

Course Outline

COURSE:	LAWS 4302 C – Regulation of Corporate Crime
TERM:	WINTER 2024
PREREQUISITES:	LAWS 2908, CRCJ 3001 or CRCJ 3002 and Fourth-Year Honours standing
CLASS:	Day & Time: Thursdays 2:35-5:25 PM EST
	Room: Please check Carleton Central for the current room location.
INSTRUCTOR:	Dr. Mohammad Hasan
CONTACT:	
	Office Hrs: I will hold office hours every Thursday between 12:30-1:30 PM EST. I encourage virtual meetings. Let me know by email if you would like to talk with me. Allow 36 hours for a reply. No replies on weekends or evenings.
	Email: MohammadHasan@cunet.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. Failure of the criminal justice system to respond to corporate crime.

COURSE DESCRIPTION

The course examines the current debates over regulating corporate crimes in Canada and around the world from both legal and policy perspectives. Drawing on different theoretical perspectives, the course focuses on the nature and causes of corporate crime and how states react in regulating corporate behaviour, limitations of existing state laws and regulations against corporate criminality, 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. Throughout the semester, the course will move forward with assessing corporate and white-collar crimes; offenders and victims of corporate crimes; transnational and international controlling mechanisms, how corporate managers influence political and legal systems, and the policy-making process.

COURSE MODALITY & TECHNICAL REQUIREMENTS

This course is scheduled to be held in person where the instructor and students share information, ideas, and learning experiences in seminar settings. Students are expected to remain up to date with the deadlines and due dates provided by the instructor.

LEARNING OBJECTIVES

Upon successful completion of the course, students will be able to:

- Recognize various forms of corporate crimes and white-collar crimes by assessing different theoretical, legal, and policy perspectives;
- Explain and illustrate the current corporate crimes and why the behaviour or criminality is problematic;
- Investigate Canadian, transnational, and international legal frameworks to regulate corporate behaviour and apply relevant rules to the case studies and challenges;
- Read, summarize and evaluate legal and policy frameworks on different types of corporate crimes and strategies of regulating corporate crimes;
- Write a research paper by analyzing existing literature, cases, and legislation.

REQUIRED TEXTS

There is no required coursepack or textbook for this course.

Most of the required readings will be available through the Brightspace page and ARES system.

SUPPLEMENTARY TEXTS

As we proceed, additional related readings may be posted throughout the semester.

EVALUATION

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.

Discussion Forums/Reading Responses: 15%

Attendance and Participation: 15%

Seminar Presentation and Critical Reflection: 20% [Schedule will be posted on Brightspace]

Essay Proposal: 15% [Due on March 07]

Term Paper: 35% [Due on April 04]

Total: 100%

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

Discussion Forums/reading Responses (15%): Every week you (except presenters of that week) are expected to post a 250-word summary of an assigned reading of your choice that includes at least one discussion question which may be discussed during the presentations or other times. The summary and discussion questions must be posted on Brightspace by 8 pm every Wednesday [the day before the class]. You are welcome to write more questions. The questions should be thought-provoking and insightful which can open fruitful conversations/discussions for the seminar. Throughout the semester, you are expected to submit at least 8 posts in total. If you post more than 8, your best 8 will be counted toward the final grade.

Attendance and Participation (15%): Your attendance will be counted for this seminar course. Since this is a seminar class, you will be required to participate in discussions during a seminar and a presentation. The weekly discussion questions you posted on Brightspace may be brought into the discussion in the given week.

Seminar Presentation and Critical Reflection (20%): Every student will be expected to pick at least one reading material and present it individually. It is expected that there will be two to three students to present each week. Once an individual presentation is done, the presenter will facilitate seminar discussions with some discussion questions. Each student will have 20-25 minutes to present and facilitate the discussion. The purpose of your presentation is to briefly review and analyze the main arguments and themes in the week's readings and then encourage class discussion. The presentations will begin in the second class. Scheduling presentations will be done in the first seminar class.

You must submit a 300–500-word critical review of the paper you are scheduled to present on Brightspace along with the presentation slide. More details will be provided in the presentation schedule.

Essay Proposal (15%): This research proposal will be the basis of the research essay students need to write. The word count of this proposal should be between 750 and 1000 words (Times New Roman with 12 font size). The research proposal includes a problem statement, thesis statement, research questions, theoretical framework, a summary of the literature, and methodology. The research proposal must draw on an area of research related to the course and either have conceptual/theoretical and empirical importance concerning the “Corporate Crime” or “Regulation of Corporate Crime”. When you consider picking a research topic, please narrow the topic down to one single issue and think about how the topic is relevant to the subject matter of the course. Ensure that you have reviewed at least 3 scholarly sources and added the sources in the bibliography/work cited. Use proper citation (footnotes) using the *Canadian Guide to Uniform Legal Citation*, 9th ed (Toronto: Thomson Reuters, 2018). You can find the citation guide here (https://library.carleton.ca/sites/default/files/help/writing-citing/Using_uniform_legal_citation_2018.pdf).

The proposal is due on March 07 before 11:59 pm. Additional instructions for the assignment may be posted on Brightspace.

Term Paper/Research Essay (35%): This is an independent research paper and must be original to this course. Students must incorporate the contents from their research proposal for this research essay. The research essay should be between 3500 and 4500 (Times New Roman with 12 font sizes) excluding footnotes and bibliographies. You can use any article from our course readings for your research paper.

Your research should be based on scholarly journal articles and book chapters or newspaper articles/web sources, but you must engage at least 7 scholarly sources. Use proper citation (footnotes) using the *Canadian Guide to Uniform Legal Citation*, 9th ed (Toronto: Thomson Reuters, 2018). You can find the citation guide here (https://library.carleton.ca/sites/default/files/help/writing-citing/Using_uniform_legal_citation_2018.pdf).

The paper is due on April 4 before 11.59 pm. Additional instructions for the assignment may be posted on Brightspace.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Late Penalty

Late submissions will be penalized. Assignments submitted later than the due date will be penalized 5% per day of the total value of the assignment. For example, if an assignment worth 20% of the total course grade is a day late, 1 point out of 20 (or 5% per day) will be deducted.

Extension

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for short-term extensions, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

SCHEDULE

Three types of learning strategies will be followed for this course. First, students are responsible for all assigned readings. I suggest students read the required reading material before each scheduled lecture. Secondly, students should review lecture slides posted on Brightspace. Thirdly, students will participate in all assessments and evaluations.

Weekly Schedule

Please read the assigned material before each lecture and review it again after each lecture. Students are responsible for all assigned readings. Most of the readings are posted on Brightspace.

Week 1 [January 11] Introduction

Overview, key concepts, readings, and assignments
A presentation schedule will be created in this class.

Week 2 [January 18]: Corporate Personality**Readings:**

- Dewey, John, “The Historic Background of Corporate Legal Personality.” (1926) 35.6 *The Yale Law Journal* 655. [20 pages]
- Watson, Susan Mary, “The corporate legal person.” (2019) 19.1 *Journal of Corporate Law Studies*: 137-166. [30 pages]

Week 3 [January 25]: Business Ethics and Corporate Behaviour**Readings:**

- Schwartz, Mark, “The nature of the relationship between corporate codes of ethics and behaviour.” (2001) 32.3 *Journal of business ethics*: 247-262. [16 pages]
- Floyd, Larry A., et al. “Ethical outcomes and business ethics: Toward improving business ethics education.” (2013) 117.4 *Journal of business ethics*: 753-776 [24 pages].
- Rogers HP, Ogbuehi AO, & Kochunny CM, “Ethics and transnational corporations in developing countries: A social contract perspective.” (1995) 4.2 *Journal of Euromarketing*:11-38. [28 pages]

Week 4 [February 1]: Corporate Crime and White-collar Crime**Readings:**

- Sutherland, Edwin H, “Is ‘white collar crime’ crime?.” (1945) 10.2 *American sociological review*: 132-139. [8 pages]
- Barnett, Harold C. “Corporate capitalism, corporate crime.” (1981) 27.1 *Crime & Delinquency*: 4-23. [20 pages]
- Feeley, Drew, “Personality, environment, and the causes of white-collar crime.” (2006) 30 *Law & Psychol. Rev.*: 201. [31 pages]
- Moore, Elizabeth, and Michael Mills, “The neglected victims and unexamined costs of white-collar crime.” (1990) 36.3 *Crime & Delinquency*: 408-418. [11 pages]

Week 5 [February 8]: Corporate Criminal Liability and Criminal Justice**Readings:**

- Simpson, Sally S, “Assessing the Failure of Corporate Deterrence and Criminal Justice [Chapter 3]” in *Corporate Crime, Law and Social Control*, Cambridge University Press, 2002” 45-60. [16 pages]
- Leigh, Leonard H., “The criminal liability of corporations and other groups: a comparative view.” (1982) 80.7 *Michigan law review*: 1508-1528. [21 pages]

- Slye, Ronald C, “Corporations, veils, and international criminal liability.” (2007) 33 *Brook. J. Int'l L.*: 955. [20 pages]

Week 6 [February 15]: Corporate Deterrence: Civil Justice and Regulatory Justice

Readings:

- Simpson, Sally S, “Corporate Deterrence and Civil Justice” [Chapter 4]” in *Corporate Crime, Law and Social Control*, Cambridge University Press, 2002” 61-78. [18 pages]
- Simpson, Sally S, “Corporate Deterrence and Regulatory Justice” [Chapter 5]” in *Corporate Crime, Law and Social Control*, Cambridge University Press, 2002” 79-98. [19 pages]
- Danielsen, Dan, “How corporations govern: Taking corporate power seriously in transnational regulation and governance.” (2005) 46 *Harv. Int'l LJ*: 411. [16 pages]

Reading week [February 19-23- No class]

Week 7 [February 29]: State Responsibility in Regulating Corporate Crime

Readings:

- McCorquodale, Robert, and Penelope Simons. “Responsibility beyond borders: state responsibility for extraterritorial violations by corporations of international human rights law.” (2007) 70.4 *The Modern Law Review*: 598-625. [28 pages]
- Thomas, Rosanne M, “Host State Treatment of Transnational Corporations: Formulation of a Standard for the United Nations Code of Conduct on Transnational Corporations.” (1983) 7 *Fordham Int'l LJ*: 467. [34 pages]
- Seck, Sara L. “Transnational Business and Environmental Harm: A TWAAIL Analysis of Home State Obligations.” (2011) 3 *Trade L. & Dev.*: 164. [41 pages]

Supplementary:

- Gao, Yi, “Environmental Regulation of Transnational Corporations by Host Countries.” (2023) 6 *Highlights in Business, Economics and Management*: 415-421 [7 Pages]

Week 8 [March 7]: International and Transnational Perspectives on Controlling Corporate Crime (Essay Proposal Due today)

Readings:

- Van den Herik, Larissa, and Jernej Letnar Čerňič, “Regulating corporations under international law: from human rights to international criminal law and back again.” (2010) 8.3 *Journal of International Criminal Justice*: 725-743. [19 pages]
- Ruggie, John Gerard, “Regulating multinationals: The UN guiding principles, civil society, and international legalization.” *Business and Human Rights: Beyond the End of the Beginning*, César Rodríguez-Garavito, ed., (2014).
- Mares, Radu, “Regulating transnational corporations at the United Nations—the negotiations of a treaty on business and human rights.” (2022) 26.9 *The International Journal of Human Rights*: 1522-1546 [25 pages]

- Simons, Penelope, “International law’s invisible hand and the future of corporate accountability for violations of human rights.” (2012) 3.1 *Journal of Human Rights and the Environment*: 5-43. [39 pages]

Week 9 [March 14]: Corporate Business and Environmental Harm

Readings:

- Ruggiero, Vincenzo, and Nigel South, “Toxic state-corporate crimes, neo-liberalism and green criminology: The hazards and legacies of the oil, chemical and mineral industries.” (2013) 2.2 *International Journal for Crime, Justice and Social Democracy*: 12-26. [15 pages]
- Seck, Sara, “Revisiting Transnational Corporations and Extractive Industries: Climate Justice, Feminism, and State Sovereignty” (2017) 26:2 *Transnational Law & Contemporary Problems* 383. [32 pages]
- Perry-Kessarar, Amanda, “Corporate liability for environmental harm.” In Ong and Fitzmaurice eds., *Research handbook on international environmental law*, (Edward Elgar Publishing, 2007)

Documentary Film: BBC One Night in Bhopal

Week 10 [March 21]: Corporate Behaviour: Indigenous Rights and Environmental Justice Movement

Readings:

- Scott, Dayna Nadine, “Extraction contracting: The struggle for control of Indigenous lands.” (2020) 119.2 *South Atlantic Quarterly*: 269-299. [31 pages]
- Morales, Sarah, “Digging for rights: how can international human rights law better protect Indigenous women from extractive industries?” (2019) 31.1 *Canadian Journal of Women and the Law*: 58-90. [32 pages]
- Hasan, Mohammad Mahmud, “Development for whom?: an Indigenous environmental justice movement in Bangladesh.” (2022) *Local Environment*: 863-878. [17 pages]

Special Read:

- Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya “Extractive industries and indigenous peoples”

Week 11 [March 28]: Canadian Corporations Abroad and Human Rights Violation

- Imai, Shin, Leah Gardner, and Sarah Weinberger. “The ‘Canada Brand’: Violence and Canadian Mining Companies in Latin America.” (2017) 17 *Osgoode Legal Studies Research Paper*. [130 pages]
- Pena, Susana C. Mijares, “Human rights violations by Canadian companies abroad: Choc v Hudbay Minerals Inc.” (2014) 5 *WJ Legal Stud*. [22 pages]
- Gordon, Todd, and Jeffery R. Webber, “Imperialism and Resistance: Canadian mining companies in Latin America.” (2008) 29.1 *Third World Quarterly*: 63-87. [25 pages]

Guest Speaker: Professor Shin Imai, Osgoode Hall Law School, York University

Week 12 [April 4]: Regulating Canadian Corporations Abroad and the Government's Response**Readings:**

- Simons, Penelope. "Canada's enhanced CSR strategy: Human rights due diligence and access to justice for victims of extraterritorial corporate human rights abuses." (2014) 56 Can. Bus. LJ: 167. [41 pages]
- Lauzon, Jolane, "Araya v. Nevsun Resources: Remedies for Victims of Human Rights Violations Committed by Canadian Mining Companies Abroad." (2018) 31.1 Revue québécoise de droit international/Quebec Journal of International Law/Revista quebequense de derecho internacional: 143-169. [27 pages]
- Nwapi, Chilenye, "Accountability of Canadian mining corporations for their overseas conduct: can extraterritorial corporate criminal prosecution come to the rescue?." (2017) 54 Canadian Yearbook of International Law/Annuaire canadien de droit international: 227-275. [51 pages]

Guest Speaker: Sheri Meyerhoffer, The Canadian Ombudsperson for Responsible Enterprises (CORE)

Final Paper Submission due on Brightspace

Winter 2024 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
January 8, 2024	Winter term begins.
January 19, 2024	Last day for registration and course changes (including auditing) in full winter and late winter courses.
January 31, 2024	Last day to withdraw from full winter and the winter portion of fall/winter courses with a full fee adjustment.
February 19, 2024	Statutory holiday. University closed.
February 19-23, 2024	Winter break. No classes.
March 15, 2024	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
March 27, 2024	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full winter term or fall/winter undergraduate courses, before the official April final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
March 29, 2024	Statutory holiday. University closed.
April 10, 2024	Winter term ends.
	Last day of full winter, late winter and fall/winter term classes.
	Classes follow a Friday schedule (full winter and later winter courses).
	Last day for handing in term work and the last day that can be specified by a course instructor as a due date for term work for full winter term and late winter courses.
	Last day for take home examinations to be assigned.
April 13-25, 2024	Final examinations in full winter, late winter and fall/winter term courses will be held. Examinations are normally held all seven days of the week.
April 25, 2024	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements:

<https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement.
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotation marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

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

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

Academic Accommodations for Students with Disabilities

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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 to ensure accommodation arrangements are made. Please consult the PMC website

for the deadline to request accommodations for the formally-scheduled exam (if applicable).

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 where 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/equity/sexual-assault-support-services>

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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.