

## Course Outline

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<b>COURSE:</b>	<b>LAWS 3800 - Law of Environmental Quality</b>
<b>TERM:</b>	<b>Fall 2021</b>
<b>PREREQUISITES:</b>	<b>1.0 Credit in LAWS at the 2000 Level</b>
<b>CLASS:</b>	<b>Day &amp; Time: Wednesdays 8:30am-11:30am</b> <b>Room: Please check Carleton Central for current Class Schedule.</b> <b>Online via ZOOM</b>
<b>INSTRUCTOR:</b>	<b>Stephen Waxman BA (HoLLB)</b>
<b>CONTACT:</b>	<b>Office: Contact via email</b> <b>Office Hrs: By appointment via ZOOM call</b> <b>Telephone: 613-286-2788</b> <b>Email: <a href="mailto:stephenwaxman@cunet.ca">stephenwaxman@cunet.ca</a></b> <b>OR</b> <b><a href="mailto:stephen.h.waxman@gmail.com">stephen.h.waxman@gmail.com</a></b>

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### CALENDAR COURSE DESCRIPTION

Various aspects of environmental law; pollution control, legal actions and remedies; legal foundations for participation in decision-making processes. Social, economic and political forces influencing the formulation and implementation of environmental law. Alternative forms of regulation that may articulate different demands.

### COURSE DESCRIPTION

The purpose of the course is to review and enhance the students' knowledge of the dynamics involved in the development and implementation of environmental law. The course will explore

criminal and regulatory approaches, constitutional law, private law and voluntary approaches. The course will also explore the interrelationship between the environment and human health issues as well the wide variety of non-legal factors that can and do affect the development of the law.

### **REQUIRED TEXTS**

Environmental Law, Jamie Benidickson (available in the CU Bookstore)

Students can either opt for curbside pick-up or order from [www.carletonshop.ca](http://www.carletonshop.ca). The textbooks will be received within 2 business days anywhere within Canada.

### **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.

#### **1. Essay (45% - Due Friday, December 3rd, 2021)**

Students will write an essay on a topic agreed upon by the instructor. The instructor will discuss in class a range of possible essay topics. The paper, worth 45% of the final mark, will be between 2500 and 3000 words (10-12 double spaced typed pages). Maximum length is 3500 words or approximately 15 double spaced typed pages. The marking of the assignments will be in letter grades. Late assignments will be penalized at the rate of ½ full letter grade per day (e.g. original mark B: one day late B-, two days late C etc.). The paper should include a cover sheet, which should include the title of your paper, your name and student number. Please ensure that your paper is securely fastened. Do not use paper clip. Do not use plastic or other covers. Quality of expression is essential. Care must be taken to ensure proper spelling, grammar and style, as each will be taken into account in assigning a mark. Use headings for each section of your paper. Include a table of contents, with page numbers, for each section of your paper. The title should accurately reflect the subject matter of your paper. The introduction should include a position statement which is then explored in the paper. The introduction should define your topic and indicate the problem to be addressed. The body of the paper should include analysis, and demonstrate that you have done research and reading including course materials and other publications. Possible reform options should be explored. A conclusion which concisely and cogently summarizes your discussion is invaluable. Proper footnoting and bibliography are required. You may use any commonly accepted style. **Papers are to be submitted online.**

Note that there are Instructional Offences: Assignments must be original. It is an instructional offence for any student to copy the work of another student or to submit work that is not his or

her own. In relying on the ideas of others, it is important to acknowledge that you are doing so. This does not apply merely when you are paraphrasing or quoting the work of an author, but also when you are using your own words to describe the ideas of others. The onus is on each student to retain a copy of her or his assignment until the graded assignment is returned. This will avoid the risk of an assignment being lost.

## 2. Presentation (25%)

Each student is responsible for making a presentation of 15-20 minutes before the class based on the subject matter of the essay. The presentation will outline the main issues raised in the paper and the student must be prepared to address any questions posed as a result of the exercise.

## 3. Participation (15%)

Students will be graded on their participation in class and during their peers presentations (i.e., questions and comments following presentations).

## 4. Outline (15% -Due Friday, October 22nd, 2021)

Each student is required to submit an outline regarding the subject matter of their paper. The outline should describe in general the paper to be researched and submitted at the end of the term, and should not be more than 3 pages single spaced. **Outline is to be submitted online.**

### LATE PENALTIES AND REQUESTS FOR EXTENSIONS

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 extensions lasting less than 7 days, 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>.

**Extensions for longer than 7 days will normally not be granted.** In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

**SCHEDULE**

Class 1: Introduction, marking, course structure  
 Class 2: Constitutional Allocation of Environmental Authorities  
 Class 3: Civil Liability for Environmental Harm  
 Class 4: Regulations and Approvals  
 Class 5: Administrative Compliance Mechanisms  
 Class 6: Offences, Prosecution and Penalties  
 Class 7: Corporate Obligations and Directors Liability  
 Class 8: Environmental Assessment  
 Class 9: Environmental Valuation  
 Class 10: Toxic Substances  
 Class 11: Endangered Spaces and Species  
 Class 12: Environmental Law and the Citizen and Climate Change  
 Class 13: Review and course wrap up

<b>September 6, 2021</b>	<b>Statutory Holiday, University Closed</b>
<b>September 8, 2021</b>	<b>Fall Term Begins. Fall and Fall/Winter Classes Begin</b>
<b>October 11, 2021</b>	<b>Statutory Holiday, University Closed</b>
<b>October 25-29, 2021</b>	<b>Fall Break, No Classes</b>
<b>December 10, 2021</b>	<b>Fall Term Ends</b>
	<b>Last Day of Fall Term Classes</b>
	<b>Classes follow a Monday Schedule</b>
<b>December 11-23, 2021</b>	<b>Formally Scheduled Final Exams May Be Held</b>
<b>December 25, 2021-January 1, 2022</b>	<b>University Closed</b>

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**COVID-19 PREVENTION MEASURES**

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca)

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

## **ACADEMIC ACCOMMODATIONS**

### **Academic Accommodation**

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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

**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 [click here](#).

**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](mailto: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 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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

### **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/>.

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<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/>.

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