

Course Outline

COURSE:	LAWS 4302A – Legal Regulation of Corporate Crime
TERM:	FALL 2019
PREREQUISITES:	LAWS 2908, CRCJ 3001 or CRCJ 3002 and Fourth-Year Honours standing
CLASS:	Day & Time: Thursdays, 2:35pm – 5:25pm Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Professor Neil Sargent
CONTACT:	Office: Room D594 Loeb Building Office Hrs: Thursdays 10:00am – 12:00pm and Fridays 10:00am – 11:30am Telephone: 613-520-2600 x. 8853 Email: neil.sargent@carleton.ca

CALENDAR COURSE DESCRIPTION

Legal, policy and theoretical perspectives on the regulation of corporate crime. Nature and causes of corporate crime. Selected case studies on the role of the state in regulating corporate behaviour. Limits of the criminal justice system in responding to corporate crime.

COURSE DESCRIPTION

The course examines the current debates over the regulation of corporate crime from both legal and policy perspectives. Different theoretical perspectives on the nature and causes of corporate crime, and the role of the state in regulating corporate behaviour will be examined, with a view towards identifying what factors influence the success or failure of the criminal justice and regulatory systems in responding to corporate crime. The role of criminal, civil and regulatory sanctions in deterring corporate crime will also be examined.

REQUIRED TEXTS

1. N. Sargent, **Coursepack on Legal Regulation of Corporate Crime**. Ottawa: Haven Books, 2019,
2. Sally S. Simpson, **Corporate Crime, Law and Social Control**. Cambridge: Cambridge University Press, 2002 (Available from Haven Books),

SUPPLEMENTARY TEXTS

3. Celia Wells, *Corporations and Criminal Responsibility*. 2d.ed. Oxford: oxford University Press, 2001
4. Harry Glasbeek, **Wealth by Stealth**. Toronto: Between the Lines, 2003
5. Joel Bakan, **The Corporation. The Pathological Pursuit of Profit and Power**. Toronto: Viking Press, 2004

EVALUATION

(All components must be completed in order to get a passing grade)

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

Students will be required to prepare a seminar presentation and a term paper during the course. In addition, students will be required to submit an essay proposal for the final essay, which will be worth 10% of the final grade. The seminar presentation will be a case study of a contemporary or historical instance of corporate crime and will involve students working in groups on the case study. The seminar presentation will be worth 30% of the final grade. The term paper will be worth 45 % of the final grade. 15% of the final grade will be allocated based on class participation. There will be no final examination in the course.

Seminar Presentation:	30%
Essay Proposal :	10%
Term Paper:	45%
Class Participation:	15%
Total:	100%

SCHEDULE

Week 1: **Aims and objectives of the course.** Approaches to the study of corporate crime. Levels of analysis. Complexities inherent in the study of and regulation of corporate crime. Jurisdictional issues and organizational issues.

Week 2: **Defining White Collar and Corporate Crime.** Official accounts of deviance and the problem of counting and fighting corporate crime. Who are the offenders and who are the victims? The significance of definitions of criminality and corporate deviance

- Week 3:** **Theorizing the causes of white collar and corporate criminality** - individualist theories of white collar crime; organizational theories of corporate crime. The role of the state in controlling corporate and organizational deviance. Is the state part of the solution or part of the problem?
- Week 4:** **Using the criminal law against corporate offenders.** The hybrid nature of corporate criminal liability. The legal basis of attaching liability to the corporation. Identification theory, delegation theory and corporate culture. Who is part of the ‘directing mind and will’ of the corporation? Criminal liability of corporate directors and officers
- Week 5:** **Using criminal sanctions against corporate and white collar offenders.** Sentencing goals and philosophies and their applicability to white collar and corporate offenders. The differential sentencing debate. Sentencing options: Fines, imprisonment, probation, conditional sentencing, restitution, compensatory damages. Role of restorative justice in sentencing white collar and corporate offenders?
- Week 6:** **The regulatory approach to controlling organizational and corporate deviance.** Structure and objectives of the regulatory process. What should be the primary goal of enforcement efforts- to punish or persuade? Closing the enforcement gap between regulatory objectives and regulatory enforcement. Strict liability offences and the limits of the regulatory sanction
- Week 7:** **Alternatives to regulatory sanctions:** Negotiated compliance, enforced self-regulation and voluntary compliance systems. Use of alternative dispute resolution approaches for responding to regulatory concerns
- Week 8:** **Market-Driven incentive mechanisms for achieving corporate compliance.** Using carrots rather than sticks to achieve regulatory compliance goals. Voluntary codes and emissions trading systems. Pros and cons of letting the market reward “efficient” polluters?
- Week 9:** **Deterring corporate crime through civil and criminal damage awards**
Use of civil and criminal damage awards as legal accountability mechanisms. The hybrid status of criminal damage awards. The regulatory function of tort law. Pros and cons of mass torts and class action litigation in responding to corporate harms.
- Week 10:** **International perspectives on controlling corporate crime.** Corporate crime as a trans-national phenomenon. Limits of national enforcement mechanisms for controlling international corporate crime. Problems of different legal standards and enforcement approaches in different jurisdictions. Extra-territorial application of home or host country law? International standards and enforcement mechanisms for controlling trans-national corporate crime. Parent corporation liability for the illegal actions of its subsidiaries?

Week 11: Seminar presentations

Week 12: Seminar presentations

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: <https://carleton.ca/equity/accommodation/academic/students/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: <https://carleton.ca/equity/accommodation/academic/students/>

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable). <https://carleton.ca/pmc/students/accommodations/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's Academic Integrity Policy can be found at:

<https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/sexual-violence-support/>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://carleton.ca/equity/accommodation/academic/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>