

POLITICAL INSTITUTIONS OF THE CANADIAN STATE
POLSCI 760
Term 2, Winter 2019

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Seminar: Wednesdays, 08:30–11:20

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Course Description

This course will focus on three academic themes.

First, from a specific academic and practical perspective, there is a need to better understand governance in Canada. In particular, there are increasing and ongoing concerns in Canada and other democratic states over the relative declining state of our participatory democracy and the functioning of our Parliamentary institutions. As a result, various institutional reform proposals have been advanced and/or enacted in order to fix the so called “democratic deficit”, including changes to the legislative and judicial institutions of the Canadian state. However, recent changes in other countries where institutional reforms have been undertaken have led to unexpected outcomes, substantial changes in the functioning of the political system and calls for a return to the previous systems. This suggests two things. First, the role and functions of institutions in Canada and other democratic states are not well understood and their ability to maintain democratic practices underappreciated. Second, institutional reforms designed to “fix” democracy often have unanticipated effects beyond the concerns meant to be addressed by the initial changes, thereby suggesting an interdependence between the various institutions. As such, changes designed to improve one institution may greatly impact other institutions as well as the functioning of our democracy as a whole. Accordingly, there remains an ongoing need to explore the various institutions of the Canadian state in order to more fully participate in conversations and debates concerning the state of politics and the health of democracy in Canada.

Second, from a broader academic perspective, and given the importance that they place on the practices of policy making and politics in Canada (and other democratic states), a more critical focus on institutions is needed, particularly one that incorporates their role and the opportunities and constraints that they present to policy and political actors. As such, the course will employ a neo-institutional theoretical lens as means to further understand the governance of Canada.

Third, as academics living and participating in Canada and its democratic life, there is a need for all of us to contribute to the ongoing debates and conversations. One of the ways that we, as academics, can do so is to pursue the publication of our research on Canada. In this regard, the course will also be focused on developing academic writing skills with an aim to prepare written pieces in the future for submission to academic journals and/or conferences.

Course Objectives

By the end of the course students should:

- Have a good understanding of the scholarly literature and academic debates surrounding the governance of Canada through consideration of the purposes, functioning and changes (or not) to its institutions;

- Gain a better understanding of Canada as a country of study and the practices of politics and policy-making in Canada;
- Be more prepared to write comprehensive exams, literature reviews and/or major research papers in the fields of Canadian and comparative politics;
- Have a good understanding of the different neo-institutional theoretical approaches to understanding politics and policy-making in general;
- Have the ability and a process to write advanced academic papers suitable for submission for consideration and/or publication in academic peer-reviewed journals and conferences; and
- Further developed presentation and participation skills.

Required Materials and Texts

- Various readings (as listed below) available through the McMaster University libraries or Google Scholar.

Class Format

The class is scheduled for one three-hour seminar session per week.

Classes will be run in a seminar format and all students are expected to participate fully in the discussions. The seminar format requires that students actively participate in class discussions. In order for students to properly prepare for those discussions, it is expected that they will have read and be able to comment on the assigned readings listed for each topic. While students should endeavor to complete all of the readings for a week, a general guide is about four to five articles/chapters per week or between 125 to 150 pages per week. In order to foster discussion and gain a more full understanding of the academic debates, it would be helpful to choose from a number of different sources and not simply contain your readings to just a single source.

As broad participation in the discussions is essential for deeper learning of course materials, the instructor reserves the right to use the Socratic method of calling on individual students without warning for contributions to the discussions.

In addition to a discussion of the readings, time will be set aside each week to discuss and work on advanced academic writing approaches and practices, including the modification of existing papers in order to prepare them for submission to academic journals and/or conferences.

Students are also invited to meet with the instructor during regular office hours or by appointment to discuss course content or any other concerns.

Course Evaluation – Overview

1. Seminar Participation	40%	weekly beginning January 16, 2019
2. Research Design	10%	January 30, 2019.
3. Research Paper	50%	April 10, 2019.

Course Evaluation – Details

Seminar Participation (40%, ongoing) – Weekly beginning January 16, 2019

Given the course format, it is anticipated that students will actively participate in the discussions each week. Students should complete as many of the assigned readings before class as possible and be prepared to contribute meaningfully to in-class discussions. Students will be assessed on their ability to make original points, express their own thoughts on the topic, ask meaningful questions, engage with other students' comments and incorporate the readings into their own comments. In this regard, students should, at a minimum, attend class having attempted to answer the following questions in relation to each reading:

1. What is the author's primary purpose in writing the article?
2. What are the main arguments being advanced by the author?
3. What methodology and evidence has been employed in support of the argument?
4. What are the shortcomings or logical contradictions in the arguments advanced, if any, and in particular with respect to the methodology and evidence used to support the arguments?
5. How does the argument relate to specific theoretical arguments or approaches in understanding the broader topic of judicialization?

If you are having trouble interpreting the material, it is a good idea to see the instructor for extra help early in the semester. Telling the instructor at the end of the course that you either have difficulty interpreting the material and/or that you are too timid to speak is not an acceptable reason for failing to participate; your mark will reflect negatively as a result. You need to be proactive about the need to complete this task effectively in order to receive a good mark.

Please note that signing an attendance sheet on behalf of someone who is not present in a tutorial session constitutes an offence under the academic integrity policy of McMaster University.

Research Design Paper (10%), due January 30, 2019.

Students will hand in a research design paper accompanied by a one paragraph abstract of their proposed paper.

The research design will highlight the research question to be explored, the relevance of it to the existing literature and/or current events, set out the methodology through which it will be explored and highlight the anticipated ***primary*** evidentiary sources along with a discussion of their relevance to the research.

The accompanying abstract should be between 150 and 200 words in length and address the following questions:

- Why this question? There should be some reference to a gap or debate in the theoretical literature or some existing unexplored and under-explored phenomenon.
- What is article about (ie. topic of the article)?
- How are you going to research it (ie. what is your methodology)?
- What do you expect to find and/or what conclusions do you expect to draw and how do the findings relate to your larger arguments.

The research design and abstract are intended to act as guides in researching and writing the final paper. They are a ***PRELIMINARY*** approach to the paper topic and can reflect that in its consideration of the academic literature, the methodology and the sources of primary and secondary evidence. They do not have to be perfect or an expected final product for the paper. In fact, it will likely be revised as the final paper is drafted. They should, however, reflect a serious effort at structuring the research paper and will be graded on this basis.

Research Paper (50%), due April 09, 2019.

Students will write a research paper of roughly five thousand (5000) words (exclusive of bibliography) concerning one of the institutions discussed in class or an alternative reform proposal as discussed with the instructor. Longer papers of up to seven thousand words (7000) will be considered and are encouraged and peer review feedback will be provided.

Students may write their paper on any of the topics covered in the weekly seminars. Comparative papers are acceptable, but Canada must constitute the major focus of the research paper. The paper should be analytical in nature and will be supported by empirical and academic research, including research of a ***primary*** nature. While there is no minimum number of sources that a student should include in their papers, the

grade assigned will be dependent on the scope and depth of the research and how it is used in the paper.

In addition to the primary research, the paper will also be graded on the basis of its understanding of the impact of institutions and neo-institutionalist theories on the practices of politics and policy-making in democratic states, its comprehensiveness and comprehensibility in dealing with the institution in question, and the contribution it makes to the understanding of neo-institutional more generally.

The final completed paper is due on April 10, 2019.

Weekly Course Schedule and Required Readings

Week 1 (Jan 09) Introduction and General Discussion

Readings:

None Assigned.

Week 2 (Jan 16) Neo-Institutionalisms

Readings:

Immergut, Ellen M. 1998. "The Theoretical Core of the New Institutionalism" *Politics and Society* 26(1), 5-34.

Hall, Peter A. and Rosemary C.R. Taylor. 1996. "Political Science and the Three New Institutionalisms" *Political Studies* 44(5), 936-957.

Hay, Colin and Daniel Wincott. 1998. "Structure, Agency and Historical Institutionalism" *Political Studies* 46(5), 951-957.

Hall, Peter A. and Rosemary C.R. Taylor. 1998. "The Potential of Historical Institutionalism: a Response to Hay and Wincott" *Political Studies* 46(5), 958-962.

Miller, Edward Allen and Jane Banaszak-Holl. 2005. "Cognitive and Normative Determinants of State Policymaking Behaviour: Lessons from the Sociological Institutionalism" *Publius* 35(2), 191-216.

Schmidt, Vivien A. 2010 "Give Peace a Chance: Reconciling the Four (not Three) New Institutionalisms" in Daniel Beland and Robert H. Cox, eds. *Ideas and Politics in Social Science Research*. New York: Oxford University Press.

Week 3 (Jan 23) The Constitution

Readings:

Heard, Andrew. 1989. "Recognizing the Variety Among Constitutional Conventions" *Canadian Journal of Political Science* 22(1), 63-82.

Smith, David E. 1995. "Bagehot, the Crown and the Canadian Constitution" *Canadian Journal of Political Science* 28(4), 619-635.

Mendelsohn, Matthew. 2000. "Public Brokerage: Constitutional Reform and the Accommodation of Mass Publics" *Canadian Journal of Political Science* 33(2), 245-272.

Ajzenstat, Janet. 2000. "Two Forms of Democracy: A Response to Mendelsohn's "Public Brokerage: Constitutional Reform and the Accommodation of Mass Publics"" *Canadian Journal of Political Science* 33(3), 587-592.

Lusztig, Michael. 2000. "A Response to Mendelsohn's "Public Brokerage: Constitutional Reform and the Accommodation of Mass Publics"" *Canadian Journal of Political Science* 33(3), 593-601.

Mendelsohn, Matthew. 2000. "Models of Public Brokerage: A Reply to Professors Ajzenstat and Lusztig" *Canadian Journal of Political Science* 33(3), 603-608.

Aucoin, Peter, Mark D. Jarvis and Lori Turnbull. 2011. *Democratizing the Constitution: Reforming Responsible Government*. Toronto: Emond Montgomery, Chapter 2.

Week 4 (Jan 30) Federalism

Readings:

LaSelva, Samuel V. 1993. "Federalism as a Way of Life: Reflections on the Canadian Experiment" *Canadian Journal of Political Science* 26(2), 219-234.

Smith, Jennifer. 2004. *Federalism*. Vancouver: UBC Press, Chapters 2, 3 and 8.

Bakvis, Herman and Grace Skogstad, eds. 2012. *Canadian Federalism: Performance and Legitimacy*, 3rd ed. Toronto: Oxford University Press, Chapters 1, 4, 5 and 7.

Week 5 (Feb 06) The Charter

Readings:

Morton, F.L. and Leslie A. Pal. 1985. 'The Impact of the Charter of Rights and Freedoms on Public Administration: A Case Study of Sex Discrimination in the Unemployment Insurance Act' in *Canadian Public Administration* vol. 28(2), 221-44.

Brodie, Ian and Neil Nevitte. 1993. "Evaluating the Citizens' Constitution Theory" *Canadian Journal of Political Science* 26(2), 235-259.

Cairns, Alan C, "A Defence of the Citizens' Constitution Theory: A Response to Ian Brodie and Neil Nevitte" *Canadian Journal of Political Science* 26(2), 261-267.

Brodie, Ian and Nevitte, Neil. 1993. "Clarifying Differences: A Rejoinder to Alan Cairns's Defence of the Citizens' Constitution Theory" *Canadian Journal of Political Science* 26(2), 269-272.

Petter, Andrew. 2009. "Legalise This: The *Chartering* of Canadian Politics" in James B. Kelly and Christopher Manfredi, eds. *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms*. Vancouver: UBC Press.

Russell, Peter H. 2009. "The *Charter* and Canadian Democracy" in in James B. Kelly and Christopher Manfredi, eds. *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms*. Vancouver: UBC Press.

Week 6 (Feb 13) Elections and Method of Voting

Readings:

Courtney, John C. 2004. *Elections*. Vancouver: UBC Press, Chapters 1, 2, 6 and 7.

Cairns, Alan. 1968. "The Electoral System and the Party System in Canada, 1921-1965" *Canadian Journal of Political Science* 1(1), 55-80.

Pilon, Dennis. 2006. "Explaining Voting System Reform in Canada, 1974 to 1960" *Journal of Canadian Studies* 40(3), 135-161.

Week 7 (Feb 20) Winter mid-term recess, NO CLASS

Week 8 (Feb 27) Elections & Party Organization, Finance & Competition

Readings:

Coletto, David, Harold J. Jansen and Lisa Young. 2011. "Stratarchical Party Organization and Party Finance in Canada" *Canadian Journal of Political Science* 44 (1), 111-136

Jansen, Harold J. and Lisa Young. 2009. "Solidarity Forever? The NDP, Organized Labour, and the Changing Face of Party Finance in Canada" *Canadian Journal of Political Science* 42(3), 657-678.

Eagles, Munroe. 2004. "The Effectiveness of Local Campaign Spending in the 1993 and 1997 Federal Elections in Canada" *Canadian Journal of Political Science* 37(1), 117-136.

Carty, Roland Kenneth. 2002. "The Politics of Tecumseh Corners: Canadian Political Parties as Franchise Organizations" *Canadian Journal of Political Science* 35(4), 723-745.

Young, Lisa. 1998. "Party, State and Political Competition in Canada: The Cartel Model Reconsidered" *Canadian Journal of Political Science* 31(2), 339-358.

Eagles, Munroe. 1993. "Money and Votes in Canada: Campaign Spending and Parliamentary Election Outcomes, 1984 and 1988" *Canadian Public Policy* 19(4), 432-439.

Week 9 (Mar 06) Parliament and the House of Commons

Readings:

Atkinson, Michael M. 1980. "Comparing Legislatures: The Policy Role of Backbenchers in Ontario and Nova Scotia" *Canadian Journal of Political Science* 13(1), 55-74.

Smith, Jennifer. 1999. "Democracy and the Canadian House of Commons at the millennium" *Canadian Public Administration* 42(4), 398-421.

Docherty, David. 2005. *Legislatures*. Vancouver: UBC Press, Chapters 1, 4, 5 and 8.

Blidook, Kelly, Stuart Soroka and Erin Penner. 2009. "Constituency Influence in Parliament" *Canadian Journal of Political Science* 42(3), 563-591.

Week 10 (Mar 13) Parliament and the Senate

Readings:

Smith, David E. 2003. *The Canadian Senate in Bicameral Perspective*. Toronto: University of Toronto Press, Chapters 4, 5, 6 and 7.

Docherty, David. 2002. "The Canadian Senate: Chamber of sober reflection or loony cousin best not talked about" *Journal of Legislative Studies* 8(3), 27-48.

Lusztig, Michael. 1995. "Federalism and institutional design: the perils and politics of a triple-e Senate in Canada" *Publius* 25(1), 35-50.

Week 11 (Mar 20) The Executive

Readings:

White, Graham. 2005. *Cabinets and First Ministers*. Vancouver: UBC Press, Chapters 2, 3, 5 and 6.

Savoie, Donald. 1999. "The Rise of Court Government in Canada" *Canadian Journal of Political Science* 32(4), 635-664.

Kerby, Matthew. 2009. "Worth the Wait: Determinants of Ministerial Appointment in Canada, 1935–2008" *Canadian Journal of Political Science* 42(3), 593-611.

Desserud, Donald Anton. 2009. "The Governor General, the Prime Minister and the Request to Prorogue" *Canadian Political Science Review* 3(3), 40-54.

Lagassé, Philippe. 2012. "Parliamentary and judicial ambivalence toward executive prerogative powers in Canada" *Canadian Public Administration* 55(2), 157.

Week 12 (Mar 27) The Judiciary

Readings:

Russell, Peter H. 1984. "Constitutional Reform of the Judicial Branch: Symbolic vs. Operational Considerations" *Canadian Journal of Political Science* 17(2), 227-252.

Greene, Ian. 2006. *The Courts*. Vancouver: UBC Press, Chapters 1, 2, and 4.

Macfarlane, Emmett. 2009. "Administration at the Supreme Court of Canada: Challenges and change in the Charter era" *Canadian Public Administration* 52(1), 1.

Hausegger, Lori, Troy Riddell, Matthew Hennigar and Emmanuelle Richez. 2010. "Exploring the Links between Party and Appointment: Canadian Federal Judicial Appointments from 1989 to 2003" *Canadian Journal of Political Science* 43(3), 633.

Hogg, Peter W. and Allison A. Bushell. 1997. "The *Charter* Dialogue Between Courts and Legislatures (Or Perhaps the *Charter of Rights* Isn't Such a Bad Thing After All)" *Osgoode Hall Law Journal* 35, 75

Manfredi, Christopher and James Kelly. 1999. Six degrees of dialogue: A response to Hogg and Bushell. *Osgoode Hall Law Journal* 37, 513.

Hogg, Peter, Allison A. Bushell Thornton, and Wade K. Wright. 2007. "Charter Dialogue Revisited-or Much Ado about Metaphors." *Osgoode Hall Law Journal* 45, 1.

Baker, Dennis. 2010. *Not Quite Supreme: The Courts and Coordinate Constitutional Interpretation*. Montreal: McGill-Queen's University Press, Chapters 1, 3 and 4.

Macfarlane, Emmett. 2013. "Dialogue or compliance? Measuring legislatures' policy responses to court rulings on rights." *International Political Science Review* 34(1), 39-56.

Week 13 (Apr 03) Indigenous Governance and Challenges

Readings:

Rynard, Paul. 2000. "'Welcome In, But Check Your Rights at the Door': The James Bay and Nisga'a Agreements in Canada" *Canadian Journal of Political Science* 33(2), 211-243.

Murphy, Michael. 2001. "Culture and the Courts: A New Direction in Canadian Jurisprudence on Aboriginal Rights?" *Canadian Journal of Political Science* 34(1), 109-129.

White, Graham. 2002. "Treaty Federalism in Northern Canada: Aboriginal-Government Land Claims Boards" *Publius* 32(3), 89-114.

Alcantara, Christopher. 2008. "To Treaty or Not to Treaty: Aboriginal People and Comprehensive Land Claims Negotiations in Canada" *Publius* 38(2), 343-369.

Scholtz, Christa. 2009. "The Influence of Judicial Uncertainty on Executive Support for Negotiation in Canadian Land Claims Policy" *Canadian Journal of Political Science* 42(2), 417-442.

Morden, Michael. 2013. "Telling Stories about Conflict: Symbolic Politics and the Ipperwash Land Transfer Agreement" *Canadian Journal of Political Science* 46(3), 505-524.

Course Policies

Submission of Assignments

Written assignments should be provided to the instructor, either at the beginning of class or during office hours prior to class. As a last resort, assignments can be submitted to the box outside of the political science office after hours (date-stamped for the following day) or to the Department of Political Science Office during regular business hours. Assignments will not be accepted that are slipped under the instructor's or any other door.

Papers received by e-mail or fax will not be accepted without the prior express permission of the instructor on each assignment.

Grades

Grades will be based on the McMaster University grading scale:

MARK	GRADE
90-100	A+
85-90	A
80-84	A-
77-79	B+
73-76	B
70-72	B-

MARK	GRADE
69-0	F

Late Assignments

Students should make all reasonable attempts to submit papers on the due date. In the event that a legitimate extension is required, students should speak to the instructor ***in advance*** of the due date to make the appropriate arrangements for such an extension. Requests for an extension submitted by e-mail will not be considered – you must speak to the instructor in person.

Examinations and/or assignments related to this and other courses do not constitute or qualify as exceptional circumstances or legitimate excuses.

Late papers may be penalized at the rate of five percentage points per working day for each day of delay, up to a maximum of one week. After one week, the instructor may refuse to accept any late assignments in the absence of proper medical certification justifying an inability to fulfill academic requirements on a prolonged basis. Papers accepted after one week of lateness, in addition to the daily deduction, will be subject to a further deduction of one full letter grade (ie. A to B, B to C) per each week of lateness.

The instructor reserves the right to not provide any comments or feedback on papers submitted after the original deadline, whether an extension is granted or not and whether any other late penalties are applied.

Absences, Missed Work, Illness

Students should make all reasonable efforts to attend and are responsible for the material covered in each and every scheduled class. However, it is understood that some absences are unavoidable and students should make every effort to catch up on missed materials and the instructor will provide reasonable assistance to assist a student. In this regard, students should attempt to obtain lecture notes or other class materials from their colleagues in the class before seeking assistance from the instructor concerning missed lecture and/or class content.

Requests for the instructor to repeat a lecture or seminar discussion (either during office hours or at any other time) or provide access to the instructor's lecture notes are not reasonable requests for assistance.

In the event that students are unable to attend class or tutorials or complete required assignments, they should avail themselves of the MSAF policy or submit the appropriate medical or other documentation to their faculty office to support an accommodation request based on a prolonged absence. In the absence of either an MSAF or a faculty approved accommodation request, the instructor reserves the sole right to not accept any outstanding work in accordance with the late assignments policy.

If a student has submitted the appropriate documentation to their faculty and been granted an allowance for outstanding work or has received the approval of the instructor for the incomplete work, the instructor reserves the sole right to re-allocate the missed grades to other assignments.

Please note that an MSAF submission, where permitted, provides a three day extension for any assignment. In the event that students require a further period of time to submit their outstanding work, they must discuss any further extension with the instructor prior to the end of the three day MSAF extension. In the absence of a further approved extension, an assignment subject to an MSAF becomes a late submission after three days.

The filing of an MSAF does not relieve a student of the obligation to complete the outstanding assignment.

Avenue to Learn

In this course we will be using Avenue to Learn. Students should be aware that, when they access the electronic components of this course, private information such as first and last names, user names for the McMaster e-mail accounts, and program affiliation may become apparent to all other students in the same course. The available information is dependent on the technology used. Continuation in this course will be deemed consent to this disclosure. If you have any questions or concerns about such disclosure please discuss this with the course instructor.

Turnitin.com

In this course we may be using a web-based service (Turnitin.com) to reveal plagiarism. Students will be expected to submit their work electronically to Turnitin.com and in hard copy so that it can be checked for academic dishonesty. Students who do not wish to submit their work to Turnitin.com must still submit a copy to the instructor. No penalty will be assigned to a student who does not submit work to Turnitin.com. All submitted work is subject to normal verification that standards of academic integrity have been upheld (e.g., on-line search, etc.).

University Policies

Academic Integrity Statement

You are expected to exhibit honesty and use ethical behavior in all aspects of the learning process. Academic credentials you earn are rooted in principles of honesty and academic integrity.

Academic dishonesty is to knowingly act or fail to act in a way that results or could result in unearned academic credit or advantage. This behavior can result in serious consequences, e.g. the grade of zero on an assignment, loss of credit with a notation on

the transcript (notation reads: “Grade of F assigned for academic dishonesty”), and/or suspension or expulsion from the university.

It is your responsibility to understand what constitutes academic dishonesty. For information on the various types of academic dishonesty please refer to [Academic Integrity Policy](#).

The following illustrates only three forms of academic dishonesty:

1. Plagiarism, e.g. the submission of work that is not one’s own or for which credit has been obtained.
2. Improper collaboration in group work.
3. Copying or using unauthorized aids in tests and examinations.

Academic Accommodation of Students with Disabilities

Students who require academic accommodation must contact Student Accessibility Services (SAS) to make arrangements with a Program Coordinator. Academic accommodations must be arranged for each term of study. Student Accessibility Services can be contacted by phone 905-525-9140 ext. 28652 or e-mail sas@mcmaster.ca. For further information, consult McMaster University’s Policy for [Academic Accommodation of Students with Disabilities](#).

Faculty of Social Sciences E-mail Communication Policy

Effective January 1, 2010, it is the policy of the Faculty of Social Sciences that all e-mail communication sent from students to instructors (including TAs), and from students to staff, must originate from the student’s own McMaster University e-mail account. This policy protects confidentiality and confirms the identity of the student. It is the student’s responsibility to ensure that communication is sent to the university from a McMaster account. If an instructor becomes aware that a communication has come from an alternate address, the instructor may not reply at his or her discretion.

Course Modification

The instructor and university reserve the right to modify elements of the course during the term. The university may change the dates and deadlines for any or all courses in extreme circumstances. If either type of modification becomes necessary, reasonable notice and communication with the students will be given with explanation and the opportunity to comment on changes. It is the responsibility of the student to check his/her McMaster email and course websites weekly during the term and to note any changes.