

MPA866
Ethics, Law and Public Policy
Syllabus

Course Description

It is essential for policy professionals (whether within government or in the broader public sector) to have a working knowledge of both ethical and legal issues. In this course, we will first review the academic literature on ethics in public service, examine some recent examples of apparent ethical lapses in the public sector, and consider ways of dealing with ethical conflicts. We will then review the fundamental elements of the Canadian legal system, and then explore case law showing how legal instruments can be used to implement policy choices. We will also review examples where law can restrict available policy choices.

Course Objectives

By the end of the section on ethics, students will be expected to:

- Show an ability to critically analyse academic research on ethics in public service;
- Recognize ethical conflicts in the workplace; and
- Demonstrate an understanding of how to deal with these conflicts in a positive and productive manner.

By the end of the section on law, students will be expected to:

- Understand fundamental legal concepts and the process of legal reasoning;
- Articulate and apply the concept of the rule of law;
- Analyse and present their interpretation of statutes and case law;
- Advocate their interpretation of a legal issue; and
- Communicate effectively with lawyers and non-lawyers about legal issues.

Instructor Information

Name: Alison M. Fraser (please call me Alison)

Email: alison.fraser@queensu.ca
Office location: Room 312 Robert Sutherland Hall

If you want to meet with me (and I am happy to make myself available) please send me an email, because I am rarely in my office; I live in Toronto. I will do my best to respond to your email within 24 hours. If we cannot meet in person, we can talk on the phone, Skype or FaceTime.

Course Structure

I intend to deliver the course, as much as possible, as a graduate seminar. My expectation is that you will carefully read and consider the assigned reading for each class, and then come prepared to discuss the material. My experience in teaching over the last eight years indicates that you will best develop your own understanding of ethical and legal issues through participating in debate and discussion.

Readings

The required text for the ethics portion of the course is *The Responsible Public Servant*, 2nd edition, by Kernaghan and Langford, published by IPAC in 2014.

The required text for the Law portion in the course is *Introduction to Public Law: Readings on the Law, State, and Citizen*, edited by Nick E. Milanovic and published by Captus Press.

Any additional readings will be made available to you through email.

Assignments

For the Ethics portion of the course:

1. Short paper (no more than five pages; see section on Assignments on page 5 for details) on an ethical issue you have encountered or read about, setting out the facts, the issues raised, how the matter was resolved and your critique of the resolution. I do not expect research for this assignment, but if you refer to a few key sources, please provide the references for them. Due at beginning of class Friday Nov. 2.

Please save the final version of your assignment according to the following syntax: [your first name] 1 [for first assignment].docx or .pages. For instance, if I were completing the assignment, I would save it as Alison 1.docx. Substitute your first name for mine [and .pages for .doc, if you use Pages]. For later assignments, please follow the same syntax (for instance, Alison 2.docx, Alison 3.docx)

I will return your assignment to you in the format you provide (.docx or .pages) with my comments embedded in the text. Do NOT send your assignment as a PDF document, as I do not have the necessary software to deal with PDFs.

2. Outline and annotated bibliography for final paper; see Item 3 below for more information. Length including bibliography to be no more than five pages. Due by end of day Sunday November 18.
3. Ten-page paper due by end of day Sunday December 16 (TBC).

Your paper may cover any one of the following:

- Academic research and writing on an issue relating to ethics in public service
- Ethical codes, practices and enforcement issues
- Interjurisdictional comparison of how governments handle ethical issues
- A subject you propose and I approve

For the Law portion of the course:

4. Short case note (no more than three pages) that summarizes one of several suggested cases, setting out the case name, the facts, the issues raised, the outcome, the legal reasoning of the court and your critical comments about that reasoning. See Appendix E for more information. Due at beginning of class February 8.
5. Case presentation; hard copy due at the beginning of class the day we agree you will do your presentation. The presentations will most likely take place on March 22 or 23. I will provide more information during the course.
6. Ten-page paper due at end of the course; exact date TBD. I will provide more information during the course.

Your paper may cover any one of the following:

- Academic research and writing on an issue relating to law and public policy
- A critique of a certain court decision or line of cases
- A subject you propose and I approve

Evaluation

Students' ability to analyse, recognize and understand the key issues covered in the course will be demonstrated and evaluated through several assignments each term as well as class participation.

In grading your work, I will consider not only the academic content but also evidence of strong critical thinking and communication skills, as I believe both these skills are

expected of Queen's MPA grads and are critical to success in the public service of today.

Distribution of grades

Short paper	10%
Annotated Bibliography	10%
Ethics Paper	20%
Case Note:	10%
Case Presentation:	20%
Law Paper:	20%
Participation:	10%
Total	100%

Additional Information and Classroom Policies

Academic Integrity: Academic integrity is constituted by the six core fundamental values of honesty, trust, fairness, respect, responsibility and courage (see <http://www.academicintegrity.org/ica/home.php>). These values are central to the building, nurturing and sustaining of an academic community in which all members of the community will thrive. Adherence to the values expressed through academic integrity forms a foundation for the "freedom of inquiry and exchange of ideas" essential to the intellectual life of the University.

Students are responsible for familiarizing themselves with the Academic Integrity Policy of the School of Graduate Studies, available at http://www.queensu.ca/calendars/sqsr/Academic_Integrity_Policy.html. Students are also responsible for ensuring that their assignments conform with the principles of academic integrity.

Departures from academic integrity include plagiarism, use of unauthorized materials, facilitation, forgery and falsification, and are antithetical to the development of an academic community at Queen's. Given the seriousness of these matters, actions that contravene the regulation on academic integrity carry sanctions that can range from a warning or the loss of grades on an assignment to the failure of a course to a requirement to withdraw from the university.

Disability Accommodations Statement: Queen's University is committed to achieving full accessibility for persons with disabilities. Part of this commitment includes arranging academic accommodations for students with disabilities to ensure they have an equitable opportunity to participate in all of their academic activities. If you are a student with a disability and think you may need accommodations, you are strongly encouraged to contact Student Wellness Services (SWS) and register as early as possible. For more information, including important deadlines, please visit the Student Wellness website at: <http://www.queensu.ca/studentwellness/accessibility-services/>

Assignments: course assignments are due on the date specified in this syllabus. Papers should be double-spaced, with one-inch margins, in 12-point, Arial or Times New Roman font. Page limits refer to the text of the assignment not including title page or bibliography, and will be strictly enforced. Please email me your assignment by the due date; I will grade and return your assignments to you through email. Please save the final version of your assignment according to the following syntax: [your first name] 1 [for first assignment].docx or .pages. For instance, if I were completing the assignment, I would save it as Alison 1.docx. Substitute your first name for mine [and .pages for .doc, if you use Pages]. For later assignments, please follow the same syntax (for instance, Alison 2.docx, Alison 3.docx)

I will return your assignment to you in the format you provide (.docx or .pages) with my comments embedded in the text. Do NOT send your assignment as a PDF document, as I do not have the necessary software to deal with PDFs.

With the exception of your case presentation, I do not require a paper copy.

Attendance Policy: Because debate and discussion of ethical and legal issues is critical to better understanding those issues, I expect students to make best efforts to attend each class. That said, I understand that “life happens” and situations may arise where you are unable to attend a class. If that is the case, please advise me by email BEFORE the class why you are unable to attend. Unauthorized absences will reduce your participation grade.

Late Work: no late assignments will be accepted unless accompanied by medical or other official documentation.

Make-up Policy: make-up work will be permitted only where necessary for the purpose of accommodation, and only where a request is accompanied by medical or other official documentation.

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Appendix A: Course Outline

#	Date	Title	Format	Readings
1	12.10	Introduction to Ethics	S	Syllabus and related material
2	13.10	Taking Personal Responsibility; Making Defensible Decisions	S	Text p.1-40 Text p.41-69
3	02.11	Acting in the Public Interest The Politically Neutral Public Servant	S	Text p.71-100 Text p. 101-130
4	03.11	Conflict of Interest Confidentiality, Transparency and Privacy Protection	S	Text p. 131-161 Text p. 163-211
5	30.11	The Accountable Public Servant	S	Text p. 213-246
6	01.12	Managing Ethical Behaviour Ethical Leadership	S	Text p. 247-278 TBD
7	18.01	Introduction to Law	S	Syllabus and related material; <i>Halpern</i> case
8	19.01	TBD	S	
9	08.02	TBD	S	
10	09.02	TBD	S	
11	22.03	Case Presentations	P	TBD
12	23.03	Case Presentations	P	TBD

Format: S means Seminar; there will be lots of opportunity for discussion
 P means Presentation; input from non-presenters expected

Note: Please treat this as a work in progress. I will provide more detailed information as we move through the course.

Draft 2017 10 05

Appendix B: Participation Grade

The syllabus indicates that class participation is important, as it is only through discussing legal issues that we can deepen our understanding of them. It also allocates 10% of the final grade to participation. This document clarifies my expectations about your participation in class. Unauthorized absences from class will reduce your participation grade.

Content:

- Evidence that you have read and thought about the assigned reading
- Evidence of critical analysis and questioning of the assigned reading
- Evidence of comparative analysis:
 - Today's material compared to something else we have covered in this course
 - Today's material compared to other academic or experiential learning

Format:

- Articulate and clear
- Of appropriate length
- Respectful
- Intellectual rather than emotional
- On point
- Furthers the learning of the group

Appendix C: Critical Thinking

A Student's Guide to Critical Thinking and Critical Writing With Thanks to Prof. George Perlin

The need for critical perspective

The study of ethics, law and public policy is inherently controversial. There are many different opinions about the questions it raises that may reflect different beliefs about values, disagreements about how best to achieve shared values, or differing interpretations of evidence used in advancing a particular opinion. Thus it is important that you bring critical perspective to what you read, write and say. You need to recognize the assumptions from which an argument proceeds and to evaluate the strengths and weaknesses both of the logic of the argument and of the evidence that is presented to support it.

Criteria for Critical Analysis

In taking a critical perspective on the things you read, here are some of the questions you should keep in mind.

Objectives

- What specific purposes does the author have?
- Do these purposes serve some broader purpose? For example, does the author wish to defend or attack a particular theory or value perspective?
- Are the purposes clearly stated?
- Does the author formulate the questions to be answered in a way that makes the conclusions inevitable?

Concepts and Assumptions

- What concepts are adopted in the analysis? Are they clearly defined? Are they specifically stipulated to suit the author's purpose or are they generally accepted?
- What basic assumptions and premises enter the analysis? Are they made explicit or are they hidden? Are they generally accepted or are they contestable?

Structure, Evidence, Logic

- What is the method of argument? Does the author propose hypotheses which are to be tested or does she or he develop a thesis?
- What kind of evidence is used? (For example, official documents, newspaper accounts, survey research, personal interviews, aggregate economic or social data.) What are the strengths and weaknesses of analysis with evidence of this kind? Has the author taken account of the weaknesses?
- Is the presentation of the evidence consistent with the method adopted? For example, if hypotheses are to be tested, is that what the author really attempts to do (within the limits of what can be done to test hypotheses in the social sciences)?
- Is the argument internally consistent? Does it follow logically?
- Is the interpretation of evidence reasonable?

- What, if any, are the alternative interpretations and/or explanations for the findings the author presents? Does the author anticipate and effectively respond to alternative interpretations and/or explanations?

Conclusions

- What are the author's conclusions? Are they reasonable? Or does one of the questions suggested above serve to call them into question?
- What implications do the conclusions have for the general subject you are dealing with? What implications do they have for the broader subjects of the course?

Application to your written work

You should apply the same criteria in your own written work. Of course, assignments cannot be based on the kind of original research expected, say, of a Ph.D. candidate. But neither are they meant to be just a summary of what you have read. Take a position and make the best case you can for it -- taking into account the strengths and weaknesses of your sources.

The first paragraph of the essay should present a clear and concise statement of the purpose of the paper: What is the question or the issue that the paper addresses? Why is it of interest? What thesis will the paper develop?

Each subsequent paragraph should have a clear function in the development of the argument. In presenting your case ensure that you substantiate each point. To assert something is not to demonstrate it. The test is whether you have supporting evidence and whether that evidence is credible. Therefore, it is important that you cite the source or sources for each piece of evidence you present.

To be convincing you must be able to deal with counter-arguments. What are the alternative interpretations of the evidence you present? Why do you think your interpretation is more convincing?

Are there counter-arguments based on other evidence? What are they? What is the evidence adduced to support them? Why do you not agree with them?

The conclusion should be brief and be clearly linked to the question raised and the thesis proposed in the first paragraph. What is the significance of your argument for the larger issues in the course to which the essay topic is addressed?

Appendix D: Alison's Guide to Writing and Editing Skills

1. Why it matters:

- Writing is a key skill in public service
 - Point of clear writing is to provide information in the most accessible way to the reader, and to persuade; and
 - Good writing skills are transferable to oral communication;
- Employers will (and should) expect someone with an MPA from Queen's to be able to communicate well

2. Different Styles for Different Types of Communication

- Different styles are required for different types of communications
 - A quick email is very different from an academic paper, or a Cabinet Submission/Memorandum to Cabinet;
 - But:
 - Be careful about emails: they are very easy to misread, because they're casual and the sender can't read your face;
 - For important emails, draft and then save and review, even a few minutes later; consider how your text might be misconstrued; and
 - Remember that (with certain exceptions) email is a permanent record

3. Structure

- A good structure makes it easier for the reader to follow your thoughts (which is the goal)
- My preference:
 - Introductory paragraph which sets out your thesis and your "road map" or structure of the paper
 - Paragraphs which flow logically
 - A conclusion which wraps up your paper
- You may find some variant of this approach works best for you
- Remember that you're telling a story

4. Process

- Mine:
 - Start with rough thesis
 - Modify and refine thesis as I research
 - Once research is done, sketch outline of paper
 - Write a draft
 - Ignore the draft for at least a day
 - Edit (of which more later)
 - Finalize
- Again, some variant may work best for you

5. Editing

- Editing is your responsibility
- I read my draft three times:
 - Once for logic, clarity and flow;
 - Once as a proofread (Spellcheck is not enough!); and
 - Once to determine if there is anything that could be removed without loss of meaning
- Some people read the paper out loud, particularly for logic, clarity and flow
- Of course there are other ways to achieve the goal of a well-written paper

6. Matters of Style

- Active sentences over passive
- Shorter sentences over longer
- Keep your paragraph length in check: 4-5 sentences?
- Keep your structure parallel or, as Strunk and White put it, “express coordinate ideas in similar form”.
- If your sentence contains three or more thoughts, consider using a list rather than full sentences
- Use gender neutral language
 - If the subject of the sentence is plural rather than singular, you can use “they” rather than “he or she”
 - Do NOT use a singular subject and “they”
 - If you are referring to a known male or female, then use “he” or “she” as appropriate
- Use a simple word rather than a fancy one: (e.g. “use” rather than “utilize”)
- Newly coined words such as “incent” or “incentivize” or “impact” used as a verb should be used with caution in academic writing, even if they appear in the Oxford English Dictionary

7. Proper Usage, Spelling and Punctuation

- Use a good dictionary (Canadian or British; not American), thesaurus and style book (Fowler’s English Usage, Strunk and White)
- Make sure the word means what you think it does; if in doubt, look it up
- Grammar
 - Who vs whom
 - “who” is the subject of a sentence: who stole my cheese? It may also be used to identify an actor; see below
 - “whom” is the object of the verb: by whom was my cheese stolen? [note this is a passive sentence, and therefore less direct and clear]
 - Who vs that
 - “who” used in a phrase refers back to a sentient being: the nurse who took my blood pressure

- “that” used in a phrase refers back to a thing: the car that broke down
- Phrases
 - Whether ~~or not~~
 - Further (conceptual) vs farther (physical distance)
 - Less (can’t count it) vs fewer (can count it)
- Punctuation
 - Apostrophe
 - Generally (w one exception) possessive
 - If noun is singular, the apostrophe goes before the “s”: the doctor’s opinion
 - If noun is plural, the apostrophe goes after the “s”: the doctors’ opinion (assuming they all agree)
 - The exception: it’s and its
 - “it’s” is a contraction of “it is”
 - “its” is the possessive used for a thing (as opposed to a person): the car lost its shine
 - Semicolon (;) vs colon (:)
 - The semicolon is used to separate two complete sentences, each of which could stand on its own.
 - Generally used when the two sentences are closely connected
 - The colon is used when what follows it is a sentence fragment, clarifying or expanding on the sentence before the semicolon
 - In a bulleted list, I use the following structure:
 - _____;
 - _____;
 - _____; and/or [pick one; do not use both]
 - _____.

Note that some would use commas, and some would have no punctuation after the first three indented bullets with a period after the last.

- The great comma debate:
 - Some like the Oxford comma:
 - Elms, maples, and oaks
 - Others, including me, do not like it:
 - Elms, maples and oaks
 - Choose one, and be consistent
 - If you’re really curious about this, read Eats, Shoots and Leaves by Lynn Truss. It won’t take long, and you’ll laugh. Here’s how it starts:
 - A panda walks into a café and orders lunch. When he's through eating, he takes out a gun and fires it into the air. The waiter asks him, "What was that all about?"

"It's all in the book," he says, tossing the waiter a typo-ridden wildlife manual. The waiter finds the section on pandas, where sure enough under diet, it states, "Eats, shoots and leaves."

Appendix E: Outline for a Case Note

Case Name:

Parties:

Facts:

Legal Issues:

Decision:

Reasons:

Critical Comments or Questions: