



SCHOOL OF PUBLIC POLICY

PPOL 617 - Regulation and the Law Course Outline & Syllabus

Course:	PPOL 617 Regulation and the Law	Term:	Fall 2017
		Section:	01
Time:	Tuesdays 17:30 - 20:00	Place:	Nexen Technology and Conference Center, DTC (Downtown Campus: 5 th Floor, 906-8 th Avenue SW)
Instructor: Professor Shaun Fluker			
Office:	5 th floor of DTC	Telephone:	403-220-4939 (main campus)
Office Hours:	Tuesdays after class @ DTC or by appointment on main campus	E-mail:	sfluker@ucalgary.ca

Required Course Materials:

Materials and/or links to such materials posted to Desire2Learn (D2L). Students registered in this course can log in to D2L at: <http://d2l.ucalgary.ca>.

Desire2Learn:

Desire2Learn (D2L), a web-based course management tool, will be used in the course. Students registered in this course can log in at: <https://d2l.ucalgary.ca/>. Note that D2L features a class e-mail list that will be used and I will use this list to communicate with you. It is your responsibility to ensure that D2L uses the e-mail address of your choice. The default is your University of Calgary e-mail address.

Course Description:

An examination of how legal institutions affect the formation and implementation of public policy. Students will examine the relations between Canadian public policy and various sources of law including legislation, tribunal rules, case law, and international laws. Students will examine the

role of various legal institutions in public policy including the judiciary, the legislature, and independent administrative agencies.

Course Objectives:

At the end of the course, students should be able to:

- Describe the various sources of law and legal institutions in Canada
- Describe the various elements in the relationship between law and public policy
- Conduct basic legal research using electronic sources
- Understand how to read and consider caselaw
- Analyze and interpret primary and subordinate legislation
- Explain the various ways in which law affects the formation and implementation of public policy in Canada

Students will have opportunities to develop and demonstrate these skills in lectures, class participation, group work, a written assignment, and the final examination.

Course Syllabus:

September 12 – Introduction to law

No Readings

This seminar is an introduction. We will go thru some foundational concepts of law. We will also explore interests in policy work across students in the class, and give some preliminary consideration to what applicable laws there might be.

September 19 – Introduction to legislation and legal research skills

Readings:

- Alberta legislative process
- Uniform Law Conference of Canada Legislation Convention
- CanLII database

This seminar provides an overview on the format and structure of legislation and introduces students to some basic legal research skills using the CanLII database.

September 26 – Understanding caselaw

Readings:

- CanLII database

This seminar is intended to provide students with a basic understanding on how to read caselaw. We will use a selection of judicial decisions from the CanLII database as illustrations, and discuss some of the public policy implications from them.

October 3 – Legislation and public policy*Readings:*

- A selection of provincial and/or federal legislation and policy will be posted to D2L

This seminar will employ the case study method to explore the relationship between legislation and the implementation of public policy. In particular, we will focus on the role(s) for law in the development and implementation of policy direction on climate change in Canada.

October 10 – The judiciary and public policy*Readings:*

- A selection of decisions will be posted to D2L

This seminar will explore how the courts address the policy implications of their decision, and we will discuss related topics such as the appointment process for the judiciary and the separation of powers doctrine between the legislature and the judiciary.

October 17 – Statutory interpretation*Readings:*

- Rizzo Shoes (SCC 1998) available on CanLII

This seminar is an introduction to the legal principles of interpreting (ie reading) statutes and regulations. We will work thru the Supreme Court's 1998 decision in Rizzo Shoes, as the leading authority on these principles.

October 24 – Independent administrative tribunals and public policy*Readings:*

- A selection of links to agency websites will be posted to D2L

This seminar examines the role of administrative agencies in the development and implementation of public policies. In some years, we have a guest speaker from an administrative agency visit the class to discuss this topic. Agencies looked at in previous years include the Canadian Radio and Telecommunications Commission, the Alberta Securities Commission, and the Alberta Energy Regulator.

October 31 – Public policy translating into law: Case study on the federal environmental impact assessment process*Readings:*

- A link to the website of the federal Expert Panel Review of Environmental Assessment Processes will be posted to D2L

This is an interactive seminar wherein we will study how policy ideas and submissions are translated into legal provisions.

November 7 – Assignment Q and A

No Readings

Scheduled timeslots will be available during regular class time for students to speak with the instructor about their assignment.

November 14 – Workshop discussion on assignment topics

No Readings

November 21 – Workshop discussion on assignment topics

No Readings

November 28 – Workshop discussion on assignment topics

No Readings

December 5 – Review Class

Grade Determination and Final Examination Details:

There are three compulsory evaluation components in this course: an assignment, participation in the assignment workshops held in November and a final examination in December. The assignment is worth sixty (60%) percent of your final grade in this course; participation in the assignment workshops is worth ten (10%) of your final grade in this course; the final exam is worth thirty (30%) percent of your final grade in this course.

1. Assignment

The compulsory assignment will be handed out on Tuesday, September 12, 2017. The assignment is due on or before 16:00 on Thursday November 9, 2017. The assignment requires each student to draft a written memo that identifies and describes the applicable law with respect to a selected policy problem or issue, and provides recommendations on how the law may or may not be used to address that problem or issue.

2. Participation in the assignment workshops

Each student must present to the class on the legal and policy analysis contained in their written memo submitted for the compulsory assignment, and contribute to class discussions on presentations made by other students. These compulsory workshop discussions will take place during the November classes subsequent to the deadline for handing in the assignment.

3. Final Examination

The compulsory final examination will be a two (2) hour, open book examination at a time and date scheduled by the Registrar. The exam will require you to analyze,

synthesize, and apply all of the materials covered in the course. All required readings and all class discussion will be examinable.

Penalty for Missed Deadlines

Failure to hand in the assignment by the specified deadline will result in a one grade reduction (i.e. from a B to a B-) for each 24 hour period, or portion thereof, that the assignment is late. Failure to attend and participate in all of the assignment workshop discussions, without the prior written consent of the instructor for an absence, will result in an F grade for that portion of the course evaluation.

Feedback:

Feedback will be in the form of written comments on the assignment, in person and written feedback on the assignment workshop discussions and the final examination.

Grading: Letter grades as described in the Faculty of Graduate Studies Calendar (see section H.1 “Distribution of Grades” in the Graduate Studies Calendar online: <http://www.ucalgary.ca/pubs/calendar/grad/current/gs-h-1.html>) will be given for each of the three elements of grade determination noted above. The final course grade will be determined based on a weighted average of the grade point values associated with each letter grade as set out in the Calendar in section H.1. The weighted average grade point value is rounded down to the closest letter grade to produce a final course grade.

Important Notes:

- The School of Public Policy expects the highest standards of professional conduct by students, faculty and staff. Abusive or disrespectful behavior will not be tolerated. This includes any expression of prejudice in any of its forms.
- It is the student’s responsibility to be fully aware of the academic regulations outlined in the University Of Calgary Faculty Of Graduate Studies Calendar. Provisions regarding Student Misconduct (plagiarism, cheating and other academic misconduct) will be strictly enforced. Please review the University of Calgary’s Regulations on Plagiarism, Cheating and Other Academic Misconduct, online:
<http://www.ucalgary.ca/pubs/calendar/current/k-2.html>
<http://www.ucalgary.ca/pubs/calendar/current/k-5.html>
- Students seeking reappraisal of a piece of graded term work (term paper, essay, etc.) must discuss their work with the Instructor *within fifteen days* of the work being returned to the class. If not satisfied the student shall immediately take the matter to the Director of the MPP program or the Academic Director of the School and ask for a ruling and written reassessment. Should the student wish a further appeal it must be addressed to the Director and Palmer Chair of the School within 15 days of the ruling by the MPP Director or the Academic Director. For further information see the School of Public Policy Student Appeals Process at: <http://www.pollicyschool.ca/wp-content/uploads/2017/06/Student-Academic-Appeals.pdf>
- Examinations will not be given prior to the scheduled date.

- Students seeking an accommodation based on disability or medical concerns should contact Student Accessibility Services; SAS will process the request and issue letters of accommodation to instructors. For additional information on support services and accommodations for students with disabilities, Visit www.ucalgary.ca/access/. Students who require an accommodation in relation to their coursework based on a protected ground other than disability should communicate this need in writing to their Instructor. The full policy on Student Accommodations is available at:
<http://www.ucalgary.ca/policies/files/policies/student-accommodation-policy.pdf>
- All material used in this course is for the sole use of the individual and should not be recopied in either print or digital format. For copyright guidelines, including those relating to photocopying and electronic copies, please refer to the Association of Universities and Colleges of Canada (AUCC) fair dealing guidelines.
<http://library.ucalgary.ca/copyright/fair-dealing>
- The University of Calgary complies with the requirements of the *Freedom of Information and Privacy Act*. The University's policy on the sharing of student information with third parties can be found here: <http://www.ucalgary.ca/legalservices/files/legalservices/pg-pi-of-students-to-3rd-parties.pdf>. The University's policy on the sharing of student information with the subject can be found here:
<http://www.ucalgary.ca/legalservices/files/legalservices/pg-pi-of-student-to-subject.pdf>
- In the event of an emergency, students may be required to evacuate the building. If evacuation is ordered, follow these procedures:
 - Stay calm, do not rush, and do not panic.
 - Safely stop your work.
 - Gather your personal belongings if it is safe to do so. (keys, purses, jackets, cell phones, etc. It may be hours before you are allowed back in the building.)
 - If safe, close your office door and window, but do not lock them.
 - If directed by wardens, follow their instructions.
 - Use the closest emergency exit. Do not use the elevator.
 - Proceed to the designated Emergency Assembly point in front of the Holiday Inn on 8th avenue to the west of the Downtown Campus.
 - Do not re-enter the building or work area until you have been advised by emergency responders that it is safe to do so.

Graduate Students' Union Vice-President, Academic

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Emergency Assembly Point

Holiday Inn Lobby (weather permitting)
1020 8th Avenue SW
Calgary, Alberta T2P 1J2
Or remain at nearest exit point

Safewalk / Campus Security: 220-5333

