2015

BLAW 300-02 The Legal Environment of Business

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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.

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.

Please stop by Prof. Tracey’s office early in the semester to say hello and discuss (briefly or at length!) how she can help you succeed in the class this semester or just tell her a little about yourself. Office Hours: Monday, Wednesdays and Friday, 10:00 a.m. – noon, and by appointment (or availability at any time). Prof. Tracey also checks email regularly during business hours, and will respond as promptly as possible.


Course materials and assignments are posted on Xavier’s Canvas Learning Management System. For problems with Canvas contact the HELP desk. Under Canvas, please also see the guide and utilize the HELP feature on the upper right hand corner of the screen.

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

This course welcomes Veterans! We appreciate your service for our country and very glad you are joining the class.

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.

WCB Learning Goals and BLAW 300 Objectives

- WCB Critical Thinking Learning Goal:
  WCB graduates will be able to think logically, reason quantitatively, and utilize appropriate analytical techniques and technology when evaluating and making decisions.
  -Corresponding BLAW 300 Objective: Students will be able to assess critically the legal and ethical implications of business decisions.
• WCB Ethics and Social Responsibility Learning Goal:
WCB graduates will be able to recognize ethical issues, discern moral implications of decision making, and be prepared, and willing, to serve as responsible and professional members of society.
_Corresponding BLAW 300 Objective:_ Students will be able to critically assess the legal and ethical implications of business decisions on stakeholders.

• WCB Effective Written and Oral Communication Learning Goal:
WCB graduates will be able to organize, support and communicate ideas clearly and effectively, employ multiple mediums of communication (e.g., written, oral and visual), and adapt communication to audience, context or purpose.
_Corresponding BLAW 300 Objective:_ Students will be able to clearly and professionally communicate information and concepts in writing and orally, using appropriate technology where relevant.

• WCB Global Perspective and Cultural Diversity Learning Goal:
WCB graduates will appreciate the historical and cultural contexts of the world in which they live, demonstrate the competencies required for engaging in global business activities, and respect and value diverse peoples and perspectives.
_Corresponding WCB Objective:_ WCB students will integrate the concepts of respect, inclusiveness and valuing all persons into their decision-making.
_Corresponding BLAW 300 Objective:_ Students will be able to integrate the concepts of respect, inclusiveness and valuing all persons into their decision-making.

• WCB Understanding and Application of Knowledge Across Business Disciplines Learning Goal: WCB graduates will be able to evaluate business from an integrative and holistic point of view, leverage the synergies between functional business areas, and demonstrate college-level mastery of their chosen discipline.
_Corresponding BLAW 300 Objectives:_ Students will be able to:
- Describe basic legal and ethical principles relevant to organizations and individuals in the workplace.
- Analyze and explain judicial, legislative and regulatory developments relating to business organizations.
- Critically assess the legal and ethical implications of business decisions.
- Resolve conflicts between legal and ethical responsibilities in the business context.
- Apply legal principles to common scenarios that organizations and individuals encounter in business.

• WCB Personal and Professional Development Learning Goal
WCB graduates will be well prepared for their future careers and appreciate the importance of continuous professional development and life-long learning.
_Corresponding BLAW 300 Objective:_ Students will learn research techniques and communication skills to enable them to stay abreast of legal developments affecting business.

II. EXPECTATIONS:

1. You will submit only your own work product, on time, and fully comply with the University Honors Code and this syllabus.
2. You 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. Students must have course textbook and bring it to 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/unprofessional behavior. This includes talking while others are doing so, arriving late, and leaving during the class (absent an emergency). 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 unprofessional behavior. When assigning course grades, a grading penalty will be imposed in cases of disrespectful, disruptive or distracting classroom conduct or unrelated use of electronic devices.

4. You 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 should 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. You should plan to stay throughout the entire class; coming and going throughout the class is very distracting to others. Unexcused absences can result in failing the class, regardless of other grades. Students experiencing health or other issues interfering with remaining during the class or attending it should advise Prof. Tracey.

6. You are responsible for assignments and information covered in class, and should obtain class notes from another student.

7. You are responsible for materials, announcements, emails, and assignments posted on Canvas.

### PROJECTED SEMESTER SCHEDULE BLAW 300-02

<table>
<thead>
<tr>
<th>Title</th>
<th>Projected dates</th>
<th>Assignments: all are in hard copy and due in class unless otherwise noted</th>
<th>Chapter cases to read</th>
<th>Quiz Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introductory class</td>
<td>1/13/15</td>
<td>Review syllabus; Bring to class.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law as a Foundation for Business</td>
<td>1/15/15</td>
<td>For 1/15/15 class read Chapter 1, do Application Ass’t #1 (on Canvas under Assignments), and bring in news item related to business legal issue</td>
<td></td>
<td></td>
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<tr>
<td>The Role of Ethics and Decision-Making</td>
<td>1/20, 1/22, 1/27</td>
<td>Read Chapter 2; App. Ass’t #2 due 1/27/15; Journal due 11:59 p.m. 2/2/15;</td>
<td></td>
<td>Quiz #1 2/3/15</td>
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<tr>
<td>Legal Research Training</td>
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**1/29/15: Paper Topic and 2 law review/journal citations due. STAPLE first page of law journal articles to it. Please see syllabus and Canvas Modules Paper file re. these assignments.**

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<tbody>
<tr>
<td>The Courts and Dispute Resolution</td>
<td>1/29/15* 2/3, 2/5</td>
<td>Read Chapter 3 App. Ass’t #3 due 2/5/15; Journal due 11:59 p.m. 2/9/15; Work on paper outline</td>
<td><em>Citizens United</em></td>
<td>Quiz #2 2/10/15</td>
</tr>
<tr>
<td>Litigation</td>
<td>2/10, 2/12, 2/17</td>
<td>Reading Chapter 4 App. Ass’t #4 due 2/17/15; Journal due 11:59 p.m. 2/18/15.</td>
<td><em>Mayer, Wal-Mart</em></td>
<td>Quiz #3 2/19/15</td>
</tr>
<tr>
<td>Criminal Law and Business</td>
<td>2/19, 2/24, 2/26, 3/10/15</td>
<td>Read Chapter 13 Application Ass’t #5 due 2/24/15; Journal due 3/11/15 by 11:59 p.m.; work on paper</td>
<td><em>Skilling, Hughes</em></td>
<td>Quiz #4 3/12/15</td>
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**Paper due 3/10/15; Grace Period expires 3/17/15 at beginning of class. (No penalty if by then.)**

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<th>Quiz Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Formation and Agency</td>
<td>3/12, 3/17, 3/19/15</td>
<td>Read Chapter 8 and Chapter 9 pp. 366-75 Application Ass’t #6 due 3/17/15; Journal due 11:59 p.m. 3/23/15</td>
<td><em>North East Fence, Defontes</em></td>
<td>Quiz #5 3/24/15</td>
</tr>
</tbody>
</table>
**Torts in the Business Environment**

<table>
<thead>
<tr>
<th>Date</th>
<th>Read Chapter</th>
<th>Application Ass't</th>
<th>Due and Journal Due</th>
<th>Team/Quiz Due</th>
</tr>
</thead>
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**Assignments**

- **Team Topic** due 3/19/15 at beginning of class. Must be typed and contain Team Names.
- **Team Outline Due** Monday 3/31/15, emailed to Prof. Tracey copying other team members by 10 a.m. Include Team member names and topic in heading.

<table>
<thead>
<tr>
<th>Organizations</th>
<th>Date</th>
<th>Read Chapter</th>
<th>Application Ass't</th>
<th>Due and Journal Due</th>
<th>Team/Quiz Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/7, 4/9/15</td>
<td>14</td>
<td>#8</td>
<td>4/9/15; 4/13/15</td>
<td>Alli Quiz #7 4/14/15</td>
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**Final Grade Cutoff**

A>= 94, A->= 92, B+>= 88, B>= 85, B->= 82, C+>= 78, C>= 75, C->= 73, D>= 67, F< 67

**Grade Weights**

- 20%: Professionalism
- 5%: Reflective Journal
- 30%: Quizzes
- 30%: Research Paper (including topic)
- 15%: Team Ethics Project: topic, outline and presentation
- 100% Final Grade

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

1. **Professionalism (20% of grade):**

   Professionalism is “the skill, good judgment, and polite behavior that is expected from a person who is trained to do a job well.” (Merriam Webster online.) It “means conducting oneself with responsibility, integrity,
accountability, and excellence. It means communicating effectively and appropriately and always finding a way to be productive. “http://www.dol.gov/odep/topics/youth/softskills/Professionalism.pdf. This is an important component of the class and the final grade. Because professionalism is so essential to how you present to the world, cultivating it is a WCB Learning Goal and a BLAW 300 course objective.

You have a wealth of perspective, insight, and experience that adds value to the class. Volunteering appropriate information in class, being prepared, contributing in class small and large group discussions respecting others’ views, discussing pertinent current event news items, and offering feedback to classmates about Application Assignments all demonstrate professionalism. Not being prepared, absence and discourtesy (late arrivals, leaving, cell phone use, texting, doing other work, talking while others are speaking, dominating the conversation, leaving the classroom and interruptions) is unprofessional behavior. In class discussion groups and application assignments are also factored into class contributions.

Part of your professionalism grade includes completing, and then sharing and refining assignments for class. In this vein Application Assignments are posted on Canvas for each chapter. You must bring a typed copy of each assignment to the beginning of class due. (Please see Grading for how application assignments are evaluated.) Excellent assignments will add to your professionalism grade for the chapter; poor ones will detract from it. In order to receive a final grade of “A,” you must receive a “Satisfactory” on at least 90% of written assignments, indicated by a check mark (paper and team work graded separately) and in-class work (e.g., pop quizzes); in order to receive a “B,” you must receive a “Satisfactory” on at least 83% of written assignments and in-class work; in order to receive a “C,” you must receive a “Satisfactory” on at least 75% of written assignments and in-class work; in order to receive a “D,” you must receive a “Satisfactory” on at least 65% of written assignments and in-class work.

Grading Professionalism. Each chapter topic carries a maximum of 5 “points” for professionalism. Excellent in-class professionalism will earn 5 points. You will exhibit outstanding professionalism if you:
- Display extensive preparation for class, including bringing in outside materials and information, including societal, global, and diverse perspectives.
- Analyze and explain court decisions, including briefing one case for the class.
- 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, ethical questions 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, and
- Produce well-done and timely application assignments.

Generally, professionalism points are earned as follows:
1 point: attendance at all classes on chapter, no distracting behaviour
2 points: engaging in small, large group discussions, being prepared
Up to 2 (additional) points: excellent engagement and contributions.

Additional professionalism points are available for students to earn under the category of “Engagement.” This is an overall category based on excellence and engagement throughout the semester, and will be reflected in the final contribution grade. If a student has an excused absence, Prof. Tracey will take that into account in assigning the chapter or final professionalism grade. Please meet with Prof. Tracey if you have difficulty in engaging in class discussions; she can help you strategize how to participate effectively (and less painfully.)
Note: each student gets one “pass” for not being prepared. You must notify Prof. Tracey at the beginning of class you wish to take your pass. While you will not earn a “5” that chapter, you will not be penalized for lack of preparation.

2. Reflective Journal (5% of final grade). 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 reflective journal, which only Prof. Tracey will read; it is your opportunity to incorporate the Jesuit tradition into the material you have studied in each module and to reflect upon (not reiterate) the topic covered. These remain “open” during the time the chapter is discussed in class (due date posted), and are credited to the segment contributed. Students who provide a quality, well-written reflective entry on the material covered, or relevant to it, will earn 2 points for it. (This will typically take 150-250 words). Other entries generally will receive 1 point; no points are awarded if a student does not submit a timely journal. Sample journal entries are posted on Canvas.

3. 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.

4. TEAM ETHICS PROJECT (15% of grade): In the time assigned (usually 25 minutes), you and your team 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. Engaging in all team projects constitute the final exam; consequently, failure to attend presentations will 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.

The team project has four basic components:
- Team topic/report reflecting proposed topic, meeting times and any other required information
- Group Team outline
- Class Presentation, which must include an introduction of team members and topic, a discussion of 3 related scenarios/ issues, and a conclusion. Copies of materials used (surveys/ power points/ handouts must be provided to Prof. Tracey before the team presents. Business casual or other appropriate attire is expected
- Individual Peer Assessment/ Reflection on Team Ethics (submitted in class before presenting.)

NOTE: Each team member is responsible for group team assignments; this responsibility cannot be delegated away. Consequently, if the team outline is submitted late, all team members will lose points. Please see Team folder on Canvas under Modules for important information about the team ethics project.

5. PAPER: TOPIC, PAPER and HONESTY PLEDGE (30% of grade)
Legal issues implicate business organizations, their 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 legal issue confronting business organizations or their stakeholders** 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 a **narrow** 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. **Your paper must be original to this class.**

**Note:** your final paper grade will reflect the quality of your paper topic assignment. Please see paper tutorials and materials on Canvas under Modules for all aspects of this assignment.

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**Paper Requirement Summary:**

Your paper assignment must competently:

- Include a proposed paper topic (see below) in one short paragraph properly citing 3 possible law journals
- Discuss a specific business legal issue using your research.
- Use at least 8 authoritative sources, 3 of which are scholarly law journals. These are recognized each time used in a footnote at the bottom of each page.
- Be at least 8 and **no more than** 9 pages, **excluding** footnotes and title page.
- 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 are discouraged) that should be indented and single spaced, in 12 point type font and with 1 inch margins. Footnotes are in 10 point font at the bottom of the page.
- Be original to this class, and fully comply with the University Honor Code.
- Be timely submitted in class and online through Canvas.

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.

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? Business?
- Age Discrimination Laws: Are They Fair and Necessary?
- Advertising to Children: Are More Controls Necessary?

Please review the Paper Topic Tutorial on Canvas. **Because the focus in this course is business law, unrelated topics, such as amateur sports, college athletics, or professional sports rules, would not meet the assignment.** Professor Tracey welcomes meeting with you to discuss your paper topic, research organization, and questions, but does not review drafts.
Required with the topic are the (proper) citations to three law reviews or law journals the student could use in the paper. Law Reviews and Law Journals are available through the library’s data base, Lexis Nexis Academic; however, everything on this data base is not a law journal. For instance, a newspaper is not a law review! So you can see what these “look like,” here is a link to some Harvard Law Review articles: http://harvardlawreview.org/. You can distinguish these sources from others in that they are associated with a law school or professional legal association, have numerous footnotes, and are usually quite lengthy. Use of Law Reviews/ Journals will help keep the focus on legal issues and will provide a springboard for numerous other sources.

SUBMISSION: You must provide a stapled hard copy at the beginning of the class due and submit it on Canvas under the paper assignment tab on Canvas. (It is a Turnitin Submission).

PAPER GRADING
Your paper is graded on:
- meeting requirements (e.g., format, sources used, citation style and rigor)
- the timeliness and quality of the paper topic assignment
- organization; use of headings
- the quality and use of research and sources
- quality of writing (clear, concise sentences, one topic paragraphs, proper grammar and spelling)
- the sophistication and depth of discussion
- and the originality of the work, without overreliance on single sources.

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 Canvas.

You should plan to deliver a hard copy of the paper at the beginning of the class and on Canvas by the due date. However, because there can be illness, your little brother eats it, you can have technical difficulties and the like, there is a grace period until the beginning of the class indicated on the syllabus. You will not lose points if you turn in the paper by the end of 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, you can negotiate an acceptable due date. Please see Prof. Tracey before your paper is due if you anticipate circumstances will prevent your completing the assignment in a timely manner.

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

SOURCES
For the paper, students should use and reference in citations as primary sources at least 3 law review/scholarly legal journal articles, and at least four other sources (altogether 8 or more outside sources, e.g., cases, business publications); use of additional law journals or sources is encouraged. 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 on Canvas 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 Canvas, 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. An “A” paper would generally have 40-60 footnotes.

Cite sources according to the Blue Book Style Sheet, available on Canvas. **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](http://science.widener.edu/svb/essay/plagiar.html)

I am looking forward to working with you in BLAW 300 this semester.