2017

BLAW 550-1S Business Law and Ethics

Ross Wright
wrightr2@xavier.edu

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XAVIER BLAW 550-1S: Ross A. Wright

Business Law and Ethics
MBA Program, Summer 2017 (Sat, May 20- Sat, June 24, 2017)

Professor Ross A. Wright, Xavier University, 3800 Victory Parkway, Cincinnati, Ohio 45207-5161, Xavier office phone = (513) 550-9804, rosswrightesq@gmail.com. Office Hours: Via Skype, Facetime, during breaks, or by appointment.

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

BLAW550 COURSE LEARNING OUTCOMES ARE FOR STUDENTS TO:

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

Assessment: Prof. Wright 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. Students will demonstrate critical thinking and understanding of legal and ethical principles through written assignments and a legal research paper. Quizzes will assess a student’s understanding and application of legal principles. A team ethics project will allow students to demonstrate communication skills, using appropriate technology, as well as, the ability to discuss in depth ethics issues involving organizations and individuals in the workplace.

The course will be structured around an organization’s core values (i.e. leadership, integrity, corporate culture, privacy, loyalty, honesty, etc.). The course will explore the relationship between business, law and ethics, by first discussing legal concepts (i.e. affirmative action, products liability), then analyzing the ethical implications of these same topics. The class format will include lecture, case analysis, extensive video review and group presentations.
COURSE MATERIALS:

Texts
LE: Halbert & Ingulli; Law & Ethics in the Business Environment, 8th Edition; 2012; West Publishing;
ISBN 10: 0-538-47351-7

GRADING/ASSESSMENT:

Classroom discussion will include Socratic method discussions and group discussions synthesizing both the theoretical and applied. Students will prepare a research paper on a topic submitted by the student and agreed upon by the professor. Groups will develop presentations, based upon hypothetical ethical dilemmas they script. Grading will depend on the content of the presentation, plus the quality of the ensuing discussion. There will also be four (4) short multiple choice quizzes given at the beginning of class on Saturdays 5/9, 5/30, 6/6, and 6/13. The quizzes will rely on questions pertaining to each of the assigned readings in the L&E text.

SEMESTER SCHEDULE

Note: Canvas readings will consist of news and other information consistent with the assigned topic for class. THE ARTICLES AND READINGS OUTSIDE OF THE TEXT WILL NOT BE QUIZZED.

Always go to the canvas course and open the documents folder for that week’s material. There may be extra web sites and .pdf articles to accompany that week’s reading. All of this material (including the web readings and .pdf articles) are “fair game” for quiz questions and class discussion. LE = page numbers from Law & Ethics, by Halbert & Ingulli, BE = article numbers from the Annual Edition Business Ethics text.

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Pages</th>
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<tr>
<td>Class 1</td>
<td>Class introductions, syllabus debrief</td>
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<tr>
<td>Class 1</td>
<td>Introduction to ethics,</td>
<td>LE 1-39</td>
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<td>Class 1</td>
<td>Introduction to the legal system</td>
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<td>Class 1 2ND HALF</td>
<td>Ownership &amp; Creativity</td>
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<td>Class 2</td>
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<td>Marketing &amp; Information</td>
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<tr>
<td>Class 2</td>
<td>Quiz 2</td>
<td>Regulatory Environment: FTC, FDA, FCC and related legal and ethical regulatory concerns.</td>
<td>LE: same plus Canvas “Discussions” Silueta, Pharmacia</td>
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<td>Class 2</td>
<td>Quiz 3</td>
<td>Privacy, international aspects, drug testing</td>
<td>LE: 87-122 CANVAS “Discussions” Smyth, Karraker, Quon and NSA case via Canvas</td>
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<td>Quiz 4</td>
<td>Whistleblowing, US and International considerations</td>
<td>LE: 49-79 CANVAS “Discussions” Milton</td>
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<td>Class 3</td>
<td>Loyalty, Duty of Loyalty, Downsizing, Offshoring and sweatshops</td>
<td>LE: See ^ Kasky</td>
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<tr>
<td>Class 4</td>
<td>Quiz 5</td>
<td>Diversity: Race, Affirmative action</td>
<td>LE: 126-166 Lozano, Maldanado</td>
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<tr>
<td>Class 4</td>
<td>Loyalty, Duty of Loyalty, Downsizing, Offshoring and sweatshops</td>
<td>LE: See ^</td>
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<tr>
<td>Class 4</td>
<td>Diversity: Gender Issues, Sexual Discrimination Sexual Harassment, Family Medical Leave Act.</td>
<td>LE: See ^ CANVAS “Discussions” Chadwick</td>
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<tr>
<td>Class 4</td>
<td>Loyalty, Duty of Loyalty, Downsizing, Offshoring and sweatshops</td>
<td>LE: See ^</td>
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<tr>
<td>Class 5</td>
<td>Quiz 6</td>
<td>Worker rights: collective bargaining, global employment implications and balance of power between employer and employee</td>
<td>LE: 289-315; 210-241 CANVAS “Discussions” Wyeth, Denny</td>
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<tr>
<td>Class 5</td>
<td>Quiz 7</td>
<td>Products liability &amp; Environmental Justice</td>
<td>LE 289-315; 210-241 CANVAS “Discussions”</td>
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<td>Class 5</td>
<td>Quiz 8</td>
<td>Ethics Presentations: Groups will present today</td>
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<tr>
<td>Class 5</td>
<td>Quiz 9</td>
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<td>Class 5</td>
<td>Quiz 10</td>
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Classroom flow

- 8 AM-noon: Class in session
- Noon-1:00PM: Lunch break
- 1:00 PM-4:00PM: Class in session

*5 minute stretch breaks [preferably stay in room]: 9:30, 11, and 2:30

Expectations:

(1) Attendance is mandatory. Any student missing more than one class may have their final grade adjusted accordingly depending on the validity of the reason for the absence. There will be no further notice prior to my calculation of the student’s final grade. The student risks receiving a lower grade, or even a failing grade, depending upon the number of unexcused absences, regardless of the student’s class participation, paper or test average. The student is required to inform me if they are unable to attend class, or must leave early.

(2) Participants should be prepared to discuss all assigned readings and cases in class. The best learning occurs by thoroughly preparing the material before class and actively engaging in discussion during class. Participation is a function of in-class participation, discussion within the reflective blog and case briefs. Students who only attend class, and have minimal in-class participation, and do not brief a case (or do not brief the case well) will receive a significantly lower participation grade. This lower participation will most likely have a negative impact on the student’s final grade. The classroom discussion will include video clips from movies, documentaries, role playing hypothetical ethical matters, discussion of contemporary newspaper columns, magazine articles, guest speakers and other relevant material. I prefer our discussions to be frank and open and not politically correct. My teaching style is to keep the class captivated and motivated since this is an evening class. Students are expected to present cases in the text if called upon, so please read and outline if necessary the cases assigned each week. Typically, we will also take a five-minute stretch break each hour, and complete the class per schedule. As with physical workouts, the brain works better and is more productive with short break in-between intense intellectual engagement (https://www.theatlantic.com/business/archive/2014/09/science-tells-you-how-many-minutes-should-you-take-a-break-for-work-17/380369/).

(3) Participants should only submit their own work product.
   A. All tests are the property of the professor. Any student caught taking a test out of the classroom will be considered to be cheating.

   B. Any student caught cheating or plagiarizing on a quiz or project will be dealt with in the severest possible fashion (including a possible request for expulsion from the program).
define cheating as taking or using stolen information, **OR SHARING POTENTIAL TEST QUESTIONS WITH OTHER STUDENTS.** Please pay particular attention to footnoting the appropriate authority in your papers. You must footnote direct quotes, and ideas borrowed from other sources. Failure to do this will be considered plagiarism.

(4) Absent exceptional circumstances, there will be no make-up exams, so any student missing the quiz at the beginning of the class will receive a zero (0) for that quiz. This will be in addition to the one point per hour deduction from the final grade (if the student misses more than one class).

III. Grading

(1) Final grade cutoff:  $A >= 93$, $A- >= 90$, $B+ >= 87$, $B >= 83$, $B- >= 80$, $C+ >= 77$, $C >= 70$, $F < 70$.

(2) Grade weights:

(a) Class participation (case and overall discussion) ............ 15%

(b) Research paper ............................................................. 25%

(c) Ethics Presentation ...................................................... 20%

(d) Quizzes ......................................................................... 40% [eight quizzes]

100%

(3) Each participant should select one topic from the enclosed list of subjects. The participant will research the topic and prepare a typed paper, maximum of seven (7) double spaced pages (not including (a) page(s) for endnotes), using 12 point font (my eyes can not handle much smaller print). Do not feel compelled to use all seven pages. You may be able to do a thorough job using only five (5) pages (less than this would be surprising). The participant is expected to use four or more outside sources (try to avoid using Wikipedia, and never cite Wikipedia as a source), at least three of which are Law Review/Journal articles. You’ll know if it’s a “law review” if the article is lengthy, (e.g. 20+ pages), and heavily footnoted (typically more than 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).

**AMOUNT OF MATERIAL FROM OTHER SOURCES** - The goal of the paper is to have the participant select a topic of interest and research it in depth, using at least three law review articles, along with other material. While the student is expected to cite the ideas coming from these articles, and may occasionally use some direct quotes, the student should not have large segments of their paper “cut and pasted” from these outside sources. As a rule of thumb, if more than thirty percent (30%) of the paper is the direct words (or very similar words with minor “shuffling”) from other sources (even if the sources are appropriately footnoted), the student will receive no credit (a zero) on the paper. This “30% rule” refers to direct quotes and sentences in which you have made minor modifications. While no more than 30% of the words of the paper should come from outside sources, probably almost 100% of the thoughts would come from the outside sources. If the student takes a significant portion of their paper from other sources, and does not footnote the appropriate
authority, this will be considered plagiarism, which will result in immediate and severe disciplinary sanctions.

While students should be citing outside authority extensively, their papers should not merely “mimic” one or two articles. This means that once you cite a source, it may be appropriate to cite it again in several succeeding footnotes, but as a rule of thumb, that same source should not be cited for more than five footnotes in a row. When the same source is cited repeatedly and successively, students will lose a significant number of points from their grades because they are not synthesizing and integrating all of the material they are presenting. Each student should submit an electronic version of the paper, in order to be screened and catalogued by Turnitin.com.

The project is worth thirty (25) percent of the participant’s final grade. A “hard copy” of the paper is due in my possession (preferably via email) by on the last day of class.

There will be no exceptions from the late penalties. The participant should begin working on the project immediately, and deliver the project early if he/she believes there will be any problem with making the deadline.

**SAMPLE TOPICS**

- Antitrust questions
- Environmental laws
- Products and Service Liability
- professional malpractice
- conflicts of interest
- business judgment rule
- criminal liability of executives
- Sarbanes-Oxley
- Section 404 – internal controls
- White-collar crime
- Whistleblowers
- Ombudsmen
- Defense Industry Initiative
- Codes of Ethics
- Employee Privacy
- Insider Trading
- Federal Sentencing Guidelines
- Title VII of the Civil Rights Act of 1964
- Civil Rights Act of 1991
- patterns and practices of discrimination
- religious accommodation
- sex discrimination
- glass ceilings
- Family Leave Act
- comparable worth
- sexual harassment
- affirmative action and reverse discrimination
- seniority systems
- Civil rights act of 1866
- age discrimination
- handicap discrimination - Americans with Disabilities Act
- documentation of disciplinary actions (paper fortress)
- Limitations to "At Will" employment
- covenants not to compete
- International Business Transactions
- Export Controls
- Foreign Corrupt Practices Act
- NAFTA
- General Agreement on Tariffs and Trades
- Piracy and Counterfeit Goods
- Special Topics may be arranged by agreement between the student and the professor.
MAKE SURE YOU FOLLOW THIS STYLE SHEET, AND NOT THE FOOTNOTES IN THE “SAMPLE PAPERS” SECTION OF CANVAS.

I. 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 can not italize), 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 can not italicize), name of the magazine, cover date of the issue, at first page of the article, page number of the cite.

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 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).
  i.e. Bush v. Harvey Transfer Co., 146 Ohio St. 657 (1946)., or
  i.e. DiSilvestro v. United States, 767 F. 2d 30, 31-32 (2d Cir. 1985)., or

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.]
  16 Id. at 410.
VIII. **Supra** - *Supra* refers to a new cite referring to a previous cite with at least one intervening cite.


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 recent modification date or the date you visited the cite.


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 issue 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 time." The "first time" referred to in the advertisements was the particular celebrity’s 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 (50) 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

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 cite 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.