BLAW 550-01-02 Business Law and Ethics: Online

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BLAW 550-01 and 550-02
Business Law and Ethics (100% Online-No Set Meetings
Summer 2017 (6/26 – 8/18/17)

Professor: Laura Powell, J.D.

E-mail: powell5@xavier.edu

Telephone: 513-543-8524

Office Hours: Meetings by appointment available. Tuesday and Thursdays 11am-1 pm online

Class Meets: Online M-F 6/26/17 - 8/18/17. If office hours need to be changed during any given week, I will place an announcement on canvas about the new office hours for that week, as soon as possible.

Texts: Halbert & Ingulli, Law and Ethics in the Business Environment, th edition; 201 ; West Publishing; ISBN.

Williams College of Business Mission Statement: "We educate students of business, enabling them to improve organizations and society, consistent with the Jesuit tradition."

Course Description: This course explores the ethical and legal aspects of a business organization’s core values (i.e. leadership, integrity, corporate culture, privacy, loyalty, honesty).

The objectives of this course include:

✓ Gaining an understanding of the ethical and legal issues confronting individuals and organizations which conduct business in the United States.
✓ Developing an ability to effectively communicate in both oral and written presentations your analysis of the implications an ethical or legal issue may have on business.
✓ Using research methods to investigate how legal and ethical issues can be examined and analyzed through sources available to business people.
✓ Developing an understanding of and appreciation for the ethical framework derived from the Williams College of Business Mission Statement.

Course learning objectives:
1. Strategic Thinking and Leadership
   Through this course students will be able to:
   - Describe foundational ethical and legal principles relevant to organizations and individuals in the workplace.
2. Global Perspective and Cultural Diversity
Through this course, students will be able to:

• Integrate the concepts of respect, inclusiveness and valuing all persons into their decision-making.

3. Ethics and Social Responsibility
Through this course, students will be able to:

• Critically assess the legal and ethical implications of business decisions.
• Resolve conflicts between legal and ethical implications of business decisions.
• Incorporate legal and regulatory principles into organizational decision-making and strategic planning.
• Integrate the concepts of respect, inclusiveness and valuing all persons into their decision-making.
• Identify the ethical path and serve as responsible members of society.

4. Critical Thinking
Through this course, students will be able to:

• Analyze and explain judicial, legislative and regulatory developments relating to business organizations.

5. Effective Writing and Oral Communication
Through this course, students will be able to:

• Clearly and professionally communicate information and concepts in writing and orally, using appropriate technology.

Williams College of Business MBA Program Learning Goals

• Strategic Thinking and Leadership

Learning Goal: WCB MBAs will be able to position organizations in chosen market areas, compete successfully, and satisfy stakeholders with the objective of achieving superior organizational performance.

Corresponding Objectives:

- MBA students will demonstrate the appropriate knowledge of accounting, finance, management, marketing, and strategic integration.
- MBA students will demonstrate the ability to articulate a vision and set and prioritize strategic objectives.
- MBA students will practice and assess their capacity to influence others, collaborate, and encourage cooperation toward organizational goals.

• Global Perspective and Cultural Diversity

Learning Goal: WCB MBAs will be able to work across cultural boundaries, whether these are geographical or societal, in that they possess a recognition and appreciation of the global environment of business and an understanding and appreciation of diversity.

Corresponding Objectives:

- MBA students will evaluate and integrate economic, political, technological, environmental and societal issues into their decision-making and show competencies required to compete in the global environment in their analyses.
- MBA students will incorporate the concepts of global diversity and inclusiveness in their analyses and decision-making.
• **Ethics and Social Responsibility**

Learning Goal: WCB MBAs will be able to foster an ethical climate in their roles and responsibilities in business and society.

Corresponding Objectives:
- MBA students will recognize ethical issues and demonstrate the skills necessary to analyze information and make informed, ethical decisions, in complex, conflicting or ambiguous environments or situations.

• **Critical Thinking**

Learning Goal: WCB MBAs are able to clarify problems, generate and evaluate alternatives using appropriate analytical and quantitative techniques, and draw conclusions.

Corresponding Objectives:
- MBA students will evaluate organizations and recommend optimal strategies and actions demonstrating their ability to understand context, frame problems and use appropriate analytical and quantitative techniques.

Corresponding Objectives:
- MBA students will evaluate and integrate economic, political, technological, environmental and societal issues into their decision-making and show competencies required to compete in the global environment in their analyses.
- MBA students will incorporate the concepts of global diversity and inclusiveness in their analyses and decision-making.

• **Effective Written and Oral Communication**

Learning Goal: WCB MBAs will be proficient in written and oral communication.

Corresponding Objectives:
- MBA students will demonstrate their ability to clearly summarize issues and support decisions in writing.
- MBA students will deliver professional presentations accompanied by the appropriate technology.
- MBA students will demonstrate effective interpersonal communication skills in a team setting.

**Assessment:** I will use a variety of methods of assessment to assess student mastery of these Learning Outcomes. Journaling 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 a legal research paper. Several quizzes will assess a student’s understanding and application of legal principles. An 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.
**Disability Services Office:** Anyone who believes he/she may need an academic accommodation based on the impact of a disability (e.g. sensory, learning, psychological, medical mobility) should contact me to arrange an appointment to discuss your needs as soon as possible. I rely on the Disability Services Office for assistance in verifying your eligibility for academic accommodations related to your disability. If you have not previously contacted Disability Services, I encourage you to do so at 513-745-3280 on the Fifth Floor of the Conaton Learning Commons, Room 514 or email Cassandra Jones at jonesc20@xavier.edu to coordinate reasonable accommodations.

**Course Requirements:**

1. **Grading:**
   - Cumulative Quiz Grade: 25%
   - Journal Portfolio Grade: 20%
   - Discussion Grade: 20%
   - Research paper: 25%
   - Ethics Presentation: 10%

2. **Quiz Grade:** Eight short quizzes will comprise this grade. Quizzes will be posted on the Wednesday of each week, except the last week. The quiz format is primarily objective questions (multiple choice/true false). Always go to the folder on canvas for that week’s material. There will probably be extra web sites, .docs, and .pdf articles to accompany that week's reading. All of this material (including the web readings, .docs and .pdf articles are "fair game" for quiz questions and class discussions. LE = page numbers from Law & Ethics, by Halbert & Ingulli.

3. **Journal Portfolio:** The journal portfolio is a compilation of journal reflections (one page reflections on the cases, articles, essays or issues raised by the course coverage materials for that week's class). A journal reflection is your subjective reaction to the material; it is not a recounting of the material or the discussion. Journal should be written and submitted on a weekly basis and compiled in your online journal portfolio and presented with your version of the MBA Oath at the end of the semester.

4. **Discussion Grade:** Discussion entries should be posted weekly, written or video. There should be an initial post about the topic prompt and 2 responses by the Friday of the discussion week to other student’s post for full credit.

5. **Research Paper Grade:** This grade is based on a research paper presenting a detailed and comprehensive objective examination of a legal or ethical topic and how it impacts an industry or business. Excellent research papers are posted on Canvas under the Modules "Course Content" tab. Additional
information regarding the research paper is provided in the Supplemental Syllabus attached to this Syllabus.

6. **Ethics Presentation Grade:** In lieu of a final exam, each student will be assigned to an Ethics Presentation Team. Each Ethics Team will be responsible for an online presentation to be posted on Canvas the last week of class. The assignment of the Ethics Team will be random. You will be notified of your assignment the second week of class. The Ethics Team will present an actual business example of an ethical dilemma(s) with strategizing about possible resolutions to the dilemma(s), including adopting policies, practice or procedures to prevent it reoccurrence and disseminating to the class, online, a one page handout on these possible resolutions.

7. **Course Coverage Materials:** These materials which constitute the readings on which quizzes, journal reflections, and online discussion threads are based. All materials are in the LE text or posted on Canvas under the Modules "Course Content" tab, not under the file tab.

<table>
<thead>
<tr>
<th>Date</th>
<th>Assignment</th>
<th>Pages</th>
<th>Cases</th>
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<tbody>
<tr>
<td>Week 1</td>
<td><strong>Course Overview:</strong> Review of Syllabus and Discussion of Class Objectives, Lexis/nexis training Introduction to Law and Ethics, Articles <em>On Wall Street, A Culture of Greed Won’t Let Go; Many on Wall Street Say It Remains Untamed</em>; Review of MBA Oath. Quiz 1 on Course Coverage materials on 6/28. Journal 1 Due on 6/30 Discussion initial post due 6/27 Additional posts due on 6/30</td>
<td>LE pages 371-375</td>
<td>LE pages 1-43</td>
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<td>June 26</td>
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<td>Week 2</td>
<td>Discussion of the movie <em>Enron: The Smartest Guys in the Room</em>. Course Coverage materials: <em>Bernie Madoff: An Overview; Wal-Mart FCPA Probe Focuses on Mexico Amid Report of Cover-Up; A Banker’s Oath; Rajat Gupta Convicted of Insider Trading</em> Quiz 2 on July 5 Journal 2 due on July 7 Discussion initial post due 7/4 Additional posts due on 7/7 Ethics Team Assignment on July 3</td>
<td>LE pages 371-375</td>
<td>LE pages 1-43</td>
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<td>July 3</td>
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<td>Week 3</td>
<td>July 10</td>
<td>The Duty of Loyalty and Whistleblowing DVD review and discussion of Olympus CEO Whistleblower Michael Woodford’s Presentation at Xavier’s Distinguished Speaker Series Quiz 3 on July 12 Journal 3 due on July 14 Discussion initial post due 7/11 Additional posts due on 7/14</td>
<td>LE pages 49-80</td>
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<td>Week 5</td>
<td>July 24</td>
<td>Privacy and Technology International aspects, drug testing Quiz 5 on July 26 Journal 5 due on July 28 Discussion initial post due 7/25 Additional posts due on 7/28</td>
<td>LE, pages 87-122 &amp; 346-350 Smith, Quon, White</td>
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<td>Week 6</td>
<td>July 31</td>
<td>Diversity Race, Affirmative action Article, Strategic Organizational Diversity: A Model? Quiz 6 on August 2 Journal 6 due on August 4 Discussion initial post due 8/1 Additional posts due on 8/4</td>
<td>LE pages 126-140, 144-149 158-165 Lozano, Fisher, Maldanado</td>
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<tr>
<td>Week 7</td>
<td>August 7</td>
<td>Diversity Gender Issues, Sexual Discrimination, Sexual Harassment, Family Medical Leave Act Age Discrimination in Employment Act, Americans with Disabilities Act Quiz 7 on August 9 Journal 7 due on August 11 Discussion initial post due 8/10 Additional posts due on 8/11</td>
<td>LE, pages 149-166</td>
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Week 8
August 14

Week 8
August 14

Products Liability
Allocating Risk and Responsibility
Creating an Ethical Culture in Business Organizations and Creating an Ethical Toolkit
Course Coverage Materials: Canvas
Articles: The Distinctiveness of Jesuit Business Schools; Outside the Box Ethics; Building an Ethical Framework; hiring Character; The Unexpected Cost of Staying Silent; What’s at the Core of Corporate Wrongdoing; When Good People do Bad Things at Work.
Research Paper Submission 8/16
Ethics Presentations Posted 8/14
Quiz 8 on August 16
Journal 8 due on August 18
Discussion initial post due 8/15
Additional posts due on 8/18

LE, pages 289-319
Wyeth, Denny

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**Supplemental Syllabus**

1. The research paper should present a detailed and comprehensive objective examination of a legal or ethical topic, demonstrating its impact on an industry or business. The paper must be original to this course i.e. not work submitted in other courses. The participant will research the topic and prepare a typed paper, maximum of seven (7) double spaced pages. The participant is expected to use 4 or more outside sources (try to avoid Wikipedia as a source), at least three of which are Law Review/Journal articles. You will know if it is a law review if the article is lengthy, (e.g. 20+ pages), and heavily footnoted (typically more than a 100 footnotes). Please use the style sheet I have enclosed for citing the law reviews and other articles (this is known as the "Harvard Blue Book" or "Uniform System of Citation" style). The course coverage materials may be reviewed for background information, but may not be used or cited as a source. Links to helpful databases are listed on Canvas under Modules "Library Links" tab. XU Librarian Patty Greco (Greco@xavier.edu), 745-2998 is available to assist you in your research. Outstanding papers previously submitted for this course are posted on Canvas under the Modules "Course Content" tab. (Note: citations and bibliographical information has for the most part been removed; what is included in the papers may not be used.)

2. The University Policies on academic integrity will be strictly enforced. Each paper must be submitted to TURNITIN.COM to verify that it represents the student’s work. Please review the article on Plagiarism posted under the
Modules "Course Content" tab and consult the professor with any questions as to what constitutes Plagiarism. **NOTE: Copying information word for word without the use of quotations constitutes Plagiarism.**

3. The research paper is due on 8/16/2017. There will be a 10 point penalty per day from the paper grade for every day after 8/16/2017, up to a maximum fifty (50) percent penalty. There will be exceptions from the late penalties due to business or family crises. The participant should begin working on the research paper immediately.

4. Sample topics:

<table>
<thead>
<tr>
<th>Antitrust questions</th>
<th>Patterns and practices of discrimination</th>
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<tbody>
<tr>
<td>Environmental laws</td>
<td>Religious accommodation</td>
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<tr>
<td>Products and Service Liability</td>
<td>Sex discrimination</td>
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<td>Professional malpractice</td>
<td>Glass ceilings</td>
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<td>Conflicts of interest</td>
<td>Family Medical Leave Act</td>
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<td>Business Judgment Rule</td>
<td>Affirmative action and reverse discrimination</td>
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<td>Criminal liability of executives</td>
<td>Seniority systems</td>
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<td>Sarbanes-Oxley</td>
<td>Civil Rights Act of 1866</td>
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<td>Section 404-internal controls</td>
<td>Age discrimination</td>
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<td>White-collar crime</td>
<td>Handicap discrimination - American with Disabilities Act</td>
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<td>Whistleblowers</td>
<td>Documentation of disciplinary actions (paper fortress)</td>
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<td>Ombudsmen</td>
<td>Limitations to &quot;At Will&quot; employment</td>
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<td>Defense Industry Initiative</td>
<td>Covenants not to compete</td>
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<td>Code of Ethics</td>
<td>International Business Transactions</td>
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<td>Employee Privacy</td>
<td>Export Controls</td>
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<td>Insider Trading</td>
<td>Foreign Corrupt Practices Act</td>
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<td>Federal Sentencing Guidelines</td>
<td>Title VII of the Civil Rights Act of 1964</td>
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<td>Civil Rights Act of 1991</td>
<td>Fraud</td>
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<td>Products Liability</td>
<td>Trade Secrets</td>
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<td>Patent Law</td>
<td>Copyright Law</td>
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<tr>
<td>Privacy and Counterfeit Goods</td>
<td>Special Topics may be arranged by agreement between the student and the professor</td>
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Blue book style sheet - **Make sure you follow this style sheet, and not the footnotes in the sample papers section of canvas.**

1. Periodicals (Law reviews): Author’s first and last name, *Title of the Article* (underlined if you can not italicize), Volume Number of the periodical, Name of the Journal (law review) (do not use the word "volume" or "vol" in the cite). First page the article appears on (do not use the word "page", or "p", or "pp"), page of the quote or attribution (year the article was printed).

II. Newspapers: Author’s Full Name (if the article is signed, no name if unsigned), title of the article (underlined if you cannot italicize), title of the newspaper, date of the newspaper, at page number, column numbers.
i.e. Tom Getschow, Overdriven Execs, Some Middle Managers Cut Corners to Achieve High Corporate Goals, Wall St. J., Nov. 8, 1999, at 34, col. 4.

III. Magazines: - Author’s full name, Title of the Article (underline if you cannot italicize), name of the magazine, cover date of the issue, at first page of the article, page number of the cite.
i.e. Ted Nugent, Still Rock and Roll to Me, Rolling Stone, February 29, 1992, at 61.

IV. Books: - Author’s first and last name, title of the book. Page number (year of publication).
i.e. Marvin Clinard & Peter Yeager, Corporate Crime 66 (1980).

V. Statutes: - Title of the Act, Public law number (if available), Volume number of the U.S. Code, U.S.C. or U.S.C.A. Section number (year of the code or supplement).

VI. Cases: - Case name, volume of the reporter Title of the reporter First page that the case is found in the reporter, page(s) of the cite (circuit number (if a federal case) year).

VII. Id. - Id. is used when the next cite uses the same information (except there may be a different page number of the new cite). (Please note both id. and supra are underlined, this is done if you do not have the ability to italicize)
i.e. 16 Id. at 410.

VIII. Supra - Supra refers to a new cite referring to a previous cite with at least one intervening cite.
i.e. 12 George Stricharchuk, Business Crack Down on Workers Who Cheat to Help the Company, Wall St. J., June 13, 1986 at 25, col. 4.
i.e. 14 Stricharchuk, supra note 12, at 25, col.4.

IX. Lexis - When printing a case from Lexis, note the fact that you are citing from Lexis, parenthetically. You will not be able to cite to actual page numbers, unless the star paging feature is available.
X. Internet - Author, the title or top level heading of the material cited, and the URL, the most modification date or the date you visited the cite.

Christopher A. Myers, and Laura Eilers, *Personal Liability for Organizational Fraud & Abuse: Boards of Directors May Be Held Responsible* (visited August 19, 1999)
<http://www.mmhc.com/hcbd/articles/HCBD9711/personalliabilityfororgani.html>

XI. Miscellaneous style rules

a. When quoting more than fifty (50) words from one source, skip a line, indent the entire quote five (5) spaces, and single space (also, do not use quotation marks "" at the beginning or end of the quote.)

The publication giving rise to Falwell’s suit occurred in the November 1983 of Hustler, which contained a parody of certain advertisements for Campari Liqueur. The actual Campari advertisements had featured interviews with well-known persons who discussed their first consumption of Campari Liqueur. It was apparent, however, that the advertisements contained double entendres of a sexual nature. The parody in Hustler pictured Falwell as the celebrity supposedly being interviewed. In the "interview" which was written by Hustler personnel, Falwell referred to his "first time" - allegedly an incestuous encounter between a drunken Falwell and his drunken mother in an outhouse. 1

b. When you are quoting a quote (the source you are quoting, quotes another source): (1) if the quote is more than fifty words, follow the guidelines in IX.A and put quotation marks within the quote, and (2) if the quote is less than fifty words, use single quotes around the quotation:

i.e. Commentators have addressed whether public figures asserting intentional infliction of emotional distress could provide a way of circumventing traditional defamation obstacles. This was noted in the famous *Falwell v. Hustler* case. The *Supreme Court of the United States,* "continued with a ringing endorsement of significant free speech principles, noting the 'robust political debate' contemplated by the first amendment necessarily will lead to statements critical of public officials and public figures."


2 Id. at 692.
If you are quoting or paraphrasing a law review article, which is quoting or paraphrasing a case, you may cite the law review article without going to the original source. An example of this is footnotes 1 and 2 above, when the Langvardt article cites language from the Supreme Court in *Falwell v. Hustler*. You do not have to go to the *Falwell* case, to get the citation for this quote.

c. All cites are treated as sentences, which must end with a punctuation mark (usually a period).

d. If you have a style question that is not addressed in this style sheet, or the Blue Book, you should answer it by using the Chicago Manual of Style.