2012

BLAW 300-02 The Legal Environment of Business

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Office Hours: Monday, 10:00 a.m. – 1 p.m., Tuesdays/Thursdays 1:30-3 p.m., and by appointment. Prof. Tracey also checks email regularly, and will respond as promptly as possible. She is also available before class in 228 Smith Hall.


Williams College of Business Mission Statement: “We educate students of business, enabling them to improve organizations and society, consistent with the Jesuit tradition.” This tradition includes integrating culture and responsibility, individual accountability and growth, and service to others.

This course is an E/RS course, qualifies as a diversity requirement course, and integrates in a substantive way ethical analysis of socially significant issues related to business organizations and the individuals within them.

BLAW 300 satisfies the WCB Mission Statement by exposing students to both the legal and ethical aspects of business. Course topics include: (1) jurisprudence and the court system, (2) business ethics, (3) business crimes, (4) contracts, (5) torts, (6) business organizations and (7) diversity and discrimination issues in business. Understanding this business material is critical for individuals to successfully navigate the legal challenges they will face during their career. Viewing the material through both legal and ethical perspectives is consistent with the Jesuit tradition.

I. BLAW 300 COURSE LEARNING OUTCOMES ARE FOR STUDENTS TO:
   1. Describe basic legal and ethical principles relevant to organizations and individuals in the workplace.
   2. Analyze and explain judicial, legislative and regulatory developments relating to business organizations.
   3. Critically assess the legal and ethical implications of business decisions
   4. Resolve conflicts between legal and ethical responsibilities in the business context.
   5. Apply legal principles to common scenarios that organizations and individuals encounter in business.
   6. Integrate the concepts of respect, inclusiveness and valuing all persons into their decisionmaking.
7. Clearly and professionally communicate information and concepts in writing and orally, using appropriate technology where relevant.
8. Identify the ethical path and serve as responsible members of society.

Assessment: Prof. Tracey will use a variety of methods to assess student mastery of Learning Outcomes. Classroom discussion will include the Socratic method and group discussions synthesizing both the theoretical and applied. An online journal allows the student to demonstrate the ability to integrate concepts of respect and inclusiveness, as well as to address ethical and personal decisionmaking. Students will demonstrate critical thinking and understanding of legal and ethical principles through written assignments and a legal research paper. Several quizzes will assess a student’s understanding and application of legal principles. A team ethics project will allow students to demonstrate communication skills, as well as the ability to discuss in depth ethics issues involving organizations and individuals in the workplace.

II. EXPECTATIONS:
1. Students will submit only their own work product, do so on time, and fully comply with the University Honors Code and this syllabus.
2. Students will prepare to discuss all assigned readings and cases in class. The best learning occurs when students thoroughly prepare the material before class and can engage actively in discussion during class.
3. Each student, as well as the professor, is entitled to expect a positive learning environment and a classroom that is free from uncivil behavior. As a courtesy to all present, please turn off cell phones and other electronic devices prior to entering the classroom. During class, texting, surfing the web, and unauthorized photographing is inappropriate behavior. When assigning course grades, a grading penalty may be imposed in cases of uncivil behavior stemming from disruptive or distracting classroom conduct.
4. Students should plan to take tests at the scheduled time. As Prof. Tracey will drop the lowest test score, make-up tests are only available for excused absences or extraordinary circumstances, and must be taken within one week of the original quiz date.
5. Regular, punctual and continuous attendance during class meetings is a condition for granting academic credit, and factors directly into the contributions grade. Unexcused absences can result in failing the class, regardless of other grades. A student is responsible for assignments and information covered in class, and should obtain class notes from another student.
6. Students are responsible for materials, announcements, assignments posted through Xavier.edu. and Blackboard or announced in class. For problems with Blackboard contact the HELP desk; if all else fails, contact Paul Kieffer: kieffer@xavier.edu.
7. Students stay current with news items pertaining to BLAW topics.
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<td>Law as a Foundation for Business</td>
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<td>8/28, 8/30, 9/4/12</td>
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<td>9/4/12: Paper Topic and 2 law review/journal citations due. STAPLE first page of law journal articles to it. Please see Blackboard Paper file re. this assignment.</td>
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<td>The Courts and Dispute Resolution</td>
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<td>FALL BREAK: 10/11 – 10/14/12</td>
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<td>Contract Formation and Agency</td>
<td>10/9, 10/16, 10/18, 10/23</td>
<td>Finish Reading Chapter 8 and Chapter 9 pp. 366-75 by 10/16/12 Application Ass’t #6 due 10/23/12</td>
<td>North East Fence, Defontes</td>
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<td>Torts in the Business Environment</td>
<td>10/25, 10/30, 11/1/12</td>
<td>Finish Reading Chapter 10 by 10/30/12 Application Ass’t #7 due 11/1/12 Work on Team Outline</td>
<td>Harper, Iannelli, Branham</td>
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<td>Paper due 11/6/12; Grace Period expires 11/13/12 at beginning of class.</td>
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<td>Organizations</td>
<td>11/6, 11/8/12</td>
<td>Finish Reading Chapter 14 by 11/8/12 Application Ass’t #8 due 11/8/29</td>
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<td>Quiz #7 11/13/12</td>
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TEAM ASSIGNMENTS:

TEAM TOPIC due 11/8/12 at beginning of class. Must contain Team Number and Member Names

TEAM OUTLINE AND REPORT DUE Monday 11/19/12 by 10 a.m. Include Team member names and topic in heading.

NO CLASS NOV. 22: THANKSGIVING BREAK

| Discrimination and Diversity in Employment | 11/13, 11/15, 11/20, 11/27/12 | Finish reading Chapter 20 by 11/15/12 Application Ass’t #9 due 11/27/29 | Thompson, Ricci | Test #8 11/29/12 |

TEAM ETHIC PROJECTS: 12/4/ and 12/6/12 and EXAM DATE MATERIALS, PEER ASSESSMENTS AND TEAM REPORT DUE BEFORE TEAM PRESENTS.

All assignments must be typed in 12 point font, stapled, and delivered at the beginning of the class due or will not be accepted/ counted as completed. You must include name(s) and assignment name, together with class section (300 02 at 10 a.m.; 300 03 at 11:30).

III. GRADING:


In order to receive an “A,” students must receive a “Satisfactory” on at least 90% of written assignments and in-class work (e.g., pop quizzes); in order to receive a “B,” students must receive a “Satisfactory” on at least 83% of written assignments and in-class work; in order to receive a “C,” students must receive a “Satisfactory” on at least 75% of written assignments and in-class work; in order to receive a “D,” students must receive a “Satisfactory” on at least 65% of written assignments and in-class work. Please See Grading Standards posted on Blackboard.

Grade weights:

a. Class contributions 25%
b. Quizzes 30%
c. Research Paper 30%
d. Team Ethics Project 15%

100%

Grades for each component are based on all of the assignments related to that category.

1. **CLASS CONTRIBUTIONS (25% of grade):**
   This is an important component of the class and the final grade. It is comprised of in-class activity, application assignments, and a personal journal.

   **Class.** Participants have a wealth of perspective, insight, and experience that adds value to the class. Volunteering appropriate information in class, being prepared, contributing in class, presenting pertinent current event news items, and offering feedback to classmates about application to assignments all enhance your grade. Not being prepared, absence and
discourtesy (late arrivals, leaving, cell phone use, texting, doing other work, talking while others are speaking, leaving the classroom and interruptions) reduce your grade. In class discussion groups and application assignments are also factored into class contributions.

Outstanding contributions to the class discussion will:

- Display extensive preparation for class, including bringing in outside materials and information, including societal, global, and diverse perspectives.
- Analyze and explain court decisions.
- Apply legal principles to scenarios affecting organizations and individuals.
- Reflect a desire to add value to classmates, the flow of the class as the professor directs, and to the topic(s) presented.
- Reveal critical thinking demonstrating an insight of issues, distinctions, legal principles, reasoning, and related issues and concepts.
- Contribute an understanding of ethical reasoning, embracing stakeholders, values, alternatives, and impact of decision-making in the context of business and society.
- Differentiate between legal issues and ethical issues.
- Articulate the impact of ethical or unethical decisions on organizations and stakeholders.
- Include well-done and timely application assignments.

**Application assignments** are posted on Blackboard. Students must bring two copies of each assignment to the class due. Please see Grading for how application assignments are weighed. Excellent assignments will add to a student’s contribution grade for the chapter.

**Journal.** The Jesuit tradition includes integrating culture and responsibility, individual accountability and growth, and service to others. It also includes discernment and reflection. During this course you will write a blog, or journal, which will be read only by Prof. Tracey; it is your opportunity to incorporate the Jesuit tradition into the material you have studied in each module. These remain “open” during the time the chapter is discussed in class, and are credited to the segment contributed. Please see a sample journal entries posted on Blackboard.

**Grading Contributions.** Each chapter topic has a maximum of 10 “points” for participation. Students also may receive up to 10 points for briefing a case. Excellent in-class participation (without dominating the discussion) might receive 5-7 points. Student will receive 1 in-class “point” if they show up, but do not participate. Students can add to their in-class contributions by participating in the journal even if they could not attend a class. Students who actively participate in class, give thoughtful comments in their journal, and do an excellent job briefing one or more cases for the semester, will maximize the “points” for any given segment. Students that just give a one-line comment or superficial entry in their journal will not add many (if any) points to their points for that segment’s participation. At the end of the course, the professor will add all of the student’s participation points together (including the case brief average), and then rank them against other students. Students with the most “points” will receive the highest participation grades. Students who only attend class, and have minimal in-class and reflective journal participation, and do not brief a case (or do not brief the case well) will receive a significantly lower participation grade. This lower participation will most likely have a very negative impact on the student’s final grade.
Example of two different students: Student 1 maximized her/his participation by actively participating in every class, had excellent reflective blog entries (not just a recap of what happened in class), and did an excellent job on the case brief. That person may receive 100 points (10 points per chapter for 9 chapters plus 10 for case briefing). Student 2 showed up to every class, but never (or rarely) participated either in class or on the reflective blog. Student 2 did not volunteer to brief a case, or did volunteer, but did not do a very good job. This student might receive 9 points (1 point per chapter for 9 chapters). These two students would be the high and low for ranking the class, and all other students would fall somewhere in between. Student 1 would receive an excellent participation grade. Student 2 would receive a very low, and most likely failing participation grade.

2. **Quizzes (30% of grade)** begin designated classes; there may be unannounced quizzes as well. (There is no final examination.) **BRING # 2 PENCIL TO CLASS.** Questions are multiple choice, and will come from the readings, handouts, class discussions and all materials related to the designated sections, covering the assignments indicated and matters presented since the last test. Instead of makeup exams, Prof. Tracey will drop the lowest test score for all students; taking each quiz therefore is beneficial, but no one is penalized for missing one test. Make-up tests are available for excused absences or extraordinary circumstances, and must be taken within one week of the original quiz date. All quizzes are the property of the professor. Cheating, including taking a test out of the classroom or sharing the test questions with another student, will be dealt with severely.

3. **TEAM ETHICS PROJECT (15% of grade):** In the time assigned (usually 25-30 minutes), teams lead class members in discussing and exploring aspects of a current business ethics issue. Your grade reflects your individual contribution, professionalism (business casual attire, demeanor, preparation), following course requirements for the assignment (topic, outline, proper structure), the quality and creativity of the team’s presenting the material, its substance/depth, originality and use of effective teaching techniques and the extent of engaging students in the discussion. Approximately 70% of the time should involve engaging student participation. Using audio/visual devices, including an original video presentation, role play, quizzes, etc., is encouraged. Team grades are also based on the student’s individual contribution and participation while other teams present. Failure to attend presentations may result in a substantial reduction of the team grade or receiving no credit for it. Please advise at class one week before of any equipment needed.

Each project must include an introduction of team members and topic, a discussion of 2-3 related scenarios/issues, and a conclusion. Business casual or other appropriate attire is expected.

Each team member must turn in a completed peer assessment at time of the presentation. The team must turn in a team report reflecting meeting dates, those present at each meeting, assigned duties, and any other pertinent information.

**Team Responsibilities include:**

**When Due:**
- Provide Prof. Tracey with TYPED topic and outline for approval
- Outline including topic, team members, ethical issues to explore, and methods
- Incorporate an ethical decision making process employed (e.g., Kant, Rawls, Aristotle, or...
Facts, Issues, Stakeholders, Alternatives, Decision

- Research (as needed), prepare and present topic
- Provide Prof. Tracey at the time of presentation copies of any materials used (e.g., power point slides, research)
- Provide Team Report and Peer Assessments before present.
- Team members must attend all team presentations

4. **PAPER: TOPIC, OUTLINE AND PAPER REQUIREMENT; HONESTY PLEDGE (30% of grade)**

Legal issues implicate not only organizations, but relationships, employees, the environment and communities as well. Sustainability reflects organizational action and decisions occurring within the context of what has been named the “Triple Bottom Line,” which consists of three pillars: **People, Planet, Profits**. Please identify a specific current business legal issue that addresses or raises questions with respect to one or more of these three prongs that will be the focus of your original research paper. You may explore ethical implications as well, but not in lieu of a legal discussion. Each paper should clearly identify the topic, legal issue(s) explored as related to the theme, and the required sources. It should not be a summary of a case(s). The paper may advocate a viewpoint if the opposing view is competently addressed as well. The majority of the paper should be research-based, supporting factual statements with appropriate authorities cited in the footnotes. The last page or section should include a conclusion that includes your reflection on the issue based upon your findings, research, experience, or insight, and incorporating ethical considerations. The paper grade includes timely and appropriately submitting related assignments (topic, outline and sources). Your paper must be original to this class. **Please see paper tutorials on Blackboard.**

**TOPIC.** While Prof. Tracey must approve your topic, feel free to explore areas in your major or areas of interest. Prof. Tracey is available to consult about your topic. Some sample topics areas are:

- Mandatory arbitrations agreements in consumer contracts: Do they unfairly deprive persons of due process rights?
- Environmental Regulation: Helping or Hurting the Planet?
- Age Discrimination Laws: Are They Fair and Necessary?
- Advertising to Children: Are More Controls Necessary?

Please review the Paper Topic Tutorial on Blackboard. Professor Tracey welcomes meeting with you to discuss your paper topic, research organization, and questions, but does not review drafts.

**OUTLINE:** The outline is designed to have Prof. Tracey review a draft of your paper concept, your writing, your sources, and your citation style. Its quality will factor into your final paper grade. The outline should be 1 page, and should inform the reader with respect to the substance and organization of the paper. It should include your name and topic in the heading, and citations to at least 4 law journals or law reviews you are likely to use. Please review the Paper Outline Tutorial and sample outlines on Blackboard.
PAPER FORMAT
The paper must be at least 7 and no more than 9 pages, excluding footnotes and title page. It must be stapled, and have numbered pages and a title page containing the student’s name and class, date, and topic. It must be double spaced, except for longer quotes which should be indented and single spaced, in 12 point type font and with 1 inch margins.

A typical paper would include:

I. An Introduction setting out the thesis of the paper and the topics to be discussed.
II. Several sections, led by headings, focusing on a particular aspect of your discussion, e.g., background, substantive legal or practical issues, recent developments.
III. Conclusion/ Reflection. This would summarize your discussion and include your own reflections on the topic.

PAPER GRADING AND SUBMISSION.
The paper is graded on:
- meeting requirements (e.g., format, sources used, citation style and rigor)
- the quality of research and writing
- the sophistication and depth of discussion
- the quality of the sources
- and the originality of the work.

Grades are reduced for heavy reliance on single or marginal sources, borrowing concepts without proper citations, lengthy quotes or a “cut and paste” approach, lack of analysis of materials used, failure to use sources or using “wikipedia” type websites, and grammar/spelling errors. Please review the Paper Tutorials and sample papers on Blackboard. Please also see Grading Standards on Blackboard as appropriate to this assignment.

By class start on due date, a stapled hard copy of the paper is due in class as well as submitted under the paper assignment tab on Blackboard.

There is a grace period until class begins on the final due date; a hard copy must be in my possession, as well as submitted on Blackboard, by the due date. Students will not lose points if I receive the main paper during the grace period. Grades for late papers will decrease 10 points per day after this deadline, up to a maximum fifty (50) percent penalty. After this point, the student can negotiate an acceptable due date. Students should plan to deliver the paper on the original due date, as illness or logistic, family, or technical problems can make the grace period date problematic.

HONESTY PLEDGE:
The paper must be accompanied by the honesty pledge provided and posted on Blackboard.

SOURCES
For the paper, students should use and reference in citations as primary sources at least 4 law review/scholarly legal journal articles, and altogether 8 or more outside sources, e.g.,
cases, business publications. You should cite these authorities in footnotes. You must use proper citation style to receive credit, citing in this order the author, title, volume, journal, first page of article, page used, court (if a case) and year. See Blue Book style sheet for specific examples. If you cannot find the answer to your citation question on the resources provided, feel free to contact Prof. Tracey for her help in advance of the paper due date. Do not use textbooks or class materials for your sources.

Use the Blue Book citation style sheet; it and sample papers are available on Blackboard, together with a tip sheet. (Note: some sample papers reflect different requirements, so please see primarily for organization, quality of research and writing and use of authorities).

Citations. The reader must be able to locate in your source the exact page from which you derived the information you used. It is insufficient to name an article and book and author. Pages in law review articles are typically indicated online in brackets with an asterisk: [*73]. Using the Blue Book Style, be sure to cite the underlying publication, and not only the search vehicle, such as the internet. Use footnotes. (On Word, simply hit CTRL ALT F or “Insert” to footnotes; it will place and number them automatically.) Do not use parentheses in text or a “Works Cited” page. You should footnote all facts which are not common knowledge and cite any authorities, articles, etc. on which you rely after each sentence in which you have used that source. (E.g., Common knowledge: Ohio is a state. Not common knowledge: the SEC regulates publicly traded companies.) This typically produces a paper with a minimum of 3-4 footnotes per page. Cite sources according to the Blue Book Style Sheet, available on Blackboard. Any citations to an Internet source must include the exact address, as well as the credentials or description of the source cited, e.g., “This is the official website of the Equal Opportunity Commission.” Except for cases, law journals, or other substantive publications, it is insufficient to cite any authority without explaining or identifying the author. Do not use the same authority repeatedly (more than three footnotes in a row.) The paper should reflect your original work and not a “cut and paste” approach.

Lengthy quotes, pictures, charts, and a “cut and paste” approach will reduce your paper’s quality and your grade significantly. NO MORE THAN 30% OF YOUR PAPER SHOULD BE ACTUAL (QUOTED) OR HEAVILY PARAPHRASED WORK OF ANOTHER AUTHOR. FAILURE TO CITE DIRECTLY OR INDIRECTLY BORROWED MATERIAL, OR FAILING TO USE QUOTES FOR ANOTHER’S WORDS IS PLAGIARISM, AND MAY EVOKE FAILING THE CLASS OR EXPULSION. WHEN IN DOUBT, QUOTE AND CITE. UNIVERSITY ACADEMIC HONESTY POLICIES WILL BE ENFORCED STRICTLY. Here is a discussion of plagiarism that is useful: http://science.widener.edu/svb/essay/plagiar.html

Additional Paper Information: Please see Blackboard for additional information, including sample papers and paper tutorials on picking a topic, finding law journals, your paper outline, and what makes a good paper.

I am looking forward to your active engagement in BLAW 300 this semester.