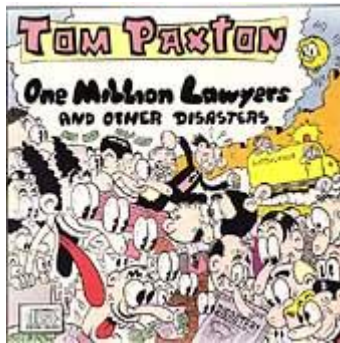


Class activities

September 10

Role of Lawyers



ONE MILLION LAWYERS

by Tom Paxton

Humankind has survived some disasters, I'm sure.

Like locusts and flash floods and flu.

There's never a moment when we've been secure

From the ills that the flesh is heir to.

If it isn't a war, it's some gruesome disease.

If it isn't disease, then it's war.

But there's worse still to come, and I'm asking you please

How the world's gonna take any more?

(CHORUS:)

In ten years we're gonna have one million lawyers,

One million lawyers, one million lawyers.

In ten years we're gonna have one million lawyers.

How much can a poor nation stand?

The world shook with dread of Atilla the Hun

As he conquered with fire and steel,

And Genghis and Kubla and all of the Kahns

Ground a groaning world under the heel.

Disaster, disaster, so what else is new?

We've suffered the worst and then some.

So I'm sorry to tell you, my suffering friends,

Of the terrible scourge still to come.

(CHORUS)

(BREAK:)

Oh, a suffering world cries for mercy

As far as the eye can see.

Lawyers around every bend in the road,

Laywers in every tree,

Lawyers in restaurants, lawyers in clubs,

Lawyers behind every door,

Behind windows and potted plants, shade trees and shrubs,

Lawyers on pogo sticks, lawyers in politics!

(CHORUS)

In spring there's tornadoes and rampaging floods,

In summer it's heat stroke and draught.

There's Ivy League football to ruin the fall,

It's a terrible scourge, without doubt.

There are blizzards to batter the shivering plain.

There are dust storms that strike, but far worse

Is the threat of disaster to shrivel the brain,

It's the threat of implacable curse.

In ten years we're gonna have one million lawyers,

One million lawyers, one million lawyers.

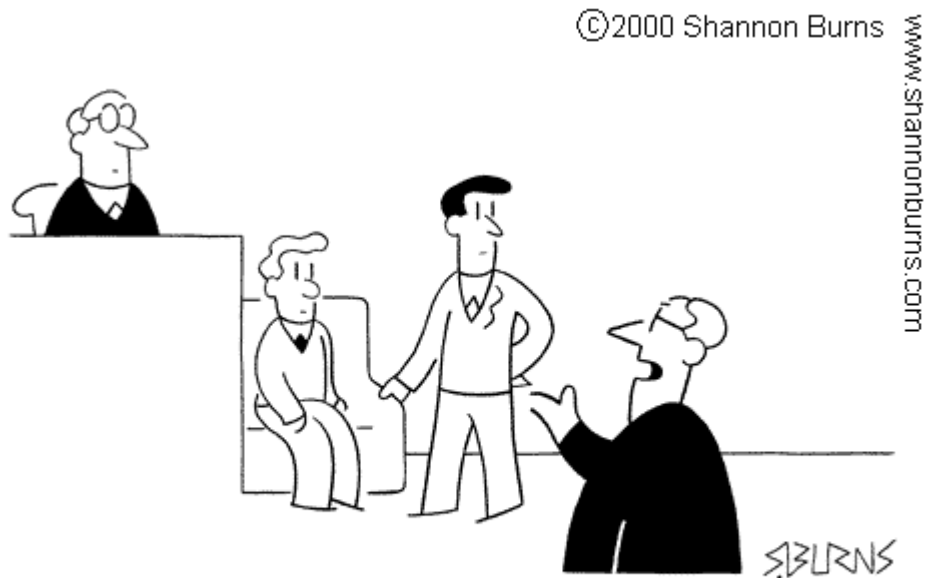
In ten years we're gonna have one million lawyers.

How much can a poor nation stand?

How much can a poor nation stand

Discuss the following questions

1. Does the world need so many lawyers? Does Canada need so many lawyers?
2. What is the role of lawyers in society?
3. What do lawyers do?
4. Are lawyers a scourge?
5. Do you want to go to Law School after college? Why? Why not?
6. Analyze the following cartoon.



"Your Honor, I object!
This line of questioning is making my client look really bad."

Bio and Picture

Write a short bibliographical note about yourself, including your interests, future plans, major concerns about college. Is this your first year in college? Do you come straight from High School? Did you do other studies? Do you work? If so, what do you do? What are your hobbies? What TV shows do you like the best? Films? Music groups? What are your objectives for this course? Have you studied Law before?

Bring this note to class and include a picture of yourself.

September 15

Notions of Law

1. What is Law?
2. What is the purpose of Law?
3. Has Internet and sites like My Space, YouTube, or Facebook transformed the concept of law?
4. Where does Law come from? Who makes the Law?

5. Do you think all societies have law?
6. Have you ever had any personal -formal or informal- experience with the justice system?

September 17

Malinowski's Legal Anthropology

Following Malinowski's argument, identify the rules of custom as they function in actual life.

September 22

Concepts and functions of law

Answer the following questions.

- a. Is it law? Why? Why not? What notion of law predominates?

- b. What is the main function of the law?
- c. Can you identify any dysfunction of law?

September 24

Academic reading

Reading activity

October 1

Canadian legal traditions

Identify the Canadian legal tradition

1. Potluck
2. [Book One](#)
3. [Act](#)
4. [Act 2](#)

5. [Court decision 1](#)

6. [Court decision 2](#)

7. [Text](#)

October 6

Branches of law

Identify the main branch/es of law.

October 8

Sources of law

Identify the type of source

1. [Source 1](#)

2. [Source 2](#)

3. [Source 3](#)

4. [Source 4](#)

5. [Source 5](#)

6. [Source 6](#)

7. [Source 7](#)

8. [Source 8](#)

9. [Source 9](#)

October 27

Criminal Law

Identify the elements of the theory of offence.

Some definitions of crime

THEFT

Every one commits theft who fraudulently takes anything, whether animate or inanimate, with intent (*a*) to deprive, temporarily or absolutely, the owner of it,[...], of the thing or of his property or interest in it.

SEXUAL ASSAULT

A person commits a sexual assault when without the consent of another person he or she conducts any form of sexual activity on that other person.

No consent is obtained where the victim submits [...] by reason of authority or by abusing a position of trust, power or authority.

BREAKING AND ENTERING WITH INTENT

Every one who (*a*) breaks and enters a place with intent to commit an indictable offence therein, (*b*) breaks and enters a place and commits an indictable offence therein is guilty of an offence.

ASSAULT

A person commits an assault when without the consent of another person he or she applies force intentionally to that other person, directly or indirectly.

MISCHIEF

Every one commits mischief who willfully or recklessly destroys or damages property.

KIDNAPPING

Every person commits an offence who kidnaps a person with intent to cause the person to be confined or imprisoned against the person's will.

HOMICIDE

The causing of death of another human being.

October 15

[Review](#)

October 29

Essay writing activity

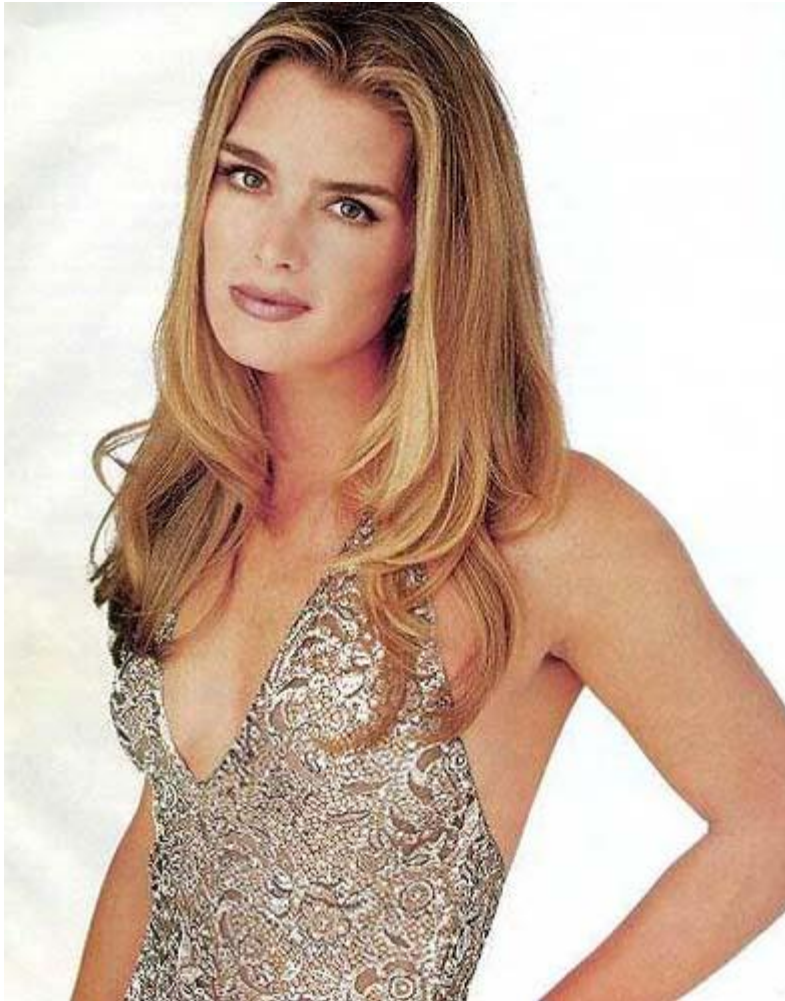
[Essay writing activity](#)

November 3 & 5

Group Project

November 10 & 12

Constitutional law and Charter rights



1. Professor Julian Hermida has had a huge crush on Brooke Shields ever since he was a teenager. Last weekend, Prof. Hermida travelled to Winnipeg, where Brooke Shields was shooting some scenes on the street for a new TV series, Lipstick Jungle. When she had a break, Professor Hermida jumped over a gate and shouted that he loved her. A police officer came and arrested Prof. Hermida. Visibly mad, Prof. Hermida asked why he was arrested and the police officer said to him: "shut the

f* up and come with me. I am the only one that asks questions here."

Professor Hermida, who knows his Charter legal rights, replied that he wanted to see a lawyer. The police officer ignored him and asked him why he shouted at Ms. Shields. Professor Hermida replied "because she's hot". The police officer did not like his reply and thought that Prof. Hermida was trying to be smart. So, the officer arrested and booked him.

A few days later, Professor Hermida was formally charged with an indictable offence by a judge who was a good friend of the police officer's. In his bail hearing, the presiding judge denied bail. Professor Hermida complained and asked why. The judge simply replied: "because it is obvious that you are guilty." While still detained, Professor Hermida received a notification to testify as a witness in R. v. Prof. Hermida. The trial was scheduled for August 22, 2012.

2) Wal-Mart adopted a new employee policy. Now all employees are searched. The Store Manager must conduct a body search before they leave the store premises after finishing their shift. Also, the store manager may at his/her discretion search all employees personal bags.

Kathryn, a Sault Ste. Marie employee, believes that this policy infringes her Charter rights against unreasonable searches and decides to bring a claim before the Courts.

3) Quebec passed a new Immigration law that requires all permanent residents that were selected and sponsored by the Quebec government to remain in Quebec for a period of at least three years. Non compliance with this requirement results in the loss of permanent resident status.

Charter of Rights and Freedoms

Apply the Oakes test to the following cases

1. This appeal concerned the constitutional validity of a municipal by-law prohibiting all postering on public property. The issue was whether the absolute ban on such postering infringed the *Charter* guarantee of freedom of expression, and if so whether that infringement was justified under s. 1 of the *Charter*.

The accused advertised upcoming performances of his band on two occasions by affixing posters to hydro poles contrary to a city by-law

banning posters on public property. On both occasions, he was charged under the by-law. The accused, while not denying the offences, took the position that the by-law was unconstitutional because it was inconsistent with the guarantee of freedom of expression in s. [2\(b\)](#) of the *Canadian Charter of Rights and Freedoms*.

The by-law was adopted for visual and aesthetic purposes. Posters are considered ugly to the sight and they may contribute to litter if left too long.

2. Section 195.1(1)(c) of the Criminal Code prohibits a person to stop or communicate with any person for the purpose of prostitution in a public place, or open to public view or motor vehicle. The objective of the law is to avoid the nuisance caused by street solicitation. This law infringes the freedoms of speech and association guaranteed by the Charter.

3. The *Tobacco Products Control Act* broadly prohibited (with specified exceptions) all advertising and promotion of tobacco products and the sale of a tobacco product unless its package includes prescribed unattributed

health warnings and a list of toxic constituents. The Act, except for a prohibition on the distribution of free samples of tobacco products, did not proscribe the sale, distribution or use of tobacco products. A tobacco company sought a declaration that the Act was invalid as an unjustified infringement of freedom of expression guaranteed by s. [2\(b\)](#) of the *Canadian Charter of Rights and Freedoms*. The objective of the law was to stop the detrimental health effects caused by tobacco consumption.

4. Section 43 of the Criminal Code sets forth that "every parent is justified in using force by way of correction toward a child who is under his care, if the force does not exceed what is reasonable under the circumstances.

The objective of section 43 is to limit the intrusion of the Criminal Code into family life.

Section 7 of the Charter sets forth that: "everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

5. The accused, an Alberta high school teacher, was charged under s. [319\(2\)](#) of the Criminal Code with wilfully promoting hatred against an identifiable group by communicating anti-semitic statements to his students. Section 319 sets forth that: "2) Every one who, by communicating statements, other than in private conversation, wilfully promotes hatred against any identifiable group is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction

Parliament's objective of preventing the harm caused by hate propaganda.

Section 2 (b) of the Charter prescribes that everyone has the fundamental freedoms of thought, belief, opinion and expression, including freedom of the press and other media of communication.

6. The accused was charged with having the care or control of a motor vehicle while impaired contrary to s. [234](#) of the *Criminal Code*. He was found in the driver's seat of his car with his body slumped over the

steering wheel. The car was parked along the roadside, the dashboard ignition light was on, the key was in the ignition, but the engine was not running. The defence conceded that the accused's ability to operate the vehicle was impaired by alcohol. At his trial, the accused argued that the statutory presumption contained in s. 237(1)(a) of the *Code* was inconsistent with s. [11\(d\)](#) of the *Canadian Charter of Rights and Freedoms* which guarantees the right to be presumed innocent until proven guilty. Section 237(1)(a) provided that in any proceedings under s. 234 or 236, "where it is proved that the accused occupied the seat ordinarily occupied by the driver of a motor vehicle, he shall be deemed to have had the care or control of the vehicle unless he establishes that he did not enter or mount the vehicle for the purpose of setting it in motion". The objective that s. 237(1)(a) is designed to serve--the protection of the public against drunk drivers--is

7. G and his father B are orthodox Sikhs. G believes that his religion requires him to wear a kirpan at all times; a kirpan is a religious object that resembles a dagger and must be made of metal. wearing a kirpan at

the school violated art. 5 of the school's *Code de vie* (code of conduct), which prohibited the carrying of weapons. The policy objective of this norm is to protect the safety of students and staff at school. G and B argued that G's freedom of religion under s. 2(a) of the *Canadian Charter of Rights and Freedoms*.

November 19

Prostitution

Scenarios:



1. Professor Julian Hermida forgot his watch at home. He needed to know the time. He was walking along Queen St. and he stopped a prostitute to ask for the time.
2. A prostitute was loitering outside a bar on Queen St. The bar owner was frustrated and he called the police to have the prostitute arrested.
3. On the street, John asked a prostitute if she would have sex with him in exchange for drugs as he had no money.
3. In the lobby of Holiday Inn in Sault Ste. Marie, John asked a prostitute if she would have sex with him in exchange for drugs as he had no money.
4. A prostitute placed an ad online and gets phone calls from her clients. She always takes them to the Sleep Inn motel. One day the concierge complained, but she gave him \$50 and he let her go on

with her business. Every month she gives him some money or small presents.

6. When a client refused to pay this prostitute, they fought. The police came and arrested the prostitute, her client, and a man that was watching porn on TV in the next room. He was a guest and had no idea what was going on in the other room.

7. A businessman from Montreal hired an escort when he came to a meeting in Sault Ste. Marie to accompany him to a party after the business meeting. After they left the party, while they were on the street the businessman asked his escort if she would have sex with him. She said she would for \$100.

8. A masseuse regularly provides full sexual services to all her clients in a massage clinic.

9. In a massage parlor it is implied that a sex act may be available but will cost the client extra and a discussion ensues about price for sexual services between the masseuse and client in the reception area.

10. A prostitute puts an ad on the Sault Star advertising her/his services.

11. A woman posted this note on adultfinder.com:

32 year old Woman

5 photos!

Looking for Men, Women or Groups

Living in Calgary, Alberta, Canada

12. A mother sends out her daughter to be a prostitute and takes a cut of the profits.

November 24

Review

January 12

Torts

Identify the type of tort and its elements.

January 19

Legal reasoning and legal methods

Analyze the following cases by resorting to the legal method

1)MGM Studios v. Grokster

Grokster and other companies distributed free software that allowed computer users to share electronic files through peer-to-peer networks. In such networks, users can share digital files directly between their computers, without the use of a central server. Users employed the software primarily to download copyrighted files, file-sharing which the software companies knew about and encouraged. The companies profited from advertising revenue, since they streamed ads to the software users. A group of movie studios and other copyright holders sued and alleged that Grokster and the other companies violated the Copyright Act by intentionally distributing software to enable users to infringe copyrighted works. The district court ruled for Grokster,

reasoning that the software distribution companies were not liable for copyright violations stemming from their software, which could have been used lawfully. The Ninth Circuit affirmed. In a unanimous opinion delivered by Justice David Souter, the Court held that companies that distributed software, and promoted that software to infringe copyrights, were liable for the resulting acts of infringement. The Court argued that although the Copyright Act did not expressly make anyone liable for another's infringement, secondary liability doctrines applied here. The software in this case was used so widely to infringe copyrights that it would have been immensely difficult to deal with each individual infringer. The "only practical alternative" was to go against the software distributor for secondary liability. Here the software companies were liable for encouraging and profiting from direct infringement.

2) [OLYMPIC AIRWAYS v. HUSAIN](#)

3) **DALE VS. BOY SCOUTS**

The first major challenge to the Boy Scouts of America's right of expressive association was levied by Rutgers student James Dale. The young Dale joined the Boy Scouts of America in 1978 and reached the rank of Eagle Scout ten years later. When he applied to be an assistant scoutmaster in 1989, he was accepted immediately. But when Dale arrived at college, he acknowledged that he was gay. A newspaper published a picture of him at a meeting of the Lesbian and Gay Alliance, and one month later his membership in the Scouts was revoked.

Dale asked the Scouts why he had been ejected, and they confirmed it was because of his sexual orientation. He sued the Boy Scouts for violating New Jersey's anti-discrimination law, which prohibits discrimination on the basis of sexual orientation in places of public accommodation. The Boy Scouts answered that their Free Speech rights (expressive association) to bar homosexuals from serving as troop leaders would be affected if the New Jersey anti-discrimination law were applied.

Definition of Place of Public Accommodation. – Each of the following establishments which serves the public is a place of public accommodation:

I. Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than 5 rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence.

II. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment.

III. Any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment.

4) US v. Alvarez-Machain

(US S.Ct. 1992)

Dr. Alvarez-Machain, a citizen and resident of Mexico, was indicted in the US as an accessory to the kidnapping and murder of a US Drug Enforcement Administration special agent (Dr. A-M allegedly medicated the agent to allow the kidnappers to torture and interrogate the agent further). Unable to gain Dr. Alvarez's presence in the US through negotiations with Mexico, DEA officials arranged for the kidnapping of Dr. Alvarez from Mexico to stand trial in the US. Dr. Alvarez claimed that the US courts lacked jurisdiction to try him because his abduction violated the US-Mexico extradition treaty.

-

US-Mexico extradition treaty:

EXTRADITION

Article I

OBLIGATION TO EXTRADITE

The High Contracting Parties undertake to surrender to each other, subject to the provisions and conditions laid down in the following articles, all persons against whom the competent authorities of the requesting Party are proceeding for an offence or who are wanted by the said authorities for the carrying out of a sentence or detention order.

Article 2

EXTRADITABLE OFFENCES

1. Extradition shall be granted in respect of offences punishable under the laws of the requesting Party and of the requested Party by deprivation of liberty or under a detention order for a maximum period of at least six months or by a more severe sentence or order.

Article 11

THE REQUEST AND SUPPORTING DOCUMENTS

The request for extradition shall be addressed in writing by the Minister of justice of the requesting Party to the Minister of justice of the requested Party.

The request shall be supported by:

The original or an authenticated copy of the conviction and sentence or detention order immediately enforceable or of the warrant of arrest or other order having the same effect and issued in accordance with the procedure laid down in the law of the requesting Party;

A statement of the offences for which extradition is requested. The time and place of their commission, their legal descriptions and a reference to the relevant legal provisions shall be set out as accurately as possible;

A copy of the relevant enactments and as accurate a description as possible of the person claimed, together with any other information which will help to establish his identity and nationality.

5) Lopez-Mendoza

Adan Lopez-Mendoza and Elias Sandoval-Sanchez, both Mexican citizens, were ordered deported by an immigration judge in separate proceedings. The orders were issued based upon the INS' arrest without any cause after which each respondent admitted to Immigration and Naturalization Service (INS) officials that they had entered the country unlawfully. Lopez-Mendoza and Sandoval-Sanchez challenged the orders on grounds that their respective arrests by INS officials were illegal and in violation of the Fourth Amendment.

The Fourth Amendment guarantees the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or

things to be seized. According to the Fourth Amendment, if there is an illegal arrest, the fruit of that illegal arrest should be excluded.

6) United States v. Flores-Montano

When Manuel Flores-Montano approached the U.S.-Mexico border, U.S. Customs inspectors noticed his hand shaking; an inspector tapped Flores-Montano's gas tank with a screwdriver and noticed that the tank sounded solid; a drug-sniffing dog alerted to the vehicle. After a mechanic began disassembling the car's fuel tank, inspectors found 37 kilograms of marijuana bricks in the tank.

Flores-Montano was charged in federal district court in California for importing and possessing marijuana with intent to distribute.

Flores-Montano moved to suppress the marijuana finding on Fourth Amendment grounds. He argued that the search that yielded the marijuana finding was intrusive and non-routine and therefore required reasonable suspicion (which, he argued, was not present in

his case).

Please note that under similar circumstances, the district court agreed that the search was non-routine and thus required reasonable suspicion. The government, the court held, failed to prove that reasonable suspicion prompted its search.

7) South Florida Water Management District v. Miccosukee Tribe

The Miccosukee Tribe of Indians and the Friends of the Everglades sued the South Florida Water Management District under the Clean Water Act (CWA) in federal district court. The suit alleged that the water district violated the Clean Water Act by releasing pollutants from a pump system without a discharge elimination system permit. The Clean Water Act prohibits the "addition of any pollutant... from any point source" without a specific permit. The water district defended its action by claiming that it was not actually adding pollutants to the water, but merely transporting polluted water from

one body of water to another, less polluted, body.

January 21

Family Law: Same sex marriage

1. What is marriage?
2. What is marriage for?
3. Do you agree with Bill C-38?
4. Should marriage be primarily a child-centered institution or an adult-centered one?
5. Does same-sex marriage change the notion of parenthood? If so, how?
6. Should religious groups be obliged to perform same-sex marriages if they are not in accordance with their religious beliefs?
7. Should polygamy be legalized?
8. Should the restrictions to marry siblings be abolished?

January 28

Corporations

Questions:

1. What is a corporation?
2. What is the role of corporations? Is there a corporate agenda? Are corporations the dominant institution in our society?
3. What is the influence of corporations in our every day life?
4. Do you agree with the concept of limitation of liability?
5. Should corporations continue to be considered legal persons? What are the consequences of treating corporations as legal persons?
6. How should corporations be more effectively monitored? Should governments exercise more control?
7. Can you think of other examples of harmful corporate practice?
8. Can you think of examples of positive corporate practice?

9. What do you think about the way corporations do business in developing countries?

February 2 & 4

Immigration

Please take the test for skilled workers by [clicking here](#)

Questions:

1. Is the immigration officers' practice as shown in the film law? Why? Why not?
2. What is the main function of law?
3. What do you think of Canada's immigration and refugee policy? Is it discriminatory?

4. What changes, if any, should be made to Canada's immigration and refugee policy?
5. Should Canada have a more proactive refugee policy?
6. What do you think about the economic immigration categories?
7. What are some of the most pressing problems faced by new Canadians?
8. What can be done about the recognition of foreign credentials?

February 9

[Recap](#)

March 4

Interpretation rules

Interpret the central notion of [the following cases](#):

March 9

Sexual harassment



Discuss whether there is sexual harassment in common law and in civil law jurisdictions.

March 16

Sexual harassment

Violence against women

1. A student finds that she does not enjoy going to class due to the fact that her professor frequently uses inappropriate language and makes sexually suggestive remarks in class. When the professor does this, many of the male students laugh and after class they repeat the professor's comments. The student has started skipping class as the environment makes her uncomfortable. She talks to some of her male friends about it and they tell her that she is being "over sensitive".

The student brings a claim to the University Adjudication Committee. The professor defends himself by arguing that article 1 of the University's General Academic Rules, Standards and Practices adopted by the Senate on October 28, 1998 set forth that "teachers shall have absolute freedom as to the content and methodology of the classes they teach".

The student argues that the University's Sexual Harassment Policy, adopted on November 29, 2003 states that "the University does not condone or tolerate sexual harassment of any kind. Indeed, the University regards sexual harassment as unacceptable behavior that is

subject to a wide range of disciplinary measures, including dismissal or expulsion from the University.”

- o Is it sexual harassment? If so, what type?

- o How would you decide this case according to University norms?

2. At Sudbury Law Firm, when Tom Bennet, the managing partner, gets all 15 lawyers together for their monthly planning session, he always asks Carol Jackson –the only female lawyer- to take notes and make coffee. Tom Bennet has three administrative assistants.

- Is it sexual harassment? If so, what type?

3. Nancy met Ted –both Algoma U students- in a first year psychology course. They would talk and sometimes they went for coffee together after class. Ted began asking Nancy to go out with him. Nancy was not interested. Ted did not seem to understand that she was not going to change her mind. She was frustrated by his insistence. On a couple of occasions, she had told him off. But, upon seeing his hurtful expression, she relented and resorted to reasoning with him to go out with other women. He kept calling her on the phone and waiting for her after class. She sometimes missed going to her class because she didn't want to have to deal with him. She felt caught because she did not know how to get him to stop pestering her.

- Is it sexual harassment? If so, what type?
- How would you decide this case according to University norms?

4. Shirley works at Eastlink in Halifax. Eugene is her supervisor and has asked her to join him for lunch a couple of times but she has been busy so hasn't gone. Today Eugene has again asked her to lunch but has insisted that she make time for the lunch because it will be important to her job. According to the Human Rights Act, sexual harassment is illegal in all areas of public life, including the workplace. The rules in Nova Scotia do not define what sexual harassment is. Eastlink does not define the term sexual harassment in its human resource policy.

- Is it sexual harassment? If so, what type?

5. Shirley arranged her schedule so that she could go to lunch with Eugene to discuss her job. During lunch, Eugene mentions that Shirley looks particularly appealing today. He also mentions that he would like to see her on a more social basis. She does not respond to Eugene comments.

- Is it sexual harassment? If so, what type?

6. Miguel, a University College of Cape Breton graduate student who just arrived from Montevideo, Uruguay, is the teaching assistant for a second-year undergraduate course. Denise, a star student in the course, has come to him for help with her assignment. Miguel spends a lot of time discussing it with her and explaining what she does not understand. In subsequent classes, he singles her out for attention. He waits after class to talk to her about the course. Denise feels grateful to Miguel because he has really helped her a lot. When Miguel asks her to go for coffee after class, she accepts. He talks about himself, telling her how lonely he is. As they leave, Miguel kisses her on the cheek and tells her he'll be there for her. Denise is very uncomfortable with what has happened. She is afraid that if she tells Miguel, he will grade her assignments unfairly. So, Denise decides to bring a sexual harassment complaint before the University Judicial Committee according to the rules in effect. Sexual harassment is sanctioned with expulsion. Miguel says that it was the first time he had ever heard of the term sexual harassment and that in Uruguay talking about oneself is considered as

being friendly. Also, Miguel argued that everybody in Uruguay greets each other with a kiss on the cheek.

- Is it sexual harassment? If so, what type?
- How would you decide this case according to University norms?

7. Two Hydro Quebec employees, Jilad and Jenna, have been spending a significant amount of time together working on a project. As they get to know each other better, they increasingly engage in a lot of teasing, playful banter as well as discussions about their personal beliefs. For example, the war in Iraq and the differences between various religions are often topics of conversation. However, when Jilad heatedly makes disparaging remarks about Muslims, Jenna feels increasingly uncomfortable with the conversation, particularly as many of her relatives are Moslem. When she tells Jilad that the conversation has crossed the line, he gets defensive and says she just doesn't like to hear opinions with which she doesn't agree. Their supervisor, Maria, agrees

with Jilad, telling Jenna she can't suddenly decide a topic is offensive when she has been a willing participant to date.

The law in Quebec –adopted on October 8, 1988- says that remarks on political, religious, and other non sexual comments shall not be interpreted as sexual harassment. However, the Quebec Liberal government issued a regulation on June 1, 2005 setting forth that religion harassment must now be interpreted as sexual harassment and be included within the concept of sexual harassment.

- Is it sexual harassment? If so, what type?
- How would you decide this case according to Quebec norms?

8. Laura, an Algoma U female student enrolled in a semester abroad at Paris I University in France, finds that she does not enjoy going to class due to the fact that her International Business professor frequently uses inappropriate language and makes sexually suggestive remarks in class.

When the professor does this, many of the male students, including some

Canadian male students from UofT, laugh and after class they repeat the professor's comments. Laura started skipping class as the environment makes her uncomfortable. She talks to some of her male friends about it and they tell her that she is being "over sensitive". Laura brings a claim to the University Adjudication Committee. The professor defends himself by arguing that article 1 of the University's General Academic Rules, Standards and Practices adopted by the University Senate set forth that "teachers shall have absolute freedom as to the content and methodology of the classes they teach". Does the professor's behavior constitute the sexual harassment crime? Why? Why not? What can Laura argue? Did the male students commit the criminal offense of sexual harassment?

9. After Laura finished her studies, she decided to stay in Europe for the summer to do an unpaid internship at Banque National de Paris in France. After the first month, her boss told her that if she slept with him, he would see that she gets paid for the internship. Laura thought that her

boss was really cute, so she agreed to sleep with him. When she finished the internship the following month, she approached her boss and asked him for her salary. He told her that the bank could not pay her anything as she was in France with a student visa, and was not allowed to get any remuneration. Laura, who had taken Introduction to Legal Studies at Algoma U, remembered something about French criminal policy regarding sexual harassment and decided to file criminal charges against her boss.

- Did his behavior constitute sexual harassment? Why? Why not?

10. When Laura finished her internship, she received a job offer from a Spanish bank, BBV, to work at the International Accounts Department. They offered her a working permit and a salary that Laura could not refuse. So, she moved to Madrid. The very first day of work her boss – Manuel- took her out for lunch with the excuse of talking about her new job. Before going back to work, Manuel told Laura that she could get a

huge salary increase if she gave him oral sex that night at his place.

Horrified, Laura went back to the bank and asked her boss's manager to transfer her to another department without any explanation about what happened during lunch. Her request was denied. Manuel got mad and threatened to fire her if she told what happened or even if she asked for a transfer to another Department again.

- Is this sexual harassment? Why? Why not?

Laura was assigned a shared cubicle with Jorgito. Jorgito continually displays sexually derogatory screen savers on his computer. Laura feels very uncomfortable. She doesn't know what to do. Does this constitute the crime of sexual harassment in Spain?

11. Alice is an exchange student from Spain taking Introduction to Legal Studies at Algoma U. Her English is not very good, so Alice has come to Mike, the teaching assistant, for help with her written assignments. Mike spends a lot of time discussing the assignments with

her and explaining what she does not understand. In subsequent classes, he singles her out for attention. He waits after class to talk to her about the course. Alice feels grateful to Mike because he has really helped her a lot. When Mike asks her to go for coffee after class, she accepts. She tells him that she is worried she will fail the course because her English is not good enough yet and she has trouble understanding written questions, particularly on exams. Mike tells her that if she kisses him, he will give her an A in the course. Alice freaks out and goes to the police right away to file criminal charges.