

PPAS 4190 3.0

Fall 2021

Ethics and the Public Service: Integrity and Democracy

Wednesdays, 11:30 a.m. – 2:30 p.m.

Class will be on Zoom, but you must also check
eClass for asynchronous components.

Course Outline

Course Director:

Ian Stedman

Office: Zoom

Email: istedman@yorku.ca

Office Hours: Over Zoom: before class, during breaks, after class, or by appointment

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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 granted to students with a serious interest in the subject matter).

2. Course description

This course examines ethics standards and current events in politics and the public service. Ethical government is important, and it is accordingly crucial for students of politics and policy to be able to understand what rules of ethical conduct exist, how those rules are administered and/or enforced, and to be able to think critically about how those rules might be improved. This

course introduces students to important concepts, including: conflicts of interest, lobbying and lobbyist registration, election financing, whistleblowing in the public sector, expenses and expense claims, and theories of public sector accountability. We will review current and past ethics scandals in Canada, including those involving Prime Minister Justin Trudeau (e.g. the Aga Khan vacation, the SNC-Lavalin affair and the WE scandal) and Ontario Premier Doug Ford's use of patronage. We will also explore the accountability regimes that exist within the municipal context. It is possible this course will coincide with a general election in Canada, which could lead to important discussions about how ethics can and has been used as a political weapon.

This course further 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. 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 such codes. With regard to elected politicians, the Canadian system of independent ethics commissioners and lobbyist registrars is highlighted.

It is recognized that the course covers a broad range of subjects and that most students are new to them. Students must be willing and eager to engage in the subject matter in a critical manner. Students must also be prepared to write a research paper, with an honours-level depth of engagement and proper citations.

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 those registration regimes operate; and,
- how to speak and write clearly about public sector ethics issues.

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

Assignment:	Six (6) Mini-Sim reflections (top 5 are graded)	Value (%):	25
Assignment:	Participation in in-class discussions about Mini-Sims	Value (%):	5
Assignment:	Proposals for final paper due November 10	Value (%):	10
Assignment:	In-class presentation, dates will be assigned	Value (%):	10
Assignment:	Student attendance and participation during guest lectures	Value (%):	10
Assignment:	Final paper on approved subject of student's choosing, due December 1	Value (%):	40
TOTAL:			100%

5. Technical Requirements for Taking the Course

Several platforms will be used in this course (e.g., eClass, Zoom, ChoicePoint, etc.) through which students will be required to interact with the course materials, the course director, as well as with one another. Please review this syllabus to determine how the class meets, and how office hours and presentations will be conducted.

6. Participation

Zoom classes may be recorded and loaded onto the eClass site, but attendance during weekly Zoom sessions remains mandatory. You will be expected to engage and ask questions both in-person and through the chat function. Inappropriate or disrespectful language in the chat will not be tolerated and you may be removed from class until the matter has been addressed.

Your participation grade will be a reflection of your attendance and engagement in scheduled Zoom sessions. That being said, do not hesitate to reach out to me (your instructor) if you have concerns about the scheduling of the sessions or if you need to make special arrangements with respect to your attendance on specific weeks. You will also be expected to enable your video so that we can all get to know one another and engage in thoughtful conversations about the course content.

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 me immediately so I can work to resolve the issue.**

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 expects that you will act 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 (including through WhatsApp and other social media and communication channels). Cheating and aiding in a breach of academic honesty are both against York University's academic honesty policy.
- Respect your course instructor: 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 practicing 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.

9. Textbooks

Required textbooks:

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 eClass 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.

FOUNDATIONS: 2 weeks

Class 1, September 8: *Introduction to course; Introduction to Canadian Government*

In our first class you will be:

- Introduced to the course and what is required of you;
- Introduced to some basics about how the Federal, Provincial, Municipal governments are structured and operate so that everyone in the class has the same background knowledge;
- Taught about the unique relationships & responsibilities that exist in and across government.

Required Readings:

- This syllabus;
 - Part of my dissertation, Chapter 2: “Accountability in Canada’s Parliamentary Government” (pages 14-29) [Link also available on eClass](#)
 - *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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Class 2, September 15: *Ethical Decision Making*

This week you will learn about how to make considered, well-informed and defensible decisions when confronted with an ethical dilemma. We will also spend some time talking about different theories of ethics because they can sometimes be used to help us understand another person's decision-making or to help us bridge the gap between what two different parties believe is "the right thing to do".

Required Readings:

- Kernaghan and Langford, Chapter 2, "Making Defensible Decisions"
 - Laura P Hartman, Joseph DesJardins & Chris MacDonald, *Business Ethics: Decision Making for Personal Integrity & Social Responsibility*, Chapter 2: "Ethical Decision Making: Personal and Professional Contexts" (will be uploaded to eClass)
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THE PUBLIC SERVICE: 3 weeks

Class 3, September. 22: *Public Service Foundations: Political Neutrality & Acting in the Public Interest.*

This week we will learn more about the different public service environments (e.g. ministries, agencies, ministers' offices, etc.) We will also learn about:

- Political Neutrality
- The Duty of Loyalty
- What it means to "Act in the Public Interest"
- The duty of fairness and the principle of natural justice

Required Readings:

- Online mini simulation/activity about political neutrality (will be posted on eClass). You must also complete your Mini Sim & Reflection Assignment. See section 11 of this syllabus for details.
 - Kernaghan & Langford, **Chapter 3:** "Acting in the Public Interest" & **Chapter 4:** "The Politically Neutral Public Servant"
 - *Honest Politics Now*, part of Chapter 2: "Ethical Duties" (pages 40-51)
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Class 4, September 29: *Public Service Codes of Conduct*

This week you will learn about:

- Conflicts of interest & other in-service ethics rules
- Post-service ethics rules
- Ethics executives & the idea of "reporting up"
- Whistleblowing (possible guest lecture)
- Privacy & Freedom of Information laws

Required Readings:

- Online mini simulation/activity about whistleblowing (will be posted on eClass). You must also complete the related assignment.
- 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 3**: “The Value of Ethics Codes and of Ethics in the Public Service” & **Chapter 8**: “Disclosure of Wrongdoing”.

Suggested:

- *Honest Politics Now*, Chapter 8: “Whistle-Blowing and Ethical Practice”
 - Values and Ethics Code for the Public Service (Canada), <https://www.tbs-sct.gc.ca/pol-cont/25049-eng.pdf>
 - The website for the Office of the Public Sector Integrity Commissioner of Canada: <https://www.psic-ispcc.gc.ca/en>
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Class 5, October. 6: *Digital Government*

This week you will learn about the important role that data plays in policy making. We will also discuss the increasing digitization of our bureaucracies and the important risks that arise as we move to automate (and outsource!) certain kinds of public sector decision-making.

Required Readings:

- Online mini simulation/activity about the role of data in public policy making (will be posted on eClass). You must also complete the related assignment.
- Michael Howlett, “Policy analytical capacity and evidence-based policy-making: Lessons from Canada (2009) 52:2 Canadian Public Administration 153, online: https://www.sfu.ca/~howlett/documents/j.1754-7121.2009.00070_1.x.pdf
- Jonas Verstaete, Freya Acar, Grazia Concilio and Paola Pucci, “Chapter 6: Turning Data into Actionable Policy Insights” in *The Data Shake: Opportunities and Obstacles for Urban Policy Making*, online: https://link.springer.com/chapter/10.1007%2F978-3-030-63693-7_1#CR1
- Bianca Wylie, “Digital Rights, Government IT, and Public Service Ethics”, (blog post, online: <https://biancawylie.com/digital-rights-government-it-and-public-service-ethics/>)

Suggested:

- Government of Ontario, “Artificial Intelligence (AI) Guidance”, online: <https://www.ontario.ca/page/artificial-intelligence-ai-guidance>
 - Government of Canada, Report of the Clerk of the Privy Council “A Data Strategy Roadmap for the Federal Public Service”(2018), online: https://www.canada.ca/content/dam/pco-bcp/documents/clk/Data_Strategy_Roadmap_ENG.pdf
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Oct. 13: *Reading Week = No Class*

Class 6, October 20: Discuss paper proposal assignment; paper writing; book office hours

This course is designed to help prepare you for both the workforce and for graduate studies. Excellence in written communication will be key to your success as you move down either (or both!) of those paths.

Please review the [Student Papers and Academic Research Kit](#) (SPARK) website before class.

ELECTED OFFICIALS (FEDERAL/PROVINCIAL): 2 weeks

Class 7, October 27: *Money, Influence & Politics*

This week you will learn about:

- Party & Campaign finance laws
- Patronage
- Lobbying (incl. cash-for-access & loopholes) (possible guest lecture)

Required Readings:

- Online mini simulation/activity about lobbying (will be posted on eClass). You must also complete the related assignment.
 - *Honest Politics Now*, Chapter 3: “Ethical Problems in Public Life” (pgs 60-70), Chapter 6: “Money in Politics” and Chapter 7: “Lobbying”.
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Class 8, November 3: *Conflicts of Interest and Unethical Conduct* (possible guest lecture)

This week you will learn about:

- Dirty hands / Lying in the public interest
- Abuse of Authority & Resources
- Undue Influence

Required Readings:

- Online mini simulation/activity about lobbying (will be posted on eClass). You must also complete the related assignment.
- Kernaghan and Langford, Chapter 5: “Conflict of Interest”
- *Honest Politics Now*, Chapter 10: “Dirty Hands, Deception and Duplicity”

Suggested:

- *Honest Politics Now*, Chapter 4: “Case Studies: Conflicts of Interest and Entitlement”

ACCOUNTABILITY: 2 weeks

Class 9, November 10: *Paper proposals due; The Basics of Accountability*

This week you will learn about:

- Traditional approaches to accountability, incl committees
- Customs & Conventions
- Cabinet & Party Codes Conduct
- Public Inquiries
- Elections & Criminal Laws

Required Readings:

- Parts of my dissertation ([link here](#)):
 - Part 5.3 – “Complementary Domestic Ethical and Legal Regimes”: pages 162-173.
- Peter J Carver, “Chapter 14: Getting the Story Out: Accountability and the Law of Public Inquiries” in *Administrative Law in Context* (2012). Available online: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2447927

Suggested:

- Hon. Malcom Rowe & Nicolas Déplanche, “Canada’s Unwritten Constitutional Order: Conventions and Structural Analysis” (2020) 98:3 *The Canadian Bar Review* 430.
- Simon Ruel, “The Use of Public Inquiries in Rooting Out Corruption and Collusion – The Canadian Experience” (2020) 33 *Criminal Law Forum* 553

Class 10, November 17: *Understanding Officers & Agents of Parliament; Independence*

This week you will learn more about the officers and agents of parliament. We will discuss how those Office are established; what their roles are; the balance that must be met between independence and accountability, etc. Topic areas covered will include:

- Ethics / Integrity;
- Lobbying;
- Whistleblowing / Disclosure of Wrongdoing;
- Privacy & Freedom of Information;
- Ombudspersons;
- Auditors General; and
- Environmental Commissioners

Required Readings:

- Parts of my dissertation ([link here](#)):
 - Chapter 2: “Accountability in Canada’s Parliamentary Government” (Part 2.5: pages 29-53);

- Part 3.6 - “Accountability”: pages 98-105; Part 6.6 - “Accountability Relationships”: pages 235-253;
- Chapter 4: “Independence in Action”

Suggested:

- Browse the websites for each of the Commissioners.
- *Tafler v. British Columbia* (1995) CanLII (BC SC), 5 BCLR (3d) 285: [LINK](#)
- *McIver v. Alberta (Ethics Commissioner)* 2018 ABQB 240: [LINK](#)

MUNICIPAL ETHICS: 1 week

Class 11, November 24: *Municipal Ethics Issues* (possible guest lecture)

This week you will learn about how ethics infrastructure is different at the municipal level. This difference primarily stems from the fact that municipal government is not party based (i.e. councilors are not affiliated with the Liberals, Conservatives, NDP or Green parties) and this changes the dynamic and the accountability relationships applicable to ethics oversight officers (e.g. integrity commissioners, ombudspersons and lobbyist registrars). We will also discuss the concept of *political acuity* and its role as an important skillset that can help support and sustain stronger council-staff relations.

Required Readings:

- Online mini simulation/activity about integrity commissioners (posted on eClass). You must also complete the related assignment.
- *Honest Politics Now*, Chapter 9: “Municipal Ethics Issues”
- Recommendations from the Association of Municipalities of Ontario (AMO) re: Options for Enforcing Compliance by Council Members with Municipal Codes of Conduct: <https://www.amo.on.ca/sites/default/files/assets/DOCUMENTS/Letters/2021/OptionsforEnforcingCompliancebyCouncilMemberswithMunicipalCodesofConductAMOLtr20210203.pdf>
- Peter Constantinou, “Political Acuity and Staff-Council Relations” (posted on eClass)

Suggested:

- Report of the Mississauga Judicial Inquiry (Executive Summary): https://www.mississaugainquiry.ca/report/pdf/MJI_Report_Executive_Summary.pdf
- The Town of Collingwood Judicial Inquiry Reports: <https://collingwoodinquiry.ca/report/index.html>
- *Magder v. Ford*, Divisional Court of Ontario, January 25, 2013: <http://www.canlii.org/en/on/onscdc/doc/2013/2013onsc263/2013onsc263.html>
- Videos from May 2021 “Municipal Code of Conduct Symposium”, hosted by York University: <https://ianstedman.blog.yorku.ca/municipal-code-symposium/>

Last Class (#12), December 1: *Behaving Ethically and Summary / Overview*

In this class we will take a step back and talk about what lessons you have learned and how you can use this information as you move forward in your career? I will ask you to tell me which topics that you wish you could learn more about and we will continue to discuss how important it is to always be thinking about the important role that ethics and accountability play in helping us achieve good governance practices in the public sector.

****Final Paper Due****

Required Readings:

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

11. Detailed Evaluation Information

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

1. Mini Sim & Reflection Assignment, 25% (due as outlined in syllabus)

This assignment consists of two parts, both relating to the mini sim:

Part 1 must be submitted before class. A link will be provided on eClass:

→ Take notes about your decisions as you move through the weekly mini-sim module. If you believe that a course concept has been engaged, make specific notes about the course concepts you engaged with in the course of your specific decisions. Make sure you engage directly and deeply with those course concepts and explain to me why you think they matter for the decision you are making and (relatedly) how you used those concepts (e.g. rules, laws, principles, customs, etc.) to help you in your decision making.

Part 2 will be submitted within 24 hours following the class:

→ After discussing the materials with your instructor and your class, would you change any of the decisions you made when you worked through the sim? Whether the answer is Yes or No, you are expected to explain and justify yourself.

Please note: There are 6 mini sims throughout the course. I will grade you on your best 5 submissions (each one will be worth 5%), effectively allowing you to drop one assignment if you must. Submitting all 6 will give you a better chance of maximizing your grade. A rubric will be posted on eClass and discussed in class.

2. Participation in in-class Discussions about Mini-Sims, 5% (dates as outlined in syllabus)

Further to completing the mini-sims and your reflection assignments, you will be expected to contribute to class discussions about the sims (either verbally or in the chat). Given that you will have already completed the first part of your reflection assignment before class, you should be well-prepared for these discussions.

3. Proposals for Final Paper: 10% (due November 10)

A tentative two-page proposal and outline for your final paper must be handed in by November 10. It must be Times 12-pt font and a WORD document. The outline must include the topic (centered on ethics issues related to this course, 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) that you think will be useful to you in writing your paper. You should not cite the course textbooks or assigned readings. Please use the APA citation style, 7th edition.

The purpose of the outline is to encourage you to begin thinking early about your paper, and to give me 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 me prior to writing your outline to ensure that your topic is both acceptable and feasible.

A sample proposal will NOT be provided or posted on eClass, but we will discuss this assignment in class on October 20, including how the assignment will be graded. You should come prepared with your questions.

4. Individual in-class presentations: 10% (dates will be assigned)

You will be asked to sign up for a presentation on eClass.

Do the readings for the class you signed up for. Go online and search for a newspaper article related to the topic you have chosen. It must be connected to Canada and it must be about an event that took place during YOUR lifetime, but not an event that you know we will discuss in the course.

You will be given co-host privileges on Zoom and you will have 10 minutes to present the facts, issues, outcomes and to offer your personal reflections. Your reflections should demonstrate a depth of engagement that makes it clear to me (and your peers!) that you have done your readings. Your presentation must also be accompanied by a maximum 1-page summary of your article and presentation, which will be provided to your classmates.

You are strongly encouraged to schedule a meeting with me if you require any clarification about the assignment in advance of your presentation.

You 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.

5. Student attendance and participation during guest lectures: 10% (as take place throughout the term)

I will be trying to schedule some guest lectures (mostly from public officials) to take place throughout this course. When I announce these guests, you will be expected to think of a question to ask them and to attend that class. I will help you fix and frame your questions, but YOU will ask them when the guest is with us. You are expected to ask questions of at least 2 guests, and I have assigned 5% to each question. If you ask more, I will give you the highest 2 grades. Your question should be 1) relevant to the subject of that lecture; 2) demonstrate that you have read and understood the materials even before the guest lecture and that you understand who the guest is and what they do; and, 3) demonstrate that you have done the work to ask about something that "isn't obvious". I want you to look good in front of the guest because these are good opportunities for networking and for showcasing your academic prowess. Do not hesitate to schedule a meeting with me if you need help refining and improving your questions.

6. Final paper: 40% (due December 1)

The paper may be on any topic related to public sector ethics in Canada that interests you and that I have approved. 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 14 pages, double-spaced (again, 12 pt Times font, WORD document).

You MUST hand in a term paper before 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 proposal/outline that was handed in on November 10. Papers handed in by students who did not also submit a proposal/outline when it was due will receive an automatic 10% penalty, even if the topic is in fact an acceptable one.

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, well-structured and citations must be proper.

Papers submitted late without permission will receive a late penalty of 2% per day off your final grade (i.e. out of the 40% that has been delegated to the paper).