2014

BLAW 300-05 Legal Environment of Business

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XAVIER UNIVERSITY
WILLIAMS COLLEGE OF BUSINESS
SPRING 2014

SYLLABUS FOR BLAW 300-05
THE LEGAL ENVIRONMENT OF BUSINESS
TUESDAY/THURSDAY: 11:30 a.m.-12:45 p.m.
LOCATION: Smith 348

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, Wednesdays and Friday, 10:00 a.m. – noon, and by appointment. Prof. Tracey also checks email regularly, and will respond as promptly as possible.


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.

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. 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. 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 inappropriate behavior. When assigning course grades, a grading penalty may be imposed in cases of uncivil behavior stemming from disruptive or distracting classroom conduct or unrelated use of electronic devices.
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 posted on Canvas and should obtain class notes from another student. 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.
<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>
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<tbody>
<tr>
<td>Introductory class</td>
<td>1/14/14</td>
<td>Review syllabus; Bring to class.</td>
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<tr>
<td>Law as a Foundation for Business</td>
<td>1/16/14</td>
<td>For 1/16/14 class read Chapter 1, do Application Ass’t # 1, and bring in news item related to business legal issue</td>
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<tr>
<td>The Role of Ethics and Decision-Making</td>
<td>1/21, 1/23, 1/28, 1/30/14</td>
<td>Read Chapter 2; App. Ass’t #2 due 1/28/14; Journal due 11:59 p.m. 2/3/14; Paper topic due 1/30/14</td>
<td>Quiz #1 also covers syllabus</td>
<td>Quiz #1 2/4/14</td>
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<td>Legal Research Training</td>
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**1/30/14:** Paper Topic and 2 law review/journal citations due. STAPLE first page of law journal articles to it.

**2/11/14:** One-page Paper Outline due. Must include 4 law review/law journal citations in proper form. Please see syllabus and Canvas Paper file re. these assignments.

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<tbody>
<tr>
<td>The Courts and Dispute Resolution</td>
<td>2/4, 2/6, 2/11/14</td>
<td>Read Chapter 3 App. Ass’t #3 due 2/6/14; Journal due 11:59 p.m. 2/12/14; Work on paper outline</td>
<td>Citizens United</td>
<td>Quiz # 2 2/13/14</td>
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<tr>
<td>Litigation</td>
<td>2/13, 2/18, 2/20/14</td>
<td>Reading Chapter 4 App. Ass’t #4 due 2/18/14; Journal due 11:59 p.m. 2/24/14.</td>
<td>Mayer, Wal-Mart</td>
<td>Quiz # 3 2/25/14</td>
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<tr>
<td>Criminal Law and Business</td>
<td>2/25, 2/27, 3/11/14</td>
<td>Read Chapter 13 App. Ass’t #5 due 2/27/14; Journal due 3/12/14 by 11:59 p.m.; work on paper</td>
<td>Skilling, Hughes</td>
<td>Quiz #4 3/13/14</td>
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**SPRING BREAK: March 3 – March 7, 2014**

**Paper due 3/11/14 ; Grace Period expires 3/18/14 at beginning of class. (No penalty if by then.)**

**TEAM TOPIC due 3/20/14 at beginning of class. Must be typed and contain Team Member Names.**

<table>
<thead>
<tr>
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<th>Quiz Dates</th>
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</thead>
<tbody>
<tr>
<td>Contract Formation and Agency</td>
<td>3/11, 3/13, 3/18, 3/20/14</td>
<td>Read Chapter 8 and Chapter 9 pp. 366-75 App. Ass’t #6 due 3/18/14; Journal due 11:59 p.m. 3/24/14</td>
<td>North East Fence, Defontes</td>
<td>Quiz # 5 3/25/14</td>
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**TEAM OUTLINE DUE Wed. 4/9/14, emailed to Prof. Tracey copying other team members by 10 a.m. Include Team member names and topic in heading.**

<table>
<thead>
<tr>
<th>Title</th>
<th>Projected dates</th>
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<th>Chapter cases to read</th>
<th>Quiz Dates</th>
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<tbody>
<tr>
<td>Organizations</td>
<td>4/3, 4/8, 4/10/14</td>
<td>Read Chapter 14 App. Ass’t #8 due 4/10/14; Journal due 11:59 p.m. 4/11/14</td>
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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 (e.g., 300 02 at 10 a.m.; 300 05 at 11:30).

### III. ASSESSMENT AND GRADING:

Overview: 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 decision-making. 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.

Final grade cutoff:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
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<tr>
<td>A</td>
<td>94</td>
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<tr>
<td>A-</td>
<td>92</td>
</tr>
<tr>
<td>B+</td>
<td>88</td>
</tr>
<tr>
<td>B</td>
<td>85</td>
</tr>
<tr>
<td>B-</td>
<td>82</td>
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<tr>
<td>C+</td>
<td>78</td>
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<tr>
<td>C</td>
<td>75</td>
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<td>C-</td>
<td>73</td>
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<td>D</td>
<td>67</td>
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<td>F</td>
<td>67</td>
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In order to receive an “A,” students must receive a “Satisfactory” on at least 90% of written application assignments (paper and team work graded separately) 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:

- 25%: Class contributions
- 30%: Quizzes
- 30%: Research Paper, topic and outline
- 15%: Team Ethics Project: topic, outline and presentation
- 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 1) in-class activity including large and small group discussions; 2) application assignments, and 3) a personal journal.

   **In-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.
Application assignments are posted on Canvas. Students must bring a typed copy of each assignment to the class due. Please see Grading for how application assignments are evaluated. 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 and to reflect upon (not reiterate) the topic covered. These remain “open” during the time the chapter is discussed in class, and are credited to the segment contributed.

Grading Contributions. Each chapter topic has a maximum of 5 “points” for participation. Excellent in-class participation (without dominating the discussion) may receive up to 5 points. 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, including briefing one case during 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.
➢ Include well-done and timely application assignments.

Students who actively participate in class and do an excellent job briefing one or more cases for the semester, will maximize the “points” for any given segment. Generally students can earn 5 points by participating in class and completing journal and application assignments. 10 additional 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. Students who only attend class, and have minimal in-class participation earn no engagement points; they will earn a significantly lower participation grade that will have a very negative impact on the student’s final 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 introduce team members and topic, discuss 3 related scenarios/issues, and wrap up the discussion. Business casual or other appropriate attire is expected.

**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)
- Peer Assessments in class *before* present.
- These projects are the course final examinations. Class members must attend *all* team presentations. Late arrivals will count as an absence.

*Please see Team folder on Canvas under Modules for important information about the team ethics project.*

4. **PAPER: TOPIC, OUTLINE AND PAPER with HONESTY PLEDGE: 100 points (30% of grade)**

Legal issues implicate not only business 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 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. 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 and materials on Canvas under Modules for all aspects of this assignment.*

**TOPIC and 2 law journals (properly cited) (3 points).** 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 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 two law reviews or law journals the student could use in the paper. This is designed to keep the student focused on legal issues and to provide a springboard for numerous other sources.

**OUTLINE and 4 law reviews/journals (7 points):** The outline is designed to have Prof. Tracey review a draft of your paper concept, writing, sources, organization and citation style. Its quality will factor into your final paper grade. The outline should be 1 page, be in outline form with headings, 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 Canvas. You may vary from the outline in your final paper.

**PAPER (90 points)** The paper must be at least 8 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 that 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 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. 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 Canvas.

Students should plan to deliver a hard copy of the paper and on Canvas by the due date. Because there can be illness, technical difficulties and the like, there is a grace period until the beginning of the class indicated on the syllabus. **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.

**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 4 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 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.

Citations. The reader must be able to locate in your source the exact page from which you derived the information you used. 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).

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 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

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