><i>Students will be expected to</i></p> <p>2.1.5 distinguish among indictable, summary, and hybrid conviction offences</p>	<p>The intent of this outcome is to have students further analyse offences to gain an understanding of the different types of offences that are chargeable under the Criminal Code of Canada. Students will learn, for example, that causing a disturbance will be treated as a summary offence, but setting a barn on fire is much more serious and will be treated as an indictable offence. In some cases, circumstances dictate that although the act itself may be minor (e.g., theft of a bicycle), a more serious or indictable charge may apply if the offender has a history of this behaviour. The latter case is known as a hybrid offence, as it contains elements of both minor and major crimes. Students will be expected to distinguish between a minor action (e.g., parking infraction) and a more serious action (e.g., hit and run) in order to understand the difference between summary and indictable. Students may need more teacher support in determining when and why an offence is considered “hybrid.” It may be advisable to download a version of the Criminal Code of Canada, or to access the document on-line so that students can check their knowledge.</p> <ul style="list-style-type: none"> - Indictable — serious crime, carries a heavy penalty - Summary — minor offence, usually light penalty - Hybrid — may be tried as either summary or indictable, as decided by the Crown <p>Students may, for example,</p> <ul style="list-style-type: none"> • write a brief personal definition of indictable, summary, and hybrid offences. • scan newspaper articles and on-line news to identify cases involving the three types of offences. Chart these as a group or class to be referred to later in discussions. • create fictitious scenarios to illustrate the three types of offences and have peers identify the correct conviction type in each.

Section 1: Understanding Criminal Law

Suggestions for Learning and Assessment

Students may, for example,

Presentation

- collect case stories and create a scrapbook or portfolio with cases categorized as indictable, summary, or hybrid. Include the results of sentencing in each case, if available (see Appendix D-1, Teacher-Made Materials).
- create a graphic organizer (e.g., poster) to illustrate the three types of offences and possible consequences for each type.

Performance

- role-play fictitious or real cases as examples of different types of offences.
- given hypothetical situations, classify each as indictable, summary, or hybrid.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 221-223

Teacher Resource
pp. 225, 241-242

Law in Action Web site
www.pearsoned.ca/law

Web Links

Statute and Case Law
<http://www.canlii.org>

Section 2: Bringing the Accused to Trial

Outcomes	Elaborations - Suggestions for Learning and Teaching
<p><i>Students will be expected to</i></p> <p>2.2.1 describe the legal aspects of police investigation</p>	<p>This outcome leads students to examine the more technical side of maintaining the law in Canada. Students will gain a better understanding and appreciation of the significance and urgency in preserving crime scenes and evidence as a means to bringing an accused to trial. Any police investigation of a crime scene follows certain rules and procedures. A police investigation may be broken down into three components: 1) arrival at the crime scene, 2) protecting and preserving the crime scene, and 3) roles of officers at the scene. Officers who arrive at the scene are required to follow a three-step procedure to ensure that injured persons are assisted, reinforcements are requested, and possible hazards to safety are identified. During the next stage, officers establish a crime scene perimeter in order for the investigating team to collect evidence without risking its contamination, and carefully document the scene. The final aspect of a police investigation involves the expertise of possibly four types of officers with specialty training. Students should be able to describe the main elements of the police investigation. While any discussion of police investigation will include types of evidence collected, it is not an expectation that students be able to describe these for the purpose of this outcome.</p> <p>Students may, for example,</p> <ul style="list-style-type: none"> • discuss the varying levels of policing in Canada, including Aboriginal police forces, and how certain regulations and procedures are common to all. • view a clip from a popular television episode that depicts the arrest and investigation process. Students can take jot notes to record the steps involved and the key points of an investigation (e.g., the preservation of a crime scene). In groups of as a class, discuss the reasons for certain steps and regulations. • chart on a visual graphic steps or key points of the investigative process. • role-play an investigative scene. • invite a member of the RCMP or local police force to speak about the process of investigation under varying circumstances. • set up a mock crime scene and have teams of student investigators examine the evidence while following proper procedure. • create a visual or web to illustrate the various key elements of the investigative procedure (e.g., fingerprints, impressions, etc.).

Section 2: Bringing the Accused to Trial

Suggestions for Learning and Assessment

Students may, for example,

Performance

- role-play a scene involving the investigative process.

Paper and Pencil

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

Presentation

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

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 193-211

Teacher Resource
pp. 202-206

Web Links

Steven Truscott

www.cbc.ca

Search Archives: Steven Truscott or David Milgaard

Section 2: Bringing the Accused to Trial

Outcomes	Elaborations - Suggestions for Learning and Teaching
<p><i>Students will be expected to</i></p> <p>2.2.2 compare the rights of citizens and the responsibilities of police upon arrest or detention</p>	<p>While the first outcome focusses mainly on the physical police procedures involved once a crime has occurred, this outcome emphasizes the rights of both parties — perpetrators and lawkeepers. Students will learn that there are rights afforded to each side of the situation, as well as a responsibilities on both parts. Police officers must follow <u>four</u> steps during an arrest:</p> <ul style="list-style-type: none"> - identify as police officer - advise accused of arrest - inform accused of charges and/or show warrant - touch accused to indicate he/she is in legal custody <p>People who are under arrest are afforded <u>three</u> rights:</p> <ul style="list-style-type: none"> - right to legal counsel— immediately - right to call any lawyer - right to free legal advice from a legal aid lawyer <p>Students may, for example,</p> <ul style="list-style-type: none"> • create a class or group list of perceived rights of a citizen in the case of an arrest or detention. Compare with a factual list to see how many were correct. • create a class or group list of perceived responsibilities of police in an arrest or detention situation. Compare with a factual list to determine knowledge level at this stage. • re-create a situation involving an arrest or detention and have students role-play various parts. Intermittently change a variable in the scene to introduce a different element to the situation. Peers can direct players to follow correct procedures as the situation changes. • create a web or visual illustrating the rights of a citizen balanced against the responsibilities of an arresting officer, and conclude by writing a speculative statement based on the outcome if either rights or responsibilities are neglected. • role-play a citizen's arrest and discuss the rights and responsibilities involved.

Section 2: Bringing the Accused to Trial

Suggestions for Learning and Assessment

Students may, for example,

Interview

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

Performance

- role-play the steps of an arrest in various scenarios while peers critique for errors or omissions.
- construct a word web to illustrate the rights of a citizen and the responsibilities of an arresting officer in the event of an arrest or detention situation.

Presentation

- make a chart listing the four steps that a police officer must follow in making an arrest, and the three rights afforded to citizens.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 202-211

Teacher Resource
pp. 202-206

Assessment Master G-15
Rubric: Role Play

Section 2: Bringing the Accused to Trial

Outcomes

Students will be expected to

2.2.3 identify release and pre-trial procedures

Elaborations - Suggestions for Learning and Teaching

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

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

Students may, for example,

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

Section 2: Bringing the Accused to Trial

Suggestions for Learning and Assessment

Students may, for example,

Performance

- role-play a two minute scenario depicting a pre-trial release. Audience teams can compete to quickly identify which release procedure/mechanism is being presented.

Interview

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

Paper and Pencil

- construct a chart illustrating pre-trial release mechanisms and when each might be used.
- read case studies to determine which aspects of pre-trial release were utilized and list or diagram.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 212-213

Teacher Resource
pp. 207-208

Section 3: Trial Procedure

Outcomes

Students will be expected to

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

Elaborations - Suggestions for Learning and Teaching

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

Students may, for example,

- visit a local courtroom to observe the roles played by various persons during a trial.
- sketch the courtroom and identify the various officers of the court.
- role play a mock trial, incorporating the various roles of the court.
- write a summary paragraph describing the role(s) of the persons within the courtroom.
- view an episode of a popular television crime series (or movie) and identify the various roles portrayed during the courtroom scene. Explain why it is not always possible to compare American and Canadian law dramas.
- distribute envelopes containing role cards and definition cards have students match within a small group, fastest group wins.
- distribute cards as above but leave out one role card or one definition card—students must complete card correctly to win.

DEFENCE

- person charged with a crime
- accused
- defendant

Section 3: Trial Procedure

Suggestions for Learning and Assessment

Students may, for example,

Performance

- role-play a mini-mock trial or several short scenes from a trial to demonstrate the role of the officers of the court. One student may opt to act as narrator.

Paper and Pencil

- write a news article for the school paper on the role of the courts and its officers.

Presentation

- create a visual illustrating the layout of a courtroom with descriptors of the various officers of the court.
- using a large display sketch of a courtroom, place markers (such as sticky notes) in the appropriate locations of the courtroom denoting each officer of the court and his or her role.
- label a chart with the positions and duties of each officer.
- design a 3-D model of a courtroom and place markers or signs to illustrate the positions of officers of the court. Be able to explain the role of each.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 168-173

Teacher Resource
pp. 177-179, 191-192

Supplementary Resource

Try Judging - multimedia educational resource available in schools and online at www.tryjudging.ca

Module 1: Why Do We Need Judges?

Lesson 2: The Role of the Courts, p. 13

Appendix B, p. 20

Teacher Background, pp. 28-29

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

Lessons, Teacher Background and Case Studies, pp. 64-90

Section 3: Trial Procedure

Outcomes

Students will be expected to

2.3.2 explain the importance of impartiality on the part of judges

Elaborations - Suggestions for Learning and Teaching

This outcome is a follow-up to the previous one in that it speaks to the integrity of the system and the principle that everyone accused deserves equal treatment. In this case, the focus is on the role and conduct of judges. Students will learn that a judge must remain neutral and independent in actions inside and outside of the courtroom in order to maintain confidence in his or her professional evaluations. Teachers can contact CLIA (Community Legal Aid Information Association) to ask about the availability of a judge who is interested in speaking to the class.

Students may, for example,

- discuss how judges are selected, as well as the public's expectations of judges. Students can speculate about the pros and cons of being a judge.
- list and discuss the aspects of being a judge that are in place to ensure impartiality:
 - selection
 - tenure
 - salary
 - protection (e.g., can not be sued)
 - accountability
- invite a judge to speak to the class.

Section 3: Trial Procedure

Suggestions for Learning and Assessment

Students may, for example,

Interview

- prepare and conduct an interview with a judge.

Paper and Pencil

- write a profile of a judge telling how or why he or she was selected. Describe some of the aspects of “judgehood” that are in place in our society to ensure that judges remain impartial and independent.

Presentation

- prepare a brief oral presentation about judges and the need for impartiality.
- create a mind map or concept map that shows how judges’ impartiality is guarded in Canadian society.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 169-181

Supplementary Resource

Try Judging - multimedia educational resource available in schools and on-line at www.tryjudging.ca

Module 1: Why Do We Need Judges

Lesson 2: The Role of the Courts, p. 13

Appendix B, p. 20

Teacher Background, pp. 28-29

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

Lessons, Teacher Background, and Case Studies, pp. 64-90

Web Links

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

Section 3: Trial Procedure

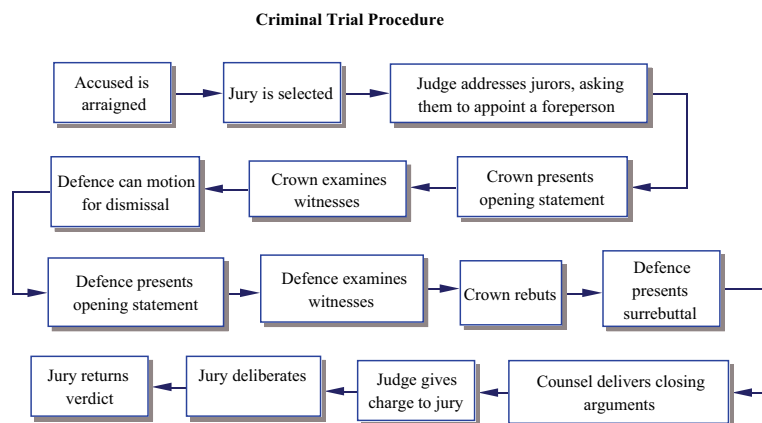
Outcomes

Students will be expected to

2.3.3 describe trial procedures

Elaborations - Suggestions for Learning and Teaching

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



Students may, for example,

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

Section 3: Trial Procedure

Suggestions for Learning and Assessment

Students may, for example,

Performance

- role-play different scenes from a courtroom depicting various stages of court proceedings. Students in the scene may “freeze-frame” at some point to allow a student narrator describe the trial procedure in more detail.

Paper and Pencil

- given an incorrect outline illustrating court procedure, make corrections.

Presentation

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

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
p. 174

Teacher Resource
p. 179

Section 3: Trial Procedure

Outcomes

Students will be expected to

2.3.4 demonstrate an understanding of types of evidence

Elaborations - Suggestions for Learning and Teaching

Judges must determine whether evidence is admissible and relevant to a case. Types of evidence include Direct, Circumstantial, Character, Electronic Surveillance, Polygraph Tests, and Voir Dire. This outcome directs students to examine a significant component of the “rules of evidence”–types of evidence– and to demonstrate their understanding of each type.

Students may, for example,

- view a crime drama clip that includes a courtroom scene illustrating an example of the weight afforded to evidence in determining the outcome of the case.
- give examples of various types of evidence that may be introduced in a criminal trial.
- discuss relevant news stories pertaining to evidence such the Air India case or other national stories.

Section 3: Trial Procedure

Suggestions for Learning and Assessment

Students may, for example,

Performance

- create a short scene and role-play to depict a particular type of evidence and how it is used. Groups of “actors” could illustrate different types of evidence, either by selecting one, or by the teacher giving the group an unexpected role/evidence type.

Paper and Pencil

- compare several criminal cases to determine the types of evidence that were uncovered or admitted in the investigation. Write a brief summary.
- track a current criminal court case that is in the media to make a list of evidence that is relevant to the case.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 177-181

Teacher Resource
p. 180

Section 3: Trial Procedure

Outcomes

Students will be expected to

2.3.5 describe the selection process and role of a jury

Elaborations - Suggestions for Learning and Teaching

Prior to studying the jury system, it is beneficial to remind students that one of the fundamental responsibilities of a citizen is to serve on a jury when requested. Students will learn of the complexities involved in this duty as they examine and describe the selection process and role of a jury. The process of jury selection begins with being aware of the qualifications required of jury members: a juror must be a Canadian citizen, at least 18 years of age, and a resident of the province for at least a year. Students will also learn that some individuals who work in the justice system are excluded from jury duty. Students will be able to describe the six-step process involved in jury selection: 1) names are selected randomly from a box and read aloud in court, 2) selected person goes to the front and faces the accused, 3) potential juror may be challenged by both the Crown and the defence, 4) either side may “challenge for cause” according to accepted reasons, 5) there is an opportunity for “peremptory challenge” by either side, and 6) selected juror must take the “juror’s oath” and join the panel of 12 peers. Students will also be able to describe the duties of a jury, such as following instructions from the judge, reaching conclusions based upon the evidence presented, and reaching a unanimous decision within their panel.

Students may, for example,

- create a KWL chart to determine what is already known about juries, their selection, and role, and what is still to be found out through investigation (see Appendix B-13, Visual Organizers).
- write personal definitions or create a web graphic of concepts related to a jury and compare and compile responses to create a class or group definition or web that best describes a jury and its role (see Appendix B-10, Visual Organizers).
- select 12 students at random to represent a jury. Each “juror” is given a card that states a particular fact about the person, such as “is 17 years old,” or “is a police officer.” Have each student step forward to explain his/her situation while peers decide whether or not the person can serve on a jury.
- follow a current legal case in which a jury is about to be selected and predict what some of the challenges may be in the process.

Section 3: Trial Procedure

Suggestions for Learning and Assessment

Students may, for example,

Performance

- role-play several different scenarios that may arise in real life around jury duty and/or selection.

Paper and Pencil

- list the duties of a jury and describe the process by which jury members are selected.
- write a journal entry about the stresses of being part of a jury (describing some of the duties and challenges to these duties).

Presentation

- track current cases in the media to create a poster or other visual focussing on the perspective of a juror from each case. Consider why jury duty may be difficult, and the roles that the jury must assume.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 171-172, 180

Teacher Resource
pp. 178, 180

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

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

Section 3: Trial Procedure

Outcomes

Students will be expected to

2.3.6 describe standard defences to criminal charges

Elaborations - Suggestions for Learning and Teaching

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

Below is a list of standard defences to criminal charges

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

Students may, for example,

- list and summarize standard defences, giving a fictitious example to illustrate where necessary.
- research cases to identify and describe the defence employed, along with other defences, which were rejected, and why.
- discuss which defences might be the most difficult to present or prove in a trial situation.
- sort defences on a ranking ladder or continuum-type graphic organizer according to level of difficulty (see Appendix B-12 and B-13, Visual Organizers).
- debate a decision made in a trial case -- one team pro and one team con—the acceptance or rejection of the defence.

Section 3: Trial Procedure

Suggestions for Learning and Assessment

Students may, for example,

Interview

- invite a lawyer, judge, or other authority to speak to the class about standard defences and prepare interview questions.

Paper and Pencil

- compare several different cases to determine what kind of defences were employed and explain why these defences were used.

Presentation

- create a visual organizer, multimedia presentation, or other presentation to depict and summarize standard defences.
- develop an appropriate defence for a real or fictitious case and present to the class.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 250-268

Teacher Resource
pp. 245-254, 257

Section 4: Sentencing

Outcomes

Students will be expected to

2.4.1 explain the objectives of sentencing

Elaborations - Suggestions for Learning and Teaching

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

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

Students may, for example,

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

Section 4: Sentencing

Suggestions for Learning and Assessment

Students may, for example,

Performance

- conduct a debate on the merits or shortcomings of a particular sentence as it relates to a specific case (real or fictional).

Paper and Pencil

- write a position paper on sentencing stating your own views, support your views with examples.
- read cases to determine why a particular sentence was handed down, select one and agree or disagree. Write your conclusion in a journal or share orally.
- research a specific case involving a unique or controversial sentence to determine the rationale for handing down the sentence. Share with a partner.

Performance

- conduct a debate on the merits or shortcomings of a particular sentence as it relates to a specific case (real or fictional).

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 274-278

Teacher Resource
pp. 272-278

Assessment Master G-17
Rubric: Position Paper

Assessment Master G-4
Checklist: Debate Evaluation

Section 4: Sentencing

Outcomes

Students will be expected to

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

Elaborations - Suggestions for Learning and Teaching

Sentence types cover a broad range and may incorporate more than one type, depending on the offence and the circumstances. Incarceration is extremely costly and does not always suit the circumstances. When possible, it is sometimes preferable to seek out alternative sentencing. This is especially the case when youth are involved in crime. At the same time, the public may decry the supposedly light sentences imposed and put pressure on legislators to change the standard practices and rulings surrounding sentencing. Students will be expected to have an understanding of the various types of traditional sentences and to be able to compare these with alternate forms of justice to see the advantages and application of each type.

Types of traditional sentences

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

Various diversion programs

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

Students may, for example,

- discuss reasons why there is more than one type of sentencing – what are the advantages and disadvantages?
- compare types of sentencing to those in another country's system — what are the similarities and/differences?
- write an opinion statement on why Canada's sentencing system is fair/unfair to individuals and/or society members. Use specific examples of sentences to support responses.
- create a visual graphic (for display in class) depicting the various types of traditional sentences and key points related to each.
- discuss how diversion (or restorative) programs differ from the traditional types of sentencing.
- create a visual graphic to depict the various diversion programs.
- track cases in the local newspaper or on-line to record the types of sentences for specific crimes that have been handed down locally.

Section 4: Sentencing

Suggestions for Learning and Assessment

Students may, for example,

Performance

- debate traditional versus restorative justice sentencing.

Interview

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

Paper and Pencil

- write a position paper on one aspect of the types of sentencing (e.g., traditional versus alternate).

Presentation

- present a multimedia show or other graphic display to explain types of sentencing.
- create a T-chart or other visual to show differences between traditional sentences and alternative sentences. Present to the class.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 281-294

Teacher Resource
pp. 278-281

Assessment Master G-13
Rubric: Interview

Assessment Master G-17
Rubric: Position Paper

Assessment Master G-4
Checklist: Debate Evaluation

Section 4: Sentencing

Outcomes

Students will be expected to

2.4.3 demonstrate an understanding of release procedures

Elaborations - Suggestions for Learning and Teaching

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

Students may, for example,

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

Section 4: Sentencing

Suggestions for Learning and Assessment

Students may, for example,

Performance

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

Paper and Pencil

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

Presentation

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

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 297-301

Web Links

www.npb-cnrc.ca/victims/ParoleHearingFacts_e.htm

www.thecanadianencyclopedia.com/

Search: *Maclean's Magazine*
keyword: parole

www.justice.gc.ca/en/news/nr/1997/rtrpm.html

www.npb-cnrc.gc.ca/infocntr/facts/royal_pre.htm

Section 4: Sentencing

Outcomes

Students will be expected to



2.4.4 demonstrate an understanding of Canada's correctional system

Elaborations - Suggestions for Learning and Teaching

Canada's correctional system comprises many different institutions, programs, and policies. Physical facilities, release conditions, and pardons all fall into the correctional system area. The intent of this outcome is not to memorize the various components and criteria of each, but for students to gain an understanding of the scope and range of these components and how they fit together in the broader spectrum. To achieve this, students will examine both provincial and federal correctional systems to compare levels of security, as well as release conditions.

Students may, for example,

- compare the levels of security in both provincial and federal institutions and create a chart showing the similarities or differences.

Systems	
Provincial	Federal
closed protective open	maximum medium minimum
	

- list and discuss the value of correctional programs aimed at helping inmates with issues related to their criminal activity
 - living skills
 - cognitive skills training
 - substance abuse intervention
 - sex offender treatment
 - family violence intervention
 - work experience
- research how release conditions and pardons work for inmates.
- find information related to diversionary programs and compare with traditional treatment of criminals. Debate the pros and cons of such programs.
- research how parole hearings are changing due to cultural and other sensitivities that are becoming more apparent in society (e.g., Aboriginal requests for a sentencing circle and a smudging ceremony in place of a traditional hearing).
- invite a guest from Corrections Canada (e.g., National Parole Board member) to speak to the class.

Section 4: Sentencing

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- write a journal entry, news article, or editorial piece about Canada's correctional system and its sum components.

Presentation

- create a mind map, concept map, or other organizer to demonstrate understanding of the various components that comprise Canada's correctional system (see Appendix B 1-10, Visual Organizers).
- design an educational brochure that shows a range of components within Canada's correctional system.
- select one aspect of Canada's correctional system and do further research to complete a report or presentation for classmates or other audience.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 294-301

Teacher Resource
pp. 281-283

Assessment Master G-14
Checklist: Creating a Brochure

Assessment Master G-7
Rubric: Oral Presentation

Section 5: Youth and Law

Outcomes

Students will be expected to

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

Elaborations - Suggestions for Learning and Teaching

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

Students may, for example,

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

Section 5: Youth and Law

Suggestions for Learning and Assessment

Students may, for example,

Performance

- debate whether the media portrays a fair or unfair image of youth in today's society.

Interview

- invite a member of the legal community or community agency (such as CLIA PEI) to speak to the class. Prepare interview questions to guide the visit/presentation.

Paper and Pencil

- write a journal entry based on how society views its youth.
- write an editorial based upon the power of mass media in portraying an image of a segment of society (e.g., youth).
- write an essay on the portrayal of youth in today's society.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 306 - 314

Teacher Resource
p. 297

Assessment Master G-4
Checklist: Debate Evaluation

Assessment Master G-11
Rubric: Essay

Supplementary Resource

Know Your Rights: A Legal Guide to your Rights and Responsibilities for People Under 18 a publication by Justice for Children and Youth
www.jfcy.org
[Hardcopies should already be in use in your school.]

Just Law - teaching youth about the law in their lives, pg. 35-47
Teacher Resource 2005, 2006
Public Legal Education Association of Saskatchewan, Inc. (PLEA)
www.plea.org
[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Web Links

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

Section 5: Youth and Law

Outcomes

Students will be expected to

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

Elaborations - Suggestions for Learning and Teaching

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

Students may, for example,

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

Section 5: Youth and Law

Suggestions for Learning and Assessment

Students may, for example,

Interview

- interview a youth worker, probation officer, or other official within the justice system to gather research data for a presentation on rights and protections for youth in the criminal system. Prepare questions in advance to stay focused.

Paper and Pencil

- select one special right or protection for youth and expand upon it in a paper, journal entry, or presentation by explaining why it is important.
- examine legal cases involving children under the age of 12 in Canada and other countries - how do the rights and protections of children compare in a legal situation? Draw a comparison chart to illustrate similarities and differences.
- write a journal entry to explain why a ban on the publication of names is one of the fundamental protections afforded to a child/youth involved in criminal behaviour either as a perpetrator or as a victim. Agree or disagree with this practice.

Presentation

- create a visual organizer outlining the special rights and protections afforded to youth in various stages of the legal process.
- create a multimedia presentation outlining the special protections and rights afforded to young offenders within the Canadian system.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 308 - 313

Teacher Resource
p. 313

Assessment Master G-5
Rubric: Visual Display

Assessment Master G-13
Rubric: Interview

Assessment Master G-4
Checklist: Debate Evaluation

Supplementary Resource

Know Your Rights: A Legal Guide to your Rights and Responsibilities for People Under 18 a publication by Justice for Children and Youth
www.jfcy.org
[Hardcopies should already be in use in your school.]

Section 5: Youth and Law

Outcomes

Students will be expected to

2.5.3 explain the rationale for treating young offenders differently from adults

Elaborations - Suggestions for Learning and Teaching

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

Students may, for example,

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

Treatment of Offenders

Youth	Adult

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

Section 5: Youth and Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- write a follow-up report based on a presentation by a guest speaker who has worked with youth in the justice system.
- respond to the statement:

There should be no special rights or protections for young people who offend.

Presentation

- create a dual sided visual such as a flowchart to compare the legal process involving a youth with the process involving an adult. Explain to class why these differences exist.
- read about the Steven Truscott case to develop arguments for the special treatment of young offenders. Write a report or present to the the class.

Performance

- debate the merits of tougher laws for youth as is currently being proposed in Canadian society, and take a position on whether tougher legislation would or would not provide the necessary protections for youth.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 306-318

Teacher Resource
pp. 296-301

Web Links

www.cbc.ca
Search Archives: Steven Truscott

Community

CLIA - Community Legal Information Association (PEI).
P.O. Box 1207
1st Floor Sullivan Building
16 Fitzroy Street
Charlottetown PE C1A 7N8
Tel: (902)892-0853 or
1-(800)-240-9798
Fax: (902) 368-4096
cliapei.ca

Supplementary Resource

Know Your Rights: A Legal Guide to your Rights and Responsibilities for People Under 18 a publication by Justice for Children and Youth
www.jfcy.org
[Hardcopies should already be in use in your school.]

Unit 3: Civil Law

Unit 3: Civil Law

Overview

Unit 3: Civil Law introduces students to laws that affect private individuals and procedures that they, as private individuals, may face in the civil justice system. Students will examine the difference between public and private law, the areas of law that fall into the private category, examine the concept of “torts” and consider remedies and defences available to litigants within the civil system. Students will also learn many of the key elements related to family law and situations that may relate to their own lives now or in the future. The suggested time allotment for this unit is approximately 30% of the total course.

Specific Curriculum Outcomes

Section 1: Understanding Civil Law

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

Students will be expected to

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

Section 2: Understanding Torts

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

Students will be expected to

- 3.2.1 demonstrate an understanding of torts and purposes of tort law
- 3.2.2 distinguish between intentional and unintentional torts
- 3.2.3 explain the fundamental legal elements of cases involving negligence
- 3.2.4 describe remedies and damages available through civil courts
- 3.2.5 identify defences to various torts

Section 3: Family Law

Family Law is the area of law that is perhaps most relevant to all people, including children and youth. Throughout the last century there have been many significant societal changes that have brought about shifts in how we view family and the responsibilities and roles within family. Many matters which were previously considered private to the family have moved into the public arena. This section helps students become aware of the many implications involved in decisions and actions that they take in their own lives.

Students will be expected to

- 3.3.1 explain the difference between common-law relationships and marriage, including the legal implications of both
- 3.3.2 summarize the legal processes involved in separation and divorce
- 3.3.3 identify common issues related to child/spousal support and child custody
- 3.3.4 describe children's rights within the family, including child protection and adoption

Section 1: Understanding Civil Law

Outcomes

Students will be expected to

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

Elaborations - Suggestions for Learning and Teaching

This outcome is intended to introduce students to the characteristics that separate civil law from criminal law. Upon examining various cases, they will be able to distinguish the factors that make a case either criminal or civil and determine where, in some cases, the categories overlap. Because it is important for students to understand the difference in terminology used in civil and criminal law, an initial discussion of terms may be helpful.

Students may, for example,

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

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

- compare the terms “guilty” and “not guilty”, used in criminal court, to their civil court counterparts “liable” and “not liable.” How are they similar and different?
- write a statement to reflect upon the difference in purpose between criminal and civil law.

“Criminal is based upon a dispute between _____ while civil law focuses on disputes between _____.”
- make a comparison list of other terms or phrases that have similar but different meaning in both courts:
 - litigation/litigants
 - perpetrator versus plaintiff
 - accused versus defendant
 - beyond a reasonable doubt
 - burden of proof versus balance of probabilities
 - damages versus sentencing

Section 1: Understanding Civil Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

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

Presentation

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

Portfolio

- create a scrapbook or portfolio containing well-known civil cases and include a brief summary that explains why a specific case has become notorious or special (see Appendix D-1, Teacher-Made Materials).

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 337-339

Teacher Resource
pp. 325-331

Assessment Master G-5
Rubric: Visual Display

Assessment Master G -14
Checklist: Creating a Brochure

Supplementary Resources:

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

Just Law - teaching youth about the law in their lives, pp. 20-21
Teacher Resource 2005, 2006
Public Legal Education Association of Saskatchewan, Inc. (PLEA)
www.plea.org
[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Section 2: Understanding Torts

Outcomes

Students will be expected to

3.2.1 demonstrate an understanding of torts and purposes of tort law

Elaborations - Suggestions for Learning and Teaching

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

Students may, for example,

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

Section 2: Understanding Torts

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- write a paragraph (or page) to explain what the law of torts means and why it is an important part of our legal system.

Presentation

- create a graphic organizer or other display to illustrate the nature of torts and tort laws.
- use a cause/effect chart to illustrate how tort law serves the public.
- contrast tort law with criminal law to explain how each is important and how each serves a specific purpose.
- collect several news stories involving tort cases and write a brief summary for each, explaining how the law served or did not serve its purpose.

Portfolio

- collect a number of cases over the duration of the course that are both criminal and civil cases and provide a brief summary explaining the outcome of each case under both forms of law.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource

pp. 366-375, 390-391

Teacher Resource

pp. 355-357, 359-361, 387

Supplementary Resource

Just Law - teaching youth about the law in their lives, pp. 147-160
Teacher Resource 2005, 2006
Public Legal Education Association of Saskatchewan, Inc. (PLEA)
www.plea.org
[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Section 2: Understanding Torts

Outcomes

Students will be expected to

3.2.2 distinguish between intentional and unintentional torts

Elaborations - Suggestions for Learning and Teaching

An understanding of the law of torts includes knowing the difference between “intentional” and “unintentional” acts of wrongdoing, and the elements that define the boundaries of each. This outcome will provide students with an opportunity to clarify the meaning behind “intentional” and “unintentional” torts and to apply this knowledge to everyday cases in private law.

- use a Think-Pair-Share strategy to brainstorm possible scenarios or cases that would illustrate both intentional and unintentional acts of wrongdoing including the types of personal injury or loss that might occur from such actions (see Appendix A-1, Teaching Strategies).
- use an organizational chart, such as a T-Chart, to create a list of intentional and unintentional torts by using newspaper clippings, online case studies, or other sources of case examples (see Appendix B-11, Visual Organizers).

TORTS

Unintentional	Intentional

- consider and discuss within small groups how intent changes the nature of a tort in which a person is injured or endures a loss of property or enjoyment of property. Complete a table such as the one below to organize and summarize the principle types of intentional tort. Sub-categories such as sexual assault or medical battery may be added as understanding grows.

Intentional Torts Summary

Assault - threat of physical or bodily harm

Battery -

Trespass -

Defamation -

Section 2: Understanding Torts

Suggestions for Learning and Assessment

Students may, for example,

Presentation

- create a display (multimedia, visual, or written) to illustrate the difference between intentional and unintentional torts.
- design a mind map or concept web to show your understanding of intentional and unintentional torts (see Appendix B 1-10, Visual Organizers).
- present orally to the class a case analysis involving two cases, one an unintentional tort and the other an intentional tort.
- read cases to decide whether they should be classified as intentional torts or unintentional torts. Summarize in point form with reasons for your choice.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 366-375, 390-391

Teacher Resource
pp. 376-377, 387

Supplementary Resource

Just Law - teaching youth about the law in their lives, pg. 147-160
Teacher Resource 2005, 2006
Public Legal Education Association of Saskatchewan, Inc. (PLEA)
www.plea.org
[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Section 2: Understanding Torts

Outcomes

Students will be expected to

3.2.3 explain the fundamental legal elements of cases involving negligence

Elaborations - Suggestions for Learning and Teaching

In a previous outcome, students discussed the difference between intentional and unintentional torts. This outcome focuses on the latter, specifically “negligence”, and the legal elements found within this type of tort. Students will be expected to explain the elements found within each stage of the process of determining guilt in a negligence case. The three stages include the following: Stage 1 - Duty of Care, Stage 2 - Standard of Care, and Stage 3 - Causation.

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

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

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

Students may, for example,

- discuss the term “negligence” and actions that may be considered negligent such as in a baby-sitting scenario where a baby-sitter chats on the phone while ignoring the children in his or her care. Brainstorm similar scenarios that might be familiar in an everyday setting, such as a sports venue or school cases.
- create a graphic organizer such as a mind map to illustrate the three stages in determining negligence and any concepts or terms that are associated with a particular stage (see Appendix B-10, Visual Organizers).
- discuss several different case studies to identify which principles are associated with each case.

Section 2: Understanding Torts

Suggestions for Learning and Assessment

Students may, for example,

Performance

- role-play several everyday situations which lead to negligent actions (e.g., careless use of a toy, tool, or other object). Different “teams” may role play different scenarios. Members of the audience may be asked to collect jot notes on each case to discuss later.

Interview

- conduct an interview with a lawyer or other authority of civil law.

Paper and Pencil

- using a specific case example of negligence and the principles involved in determining liability, explain orally, written, or visually, how the case may be considered.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource

pp. 366-375, 390-391

Teacher Resource

pp. 355-357, 359-361, 387

Section 2: Understanding Torts

Outcomes

Students will be expected to

3.2.4 describe remedies available through civil courts

Elaborations - Suggestions for Learning and Teaching

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

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

Students may, for example,

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

Canada's establishment of a cap on compensation for damages (currently at \$280,000.00) is a logical decision that shows money can not fully compensate for certain losses in life.

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

Section 2: Understanding Torts

Suggestions for Learning and Assessment

Students may, for example,

Performance

- debate the pros and cons of Canada's "cap" on compensation for damages.

Paper and Pencil

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

Presentation

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

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 350-357

Teacher Resource
pp. 333-335

Assessment Master G-14
Checklist: Creating a Brochure

Web Links

Mini Mock Trial Manual
www.ccle.fourh.umn.edu/mock3.pdf

Section 2: Understanding Torts

Outcomes

Students will be expected to

3.2.5 identify defences to various torts

Elaborations - Suggestions for Learning and Teaching

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

Defences

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

Students may, for example,

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

DEFENCES to TORTS	
Intentional	Non-intentional (Negligence)

Section 2: Understanding Torts

Suggestions for Learning and Assessment

Students may, for example,

Performance

- prepare a statement of defence for a given case (previously unseen).
- prepare and present a role-play that illustrates one type of defence in civil law.

Presentation

- analyse cases to determine what type of defence is being presented for each. Create a graphic organizer, such as a poster, to categorize the cases according to the defence used.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource

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

Teacher Resource

pp. 363-364, 390-393

Section 3: Family Law

Outcomes

Students will be expected to

- 3.3.1 explain the difference between common-law relationships and marriage, including the legal implications of both**

Elaborations - Suggestions for Learning and Teaching

The first outcome of this section focusses on the legal aspects of a personal relationship with a partner. With a growing trend toward common-law rather than traditional marital relationships, it is important for young adults to understand the differences between the two states of union, and the legal ramifications of both. Students will learn about the obligations and conditions required within the contract of a personal union as well as the implications involved when the union dissolves or breaks down.

Students may, for example,

- brainstorm ideas related to differences between a legal marriage and a common-law arrangement and chart these either as a class or in small groups
- devise a visual organizer to show differences such as those below:

	Common-law	Marriage
Ceremony	No	Yes
Legal requirements pre-union	No	Yes
Children “legitimate”	Yes	Yes
Spousal support	Limited	Yes
Property division	Not necessarily	Yes

- discuss the essential requirements for entering a legal marriage and how entering a common-law union is different:
 - mental capacity
 - valid consent
 - minimum age or parental consent
 - absence of a prohibited relationship
 - termination of prior marriages
 - sexual capacity
- identify formal requirements for a legal marriage:
 - marriage license or publication of banns
 - marriage ceremony (witnesses at least 18 yrs old, presiding authority, and declaration of no impediment to marriage)
 - legally recognized custom marriages (Aboriginal)

Section 3: Family Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- write a journal entry about what they have learned to be the key legal differences between a traditional marriage and a common-law relationship? Include thoughts on why there is a trend toward common-law relationships in our society.
- write a brief journal entry explaining how marriage (or cohabitation) is a real-life contract between two persons. Include thoughts or ideas on how this may have changed the way you previously viewed close relationships and how you may view them in the future.

Presentation

- create a visual organizer to illustrate differences between “cohabitation” or a common-law relationship and a legal marriage. Answer questions such as the following:
 - Are there requirements to enter into a relationship?
 - How are children viewed in the eyes of the law?
 - Is a ceremony required to mark the start of the relationship?
 - How is property divided in the case of separation?
 - How is spousal support awarded?
- design an information brochure aimed at young adults to advise them of the legal differences between a common-law relationship and a traditional marriage.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 414-428

Teacher Resource
pp. 415-418

Assessment Master G-14
Checklist: Creating a Brochure

Web Links

Community Legal Information Association (PEI) publications at www.cliapei.ca

Supplementary Resource

Just Law - teaching youth about the law in their lives pp. 49-57
Teacher Resource 2005, 2006
Public Legal Education Association of Saskatchewan, Inc. (PLEA)
www.plea.org
[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Section 3: Family Law

Outcomes

Students will be expected to

3.3.2 summarize the legal processes involved in separation and divorce

Elaborations - Suggestions for Learning and Teaching

When marital breakdown occurs, there are certain processes that must take place in order to legally dissolve the union and to address resulting needs, such as child custody, property distribution, and support payments. Students will learn about these processes and be expected to explain the legal path of separation, with its various requirements.

Students may, for example,

- define the terms “cohabitation” and “domestic contract”—how does such a contract help in the event of marital breakdown? Explain why a cohabitation agreement excludes issues of child custody and visiting rights? What are the conditions that make a separation agreement legally binding (signed by both parties with a witness)?
- discuss why a separation agreement is beneficial in resolving disputes concerning property or child custody/support. Consider what could occur if a separation agreement does not exist, and chart a probable/preferable path to show potential outcomes.
- discuss terms related to divorce and the considerations that a judge must make in granting a divorce:
 - petition
 - petitioner
 - respondent
 - certificate of divorce
 - adultery
 - living separate and apart
 - cruelty
 - conditions preventing a divorce from being granted

Extention

- research further considerations of marital breakdown within common-law relationships using the publication (available on-line) *Living Together: Common Law Relationships*, by Community Legal Information Association of PEI, Inc. Some areas to consider are pension benefits, Workers' Compensation benefits, debts, and life insurance benefits.

Section 3: Family Law

Suggestions for Learning and Assessment

Students may, for example,

Paper and Pencil

- write a journal entry, or present orally, views on what they have learned about the separation and divorce process.

Presentation

- create a flowchart of actions that take place within the legal system in order for a couple to obtain a separation and divorce.
- chart and explain the elements that are considered before a couple can legally terminate a formal marriage contract (e.g., length of time separated, adultery or cruelty, reasons for divorce, requests regarding custody or support).

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 428-432

Teacher Resource
pp. 417-419

Web Links

Community Legal Information Association (PEI) publications at www.cliapei.ca

Supplementary Resources

Just Law - teaching youth about the law in their lives, p. 58
Teacher Resource 2005, 2006
Public Legal Education Association of Saskatchewan, Inc. (PLEA)
www.plea.org
[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Section 3: Family Law

Outcomes

Students will be expected to

3.3.3 identify common issues related to child/spousal support and child custody

Elaborations - Suggestions for Learning and Teaching

Child support and custody issues often cause bitter disputes when a marital relationship breaks down. Sometimes it involves parents disagreeing on sharing time with children, or sometimes it involves financial matters of support and the length of time support should continue. In this outcome, students explore issues related mainly to children and identify the common issues that are witnessed in courts across Canada daily. While it is not required that students memorize all terms or definitions included in this unit, it is expected that students can demonstrate that they understand the range of options related to custodial matters and visitation rights.

Students may, for example,

- define terms related to issues involving children:
 - custody
 - custodial parent
 - tender years doctrine
- discuss the implications of the tender years doctrine from the perspective of each parent, and from the perspective of a child in this situation.
- create a graphic organizer to distinguish differences among the following:
 - sole custody
 - joint custody
 - shared custody
 - split custody
- differentiate among the types of access that non-custodial parents have regarding visitation of children:
 - reasonable access
 - defined access
 - supervised access

How are grandparents' rights to visitation viewed by the courts?
- explain how courts calculate the monetary amount to be paid by the non-custodial parent in the case of child support. What are the advantages of this system compared to the pre-1997 system of calculation?
- invite a lawyer, family court worker, or speaker from CLIA to speak to class.

Section 3: Family Law

Suggestions for Learning and Assessment

Students may, for example,

Performance

- create a role-play or screenplay that focusses on an issue of child custody or child/spousal support. Include key elements learned during the study of this section.

Paper and Pencil

- create a fictional case (or select an existing case) that involves issues of child custody and support. Sketch out four scenarios to illustrate the possible custody decisions that could occur (sole, joint, shared, and split). Include a statement regarding the possible impact on the children for each scenario.
- write a journal entry, short fictional story, poem, or song about how a parent's moving to another (distant) location affects children.

Presentation

- design a poster based on one of the issues (or an aspect of an issue) in this section—child custody, child/spousal support.
- create a “code of ethics” for parents who are in the midst of separation and must resolve child custody or support issues.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 437-445

Teacher Resource
pp. 453-454

Web Links

Federal child support amounts for PEI www.pearsoned.ca/law
Search: Net Links/Chap 17

Community Legal Information Association (PEI) publications at www.clapei.ca
Support: What You need to Know

Maintenance Enforcement in Prince Edward Island

Supplementary Resource

Just Law - teaching youth about the law in their lives, pp. 59-78
Teacher Resource 2005, 2006
Public Legal Education Association of Saskatchewan, Inc. (PLEA)
www.plea.org
[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Section 3: Family Law

Outcomes

Students will be expected to

3.3.4 describe children's rights within the family, including child protection and adoption

Elaborations - Suggestions for Learning and Teaching

Child protection is a critical component of contemporary society and the legal system. The rights of children are non-negotiable and treated as a priority regardless of race, parentage, culture, and/or environment. Provincial laws aid in the protection of children by investigating alleged abuse, providing counselling, and/or by removing vulnerable children from abusive situations and placing them "in care." Adoption is another area of child protection that has many legal aspects and ramifications. In this outcome, students will learn about and be able to describe some of the issues related to the protection of children in abusive or negligent environments. They will also explore issues related to various adoptive situations, including those involving Aboriginal children.

Students may, for example,

- discuss how today's society is more involved in the welfare of children than they were in the past. Why has this change occurred, and what does it mean for children? Students may write a brief journal entry summarizing their thoughts and ideas and jotting down questions that may occur to them as they reflect upon this question.
- debate the pros and cons of adopting children from other cultures or ethnic backgrounds. Consider this issue from both the parents' and the child's perspective.
- find cases that pertain to adoption of children with cultural or ethnic backgrounds different from the adoptive parents. Write or present orally a brief response to the case.
- Discuss the information below which is excerpted from the UN Convention on the Rights of the Child, 1989. Consider how these categories of rights and stated Articles are reflected in Canada's legal system.

Children's rights are defined by the United Nations Convention on the Rights of the Child. The Convention provides for three categories of rights:

- rights of provision, for example, to education and health care
- rights of protection, for example, from abuse and neglect
- rights of participation, for example, the right to be heard in matters affecting the child

Article 6

You have the right to life in a safe and happy home. You must be given help to survive and to develop.

Articles 19, 34, and 36

You have the right to be protected from maltreatment and exploitation of any kind, for example, physical punishment, sexual exploitation, neglect, or verbal abuse.

Section 3: Family Law

Suggestions for Learning and Assessment

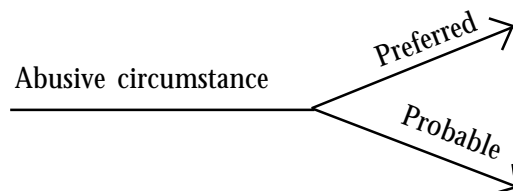
Students may, for example,

Performance

- debate the pros and cons of adoption of children with differing ethnic origins into a family of another ethnic or cultural background (e.g., adoptee of Aboriginal, Asian, African, or other cultural origin).
- debate the pros and cons of adoption involving same-sex families or single-parent families.

Paper and Pencil

- write a reflective essay on how Canada's legal system provides protection to children.
- use a probable/preferred path organizer to chart the possibilities for a child in a selected circumstance, such as an abusive home environment, versus adoption.



Presentation

- design a poster or other visual, or write a story, poem, or song based upon a child's rights to safety and a nurturing environment.

Resources and Links

Law in Action: Understanding Canadian Law

Student Resource
pp. 445-448

Teacher Resource
pp. 439-441

Web Links

Community Legal Information Association (PEI) publications at www.cliapei.ca

Islanders' Guide to the *Victims of Family Violence Act*

Supplementary Resource

Just Law - teaching youth about the law in their lives, pp. 79-86
Teacher Resource 2005, 2006
Public Legal Education Association of Saskatchewan, Inc. (PLEA)
www.plea.org
[Teachers have one Student Edition in hardcopy. Student Editions are also available on-line.]

Appendix

Appendix A

Teaching Strategies

A-1 Think-Pair-Share

A-2 Jigsaw

A-3 Placemat

Think-Pair-Share

Purpose:

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

Method:

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

Variations:**Think-Pair-Square**

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

Sketch-Pair-Write-Pair-Share

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

Jigsaw

Purpose:

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

Method:

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

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

Example - Roots of Canadian Law:

Class of 30 students =

6 “home” groups of 5 students: ABCDE

5 “expert” group of 6 students:

AAAAAA group = Code of Hammurabi

BBBBBB group = Mosaic Law

CCCCCC group = Greek Law

DDDDDD group = Roman Law

EEEEEE group = Justinian’s Code

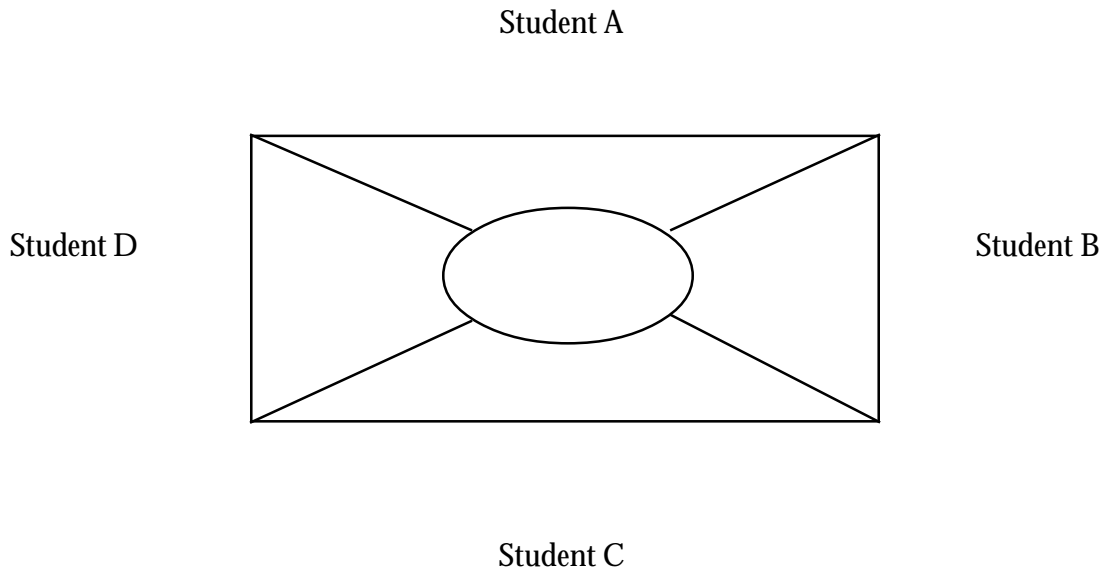
Placemat

Purpose:

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

Method:

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



Appendix B

Visual Organizers

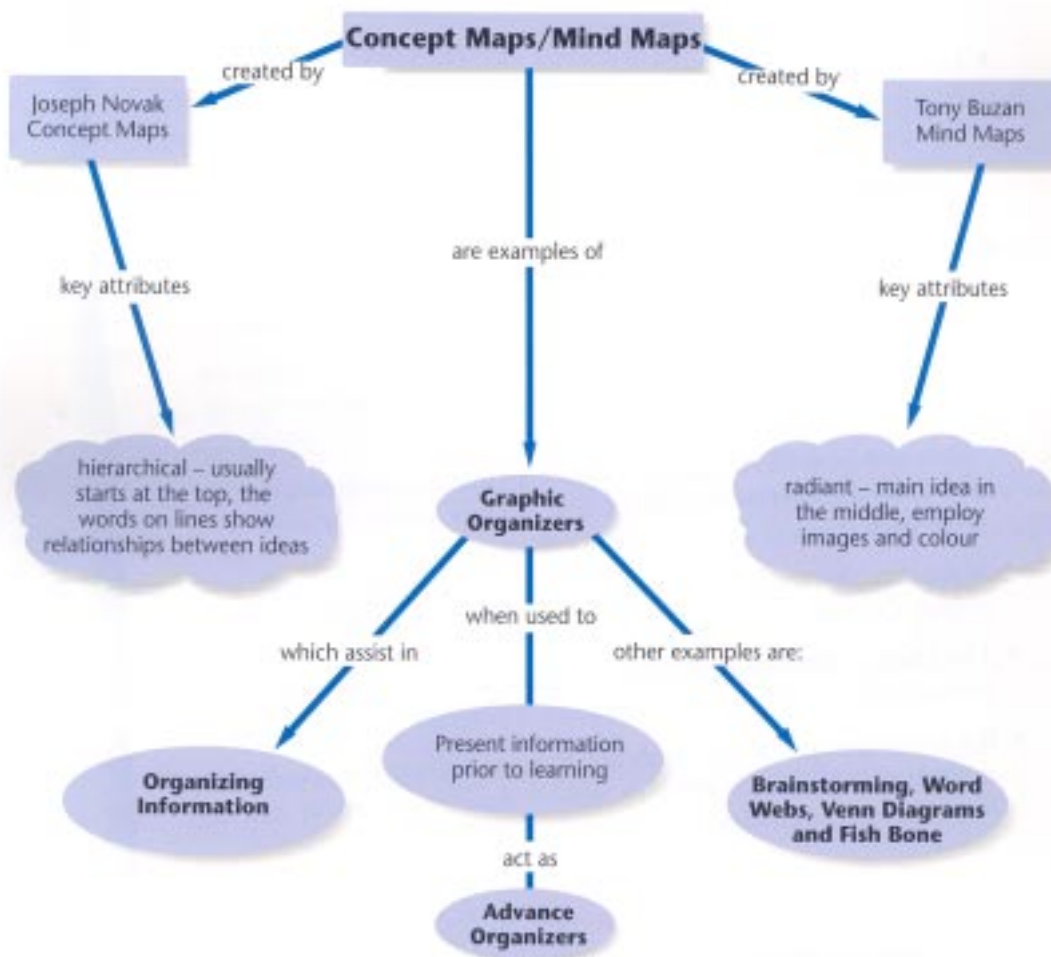
- B-1 Complex Organizers
- B-2 Similarities and Differences
- B-3 An Explanation of Mind Mapping
- B-4 Steps for Creating a Basic Mind Map
- B-5 Sample Rubric for Evaluating a Mind Map
- B-6 Sample Mind Maps
- B-7 An Explanation of Concept Mapping
- B-8 Steps in Creating a Basic Concept Map
- B-9 Sample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

N.B.

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

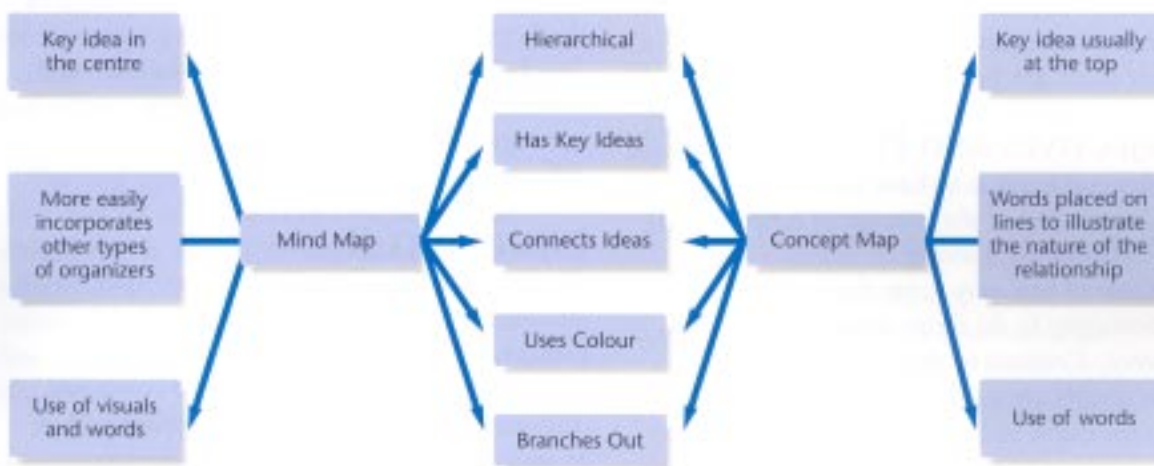
Chapter Ten

Complex Organizers: Mind Mapping and Concept Mapping





Mind Maps and Concept Maps: Similarities and Differences



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



An Explanation of Mind Mapping

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

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

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

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

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

ESSENTIAL:

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

NON-ESSENTIAL:

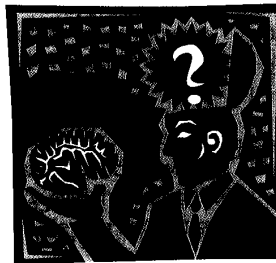
1. colour
2. codes

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

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

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

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





Steps in Creating a Basic Mind Map

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

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

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

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



Steps in Creating a Basic Mind Map:

2. **Brainstorm for the key ideas related to that topic.**

- Record all the ideas that come to you - this can be personal or group brainstorming. Now you can simply pick out the most important ideas that will branch out first or you can group those ideas into common categories - give each of those categories a label and then those become the first key ideas.
- Draw a picture or symbol that represents each of the key ideas you brainstormed. Then position those visuals that make sense to you around the outside of the visual you placed in the centre of the map. Put in the key word and then connect the key words to the centre topic with a line or bubbles.
- Flow with ideas radiating out from each of those key ideas; again, think of visuals that capture the essence of that idea and place them in a way that makes sense to you. Then, place the word by the visual. Again, connect with lines.
- Continue until you have exhausted the topic, the space, the time, or your patience.

3. **Reflect with a partner or with small groups or with the class —perhaps a Three-Step-Interview or Gallery Tour.**

- In your mind or with a partner, talk through the journey you took to conceptualize the key ideas related to the topic. Explore the relationships between different aspects of the map.



Beyond Monet / Barrie Bennett / Carol Rolheiser

Reproduced with permission of author.



Sample Rubric for Evaluating a Mind Map

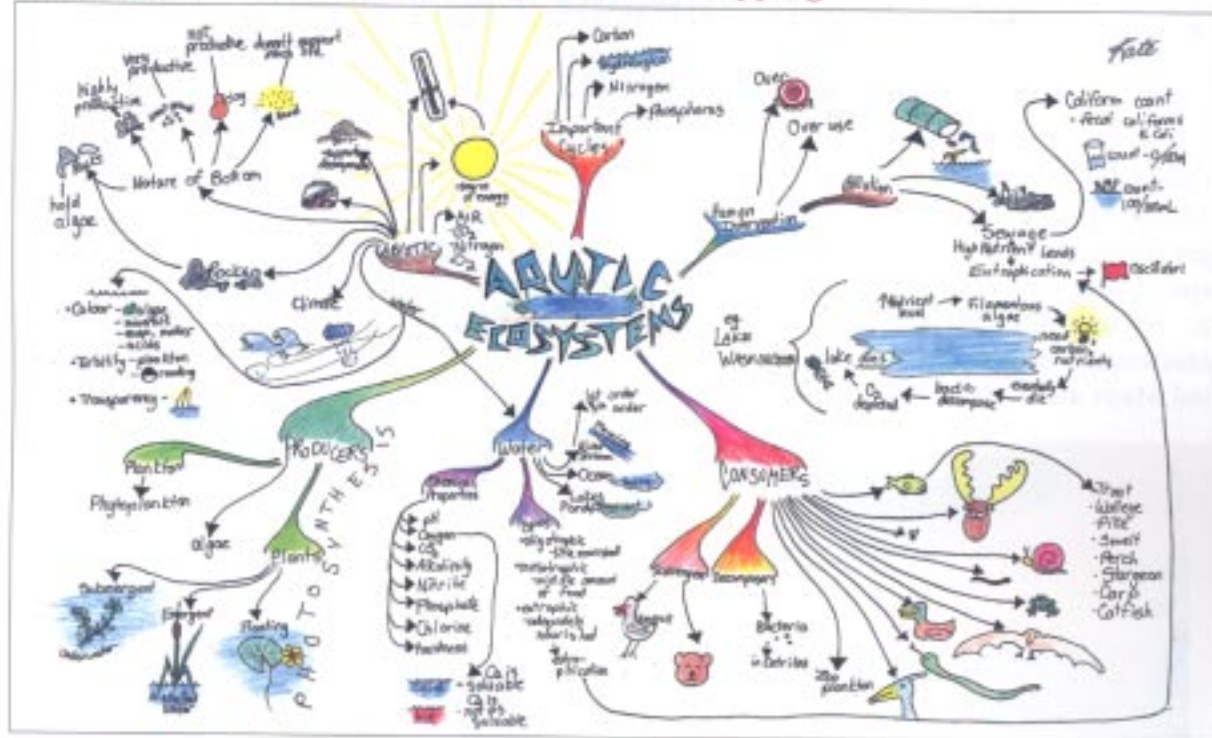
Rubric for Mind Map Performance Levels

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

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

Appendix B-6: Visual Organizers

university student's second attempt at Mind Mapping



grade eight student's second attempt at Mind Mapping





An Explanation of Concept Mapping

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

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

ESSENTIAL:

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

NON-ESSENTIAL:

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

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

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

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



Steps in Creating a Basic Concept Map

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

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

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

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

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

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

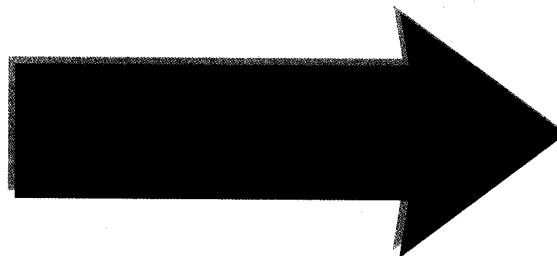
SIZE: If the Concept Map is to be a poster to be shared, the size will be different than if it is to serve as notes and placed in a binder for a review before a test.

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



Steps in Creating a Concept Map:

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





Sample Rubric for Evaluating a Concept Map

Performance Levels

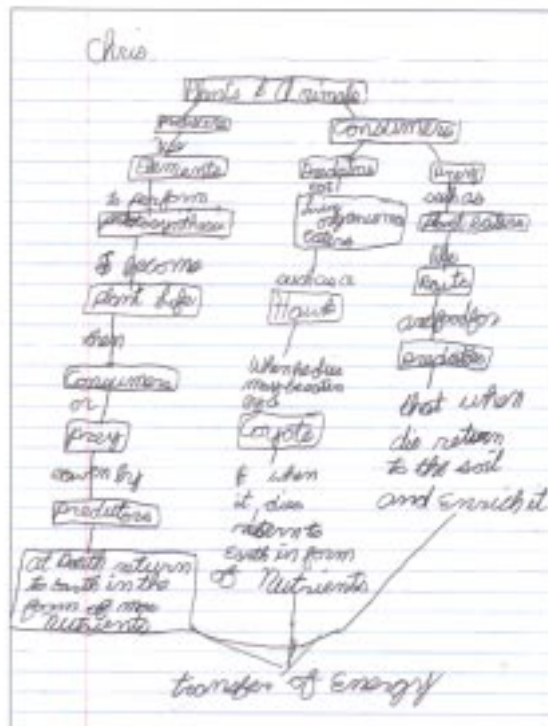
Performance Indicators	Level 1	Level 2	Level 3	Level 4
Concepts	<ul style="list-style-type: none"> Insufficient number of concepts selected relating to topic Arrangement of concepts illustrates no understanding of conceptual relationships 	<ul style="list-style-type: none"> Minimal but acceptable number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

Designed by: Shirley Smith, Bev Elaschuk

Feel free to adapt this rubric or create your own.

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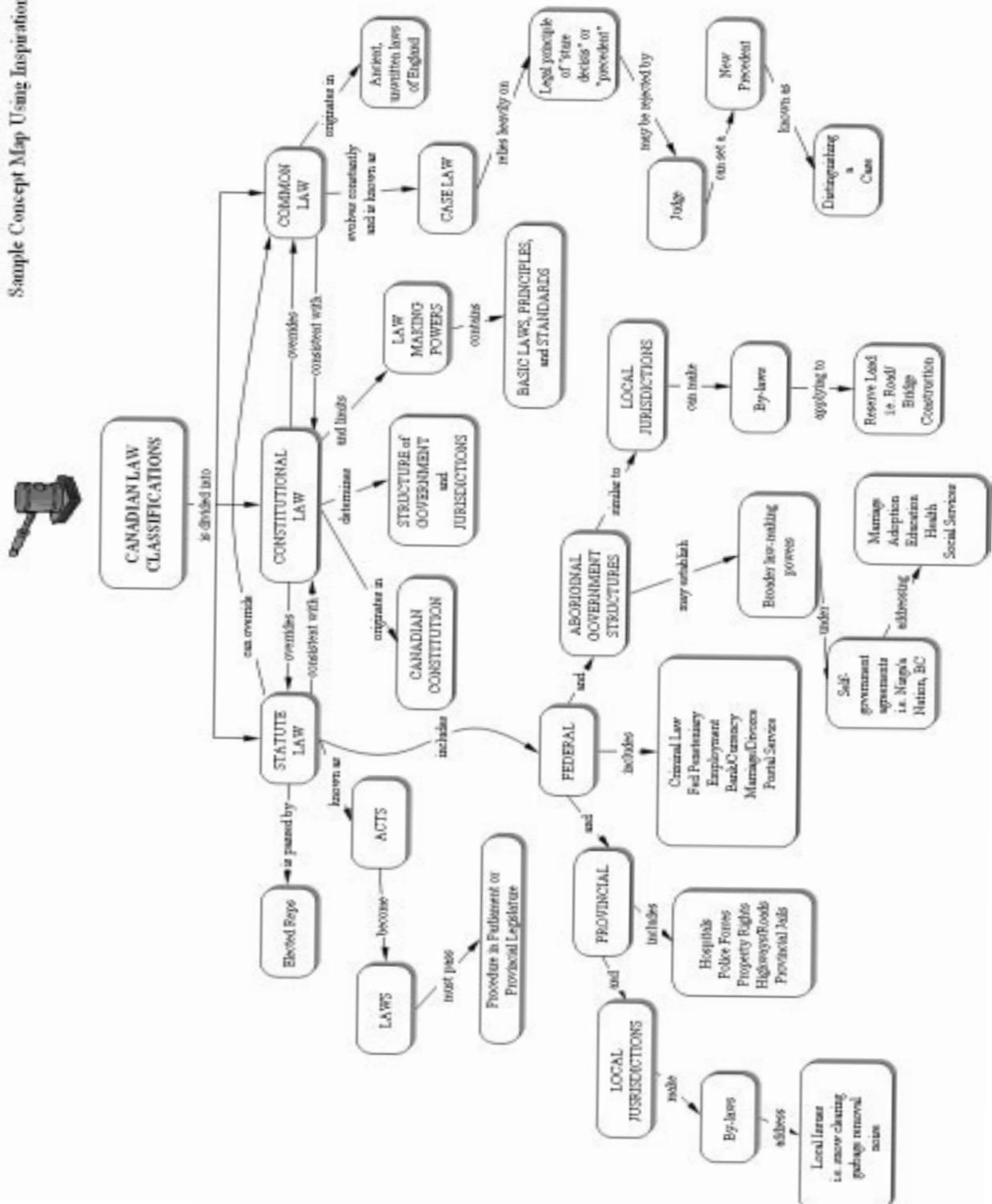
Chapter 10 281



*grade four's first attempt
at a Concept Map*

Appendix
B-10a

Sample Concept Map Using Inspiration Software

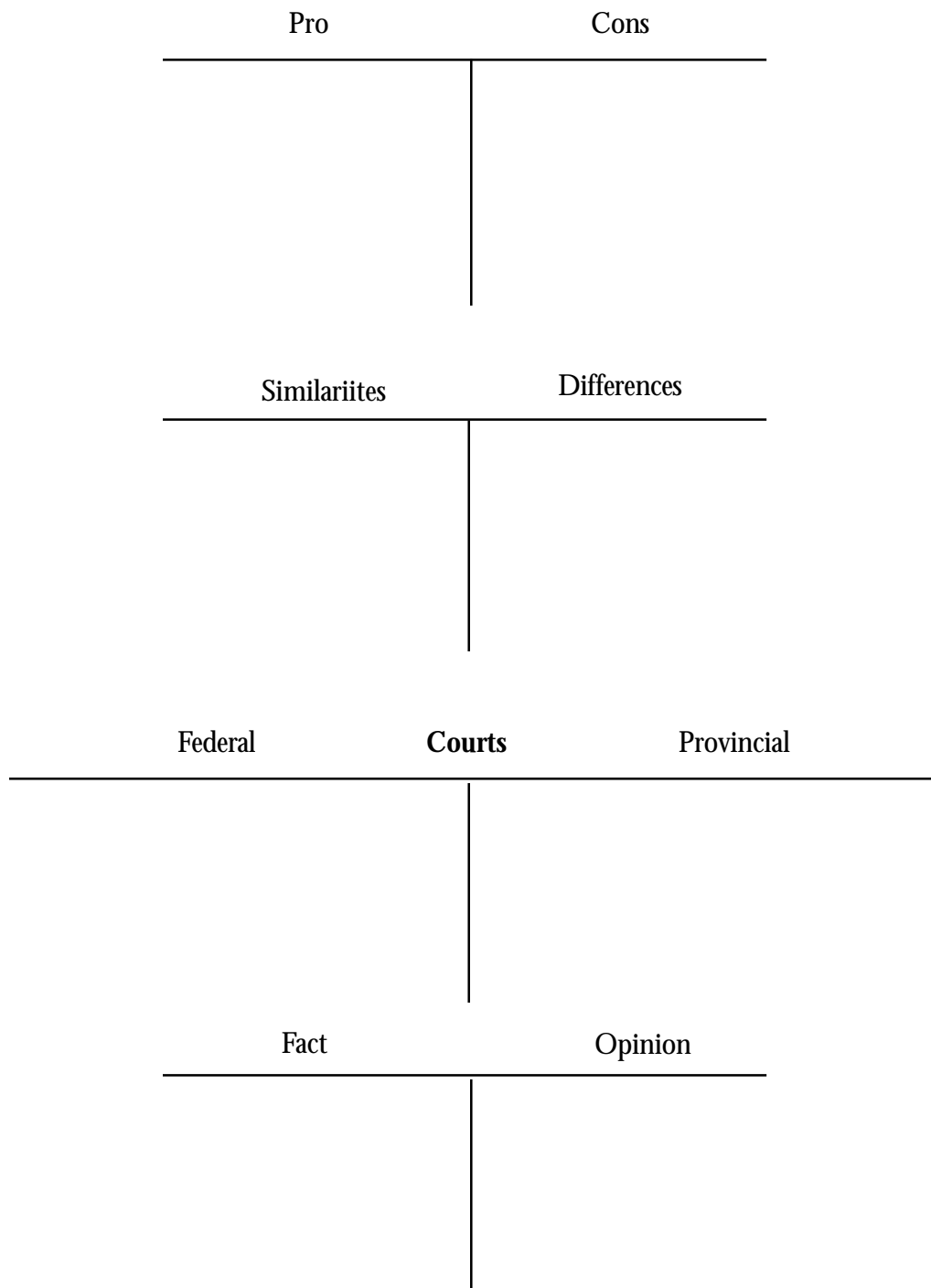


Appendix B-11: Visual Organizers

T-Chart

Purpose:

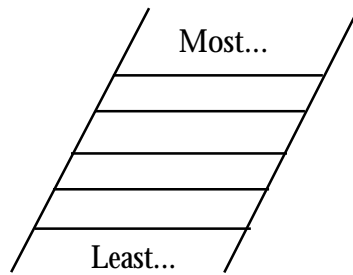
This organizer is used to examine or compare dual side of an issue or two aspects of a concept such as similarities and difference.



Ranking Ladder

Purpose:

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

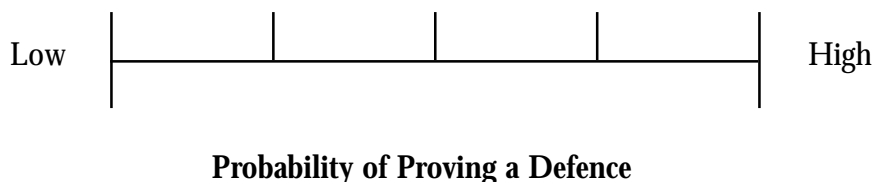


Appendix B-13: Visual Organizers

Continuum

Purpose:

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



KWL

Purpose:

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

K	W	L

Appendix C

Teacher Background

- C-1 CBC Archives - George Erasmus
- C-2 Ottawa discriminates...
- C-3 Top Court...
- C-4 PEI adopts...
- C-5 Human Rights in Canada
- C-6 Securing the Vote
- C-7 Married Women
- C-8 Time Portal
- C-9 Dealing with ...



- News
- Sports
- Radio
- TV



CBC Archives


Accessible version

[>>Advanced Search](#)


Explore the Archives Timeline

People

Conflict & War

Arts & Entertainment

Politics & Economy

- Elections
- Prime Ministers' Gallery
- Life & Society
- Disasters & Tragedies
- Extreme Weather
- Science & Technology
- Sports
- Olympic Games
- Hockey

TOPIC INDEX

CLIP INDEX

ON THIS DAY

GREAT INTERVIEWS INDEX





Home > [Politics and Economy](#) > **Georges Erasmus: Native Rights Crusader**

Georges Erasmus: Native Rights Crusader



1930 1940 1950 1960 1970 1980 1990

[Click to Activate Topic Timeline](#)

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



Educational
Georges Erasmus

1

Our home and native land



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

2

Hail the new chief!



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

3

No deal!



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

4 GREAT INTERVIEWS

Deal with us now or suffer the consequences!



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

5

Nothing to celebrate



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

6

Abandoning neutrality



Erasmus condemns Catholic Church's role in residential schools. (Radio; runs 2:05)

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

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

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

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

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

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



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

Toronto activist launched case

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

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

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

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

More than partial victory: lawyer

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

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

3/1/2007

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

A12 The Guardian
Saturday, February 24, 2007

CANADA

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

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

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

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

hibit arbitrary detention.

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

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

Public Safety Minister Stockwell Day, a staunch



Charkaoui

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

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

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

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

Appendix C-4: Teacher Background

Home	Time Portals	Get Briefed On...	Browse by Subject	Teachers' Guides
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HUMAN RIGHTS IN CANADA: A Historical Perspective



Time Portals

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

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

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

Charlottetown, Prince Edward Island 1968

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

A Human Rights Commission would follow in 1975.

Déjà vu

The Birth of Human Rights Codes

Want to know more?

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


Already on board

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

<http://www.chrc-ccdp.ca/en/timePortals/milestones/99mile.asp>

8/23/2007

Home	Time Portals	Get Briefed On...	Browse by Subject	Teachers' Guides
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HUMAN RIGHTS IN CANADA: A Historical Perspective

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

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

Our tour is divided into 4 distinct periods:

1900-1924

1925-1949

1950-1974

1975-2000

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


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

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

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

The Canadian Charter of Rights and Freedoms: Twenty years later

Home	Time Portals	Get Briefed On...	Browse by Subject	Teachers' Guides
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HUMAN RIGHTS IN CANADA: A Historical Perspective

Securing The Vote for Women in Prince Edward Island

**Charlottetown, Prince Edward Island
May 3, 1922**

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

Want to know More?

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

Links below to previous provincial legislative changes.

Already on board




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

1900-1924

1925-1949


1950-1974

1975-2000

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

Home	Time Portals	Get Briefed On...	Browse by Subject	Teachers' Guides
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HUMAN RIGHTS IN CANADA: A Historical Perspective



Married Women, Throw off Your Chains

Charlottetown, Prince Edward Island 1903

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

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

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

Prime Minister Wilfred Laurier Addressing the Canadian Club in 1904

Want to Know More?

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

1900-1924

1925-1949

1950-1974

1975-2000

HUMAN RIGHTS
SUFFER A
SET-BACK


HUMAN RIGHTS
ARE BALANCED

HUMAN RIGHTS
MOVE FORWARD

Appendix C-8: Teacher Background

Home Human Rights Time Portals Timeline by Province Search

HUMAN RIGHTS IN CANADA: A Historical Perspective



Time Portals

1900-1924

1925-1949

1950-1974

1975-2000

HUMAN RIGHTS SUFFER A SET-BACK

 HUMAN RIGHTS ARE BALANCED

 HUMAN RIGHTS MOVE FORWARD

Time Portal: 1975-2000

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

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

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



Human Rights Milestones in chronological order from 1975-2000

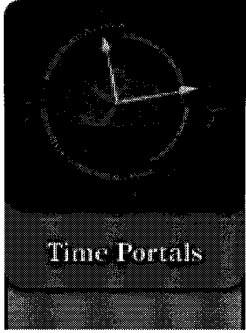
	109	Quebec City, 1975
	110	Ottawa, 1977
	111	Regina, 1979
	112	Toronto, 1982
	113	Ottawa, 1982

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

8/23/2007

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Home	Time Portals	Get Briefed	Browse by Subject	Teachers' Guides
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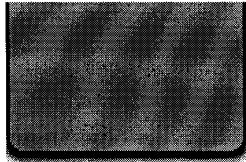
HUMAN RIGHTS IN CANADA: A Historical Perspective

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

**Prince Edward Island
October 23, 1986**

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

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




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

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

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

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



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

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

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

Want to Know More?

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

Appendix D

Teacher-Made Materials

- D-1 Scrapbook/Portfolio Assignment
- D-2 Sample - Anticipation Guide
- D-3 Sample - Vocabulary Exercise
- D-4 Sample - Text Reformulation Exercise
- D-5 Sample - Planning/Outline Guide
- D-6 Student Self-Assessment

Law Assignment

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

Guidelines

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

Notes:

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

Due date:

Sample Anticipation Guide

Sentencing and the Correctional System

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

Response Before
Reading

Response After

The right place for all criminals
is prison.

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

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

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

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

Note:

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

Sample Vocabulary Exercise

Restorative Justice Programs (text pg 292)

From the New to the Known:

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

Word list:

restorative facilitate accountability	joint address	backlog empower	amends incarcerated
---	------------------	--------------------	------------------------

Procedure:

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

From Janet Allen's Words, Words, Words (Stenhouse, 1999).

Sample Text Reformulation Exercise

Mediation to Make Amends Context

(text pg 292)

What is it?

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

How does it work?

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

Why use it?

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

Suggestions

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

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

The Offender

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

The Victim

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

Limerick Rules:

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

Haiku Rules:

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

Sample Planning/Outline Guide

LAW 531

INTRODUCTION to CANADIAN LAW

This course is an introduction to an understanding of Canada's legal system. The outcomes of Law 531 include: learning the meaning of common legal terms, knowledge of the basic values of Canadian society as reflected in the Constitution, and the relationships between rights and responsibilities.

EXPECTATIONS

In this class I will promote an atmosphere of respect, trust, and overall good attitude. In return, I depend on the same from you. Your text books and binders will be kept in the classroom with the exception of test/exam preparation when you will be permitted to take them home. A pen/pencil is your responsibility. Be seated at the last bell, listen to each other, and complete class work daily.

STRUCTURE

This course will be taught through lectures, class discussions, and reading responses. The newspaper will be an asset throughout this course. We will spend the first 15 minutes of class twice a week reading the newspaper and locating law related articles. Lots of time will be spent discussing articles and following current court cases. Your class work and behaviour will be evaluated daily.

EVALUATION

TERM 1

Class Mark	20
Class Work	30
Tests & Quizzes	25
Mid Term Exam	25

TERM 2

Class Mark	20
Class Work	30
Tests & Quizzes	10
Law Scrapbook	15
Final Exam	25

Quizzes, tests, and exams will be open binder. Text books will not be permitted. Notes and hand-outs will be provided when you have legitimately missed class.

Student Self-Assessment

LAW 531A LEARNING OUTCOMES	ABSOLUTELY	SOMEWHAT	NOT REALLY (?)
FOUNDATIONS OF LAW			
The Fundamentals of Law			
I understand the need for laws.			
I understand the purpose of law.			
I understand why laws sometimes change.			
I can explain how powers are distributed according to level of government.			
I understand how laws are made at various levels of government.			
The Rights and Freedoms of Canadians			
I understand the Canadian Charter of Rights and Freedoms.			
I know how important the Charter of Rights and Freedoms is to Canadians.			
I know the difference between Human Rights and Charter Rights.			
CRIMINAL LAW			
Understanding Criminal Law			
I understand why society criminalizes certain behaviours.			
I know what is meant by law, criminal law, and Criminal Code of Canada.			
I understand what makes a criminal offence and identify the parties to an offence.			
I know the differences between summary, indictable, and hybrid offences.			

LAW 531A LEARNING OUTCOMES	ABSOLUTELY	SOMEWHAT	NOT REALLY (?)
Bringing the Accused to Trial			
I understand the steps in a legal investigation process.			
I understand the rights and responsibilities of both citizens and police during an arrest or detention.			
I know what release procedures are and pre-trial procedures.			
Trial Procedure			
I understand the role of the court and the roles of the officers of the court.			
I can explain why judges must remain impartial.			
I can describe the trial process.			
I understand the different types of evidence that may be used in court.			
I understand how a jury is selected and what they must do during a trial.			
I understand a variety of defences that may be used in a trial.			
Sentencing			
I understand the objectives of sentencing.			
I know about the different types of sentences and releases.			
I understand what Canada's correctional system is all about.			
Youth and Law			
I understand the changes in attitudes and treatment over time of young offenders.			

Appendix D-6: Teacher-Made Materials

LAW 531A LEARNING OUTCOMES	ABSOLUTELY	SOMEWHAT	NOT REALLY (?)
I understand the special rights and protections that are provided to youth under the Youth Criminal Justice Act.			
I understand why young offenders need to be treated differently than adults.			
CIVIL LAW			
Understanding Civil Law			
I understand the difference between criminal law and civil law.			
Understanding Torts			
I understand the meaning and purpose of a “tort.”			
I know the difference between intentional and unintentional torts.			
I know what is meant by “standard of care”, “proximate cause”, “foreseeability”, and the “reasonable person” standard.			
I can describe the types of remedies and damages available through the civil courts.			
I can identify defences in tort cases.			
Family Law			
I know the legal difference between common-law relationships and marriage.			
I know the processes that are involved in separation and divorce.			
I know about common issues related to child/spousal support and child custody.			
I can describe rights belonging to children such as protection and adoptions rights.			
Other			
I have been exposed to a variety of cases: both criminal and civil.			

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Teacher-Made Materials: Appendix D-6

LAW 531A LEARNING OUTCOMES	ABSOLUTELY	SOMEWHAT	NOT REALLY (?)
I read the newspaper on a regular basis.			
I have been exposed to a variety of videos dealing with different aspects of the law.			
Thus far Law 531A has been a major learning experience.			
I enjoy our class discussions.			
I would recommend this course.			

