

TEXAS A&M UNIVERSITY-COMMERCE
SYLLABUS
Fall 2012



Course: BA 301 - The Legal Environment of Business

Time & Location: Online 24-7

Instructor: Edgar J. Garrett, Jr., JD

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A. COURSE DESCRIPTION: This course is a study of the legal environment of business including elements of tort and contract law, product liability, employment law and discrimination, consumer law, and the basics of the legal system, including ethics and foreign and international law.

B. COURSE MISSION

1. To provide an overview of the basics of the legal system, both nationally and internationally.
2. To develop skills in working with legal materials and understanding the language of the law.
3. To provide a general understanding of the major legal issues that impact the business environment, both nationally and internationally.
4. To provide knowledge of specific basic laws which affect business structure and finance.

C. EXPECTED STUDENT COMPETENCIES TO BE ACHIEVED IN THIS COURSE. These are set out in the following statements:

- a. Demonstrate knowledge of the legal environment of business by an understanding of the role, nature and sources of law; the courts and alternatives for dispute resolution; international law; and the differentiation of civil and criminal law.
- b. Demonstrate an understanding of federal and state regulatory laws affecting business including administrative law; the commerce clause of the Constitution; intellectual property laws; consumer protection laws; employment laws; environmental laws; business competition laws; and discrimination laws.
- c. Demonstrate an understanding of the elements of contracts, breach of performance and remedies, and E-Commerce issues.
- d. Demonstrate the ability to define tort law; understand common torts; and explain liabilities and remedies for the breach thereof.
- e. Demonstrate the process of legal research and preparing a case brief.

Student understanding of the foregoing concepts will be tested throughout the course, viz.:

a. *Demonstrate knowledge of the legal environment of business by an understanding of the role, nature and sources of law; the courts and alternatives for dispute resolution; international law; and the differentiation of civil and criminal law.*

1. What are the major legal philosophies that have influenced the American legal system?
2. Define the doctrine of *stare decisis*.
3. Understand basic ethical systems, how they differ, and how they impact the law.
4. Understand the process of negotiation, mediation and arbitration.
5. Compare and contrast the function of trial courts and appellate courts.
6. What is the doctrine of sovereign immunity?
7. What are the most common risks of criminal liability faced by business people.

b. *Demonstrate an understanding of federal and state regulatory laws affecting business including administrative law; the commerce clause of the Constitution; intellectual property laws; consumer protection laws; employment laws; environmental laws; business competition laws; and discrimination laws.*

1. Explain the federal government's authority to regulate interstate commerce.
2. Know the major laws that protect employees in the workplace.
3. Know the protected categories under Title VII.
4. Understand the types of sexual harassment and how an organization can bring itself into compliance with the law.
5. Know an organization's obligations to the disabled under the ADA.
6. Name three unfair and deceptive practices that violate Section 5 of the Federal

Trade Commission Act.

c. *Demonstrate an understanding of the elements of contracts, breach of performance and remedies, and E-Commerce issues.*

1. Know the four essential elements to make a contract enforceable.
2. Know the difference between compensatory, consequential, punitive and nominal damages.

d. *Demonstrate the ability to define tort law; understand common torts; and explain liabilities and remedies for the breach thereof.*

1. Know the essential factors necessary for a valid negligence claim.
2. Name and describe the two types of defamation.
3. Understand the concept and practice of strict liability

e. *Student understanding of the process of legal research and preparing a case brief will be assessed by the case brief assignment.*

D. COURSE REQUIREMENTS

1. Readings as assigned.
2. Chapter quizzes (20% of grade)
3. Three examinations and a final (50% of grade). The final will not be comprehensive. Normally there will be no make-up exams. Exams will be graded on the following scale. 90-100=A; 80-89=B; 70-79=C; 60-69=D; Below 60=F.
4. One written case brief due on or before **November 25th**. I will provide instructions on how to write a brief to you via email at the appropriate time. Cases will be found on the second floor of the library, in the Southwestern Reports, the Federal Supplement, and the Federal Reports. The can also be found under the Westlaw or Lexis-Nexis databases for the library. Cases will be provided by the instructor upon your email request. Students must report on different cases. The brief should be neatly typed (20% of grade). This course is designed to train you in the skill of critical legal thinking. As such it is imperative that you do all the reading (particularly the cases), quizzes and discussion postings. Jumping ahead would frustrate the process. The study of law is unlike any other college courses. At the outset of the course you could not yet prepare a proper case brief as you have not been seasoned with the study. Further instructions on the process will be forthcoming. Though you may request your case early on, the case brief should not be attempted until after exam 2.
5. Class participation is required (10% of grade). Each student is required to make at least one thoughtful post for each required reading. Posts for readings associated with text chapters are required no later than the end of the week during which the chapter is assigned; posts for other required readings can be

made at any time during the term. This is the class participation component of the grade. As a general guideline, your grade on this portion will be a function of the quality, quantity, timeliness and consistency of your posts (including your original posts and your replies to other posts) on the bulletin board. Please note the deadline for bulletin board participation in the daily schedule. Please also note that heavy activity during the last few days cannot compensate for a lack of participation during the term. Plan to participate throughout the course.

E. TEXT: Miller and Jentz, *Business Law Today*, Ninth Edition, (South-Western, Cengage Learning 2012) Comprehensive Edition ISBN 978-0-538-45280-9 or 0-538-45280-3

F. OUTLINE OF COURSE. This outline as to dates and assignments is tentative. It assumes the material will be covered at maximum speed. Exams, however, will be given as scheduled, but will cover only material that has been covered in class before the exam.

<u>Date Open/Closed</u>	<u>Subject</u>	<u>Assigned Reading</u>
Aug 27/Sept2	Introduction to law and the course	
	The Legal Environment of Business	Chapter 1
Sept2/Sept 9	Constitutional Law	Chapter 2
Sept2/Sept 9	Ethics and Business Decision Making	Chapter 8
Sept 9/Sept 16	Courts and Alternative Dispute Resolution	Chapter 3
Sept 9/Sept 16	Administrative Law	Chapter 38
Sept 16/Sept 23	Exam I (Chapters 1, 2, 3, 8 and 38)	
Sept 23/Sep 30	International Law in a Global Economy	Chapter 27
Sept 23/Sep 30	Torts and Cyber Torts	Chapter 4
Sep 30/Oct 7	Promoting Competition	Chapter 39
Oct 7/Oct 14	Criminal Law	Chapter 6
Oct 7/Oct 14	Cyber Crime	Chapter 7
Oct 14/Oct 21	Exam II (Chapters 4, 6, 7, 27 and 39)	
Oct 21/Oct 28	Contracts – Nature and Classification	Chapter 9
Oct 21/Oct 28	Agreements in Traditional and E-Contracts	Chapter 10
Oct 28/Nov 4	Breach and Remedies	Chapter 16
Oct 28/Nov 4	Intellectual Property	Chapter 5
Nov 4/Nov 11	Exam III (Chapters 5, 9, 10 and 16)	
Nov 11/Nov 18	Employment, Immigration and Labor Law	Chapter 29
Nov 18/Nov 25	Employment Discrimination	Chapter 30
Nov 25/Dec 2	Consumer Law	Chapter 40

Dec 9/Dec 13 FINAL EXAM (Chapters 29, 30, 40 and 41)

NOTE: Requests from students with disabilities for reasonable accommodations must go through the Academic Support Committee. For more information, please contact the office of Advisement Services, BA 314, (903)886-5133.

All students enrolled at the university shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment (see Student's Guide Book, Policies and Procedures, conduct).

**Texas A&M University-Commerce
College of Business and Technology
Academic Honesty Policy**

Statement of Ethical and Professional Conduct:

The College of Business and Technology at Texas A&M University-Commerce faculty, staff and students will follow the highest level of ethical and professional behavior. We will strive to be recognized as a community with legal, ethical and moral principles and to teach and practice professionalism in all that we do.

In an academic environment we will endeavor to not only teach these values but also to live them in our daily lives and work. Faculty and staff will be held to the same standards and expectations as our students.

Failure to abide by these principles will result in sanctions up to and including dismissal.

Actionable Conduct:

There are five different types of actions that will bring sanction. They are:

1. **Illegal activity:** Violation of any local, state or federal laws that prohibit the offender from performance of his or her duty.
2. **Dishonest Conduct:** Seeking or obtaining unfair advantage by stealing or receiving copies of tests or intentionally preventing others from completing their work. In addition falsifying of records to enter or complete a program will also be considered dishonest conduct.
3. **Cheating:** The unauthorized use of another's work and reporting it as your own.
4. **Plagiarism:** Using someone else's ideas and not giving proper credit.

5. Collusion: Acting with others to perpetrate any of the above actions regardless of personal gain.

Sanctions:

In the case of staff or faculty the immediate supervisor will be the arbiter of actionable behavior and will use Texas A&M University-Commerce and/or Texas A&M University System Policy and Procedures as appropriate to guide sanctions.

Faculty, guided by clearly delineated policy in the course syllabus, will be the arbiter for in-class violations. All violations will be reported to the Dean of the College of Business and Technology to assure equity and to provide appropriate counsel. In addition, the Dean will maintain records of violations by students. Second violations will be reviewed by the Dean and sanctions beyond those of the faculty up to and including suspension and permanent expulsion from Texas A&M University-Commerce will be considered. Faculty and students are guided by the current undergraduate and graduate catalogs of the University as well as The Student's Guidebook.

Faculty, staff and students will always be afforded due process and review as appropriate.

Texas A&M University-Commerce
College of Business & Technology
Student Appeal of Course Grade

(Refer to TAMU-C Procedure: 13.99.99.R0.05)

TEXAS A&M UNIVERSITY-COMMERCE PROCEDURE

13.99.99. R0.05 Student's Appeal of Instructor's Evaluation Effective September 1, 1996 Revised December 15, 1999 Revised February 8, 2007 Supplements System Policy 13.02

1. The final grades awarded by faculty members are their expert judgment concerning student performance. Students challenging a final grade must show that the instructor's judgment was unfair based on: a) some basis other than performance, or b) standards different from those applied to other students in the same course section, or c) a substantial, unreasonable, and unannounced departure from previously articulated standards or the syllabus.
2. Students who believe their grade to be unfair *must first discuss the matter with the instructor.*
3. *If no satisfactory resolution is reached with the instructor, or if the instructor is unavailable, the student shall appeal to the Department Head.* A grade appeal must be initiated in writing with the Department Head (or Dean if the Department Head is the instructor) within six (6) months of the last day of the semester in which the grade was awarded. The Department Head will examine the student's appeal to determine whether the student has established an apparent case of unfair academic evaluation as described in

section 1. If the student has not established a case that appears to have merit, the Department Head will so inform the student and the instructor without delay.

4. If the case has merit, the Department Head will secure, from all parties, written statements and other such information as he or she deems helpful and will issue his or her findings and remedies, if any. In so doing, the Department Head will be guided by the principle *the burden of proof lies with the student*.

5. The instructor or the student may appeal the Department Head's decision (with respect to findings and remedies) to the Dean of the College in which the course is offered within 30 days of the date on which the Department Head offered his or her judgment.

6. Upon receipt of an appeal, the Dean will appoint a three-person advisory committee of faculty to hear the case. The chair of the committee will be from a department other than the one offering the course in question. The two remaining committee members will be from the department offering the course. One of these faculty members may be suggested by the author of the appeal. The instructor and the student may file additional statements. The committee will review all written materials and may seek other information, as they deem appropriate. After reviewing all information, the committee will communicate their findings and suggested remedies, if any, to the Dean.

7. The Dean is the final authority on issues of fairness in course evaluation. He or she will consider the recommendations of the committee but has wide latitude in resolving the matter.

The Dean too will be guided by the principle that the student must show the evaluation to have been unfair as identified in Section 1.

8. The Dean is responsible for notifying the Office of the Registrar of any decision requiring a change in records.

References: Prior ETSU Policies V C 1.1 and B-32 approved October 7, 1977; revised September 1, 1979, January 19, 1990, July 30, 1998, and December 15, 1999; Procedure A13.06

CONTACT FOR INTERPRETATION: Provost and Vice President for Academic Affairs

Students with Disabilities:

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring an accommodation, please contact:

**Office of Student Disability Resources and Services
Texas A&M University-Commerce**

**Gee Library
Room 132**

Phone (903) 886-5150 or (903) 886-5835

Fax (903) 468-8148

StudentDisabilityServices@tamuc.edu