

PPAS 4190 3.0

Fall 2020

Ethics and the Public Service: Integrity and Democracy

Wednesdays, 11:30 a.m. – 2:30 p.m.

Class will be on Zoom, but please also check Moodle for asynchronous components.

Course Outline

Course Directors:

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1. Prerequisites

AP/PPAS 2110 6.0, or AP/PPAS 2110 3.0 “Canadian Government,” or AP/PPAS 2910 6.0, “Canadian Democracy in a North American Context,” or GL/POLS 2600 6.0, “Introduction to Canadian Government”, or permission of the instructor (which is always granted to students seriously interested in the subject matter).

2. Course description

Democracy is based on mutual respect, which means free and fair elections, human rights, and ethical government. This course examines current ethics standards and current events in politics and the public service, how successfully they are enforced, and how they could be improved. These standards involve conflicts of interest, lobbying, election financing, whistleblowing, expense claims, and public sector accountability. The course will review current and past ethics scandals in Canada, including those involving Justin Trudeau, the Aga Khan, SNC Lavalin affair and WE scandal and the Doug Ford government's use of public office to reward friends. Given that this course will coincide with the Presidential election in the United States, discussions of ethics issues affecting the Trump administration will also command some of our attention.

The course will delve into the implications of the *principle of mutual respect* – which refers to the right of everyone to be treated as an equal -- and the relation between mutual respect and ethical standards. The course explores why the use of public office for personal gain is wrong in the democratic context. Students learn how to conduct an analysis of typical ethical dilemmas in the public sector, both with regard to public servants and elected politicians. Major ethical approaches are compared and contrasted. Students are given the opportunity to use these approaches to conduct an analysis of an ethical dilemma that they have encountered in their personal or work lives. Codes of conduct for federal, provincial and municipal public servants are examined, along with the structures for advising and resolving disputes about the application of the codes. With regard to elected politicians, the Canadian system of independent ethics commissioners and lobbyist registrars is highlighted. Several ethics scandals are analyzed to determine how these scandals could have been prevented.

It is recognized that the course covers a broad range of subjects and that most students are new to them. What is important is the willingness of students to engage in the subject matter, not their prior knowledge.

3. Learning Objectives

Students will learn:

- why ethics is important to democracy
- how mechanisms designed to incentivize ethical conduct and, when necessary, punish public sector actors for their unethical conduct, are integrated into public sector institutions
- the reasons for public sector codes of conduct and strategies for compliance
- how to recognize an ethical dilemma and how to analyze typical public sector workplace ethical dilemmas
- the reasons for conflict of interest policies and legislation covering elected politicians, and the mechanisms developed in Canada to ensure that elected politicians (federal, provincial and municipal) understand the rules and comply with them
- the theory behind lobbyist registration rules federally, provincially and municipally, and how they operate

4. Evaluation (further details at end of Course Outline)

Assignment:	Analysis of ethical dilemma due October 7	Value (%):	15
Assignment:	Outline for final paper due October 21	Value (%):	10
Assignment:	Group presentation, either November 11 or November 18	Value (%):	30
Assignment:	Final paper on subject of student's choosing, due December 2	Value (%):	30
Assignment:	Student participation	Value (%):	15
TOTAL:			100%

5. Technical Requirements for Taking the Course

Several platforms will be used in this course (e.g., Moodle, Zoom, etc.) through which students will be required to interact with the course materials, the course directors, as well as with one another. Please review this syllabus to determine how the class meets (in whole or in part), and how office hours and presentations will be conducted. Students shall note the following:

- Please note that Zoom is hosted on servers in the U.S. Zoom meeting content (e.g., video, audio and text chat) has been restricted to only pass through servers in Canada and US data centres; it will not pass through international data centres, such as those in China. Although it is not possible to exclude the US data centres at this time, Zoom is developing this functionality and will implement it as soon as possible. All audio, video, screen-sharing and text content will be encrypted in transit between your device and Zoom's servers, which will prevent unauthorized third parties from intercepting the content of your Zoom meeting. For more information, please visit [Zoom at YorkU](#).
- If you have privacy concerns about your data, provide only your first name or a nickname when you join a session. Please ensure that your instructors are aware of your concerns so that they can accommodate them as needed.
- The system is configured in a way that all participants are automatically notified when a session is being recorded. In other words, a session cannot be recorded without you knowing about it.

Please review the [technology requirements and FAQs for Moodle](#).

Zoom classes may be recorded and loaded onto the Moodle site, but attendance during weekly Zoom sessions (in lieu of in-person attendance that would be typical any other year) remains mandatory.

Your participation grade will reflect your attendance and engagement in scheduled Zoom sessions, but please do not hesitate to reach out to your instructors if you have concerns about

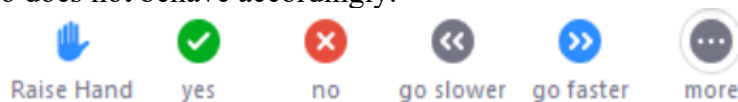
the scheduling of the sessions or if you need to make special arrangements with respect to your attendance for any reason whatsoever.

You will be expected to enable your video so that we can all get to know one another and engage in thoughtful conversations. Again, please let your instructors know if you foresee any difficulties with enabling your video so that we can work to make other arrangements.

6. Participation

Your course instructor may enable you to ask questions through the chat panel. Inappropriate or disrespectful language in the chat panel will not be tolerated.

You may also participate through Zoom's nonverbal feedback features. These features can be accessed by clicking on the **Participants** icon at the bottom of the window. Once the **Participants** sidebar is opened, you will see the option to **Raise Hand**. By clicking on **Raise Hand**, a blue hand will be raised. Please click on the **Raise Hand** button again to lower your hand once your question has been answered. You are tasked with using the various Zoom features in a responsible manner. Your course instructor and/or TA will reserve the right to remove anyone who does not behave accordingly.



In addition to a stable, higher-speed Internet connection, students will need a computer with webcam and microphone, and/or a smart device with these features. Here are some useful links for student computing information, resources and help:

[Student Guide to Moodle](#)

[Zoom@YorkU Best Practices](#)

[Zoom@YorkU User Reference Guide](#)

[Computing for Students Website](#)

[Student Guide to eLearning at York University](#)

To determine Internet connection and speed, there are online tests, such as [Speedtest](#), that can be run.

7. Student Conduct

Students, course instructors and staff have a joint responsibility to create and maintain a welcoming and inclusive learning environment. All students are expected to conduct themselves in accordance with the [Code of Student Rights and Responsibilities](#). Whether online or in-person, students and course instructors are expected to cultivate and sustain a professional relationship characterized by mutual respect and courtesy. In all classrooms, any [disruptive and/or harassing behaviour](#) will not be tolerated. To ensure that you adhere to the rules of the virtual classroom, please review what counts as proper 'netiquette' (the basic rules for communicating with others in online spaces) by consulting the [student guide to e-learning](#). **If**

you experience an inappropriate online incident that makes you feel unsafe or uncomfortable, please contact your course instructors immediately.

Please respect the privacy of your peers and instructors. Never share private information about your peers and instructors without their permission. Remember, no aspect of your courses should be recorded or distributed without everyone's consent.

8. Academic Integrity

As a student at York University, you have a responsibility to not only understand, but also play an important part in upholding the integrity of the academic experience. The Faculty of Liberal Arts and Professional Studies at York University supports the International Center for Academic Integrity's [definition of academic integrity](#). That is, you will be committed to acting in all academic matters, even in the face of adversity, with honesty, trust, fairness, courage, respect and responsibility.

How can you demonstrate academic integrity in the completion of your course?

- Respect the ideas of others: Your course work should represent your own knowledge and ideas. You should not falsely claim credit for ideas that are not your own, by presenting another's work as yours. If you are quoting, paraphrasing, or summarizing another person's work in order to support your own ideas, identify the work and the author through proper citation practices. For more information about how to cite properly, use the [Student Papers and Academic Research Kit](#) (SPARK). You can improve your writing, research, and personal learning abilities through the [Learning Commons](#).
- Respect your peers: Know when you are allowed to collaborate. Ask your instructor about what group work entails when it comes to the sharing of work. In test situations and assignments, don't steal or give answers to your peers. Cheating and aiding in a breach of academic honesty are both against York University's academic honesty policy.
- Respect your course instructor(s): Understand what the instructors are asking of you in class, in assignments, and in exams. If you are unsure, ask your professor or teaching assistant. They are committed to making you feel supported, and want to assess you fairly and with integrity. Please do not submit the same piece of work for more than one course without your instructor's permission.
- Respect yourself: When you act with integrity, you know that your work is yours and yours alone. You do not allow others to impersonate you on tests and exams. You do not buy or otherwise obtain term papers or assignments. You do the work. As a result, you know that you *earned* the grades that you receive, so you can be proud of your York degree. By acting with integrity in your course work, you are also practising a valuable professional skill that is important in all workplaces.
- Take responsibility: If you have acted in an academically dishonest way, you can demonstrate courage and take responsibility for your mistake. You can admit your mistake to your course instructor as soon as possible.

Students who engage in academic dishonesty can be subject to disciplinary action under the [Senate Policy on Academic Honesty](#). Your lack of familiarity with the Senate Policy and

Guidelines on Academic Honesty does not constitute a defence against their application. Some academic offences can also constitute offences under the Criminal Code of Canada, which means that you may also be subject to criminal charges.

9. Textbooks

Required:

1. Ian Greene and David P. Shugarman, Eds, *Honest Politics Now: What Ethical Conduct Means in Canadian Public Life* (Toronto: Lorimer, 2017). (Available in bookstore. Kindle edition available through Amazon)
2. Kenneth Kernaghan & John Langford, *The Responsible Public Servant*, 2nd Ed. (Toronto: IPAC, 2014) (Available in bookstore; Kindle edition available through Amazon – make sure you get the SECOND edition.)

→ All other readings will be posted on Moodle or emailed to you.,

Suggested:

- Susan Dimock, Mohamad Al-Hakim, Garrett MacSweeney, Alessandro Manduca-Barone and Anthony Antonacci, *Ethics and the Public Service: Trust, Integrity, and Democracy* (Nelson: 2013)

10. Weekly Topics and Readings

Please go through the REQUIRED readings (which may include asynchronous video and audio recordings) for the lecture prior to the class. After the class, go through the assigned materials again more carefully. The quantity of assigned materials is quite reasonable; you should have no difficulty keeping up. The suggested readings are there primarily to help you with additional research for your final paper for the topic you have chosen.

Sept. 9: *Introduction to course; Introduction Public Sector Ethics; Overview of Canadian political system*

Required Readings:

- Ian Stedman’s dissertation, parts of Chapter 2: “Accountability in Canada’s Parliamentary Government” (pages 14-53) [Link also available on Moodle](#)
 - *Honest Politics Now*, Chapter 1, “Ethics and the Principles of Democracy” (pages 15-39)
 - Kernaghan & Langford, Chapter 1, “Taking Personal Responsibility” (pages 13-34)
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Sept. 16: *Theoretical Foundations (1); Introduction to Ethical Theory*

Required Readings:

- Kernaghan and Langford, Chapter 2, “Making Defensible Decisions
 - Susan Dimock, Mohamad Al-Hakim, Garrett MacSweeney, Alessandro Manduca-Barone and Anthony Antonacci, *Ethics and the Public Service: Trust, Integrity, and Democracy* (Nelson: 2013), Chapter 2, “Moral Principles and Moral Theories” (will be uploaded to Moodle)
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Sept. 23: *Theoretical Foundations (2); Acting in the Public Interest; Ethical Decision-Making*

Required Readings:

- Kernaghan & Langford, Chapter 3, “Acting in the Public Interest” & Chapter 4, “The Politically Neutral Public Servant”
- *Honest Politics Now*, Chapter 2, “Ethical Duties” (pages 40-59)

Suggested:

- Robert Fife and Steven Chase, “Canadians view ethics in government as paramount issue in fall election, poll shows,” *The Globe and Mail*, June 16, 2019, <https://www.theglobeandmail.com/politics/article-canadians-view-ethics-in-government-as-paramount-issue-in-fall/>
 - Values and Ethics Code for the Public Service (Canada), <http://www.oecd.org/mena/governance/35528015.pdf>
 - 2003 November Report of the Auditor General of Canada, Chapter 2, Accountability and Ethics in Government: https://www.oag-bvg.gc.ca/internet/English/parl_oag_200311_02_e_12924.html
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Sept. 30: *Money in Politics (e.g. party & campaign finance); Patronage*

Required Readings:

- *Honest Politics Now*, Chapter 6, “Money in Politics” & Chapter 3, “Ethical Problems in Public Life”
 - To be uploaded to Moodle: Maureen Mancuso, Michael Atkinson, André Blais, Ian Greene and Neil Nevitte. *A Question of Ethics: Canadians Speak Out About Their Politicians*. Oxford University Press Canada, 1998; Second Edition, 2006 (Chapter 5, “Patronage”)
 - Go online and search for “controversial patronage appointments” (in Ontario or Canada, etc) and be prepared to tell the class / your breakout group about what you found.
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Oct. 7: *Abuse of Authority; Undue Influence; Lobbying*

****Analysis of Ethical Dilemma Assignment Due****

Required Readings:

- *Honest Politics Now*, Ch. 7, “Lobbying”
- Susan Dimock, Mohamad Al-Hakim, Garrett MacSweeney, Alessandro Manduca-Barone and Anthony Antonacci, *Ethics and the Public Service: Trust, Integrity, and Democracy* (Nelson: 2013), Chapter 4, “Corruption, Conflicts of Interest, and Other Unethical Conduct” (will be uploaded to Moodle)

Suggested:

- Lobbyists Registrars and Commissioners Network: <https://lobbycanada.gc.ca/en/collaboration-and-networks/lobbyists-registrars-and-commissioners-network-lrcn/?wbdisable=true>
- Go online and search for “abuse of authority” (in Ontario or Canada, etc) and be prepared to tell the class / your breakout group about what you found.

Oct. 14: *Reading Week = No Class*

Oct. 21: *Conflicts of Interest*

****Outline for Final Paper Due****

Required Readings:

- *Honest Politics Now*, Chapter 5, “Ethics Commissions”
- Kernaghan and Langford, Chapter 5, “Conflicts of Interest”

Suggested:

- To be uploaded to Moodle: Maureen Mancuso, Michael Atkinson, André Blais, Ian Greene and Neil Nevitte. *A Question of Ethics: Canadians Speak Out About Their Politicians*. Oxford University Press Canada, 1998; Second Edition, 2006 (Chapter 4, “Gifts and Gains,” 95-122).
 - Jean T. Fournier, “Strengthening Parliamentary Ethics: A Canadian Perspective,” Remarks delivered by the Senate Ethics Officer, Senate of Canada, to the Australian Public Sector Anti - Corruption Conference Brisbane, July 29, 2009: <http://sen.parl.gc.ca/seocse/PDF/BrisbaneSpeech-e.pdf>
 - Spend some time reading through federal and provincial conflict of interest commissioners’ websites and their reports. (eg. The Trudeau Reports from the Office of the Conflict and Ethics Commissioner, the Morneau Report, etc.) Links will be available on Moodle.
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Oct. 28: “Dirty hands” (e.g. lying in the public interest); Accountability

Required Readings:

- *Honest Politics Now*, Chapter 10, “Dirty Hands, Deception and Duplicity”
- Kernaghan & Langford, Chapter 7, “The Accountable Public Servant”
- Ian Stedman’s dissertation: “Complementary Domestic Legal and Ethical Regimes” (pages 162-173) [Link also available on Moodle](#)

Suggested:

- Excerpt from Susan Dimock, Mohamad Al-Hakim, Garrett MacSweeney, Alessandro Manduca-Barone and Anthony Antonacci, *Ethics and the Public Service: Trust, Integrity, and Democracy* (Nelson: 2013), pages 163-171.
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Nov 4: Privacy, Duty, Loyalty & Whistleblowing

Required Readings:

- Kernaghan & Langford, Chapter 6, “Confidentiality, Transparency and Privacy Protection”
- *Honest Politics Now*, Chapter 8, “Whistle-Blowing”
- Website for the Public Sector Integrity Commissioner of Canada

Suggested:

- Susan Dimock, Mohamad Al-Hakim, Garrett MacSweeney, Alessandro Manduca-Barone and Anthony Antonacci, *Ethics and the Public Service: Trust, Integrity, and Democracy* (Nelson: 2013), Chapter 8, “Disclosure of Wrongdoing”
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Nov. 11: In-Class Presentations

Required Readings:

- [Kathryn Blaze Baum](#) and Sean Fine, “A deal denied: How SNC-Lavalin spent years fighting for a deferred prosecution law, but then lost the battle to use it,” 24, 2019, <https://www.theglobeandmail.com/politics/article-a-deal-denied-how-snc-lavalin-spent-years-fighting-for-a-deferred/>
- Craig Forcese, “L’Affaire SNC-Lavalin: The Public Law Principles,” Blog, February 9, 2019, http://craigforcese.squarespace.com/public_law_blog/tag/attorney-general/independence/prosecutions
- Sean Fine, “Jody Wilson-Raybould’s decision to record phone call with Michael Wernick raises ethical questions,” The Globe and Mail, March 29, 2019, <https://www.theglobeandmail.com/canada/article-jody-wilson-rayboulds-decision-to-record-phone-call-with-michael/>

Suggested:

- Nick Eagland, “Butts or Wilson-Raybould: How do we decide whose story to believe?” Vancouver Sun, March 6, 2019, <https://vancouversun.com/news/local-news/butts-or-wilson-raybould-how-do-we-decide-whose-story-to-believe>
 - David Montero, “U.S. should follow Canada’s lead on white-collar crime enforcement,” The Globe and Mail, July 29, 2019, <https://www.theglobeandmail.com/opinion/article-us-should-follow-canadas-lead-on-white-collar-crime-enforcement/>
 - Konrad Yakabuski, “There’s nothing sinister in wanting to spare SNC-Lavalin,” The Globe and Mail, Feb. 12, 2019, <https://www.theglobeandmail.com/business/commentary/article-theres-nothing-sinister-in-wanting-to-spare-snc-lavalin/>
 - The Canadian Press, “Timeline: A chronicle of SNC-Lavalin, Trudeau, the PMO and Jody Wilson-Raybould, Feb. 12, 2019, <https://www.theglobeandmail.com/canada/article-timeline-a-chronicle-of-snc-lavalin-trudeau-the-pmo-and-jody-wilson/>
 - Anne McLellan, “Review of the Roles of the Minister of Justice and Attorney General of Canada,” <https://pm.gc.ca/en/news/backgrounders/2019/08/14/review-roles-minister-justice-and-attorney-general-canada>
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Nov. 18: *In-Class Presentations*

Required Readings:

- The Hon. J. David Wake, “Report Re: The Honourable Doug Ford, Premier of Ontario,” March 20, 2019, <http://www.oico.on.ca/docs/default-source/commissioner's-reports/re-the-honourable-doug-ford-premier-of-ontario-march-20-2019.pdf?sfvrsn=4> (especially executive summary)
- Rob Ferguson, “Top Ontario bureaucrat fired as Star reveals his longtime ties to Premier Doug Ford’s former chief of staff, Dean French,” Toronto Star, July 4, 2019, <https://www.thestar.com/politics/provincial/2019/07/04/liberals-call-on-ford-to-request-ethics-investigation-into-appointments.html> (will be uploaded to Moodle)

Suggested:

- Kristin Rushowy, “Parting ways with Dean French was personally ‘difficult,’ Doug Ford tells Star in one-on-one interview,” Toronto Star, July 11, 2019, <https://www.thestar.com/politics/provincial/2019/07/11/parting-ways-with-dean-french-personally-difficult-for-doug-ford.html>
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Nov. 25: *Municipal Ethics Issues*

Required Readings:

- *Honest Politics Now*, Chapter 9, “Municipal Ethics Issues”

- Go online and search for “municipal politics corruption” and be prepared to discuss what you found.

Suggested:

- Mississauga Inquiry Report Executive Summary
- “Toronto Mayor Rob Ford looks ahead after appeal win,” January, 2013
- Magder v. Ford, Divisional Court of Ontario, January 25, 2013: <http://www.canlii.org/en/on/onscdc/doc/2013/2013onsc263/2013onsc263.html>
- “Toronto Mayor Rob Ford is wrong to double down on flat denial: Editorial Toronto Star: May, 2013.

Dec 2: *Behaving Ethically and Summary / Overview*

Discussion: What lessons have you learned that will stay with you as you move forward in your career? What do you still want to know more about?

****Final Paper Due****

Required Readings:

- *Honest Politics Now*, Chapter 11, “Why Ethical Politics is Essential”
- Kernaghan and Langford, Chapter 8, “Managing Ethical Behaviour”

11. Assignments

NOTE: All assignments must be uploaded to moodle in MS Word format.

1. Analysis of an ethical dilemma, 15% (due October 7)

Assignment: Write a five page, double spaced (about 1500 words) paper on the following topic: Think of an ethical dilemma that you have been confronted with in the past, possibly in your work life, but your example may also be in your personal life or your school life. Describe the dilemma. Now that you are able to do an ethical analysis because of what you have learned so far in this course, comment on whether you think you made the best ethical choice, or whether your choice might have been different if you had been exposed to the ideas that you have encountered in this course.

The readings up to and including September 23 will be the most helpful to you, so you should begin your project after the September 23 class.

Keep in mind that in an ethical analysis, you are applying principle to practice. There is not necessarily one right answer to your dilemma. It all depends on the principle or principles you are applying, and how you have chosen to interpret and apply them.

You will be graded on three factors: a) the quality of your analysis, b) the extent to which your analysis shows that you have read and understood the course readings at least up to September 25, and c) the clarity of your writing, which means that your paper must be grammatically correct and well structured.

Your papers will be kept completely confidential. Your Course Directors will not show them to anyone else, discuss them with anyone else, or keep a copy. They will be returned to you as soon as they are graded.

2. Outline for Final Paper: 10% (due October 21)

A tentative two-page outline for your final paper must be handed in on Oct. 21 or earlier. The outline must include the topic (centered on ethics issues related to elected officials or public servants, and may include issues such as conflicts of interest, undue influence, election financing, ethics commissioners and counselors, whistleblowing, dirty hands, patronage or lobbying), what you think your argument will be, what you think the content of your paper will be in point form, and at least five academic references (academic books or academic journal articles).

The purpose of the outline is to encourage you to begin thinking early about your paper, and to give the Course Directors an opportunity to assist you with your argument, your sources, and your structure so that you will be in the best position to write an excellent paper. It is recommended that you discuss your proposed topic with the Course Directors prior to writing your outline to ensure that your topic is both acceptable and feasible.

3. Group presentation: 30% (taking place either November 11 or November 18, dates to be chosen by groups)

You need to sign up for a group presentation.

Do the readings for the class you signed up for. You will have opportunities near the end of some classes to form breakout groups in order to confer with your other group members and decide how to divide up the work and how to conduct the presentation. You may use powerpoint or another presentation mode, but are not required to do so. Individual presentations should be limited to five minutes. There will be plenty of time for class discussion between individual presentations, and after all of the presentations have been completed.

Your group will be graded on three factors: a) the quality and insightfulness of your group's analysis, b) the extent to which your analysis shows that you have read and understood the course readings for your group presentation, and previous course readings that are relevant to your presentation, and c) the clarity and comprehensibility of your presentation.

Most members of your group will receive the same grade so long as the presentations indicate that all members have done about an equal amount of work to contribute to the presentation. However, students who have clearly put in significantly more effort than their colleagues may

receive a higher grade, and students who have clearly done less than their fair share of work may receive a lower grade.

4. Student Participation: 15%

The Course Directors will make notes during each class about individual student contributions. The contributions could be questions asked in class, or comments made in response to a Course Director's general questions to the class. The Course Directors will review these notes halfway through the course to give students feedback on their presentation grade to date, and then again at the end of the course. The Course Directors will make every effort to give all students a chance to participate.

5. Final paper: 30% (due December 2)

The paper may be on any topic related to public sector ethics that interests you. The topic may deal with elected officials, or public servants, and may include issues such as conflicts of interest, undue influence, election financing, ethics commissioners and counselors, whistleblowing, dirty hands, patronage, or lobbying. The paper should be no longer than 20 pages, double-spaced.

You **MUST** hand in a term paper by December 2 (unless you have permission from the Course Director to hand it in later), and your paper must take into account the Course Director's comments on your outline that was handed in on October 21. Papers handed in without a previous graded outline will not be graded.

Your papers will be graded according to the following criteria: a) the quality of your argument, and how well you have defended your argument through your analysis, b) the extent to which your analysis shows that you have read and understood the relevant course readings and other relevant research material that you have found, and c) the clarity of your writing, which means that your paper must be grammatically correct and well structured.

Papers submitted late without permission will receive a late penalty of 1% per day off your final grade (i.e. out of the 30% that has been delegated to the paper).