

SYLLABUS

OAKLAND UNIVERSITY SCHOOL OF BUSINESS ADMINISTRATION

MGT 3500-07

LEGAL ENVIRONMENT OF BUSINESS

SECTION 10185

WINTER 2018 –MONDAY 8:00 TO 10:50 AM
239 ELLIOTT HALL

Instructor: F.G. Hoffman, J.D.

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Office: 404 Elliott Hall

Office Phone: 248-370-4978

Office hours: By appointment or before class.

PREREQUISITES: COM 201 or COM 202, with a minimum grade of 2.0 in either course and junior standing.

REQUIRED TEXTBOOK:

Henry R. Cheeseman, The Legal Environment of Business, Online Commerce, Business Ethics, and Global Issues, Eighth Edition (Pearson Prentice Hall, 2016) ISBN 9780133973310

Bring this text to every class as you will need it for in-class exercises for participation points.

REQUIRED -- ON MOODLE:

You should check Moodle regularly for course mail, power-point presentations, discussion cases, and other course materials. *I will often provide hand-outs and class exercises during class meetings that may not be uploaded to Moodle. If you should miss a class, you will need to check with me or classmates to get what you missed.* Any additional readings for a class will be posted at least 48 hours before each class.

KRESGE LIBRARY RESERVES:

None this semester.

OPTIONAL READINGS:

Bakan, Joel. *The Corporation: The Pathological Pursuit of Profit and Power.* New York: Free Press, 2004.

Bazerman, Max H., Tenbrunsel, Ann E. *Blind Spots: Why we Fail to do What's Right and What to do About it.* Princeton: Princeton University Press, 2011.

Bowen, Catherine Drinker. *Miracle at Philadelphia: The Story of the Constitutional Convention May to September 1787.* Boston: Little, Brown and Company, 1966.

Callahan, David. *The Cheating Culture.* New York: Harcourt, 2004.

Cruz, Jeffrey R. "Arbitration vs. Litigation: An Unintentional Experiment." *Dispute Resolution Journal* 60 (no4) (Nov 2005/Jan 2006):10.

Fisher, Roger, Ury, William, and Patton, Bruce. *Getting to Yes: Negotiating Agreement Without Giving In.* New York: Houghton Mifflin, 1991.

Harr, Jonathon. *A Civil Action.* New York: Random House, 1995.

Posner, Richard. *The Little Book of Plagiarism.* New York: Pantheon Books, 2007.

Solove, Daniel J. *The Future of Reputation: Gossip, Rumor, and Privacy on the Internet.* New Haven: Yale University Press, 2007.

COURSE DESCRIPTION:

The purpose of this course is to present the legal, political and ethical environment of business activity through exposure of the student to basic tenants of the law. Because the legal environment is continuously evolving, it is necessary for the student to consider law as it applies to business from a historical, social, ethical and global perspective, and not just as a set of rules. The greater goal of the course is to equip students, as current or future managers, with the necessary knowledge and critical thinking skills to anticipate, prevent, and resolve management issues they will likely encounter in their careers involving ethics and the legal system.

In this context, the course will cover basic theories of societal governance, the state and federal court systems, alternative dispute resolution, constitutional principles, business regulation, corporate social responsibility, torts, product liability, business crimes, intellectual property, contracts, agency and employment law, business organizations, equal opportunity law, internet law, and electronic commerce.

COURSE LEARNING OBJECTIVES:

- To acquaint each student with methods that they may adopt to resolve management or workplace issues in an ethical manner and as a business strategy.
- To equip each student with the basic knowledge of the legal and regulatory environment affecting business so as to be able to identify, avoid, and manage legal issues they will encounter in business.
- To provide course activities enhancing critical thinking and analysis.
- To enrich student oral and written communication skills through class participation projects and written assignments.
- To connect the course material to situations students will face beyond graduation through practical examples of ethical dilemmas and the legal consequences of poor as well as good management decision-making.

EVALUATION AND GRADES

First exam	100 points
Second exam	100 points
Final exam	100 points
Class Participation/Quizzes	100 points
Total	400 points

For example, if you accumulate 360 points, I will enter a grade of “3.6” at the end of the course.

1. Exams:

The first, second and final exam are “in-class,” without books or notes. The first exam is scheduled for **January 29, 2018**. The second exam is scheduled for **March 12 , 2018**, and is not cumulative. The final exam is scheduled for **April , 2018** from **(to be determined)** and is not cumulative. **You must be present to take the first, second and final exam when scheduled. I will not allow make-up exams (NO EXCEPTIONS). If you know you will not be available for the scheduled exam times, drop this course.**

The first and second exam will likely include a mixture of multiple choice and short essay. Essay questions will test your ability to analyze a factual situation as well as normal essay responses to course content and ethical questions. The final exam will be multiple choice only.

You should get one scantron (Form 882 ES or similar) for recording answers to multiple choice answers on the first, second, and final exams, and the two unannounced quizzes described below. If you erase an answer, you run the risk that the machine may misread your answer. In such case, you may want to use another scantron. I will not change an answer upon the contention that the machine misread an erased answer.

2. Class conduct, participation and quizzes: Class participation is an important part of the learning experience in this class. Each student begins with 20 out of 100 points. You can **gain** points by attendance, completing projects which are randomly assigned participation points, punctuality, and the quality of your in class questions and comments.

I will take attendance through the use of a seating chart which we will establish in the second class meeting. I will take attendance in the first few minutes of class. If you arrive late and after I have taken attendance, *it is your responsibility to see me a break to remove the marked absence.* I take attendance again after break. **You will receive attendance points only if you are in class before and after the break.**

*You will lose points by more than **two** absences (I deduct 10 participation points for each class missed after two); by leaving before class ends; by being habitually late (I deduct 10 participation points for each tardy after two); by allowing your cell phone/electronic communication device to sound off during class; by leaving class to take a call, demonstrating lack of preparation when called upon; **talking to others when I am talking or when another student is talking; using, texting or checking texts or messages on your cell phone/electronic communication device during class (I will deduct 10 points each time I witness texting or checking your smartphone during class); using a laptop or netbook for other than taking notes or following power points; or other actions which detract from the learning environment we are trying to create together in this class. This class starts promptly at 8:00 am.. I expect you to be on time.** By coming in late, you are disrupting **me** as well as **the class.** If for any reason you are not comfortable with responding to questions in class, see me immediately for alternative opportunities to earn participation points.*

There will be two unannounced graded quizzes each worth 15 points towards class participation/quiz points: one in the first half of class and the other in the last half of class. You must bring to each class a scantron in anticipation of the unannounced quizzes.

You should take notes. What I emphasize in class will surely be on the exams even if not in the text or power point presentations. *This course is designed to reward those who come to class. Many students who have taken this course before would have received one letter grade higher had they come to class and participated. Welcome to the reality of the business world: if you are not engaged and participating in the process, you will not likely succeed.*

3. Academic Conduct Policy. You will be expected to adhere to the Academic Conduct Policy regarding cheating on examinations and plagiarizing the work of others. **Plagiarism is stealing the words and ideas of another and presenting them as your own.** Unintentional or intentional, plagiarizing is a serious offense. Students found to have cheated on an exam, or to have plagiarized in a submitted paper, will be reported to the Dean of Students. Possible consequences for being proved a plagiarist or a cheater include an academic disciplinary warning, academic probation, suspension or expulsion (dismissal) from the university, and/or a course grade of 0.0. In connection with exams for this course, I require that you sign at the times of your exams the Student Integrity Statement in the form attached as Appendix A which I will provide you.

Unauthorized Collaboration. According to the Academic Conduct Policy, collaboration on coursework is presumed unauthorized and a violation of the Policy, unless the Instructor specifically indicates otherwise. For this class, collaboration on take-home assignments which will be graded is unauthorized. Studying with another classmate for exams does not constitute unauthorized collaboration. If you have any questions, please be sure to speak with me. Please refer to the current Oakland University Undergraduate Catalog to read the full Academic Conduct Policy.

4. Use of Laptops, Recording Devices or Notepads. You may use laptop computers or notepads during class to take notes only. You may not use recording devices (sound or video) of any kind. My lectures and class materials are subject to copyright protection. Any unauthorized use constitutes infringement and is subject to appropriate penalty by law.
5. ADA (Americans with Disabilities Act). For students with disabilities requiring assistance, please contact the Office of Disability Support Services, 121 NFH, 248-370-3266 (voice) or 370 3268 (TDD).

Schedule of Class Meetings and Tentative Reading Assignments

Text assignments and case to be read before class. (Remember to check Moodle for additional course materials)

1. 1/8 **COURSE INTRODUCTION AND COURT SYSTEMS**
Syllabus review, course requirements and introduction, class exercise, and learning to analyze a court opinion.

Text: Legal Heritage and the Digital Age (Ch. 1)
Courts, Jurisdiction and Administrative Law (Ch.3)

2. 1/15 **NO CLASS**

3. 1/22 **DISPUTE RESOLUTION AND CONSTITUTIONAL LAW**
Text: Judicial, Alternative and E-Dispute Resolution (Ch.4)
Constitutional Law for Business and E-Commerce (Ch. 5)

*Read/Brief: Hooters v. Phillips (Moodle).
Anheuser-Busch, Inc. v. Schmoke Moodle)*

CORPORATE SOCIAL RESPONSIBILITY

Text: Ethics and Social Responsibility of Business (Ch. 2)
Discussion Case: Stella Liebeck v. McDonald's Corporation
See Stella Liebeck article under "Course Materials" on Moodle
Read Milton Friedman "The Social Responsibility of Business..." (Moodle)

First Exam Tips

4. 1/29 **FIRST IN-CLASS EXAM**

5. 2/5 **NEGLIGENCE, INTENTIONAL TORTS, AND PRODUCT LIABILITY**
Text: Torts and Strict Liability (Chap.6)

Read/Brief: Ramirez v. Plough (Moodle)
Bailey v. Eminent (Moodle)

6. 2/12 **BUSINESS CRIMES AND CRIMINAL LAW**
Text: Criminal Law and Cybercrime (Ch. 7)

Read Carpenter v. U.S.; Petition for Writ of Certiorari (Moodle; Cases)

Winter Recess February 17 to February 25. No class February 19

7. 2/26 **INTELLECTUAL PROPERTY AND ONLINE COMMERCE**
Text: Intellectual Property and Cyberpiracy (Ch.8)
Digital Law and E-Commerce (Chap. 11)

Read/Brief: Mead Data Central v. Toyota (Moodle)

8. 3/5 **CONTRACT LAW**
Text: Formation and Requirements of Contracts (Ch. 9)
Performance and Breach of Traditional and E-Contracts (Ch. 10)

Read/Brief: Lucy v. Zehmer (Moodle)
Hamer v. Sidway (Moodle)

Second Exam Tips

9. 3/12 **SECOND IN-CLASS EXAM**

10. 3/19 **BUSINESS ORGANIZATIONS**
Text: Small Business and General and Limited Partnerships (Ch.14)
Corporations and Corporate Governance (Ch. 16)

Read/Brief: Vernon v. Schuster (Moodle)
Zuckerman v. Antenucci (Moodle)

11. 3/26 **BUSINESS ORGANIZATIONS CONTINUED**
Text: LLCs, LLPs and Special Forms of Business (Ch. 15)

Read/Brief : Fontana v. TLD Builders (Moodle)

12. 4/2 **AGENCY AND EMPLOYMENT LAW**

*Text: Agency Law (Ch. 18)
Employment Law and Worker Protection (Ch. 20)*

13. 4/9 **DISCRIMINATION IN THE WORKPLACE**

Text: Equal Opportunity in Employment (Ch. 19)

Final Exam Tips

NO CLASS MEETING ON APRIL 16, 2018

14. 4/ **IN CLASS FINAL EXAMINATION (to be determined)**

READING ASSIGNMENTS ARE SUBJECT TO CHANGE AT MY DISCRETION.

COURSE EVALUATIONS: Course evaluations are available approximately two weeks prior to the final day of classes at <http://www.oakland.edu/evals>. Please take the time to complete your course evaluations as this information is important to instructors and the quality of the educational process at Oakland University.

Appendix A

Academic Conduct Regulations

Faculty members are expected to maintain the following standards in the context of academic conduct:

1. To inform and instruct students about the procedures and standards of research and documentation required to complete work in a particular course or in the context of a particular discipline.
2. To take practical steps to prevent and detect cheating.
3. To report suspected academic misconduct to the Dean of Students, 144 Oakland Center, for consideration by the Academic Conduct Committee of the University Senate.
4. To present evidence of plagiarism, cheating on exams or lab reports, falsification of records, or other forms of academic misconduct before the Academic Conduct Committee.

If the Academic Conduct Committee determines that academic misconduct has occurred, the committee assesses penalties ranging from an academic disciplinary warning, to academic probation, to suspension or expulsion (dismissal) from the university. All conduct records are maintained in the Dean of Students Office.

STUDENT INTEGRITY STATEMENT

DATE: _____

I, _____ certify that I have completed this exam

[print name]

in accordance with the Oakland University Academic Conduct Policy and have

not cheated in any way in answering the questions.

Student Signature _____