

## Sustainability Law and Policy | SSM1070H

Winter 2016

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**Professor:**

**Schedule:**

**Location:** KN L1230

**Office Hours:** DV 3266 – Tuesday 12:30-13:30; or by appointment

**Contact:**

**Course website:** UTM Blackboard Portal

**Teaching Assistant:**

### Course Calendar Description

*The course is designed to provide students with a basic understanding of various laws and policies related to the environmental, social, and economic pillars of sustainability that have relevance to a practicing professional sustainability manager. The course commences with an overview of the structure of the Canadian legal system and then divides in two parts. The first part focuses on environmental law and policies. This part covers international agreements, such as Global Programme of Action for Sustainable Development (Agenda-21), Kyoto Protocol, Biodiversity Convention, and Future We Want (outcome of Rio+20); Canadian laws, such as Environmental Protection Act, Federal Sustainable Development Act, Federal Sustainable Development Strategy and Bill C-45; and Ontario's laws such as Environmental Protection Act, Environmental Assessment Act, Green Energy Act, and Open for Business Act. The second part focuses on laws related to social and economic pillars and covers the Canadian laws of torts, contracts, sole proprietorship, partnerships, corporations, bankruptcy*

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### Course Details

This course has two main goals: the first is to introduce students to the legal frameworks and policy contexts within which sustainability law operates. The focus will be on the Canadian legal system, but we will also look at international frameworks. The second goal of this course is to give students an idea of the variety of ways which different sustainability challenges can, and have been, addressed by law and policy. We will look at issues including resource use, climate change, biodiversity, agriculture, and others. Students should finish the course with a good overview of how legal frameworks can address different sustainability challenges.

### Learning Outcomes

This course is designed to get students to think about sustainability problems and potential solutions and how these play out in Canadian and international legal and regulatory frameworks. By the end of this course students will understand:

- Key aspects of Canadian and international law as they relate to sustainability;
- Some key concepts related to Canadian business and the law;
- A variety of different law and policy instruments and tools available to decision makers; and
- The ways that many sustainability issues are currently addressed in the context of law and policy.

### **Teaching Methods**

This course is taught based on the principle that not all students learn and participate in the same way and therefore the instructor will make an effort to use a variety of teaching styles (i.e. lecturing, experiential learning through group discussions and exercises, visual presentations) throughout the term. When in-class exercises are presented, students should make every effort to engage in this type of learning and take a lead role in integrating what has been learned to spur discussion and develop creative solutions.

A variety of evaluation methods will also be used throughout this course in an attempt to, again, account for different learning styles. You will, of course, be required to complete all assignments and examinations, no matter your preference, but it is the hope of the instructor that each student will find they are more comfortable with at least one of the methods of evaluation and therefore will feel more confident about their knowledge of the course material. A more complete description of these evaluations is provided below in the section entitled *Course Evaluation*.

### **Required Materials:**

Paul Muldoon, Alastair R. Lucas, Robert Gibson & Peter Pickfield, *An Introduction to Environmental Law and Policy in Canada*, 2<sup>nd</sup> ed. (Toronto: Edmond Montgomery Publications, 2015) [Muldoon Text]

Dorothy DuPlessis, Steven Enman, Shannon O'Byrne & Philip King, *Canadian Business and the Law*, 5<sup>th</sup> ed. (Toronto: Nelson Education Ltd, 2014) [DuPlessis Text]

*Citations for additional readings will be posted on the course website.*

**Course Evaluation**

<i>Evaluation</i>	<i>Percentage of Final Grade</i>
Weekly Reading Summaries & Participation	10%
Article Review	15%
Midterm Examination	30%
Final Paper Outline	5%
Final Paper	40%

*Weekly Reading Summaries (10%)*

The concepts and ideas presented in the readings and during lecture are interrelated in important ways, and therefore completion of both readings and regular class attendance is necessary to fully absorb the course content. Students are required to complete the weekly readings and provide a brief (no more than a page, double spaced) summary of the main points presented. In addition, students should provide one discussion question at the end of their summary which may be used to guide in-class discussion. These summaries are to be submitted to the teaching assistant, via email, by the end of Sunday (prior to each class).

Ten percent of the final grade will be assigned for the completion of the weekly summaries. There are twelve weeks in this course and in order to receive full participation marks you must submit at least ten of these summaries.

In addition, in order to connect the concepts and theory being learned to current events, students are expected to read the news. Each week up to two students (first come, first serve by way of email to the professor) may choose to present a short synopsis of a new story related to the course content which will be used to stimulate discussion. Doing this will count as one weekly summary and students may do this twice during the term (i.e. if you present 2 stories in class you will only have to submit 8 weekly summaries in order to get the full 10% of the grade).

*Article Review (15%)*

The article review assignment is designed to help you solidify your understanding of the legal frameworks presented in the first half of the course. You will be given a list of 4-6 articles and you must choose to review one. In your assignment you should lay out the legal issue being raised (i.e. Canadian division of powers, international soft versus hard law, instrument choice), how the issue addressed is dealt with by the author, and also evaluate and provide critical comments on the argument(s) made in the article. Your comments should be backed up by other references – at least 3 secondary (peer-reviewed journal articles, etc.) and 2 primary (statute, regulation, etc) legal sources must be used.

The assignment should be no more than three pages, double spaced. References must be provided – you may use APA, MLA, McGill Standard Legal References or Chicago but you must be consistent. Please indicate your reference style of choice at the end of your assignment.

This assignment will be graded based on the organization of information, accuracy of content, quality of argument, your ability to coherently communicate the material in a succinct format, and style/citation

technique. A marking rubric with further detail will be distributed in class along with assignment guidelines.

*Midterm Examination (30%)*

The midterm exam will be comprised of multiple choice, true and false, and short answer questions. It will cover content from weeks one to five. It will be written in class.

*Final Paper Outline (5%)*

Students will be required to submit a short outline prior to the submission of their final paper. The aim of this is to encourage students to begin work on their paper early and to ensure they are undertaking research on a relevant and acceptable topic. The outline should be 2-3 pages in length and consist of a brief rationale of the research topic, the research question being considered and an outline of the paper structure. It should also include a list of references relevant to the research which will be used to complete the paper.

*Final Paper (40%)*

The final paper is intended to allow students to explore, in depth, a topic related to sustainability law and policy. The paper should be approximately 15 pages in length/4,000 words (double spaced), including a 1-2 page executive summary. Students are expected to use both primary and secondary legal sources to complete this paper.

Evaluation will be based on the relevance of the topic to sustainability law and policy, the research question and how well it is answered in the paper, the quality of the content, as well as the writing style and citations. A more detailed rubric will be distributed in class. When referencing you may use APA, MLA, or McGill Standard Legal References but you must be consistent. Please indicate your reference style on the title page.

*\*Important Due Dates\**

February 9, 2016 – Article Review Due  
March 1, 2016– Midterm Examination (during second half of class)  
March 15, 2016 – Final Paper Outline Due  
April 4, 2016 –Final Paper Due

**Academic Misconduct**

Students should note that copying, plagiarizing, or other forms of academic misconduct will not be tolerated. Any student caught engaging in such activities will be subject to academic discipline ranging from a mark of zero on the assignment, test or examination to dismissal from the university as outlined in the academic handbook. Any student abetting or otherwise assisting in such misconduct will also be subject to academic penalties.

Students will be required to submit their course essays to Turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as

source documents in the Turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site. If you have an objection to the use of Turnitin for the submission of your work, please make an appointment to speak personally with the Course Instructor to discuss alternative arrangements.

## **Late Penalties & Extensions**

Late assignments will be subject to a late penalty of 10% per day (including weekends) of the total marks for the assignment. Assignments submitted five calendar days beyond the due date will be assigned a grade of zero.

Extensions will only be offered in exception circumstances. Students are required to inform the professor in writing (e-mail is acceptable) within 24 hours of a test date/assignment due date of any circumstances that prevent them from writing a test or submitting an assignment on time. Original supporting documentation (e.g. Verification of Student Illness or Injury form, accident report, etc) is also required to be granted an extension.

## **Course Drop Deadline**

For information purposes, the School of Graduate Studies deadline to drop this course without academic penalty is March 1, 2016. Please note that MScSM Program students must have the written permission of the Program Director to drop a course. Please consult with the Program Registrar if you are considering dropping a course.

## Course Calendar:

<u>Class Date</u>	<u>Subject Matter</u>	<u>Required Reading</u>	<u>Exams/ Assignments/Notes</u>
January 12	Course overview & expectations  Context & challenges for sustainability law and policy  Introduction to Legal Research	Muldoon Text: Chapter 3  Legal Research Guide Document (on Blackboard)	<b>Bring a laptop/tablet to class</b>
January 19	The Canadian legal framework  Courts, Tribunals & Dispute Resolution	Muldoon Text: Chapter 2, 4 DuPlessis Text: Chapter 2, 4  <i>R. v. Crown Zellerbach Canada Ltd.</i> [1988] 1 SCR 401.  <i>R. v. Hydro-Québec</i> [1997] 3 SCR 213	
January 26	The Structure of Environmental Protection in Canada	Muldoon Text Chapter 7	
February 2	Torts & Toxic Torts	Muldoon Text: Chapter 13 DuPlessis Text: Chapter 10 (11 and 12 optional)  <i>MacQueen v. Sydney Steel Corporation</i> , 2011 NSSC 484  <i>Canada (Attorney General) v. MacQueen</i> , 2013 NSCA 143	
February 9	Introduction to Canadian Business and the Law	Muldoon Text: Chapter 12 (pp. 297-301)  DuPlessis Text: Chapter 1, 5, 14 (pp. 311-331)	<b>Article Review Due (beginning of class)</b>
<i>February 16 – Reading Week – No Classes</i>			
February 23	Aboriginal Peoples & Environmental Law  Municipalities & Environmental Law	Muldoon Text: Chapter 2 (pp. 41), Chapter 5  <i>Haida Nation v. British Columbia (Minister of Forests)</i> 2004 SCC 73  <i>114957 Canada Ltée (Spraytech, Société d'arrosage) v. Hudson (Town)</i> 2001 SCC 40	
March 1	International Sustainability Law and Policy	Muldoon Text: Chapter 6	<b>Midterm Exam (In Class)</b>
March 8	The Legal Toolbox		
March 15	Integrated Approaches to Environmental Protection	Muldoon Text: Chapter 11	<b>Final Paper Outline Due</b>
March 22	Environmental Assessment	Muldoon Text: Chapter 10	
March 29	Sectoral Regulatory Regimes	Muldoon Text: Chapter 9	
April 5	Climate Change Law and Policy	Muldoon text: Chapter 9 (pp.184-186)  Harrison “The Road Not Taken”	<b>Final Paper Due</b>

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**Expectations:**

You are students in a professional Master's program and as such the expectation is that you act in a manner befitting a professional. Treat this class time as you would a meeting in a professional environment (be prompt, turn off your cell phone, refrain from using social media, etc.). Treat the course requirements as you would tasks in a job. If you do this, you will not only be more likely to succeed in the course, you will also be more prepared to enter the work force!

As your professor, students can expect:

- That I will arrive on time and the class will begin on schedule;
- That I will be prepared for class, and if I do not have the answer to your question on the spot, I will follow up with you;
- That I will be clear in the expectations for the weekly in-class activities, midterm, article review assignment and take home exam;
- That I will be available for consultation;
- That I will inform you with as much time as possible if there needs to be an alteration to the course timetable/schedule (due to cancelled classes etc);
- That I will provide feedback on assignments and exams; and
- That I will be open to feedback and suggestions for course improvements.

As students, you are expected:

- To be on time for class and to attend regularly;
- To come to class prepared to participate in discussions and in-class exercises and to have completed the assigned readings;
- To complete your assignments and exams using original research and in a manner conducive to academic integrity;
- To turn in assignments and exams on time; and
- To be respectful of the instructor and other students in the class when they are speaking and to refrain from watching videos and/or using YouTube, Facebook and other non-related websites during class

**Additional Services:**

Being a student can be overwhelming at times and occasionally you may need a helping hand. The University has many services to help you through more difficult times – take a minute to become familiar with them.

Student Affairs & Services: <https://www.utm.utoronto.ca/sas/student-affairs-services>