



**DALHOUSIE
UNIVERSITY**

SCHULICH SCHOOL OF LAW

Laws 2153: Business and Environmental Law Course Syllabus

Fall 2018

Class Credit Hours: 3

Class hours: Monday 4:30 – 6:20 pm, room W309

Instructor: Professor Sara Seck

Office: W414

Office Phone: 902-494-7715

Office Hours: Tuesday/Thursday 3:00 - 4:00, or by appointment

Email: Sara.Seck@dal.ca

Course Description

In this seminar, we will consider the evolution of business responsibilities to prevent and remedy environmental harm in domestic and international law. First, we will explore how environmental concerns, notably liability for contaminated sites and pollution, impact business transactions and operations. We will examine the role of government in regulating private sector business operations, the meaning of due diligence, and the role of industry standards. Second, we will explore international and transnational business and environment issues, such as transnational environmental liability, and the implications of investor-state dispute settlement for the ability of states to effectively regulate the environment. Finally, we will consider how international normative shifts, most recently the 2030 Sustainable Development Goals, are pushing businesses to pro-actively embrace international corporate social responsibility norms, and adopt business models and financing tools that enable them to contribute positively to long-term sustainability, rather than simply reacting to fear of liability.

COREQUISITES: Business Associations **or** Environmental Law I

Pedagogical Approach

There is an assigned participation grade in Business & Environment, and student engagement is important for the success of the course. There are many ways in which students can contribute in addition to regular class attendance. The class format will be a mix of lectures, in-class discussion, and student presentations. Students are also encouraged to post comments on the

class discussion board, found on the Brightspace course website. Comments may consider assigned readings, reflect on issues that have arisen in other classes or in the media, or otherwise demonstrate interest and engagement with business and environmental law.

Electronic devices: there is increasing evidence that when students multi-task on their computers or electronic devices during class, it negatively impacts their learning outcomes, as well as those of students who sit close by. As access to the internet for supplementary materials can enhance course learning, during this class we may at times reference materials available online. However, students are not required to have a computer or similar device in class.

I have scheduled regular office hours and you will be able to sign up for specific times on the whiteboard on my office door. If these times don't work for you, just send me an e-mail and we can set up a different time to meet in person. Office hour meetings can be used to discuss any questions or concerns you might have about class materials, as well as about your research paper assignment (see further below). In the case of emergency, my assistant Lauri MacDougall can assist: lauri.macdougall@dal.ca or 902-494-1988.

Learning Management System Site Information

A Brightspace course web site has been set up on which the course syllabus, course reading list, and required as well as optional supplementary readings and related materials will be posted. A class discussion board has also been set up, where students are invited to share reflections. Your research paper is to be submitted through Brightspace, in accordance with the instructions below.

Course materials

This course will not use a single casebook or textbook. Required readings are listed on the **Course Reading List**, posted to Brightspace, and may be downloaded from the internet (URLs provided) or from the library (periodical literature). Copies of key readings will also be posted on Brightspace. The Course Reading List is more than a list; for each weekly module, there are assigned mandatory readings, questions to consider, supplementary readings, and supplementary considerations. You are encouraged to look through the entire course reading list to get a sense of the wide range of research paper topics that would comfortably fit within the scope of the course.

Student assessment

Class participation (15%)

This class is structured as a seminar class and as such will rely heavily on class discussion of the topics, readings and the issues raised by the readings. *The success of the class depends on your preparation and willingness to engage in discussion.* Questions to consider are provided for each module (see Course Reading List). You are expected to attend all student presentations, and to

ask questions and provide constructive feedback to your peers. Distracting or disrespectful behaviour including the inappropriate use of electronic devices during class will negatively impact your class participation grade.

Presentation of research paper in class (15%)

Presentations are expected to last approximately 15 minutes each and will be followed by class discussion. Presentations will be graded according to the ability of the presenter to clearly convey the essence of their research question and preliminary research results, and identify further questions to consider in class discussion, within the allocated time limit. The presentation must also demonstrate a substantive and theoretical understanding of materials covered in the course as relevant to the chosen paper topic. Note: AV equipment will be available for the presentations should you wish to prepare powerpoint slides or equivalent, but AV use is optional.

Research paper (70%)

- Sometime in **October**, all students must identify the topic of their research paper and seek my approval, then submit a working draft outline and working draft bibliography to Brightspace for feedback. I encourage you to submit revised outlines/bibliographies for further feedback, up to **November 9th**.
- The final research paper must be at least 25 double-spaced pages in length, with an expectation that it will be no more than 40, in 12-point font (Times New Roman or equivalent) and footnote citations following the *Canadian Guide to Uniform Legal Citation* (McGill Guide). Papers are to be submitted in Word format. You do not need to provide a bibliography and if you do it will not count towards the page length.
- See the [guidelines](#) for the assessment of research papers, online in the School Academic Regulations.
- Major papers must be submitted electronically to Brightspace no later than noon on the last day of exams (**noon, Thursday, December 20, 2018**). Submission of the electronic version of your paper by email is acceptable as a backup if Brightspace is not functioning at the time the paper is due, however, you must still post the paper on Brightspace as soon as it is back online. You are encouraged to submit your final paper well before the due date, and I will send you confirmation that I have successfully opened your document. You are also required to submit a hard copy of your major paper to me in person before the due date in accordance with the law school policy, below.

1. Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

2. Submission of Major Papers and Assignments

Major papers and assignments must be submitted in hard copy. Students should hand papers in to the place stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>

Please note students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

3. Plagiarism

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

Advising support and information on fair dealing is available:

* General Academic Support – Advising Halifax: https://www.dal.ca/campus_life/academic-support/advising.html

* Fair Dealing Guidelines <https://libraries.dal.ca/services/copyright-office/guidelines/fair-dealing-guidelines.html>

Assistance with writing

Dalhousie offers a number of support services that assist students in their development of academic competencies. The Writing Centre, for instance, works to develop writing skills that meet university expectations. For details on the services offered by the writing centre, and how to make an appointment, see: https://www.dal.ca/campus_life/academic-support/writing-and-study-skills.html

Overview of MODULES:

September 10: Introduction to business & environment

September 17: Domestic environmental law (prevention & liability)

September 24: International and transnational environmental law (prevention and liability)

October 1: Business, human rights, and environment

[No class: October 8, Thanksgiving]

October 15: Business, environment, the commons and the SDGs
[tentative guest: Karin Buhman]

October 22: Market mechanisms: reflexive law & disclosure, pricing

October 29: Financing environmentally responsible business

November 5: Business & environment: remedy, remediation, and justice

[No class: November 12, break week]

November 19, November 26, and (if needed) December 3: Student presentations

Important Assignment-related Dates:

- **October: Identify research topic, draft outline and bibliography, and seek approval/feedback from me**
- **November 9: Last date that I will provide feedback on draft outlines/bibliographies**
- **Final paper due: Thursday, December 20, 2018, at noon**