

2012

BLAW 300-02 The Legal Environment of Business

Ann Marie Tracey
traceya@xavier.edu

Follow this and additional works at: [https://www.exhibit.xavier.edu/
business_law_syllabi_spring_2012](https://www.exhibit.xavier.edu/business_law_syllabi_spring_2012)

Recommended Citation

Tracey, Ann Marie, "BLAW 300-02 The Legal Environment of Business" (2012). *Business Law Syllabi Spring 2012*. 5.
https://www.exhibit.xavier.edu/business_law_syllabi_spring_2012/5

This Restricted-Access Syllabus is brought to you for free and open access by the Business Law Syllabi 2012 at Exhibit. It has been accepted for inclusion in Business Law Syllabi Spring 2012 by an authorized administrator of Exhibit. For more information, please contact exhibit@xavier.edu.

**XAVIER UNIVERSITY
WILLIAMS COLLEGE OF BUSINESS
SPRING 2012**

**SYLLABUS FOR BLAW 300-02
THE LEGAL ENVIRONMENT OF BUSINESS
TUESDAY/THURSDAY: 10:00 - 11:15 a.m.
LOCATION: Alter 213**

Professor Ann Marie Tracey, J.D., 228 Smith Hall, Xavier University, 3800 Victory Parkway, Cincinnati, Ohio 45207-1211. Telephone: (513) 745-3129, Fax: (513) 745-4383, e-mail: traceya@xavier.edu.

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.

Textbook: LE: The Legal & Regulatory Environment of Business, by Reed and Shedd, 15th edition, ISBN: 978-0-07-337766-7

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) 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. *Think critically* about the legal and ethical challenges in the workplace.
2. *Describe* basic legal principles relevant to organizations and individuals in the workplace.
3. *Analyze and explain* court decisions relating to organizations.
4. *Apply* legal principles to common scenarios organizations and individuals encounter in business.
5. *Differentiate* between ethical issues and legal issues.
6. *Demonstrate* effective oral and written communication skills.
7. *Examine* ethical dilemmas and *identify* the ethical path.

Assessment: Classroom discussion will include Socratic method discussions and group discussions synthesizing both the theoretical and applied, and includes online participation. Students will prepare written assignments, research, develop and write paper discussing a business legal issue on a topic submitted by the student and agreed upon by the instructor. Teams will develop and lead a class discussion regarding hypothetical business ethical dilemmas. Quizzes will assess understanding and application of legal principles.

II. EXPECTATIONS:

1. Students should submit only their own work product, and fully comply with the University Honors Code and this syllabus.
2. Students should be prepared 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 quiz score, make-up quizzes 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 should be responsible for materials, announcements, assignments posted through Xavier.edu. and Blackboard. For problems with Blackboard contact the HELP desk; if all else fails, contact Paul Kieffer: Kieffer@xavier.edu.

If you are in the Scholars Program and the course is not an honors seminar, you must notify me the first week of class in order for me to consider an honors upgrade.

PROJECTED SEMESTER SCHEDULE BLAW 300-02

Title	Projected dates	Assignments	Chapter cases to read	Tentative quiz date
Introductory class	1/10/12	Review syllabus; pp. 651-52	Bring Syllabus to Class	
Introduction to law	1/12/12	<u>Chapter 1</u> Application Ass't # 1. Select, analyze, prepare to discuss, and bring to class a recent news article about a business legal issue and a one paragraph summary of the key players and the legal, dispute or issue.		
<u>Ethics and Self Regulation/</u> Library Training	1/17, 1/19, 1/24/12	<u>Chapter 2</u> Application Ass't #2 due 1/19/12	Quiz #1 also covers syllabus	Quiz #1 1/26/12
1/24/12: Paper Topic and 2 law review/journal citations due. STAPLE first page of articles to it.				
The Court System	1/26, 1/31, 2/2/12	Chapter 3 (Skip §11) Application Ass't #3 due 1/31/12	<i>Boumediene</i>	Quiz # 2 2/7/12
The Litigation Process	2/7, 2/9, 2/14/12	<u>Chapter 4</u> Application Ass't #4 due 2/9/12	<i>Snyder</i>	Quiz # 3 2/16/12
2/23/12: One-page Paper Outline due; see syllabus for requirements.				
Criminal Law and Business	2/16, 2/21, 2/23/12	<u>Chapter 12</u> Application Ass't #5 due 2/21/12	<i>(Miranda)</i> <i>Hudson, Hughes</i> <i>Schmuck</i>	Quiz #4 2/29/12
Introduction to Principles of Contract Law	2/29, 3/1, 3/13/12	Chapter 8 Chapter 9 pp. 261-267 387-388 Application Ass't #6 due 3/1/12 Work on Team Topic	<i>North East Fence</i> <i>Douglas</i> <i>Emergency</i> <i>Medicine</i> sidebar	Quiz # 5 3/15/12
SPRING BREAK: March 5 – 9, 2012				
Paper due 3/13/12; Grace Period expires 3/20/12 at beginning of class.				
TEAM ASSIGNMENT: Team Topic due March 22, 2012 at beginning of class.				
Torts in the Business Environment	3/15, 3/20, 3/22/12	<u>Chapter 10</u> §§ 1-19 Application Ass't #7 due 3/22/12 Work on Team Outline	<i>Van Stan, Wells</i> <i>Fargo, Iannelli</i>	Quiz #6 3/27/12
Agency and Business Organizations	3/27, 3/29, 4/3/12	pp. 566-72 and <u>Chapter 14</u> Application Ass't #8 due 3/29/12 Work on Team Outline	<i>Andersen, Meyer</i>	Quiz #7 4/3/12

NO CLASS April 5, 2012.				
TEAM OUTLINE AND REPORT DUE April 11, 2012, E-mail to Prof. Tracey by 10 a.m.				
Include Team member names and topic.				
Discrimination and Diversity in Employment	4/10, 4/12, 4/17, 4/19/12	<u>Chapter 20</u> Application Ass't #9 due 4/12/12	<i>Oncala,</i> <i>U.S. Airways</i>	Quiz #8 4/17/12
TEAM ETHIC PROJECTS: April 24 and April 26, 2012 and EXAM DATE: 8:30-10:20 Thursday, May 3, 2012				
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:

Final grade cutoff: A \geq 94, A \rightarrow 92, B \rightarrow 88, B \geq 85, B \rightarrow 82, C \rightarrow 78, C \geq 75, C \rightarrow 73, D \geq 67, F < 67.

Pass/ Fail grades will be assigned to written application and in class assignments and pop quizzes. Failure to complete as required will earn a "Fail." Students with excused absences must hand in the assignment before class or do a makeup quiz immediately as available to receive credit. Determining a "Pass" is in Prof. Tracey's discretion. In order to receive an "A," students must receive a "Pass" 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 "Pass" on at least 83% of written assignments and in-class work; in order to receive a "C," students must receive a "Pass" on at least 75% of written assignments and in-class work; in order to receive a "D," students must receive a "Pass" on at least 65% of written assignments and in-class work. Please See Grading Standards posted on Blackboard.

Grade weights:

a. Class contribution	25%
b. Quizzes	30%
c. Research Paper	30%
d. Team Ethics Project	<u>15%</u>
	100%

1. **CLASS CONTRIBUTION (25% of grade):**

This is an important component of the class and the final grade. 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 and on Blackboard Discussion Board/ BLOG, presenting pertinent current event news items, and offering feedback 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 additional materials
- 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, that is, 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.
- Differentiate between legal issues and ethical issues.

Blackboard reflective assignments are posted per topic area under Blackboard Discussion Board remains “open” during the time the chapter is discussed in class, and is credited to the segment contributed.

2. **QUIZZES (30% of grade)** begin designated classes; there may be “pop” quizzes as well. (There is no final examination.) **BRING # 2 PENCIL TO CLASS.** Questions 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 quiz. Instead of makeup exams, Prof. Tracey will drop the lowest quiz score for all students; taking each quiz therefore is beneficial, but no one is penalized for an excused absence. All tests are the property of the professor. Cheating, including taking a test out of the classroom or sharing the quiz 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)
- Team Reports and Peer Assessments

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 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 research paper. 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, paragraph, and sources).

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?

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 in the format of a 1 page memorandum from the student to Prof. Tracey. The “Re.” line should contain the paper topic. It must be in sentence format, and should inform the reader with respect to the substance and organization of the paper. It should include citations to at least 4 law journals or law reviews you are likely to use.

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

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.

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 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 e-mailed to Turnitin.com. Go to the website, and if you have not previously used it, establish an account. The Turnitin course number is **4677746**, the title is **BLAW 300 02**, and the case-sensitive password is **blawethics1**. Once you get to this web site (available through the Library's research data base or a

simple search), create a user profile, and click “student.” Use the class ID number and password Prof. Tracey provides.

The papers are due in Prof. Tracey’s possession by as indicated on the schedule. 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 to Turnitin.com**, by the due date. It is accessible through the Library website and online. ***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.

Please see Blackboard for additional information, and I am looking forward to your active engagement in BLAW 300 this semester.

LET’S HAVE A GREAT SEMESTER! AFTER CONSULTING THE SYLLABUS, PLEASE BE SURE TO CONTACT PROF. TRACEY WITH ANY QUESTIONS YOU MAY HAVE.