

6.1 Module 7: Constitutional Law

Module title			
Constitutional Law			
Module NFQ level (only if an NFQ level can be demonstrated)	Module number / reference	ECTS Value	Duration
Level 8 NFQ	LLBH – CLL	15 ECTS	24 weeks.
Parent programme(s). Principal programme title, and embedded(s) if relevant		Stage of parent programme	Semester No.
Bachelor of Laws (Honours)		2	1 and 2
Bachelor of Laws (Honours) in Criminal Justice		2	1 and 2
Bachelor of Laws (Honours) in Commercial Law		2	1 and 2
Teaching and Learning modes	Proportion (% of Total Directed Learning)		
Classroom / Face to Face	26%		
Workplace			
Online			
Other (Identify)	74% (Independent Research and Learning)		
Entry requirements (statement of knowledge, skill and competence)			
Please see section 4.2 for full details of entry requirements.			
Maximum number of learners per instance of the module	Sixty (60)		
Average (over the duration of the module) of the contact hours¹ per week	4		
Pre-requisite module title(s) (if any)	None		
Co-requisite module title(s) (if any)	No		
Is this a capstone module? (Yes or No)	No		
Module-specific physical resources and support required per centre (or instance of the module)			
Requirements are for the lecturer to utilise a PC with Microsoft Office, Zoom and access to the internet through which an individual can gain access to the Griffith College student intranet: Moodle. There are no further software requirements for this module. In relation to Microsoft Office the lecturer will require to use PowerPoint or Word to present the information to the learners. Zoom will be required in conjunction with Microsoft Office in order to record the lectures when the module is being delivered for block release or for the Blended Programme when organised in advance. Zoom will also be required for the seminars through which the module will be taught (block release).			
Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff working in this module. (Staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements)			
Role e.g. Tutor, Mentor etc	Qualifications & experience required:		# of Staff with this profile (WTEs²)
Lecturer	Lecturers expected to hold at least a level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College.		0.25 WTE

¹ Effort while in contact with staff

² WTE is the whole-time equivalent number. The number 1 indicates a fulltime person fully dedicated to the programme. 0.5 indicates a part-time person available to this programme half of the time.

Analysis of required learning effort		
*Effort while in contact with staff	Minimum ratio teacher / learner	Hours
Classroom and demonstrations	1:60	96
Mentoring and small-group teaching	-	-
Other (specify)	-	-
Independent Learning		
Directed e-learning (hours)		-
Independent Learning (hours)		279
Other hours (specify)		-
Work-based learning hours of learning effort		-
Total Effort (hours)		375

Allocation of Marks					
	Continuous Assessment	Supervised Project	Proctored Practical Exam.	Proctored Written Exam	Total
Percentage Contribution	30			70	100%

6.7.1 Module aims and objectives

This module aims to provide the learner with a detailed understanding of fundamental principles of constitutional law and the rule of law as well as to familiarise the learner with the fundamental principles and substantive rules of Irish constitutional law.

Primary objectives for this module also include for the Learners to acquire an in-depth understanding of the doctrine of separation of powers, to familiarise the learner with the role of international legal instruments such as the ECHR in the constitutional order and finally to provide the learner with a sound knowledge of the substantive rules of constitutional law particularly in relation to fundamental rights and to develop in the learner an understanding of the impact of these rights in factual situations.

6.7.2 Minimum intended module learning outcomes

On successful completion of this module, learners are able to:

- (i) Discuss the context in which Irish constitutional law developed and how this impacts on current jurisprudence
- (ii) Analyse the function and composition of the institutions of the State and apply fundamental constitutional principles in Irish constitutional law such as the separation of powers
- (iii) Analyse factual scenarios and apply their understanding of Irish constitutional law to them
- (iv) Evaluate the nature and effect of individual fundamental rights
- (v) Investigate and critique the obligations of the State to the individual
- (vi) Discuss the role of the Constitution in the protection of the citizen
- (vii) Evaluate and apply the fundamental principles operating throughout the Constitution
- (viii) Discuss and critique the position of international law in the constitutional regime, and the differing impacts of international legal regimes
- (ix) Employ research skills and communicate effectively in relation to Constitutional Law

6.7.3 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

Constitutional law is a core module where learners become familiar with the interpretive principles, legislation, and case law and how these operate in the context of constitutional adjudication within the Irish legal system. The subject matter of constitutional law is fundamental to an understanding of ordered liberty with respect to individual rights and the organisation of the government and public institutions.

The constitution is the enduring, foundational legal document to which all other legal systems are subordinate; therefore, learners must understand the precepts and guarantees which are contained and operative within it and in the practice of constitutional adjudication. The Module serves to directly underpin programme-learning outcomes (i) apply specialised knowledge of core areas of Irish and E.U. law and the key skills required for writing in a legal and business environment, including problem solving, communication skills, research, professional writing and I.T. skills. This module re-enforces the module learning outcomes (iv) critically analysing the theoretical and philosophical underpinnings of the law and (vi) effectively employ advanced research skills, including use of legal databases, to investigate, interrogate and critique the law. This module also directly underpins the Programme Minimum Learning Outcomes (ii), (iii), (v), (ix) and (xi).

6.7.4 Information provided to learners about the module

The learners will have in their possession their Faculty Handbooks from their previous year. The Faculty Handbook provides general information about the faculty, its staffing, resources, and operation. Detailed programme information is supplied through Moodle, including copies of the approved module descriptors from the accredited programme (detailing related teaching, learning and assessment) along with a programme timetable. Another copy will be provided to the learners upon their request.

During the first class of the Module, learners are given a detailed outline of the Module showing the schedule of delivery and the dates when assignments are released and due for submission.

Moodle is used to provide learners with ongoing access to module related information, from the handbooks and module outlines provided in advance of the module commencement, the lecture material and links to related resources provided on a scheduled basis in line with the module delivery.

6.7.5 Module content, organisation and structure

Constitutional Law is a 15 ECTS credit module taught and assessed over one academic year. The module is delivered over 24 lecture sessions of 4 hours duration for Full Time learners, 2 hours duration for Part Time learners and weekly pre-recorded lectures that will be supplemented with evening seminars and Live Days for the Blended learners.

The Learning Outcomes for this programme have been aligned with the knowledge, skills and competencies indicated as appropriate for Level 8 on the NFQ. They have been explicitly articulated using the Quality and Qualifications Ireland (QQI) Generic Awards Standards.

The module curriculum is as follows:

Semester 1

- Constitutional History in Ireland
- The Nation, the State & Sovereignty
- Constitutional Interpretation
- The President
- The Legislative Power and Separation of Powers Issues

- The Executive Power and Separation of Powers issues
- The Judicial Power and Separation of Powers issues
- Separation of Powers and Internal Workings of the Oireachtas
- Socio-economic Rights and Mandatory Orders
- The Referendum Process
- Judicial Review
- International Law and the Constitution, including The European Convention on Human Rights
- Constitutional Jurisdiction of the Courts

Semester 2

- Rights Adjudication
- Express Personal Rights
- Right to life
- Right to life of the unborn in an historical context
- The Family, Education & Children
- Derived or Unremunerated Rights
- Trial in Due course of Law & Personal Liberty
- Equality
- Freedom of Expression, Association and Assembly
- Private Property
- Religion

6.7.6 Module teaching and learning (including formative assessment) strategy

This module is delivered by means of participative lectures which consist of tutorial-style discussions, group work sessions and exercises. Formative assessment is provided through tutorial-style discussions, group work and exercises focus on specific case law and problem-based learning requiring the learner to analyse the law and apply it to practical disputes or issues. The lectures are supplemented by structured on-line resources and reading.

In order to support learners through the exam process they engage in the answering of sample exam questions thereby familiarising themselves with the module learning outcomes and marking criteria. Learners also engage in activities whereby they consider individually and in groups specific short questions related to the topics addressed to formatively assess progress, and allow greater understanding and consolidation of learning.

Learners undertaking the course via blended learning benefit from varied and additional options for engagement to compensate their reduced attendance of campus. These include webinars, screencasts (recorded lectures), discussion fora, and increased use of the College's VLE (Virtual Learning Environment), Moodle.

In addition to what has been stated, classroom assessment and benchmarking techniques are deployed to encourage learners to develop more agency in terms of their own learning including in-class presentations, group work, peer-review exercises and reflective practice. The variety of teaching, learning and assessment techniques reflect an enhanced emphasis on skills acquisition to deepen practical knowledge. Finally, the attention of learners is drawn to current industry practice and technology used in the specific area of law to add a further dimension to learning, tracking the actual practice of legal professionals.

6.7.7 Work-based learning and practice-placement

Constitutional Law is a class based 15 ECTS credit module and does not require work-based learning and practice placement.

6.7.8 E-learning

Moodle, the College Virtual Learning Environment is used to disseminate notes, advice, and online resources to support the learners. E-learning activities include learner feedback, forums where learners contribute, formative quizzes and video links. The learners will also have access to a number of other online resources through the library such as access to databases and research tools (Westlaw.ie, Westlaw.uk, JustisOne (vLex) and Hein Online) as well as access to online copies of books published from Bloomsbury Online.

6.7.9 Module physical resource requirements

Requirements are for the lecturer to utilise a PC with Microsoft Office, Zoom and access to the internet through which an individual can gain access to the Griffith College student intranet: Moodle. There are no further software requirements for this module. In relation to Microsoft Office the lecturer will require to use PowerPoint or Word to present the information to the learners. Zoom will be required in conjunction with Microsoft Office in order to record the lectures when the module is being delivered for block release or for the Blended Programme when organised in advance. Zoom will also be required for the seminars through which the module will be taught (block release).

6.7.10 Reading lists and other information resources

Primary reading

- *Doyle O and Hickey T, Constitutional Law: Text, Cases and Materials (Clarus Press 2019)*
- *Kavanagh, J. (2022) Constitutional Law in Ireland. Dublin: Clarus Press*
- *Forde, M. (2013) Irish Constitution. Dublin: Bloomsbury*
- *Hogan G.W. et al (2018) Kelly: The Irish Constitution. Dublin: Bloomsbury*

Secondary reading

- *Carolan, E. & Doyle, O. (2008) The Irish Constitution: Governance and Values. Dublin: Roundhall*
- *Carolan, E. (2012) The Constitution of Ireland: Perspectives and Prospects. Dublin: Bloomsbury*
- *Casey, J. P. (2000) Constitutional Law in Ireland. Dublin: Round Hall*
- *Dewhurst, E. (2012) Principles of Irish Human Rights Law. Dublin: Clarus Press*
- *Doyle, O. (2018) The Constitution of Ireland: A Contextual Analysis. Oxford: Hart Publishing.*
- *Egan, S. (2015) International Human Rights: Perspectives from Ireland. Dublin: Bloomsbury.*
- *Egan, S. & Thornton, L. (2014) Ireland and the European Convention on Human Rights. Dublin: Bloomsbury*
- *Fennelly, D. (2014) International Law in the Irish Legal System. Dublin: Roundhall.*
- *Foley, B. (2008) Deference and the Presumption of Constitutionality. Dublin: IPA Kenneally, A. & Tully, J. (2013) The Irish Legal System. Clarus Press: Dublin*
- *Morgan, D. G. (1997) The Separation of Powers in the Irish Constitution. Dublin: Round Hall*
- *Smyth, C.M. (2017) Social and Economic Rights in Ireland. Dublin: Clarus Press.*

e-Resources

- *Bloomsbury Professional Online*
- *JustisOne – Vlex*
- *Westlaw.ie*
- *Westlaw UK*
- *Heinonline*
- *Griffith College Library Website*

6.7.11 Specifications for module staffing requirements

Lecturers qualified to at least a Level 8 legal qualification (LLB (Honours), preferably with a professional legal qualification and a third level teaching qualification (e.g. Certificate in Education, Learning and Development offered by Griffith College). Learners also benefit from the support of the Programme Director, Faculty Administrators, a dedicated Learning Technologist Office, the Learning Supports Office, at least one Learner Representative for each Stage, the Students' Union and a free (off campus) Counselling Service.

6.7.12 Module summative assessment strategy

Theoretical knowledge will be assessed by both continuous assessment (30%) and a summative end of year examination (70%). The continuous assessment shall consist of a written assignment (30%). In line with ongoing developments to protect the academic integrity of the course, the assignment shall take the form of a problem question heavily embedded in the application of constitutional law principles to relatively unique, and domestically tailored, factual circumstances. The examination will consist of both essay and problem style questions. Essay style questions will place emphasis on the demonstration of understanding pertaining to Constitutional Law. Problem Style questions will enable learners to apply the principles of Constitutional Law to a factual scenario.

The assessed work breakdown can be seen in the table below.

No.	Description	MIMLOs	Weighting
1	Assignment (3,000 words)	viii	30%
2	Exam	i-vii	70%

Reassessment/Repeat assessment strategy: Griffith College regulations state that learners must pass all component elements of the module to be deemed to have passed the module.

- In the event of a learner failing components of / this module, they will be required to submit a new individual repeat assignment which will be made available on Moodle to learners, and which must be submitted as per faculty instructions.
- In the event of a learner failing the group assessment element of this module, a new individual repeat assignment will be made available on Moodle to learners which must be submitted as per faculty instructions.
- In the event of the learner failing the exam, learners will take the re-sit exam at the next available sitting, details of which will be made available to learners via Moodle.

6.7.13 Sample assessment materials

Please see sample assessment supplementary document.