

The Legal Environment of Business (BLA 201)

Course Materials: Custom Course Book for BLA 201 – The Legal Environment of Business (Fall 2018/Spring 2019) published by LAD Custom Publishing

Program Learning Objectives:

1. Business knowledge – Students will acquire, apply and/or integrate business knowledge;
2. Critical thinking (qualitative) – Students will analyze business issues quantitatively;
3. Effective communication (oral) – Students will prepare and deliver professional oral presentations on business topics;
4. Effective communication (written) – Students will write professionally about business topics;
5. Ethical mindset – Students will devise ethical solutions to business problems;
6. Global perspective – Students will recognize the impact of globalization on business.

Course Description: This course will examine both procedural and substantive aspects of the American legal system that impact the environment in which business operates. The course will encourage students to consider both the legal and ethical parameters of decision-making.

Course Objectives:

1. To develop and demonstrate an understanding of:
 - a. the structure of the American legal system and how our system of self-governance affects the conduct of business (explored in the Overview of the Legal System; U.S. Constitution);
 - b. selected areas of substantive law that define the relationship between:
 1. government and business (explored in the U.S. Constitution; Administrative Agencies);
 2. government and individuals (explored in the U.S. Constitution);
 3. individuals (persons or businesses) in society (explored in Intentional Torts; Negligence; Intellectual Property; Strict Liability; Contracts; Products Liability);
 4. consumers and providers of goods and services (explored in Intentional Torts; Negligence; Intellectual Property; Products Liability; Contracts);
 5. employers and employees (explored in Employment Law);
 - c. the relationship between law and ethics as parameters for decision-making (explored in Law and Ethics and throughout the course).
2. To further develop critical thinking skills that will enhance your understanding of, and appreciation for, the existing legal framework and expand your ability to consider the legal and ethical implications that may result from pursuing a specific course of action (explored throughout the course).

Evaluations and Grading: Your performance in the course will be evaluated on the basis of the following criteria:

1. Two (2) in-class examinations (25% each)
2. Supplemental assignments and quizzes (announced and unannounced) (25%)

- combined)
3. One (1) final examination (25%)

* Class participation that demonstrates preparation of the assigned material also may be considered in arriving at a final grade.

Attendance Policy: You are expected to attend each class and to participate in class discussions. Because the law is constantly changing and developing, material covered in your course book will be supplemented through our class discussions and handouts. It is your obligation to obtain all assignments and supplemental materials.

Excused Absences Policy: Students are advised to carefully read and comply with the excused absences policy, including absences for university-sanctioned events, contained in the WCU Undergraduate Catalog. In particular, please note that the “responsibility for meeting academic requirements rests with the student,” that this policy does not excuse students from completing required academic work, and that professors can require a “fair alternative” to attendance on those days that students must be absent from class in order to participate in a University-Sanctioned Event.

Make-up Policy: You are expected to complete the in-class examinations and quizzes on the scheduled date. You must provide notice as soon as you become aware that you will be unable to complete an examination or quiz as scheduled. Students will be permitted to make up a missed examination or quiz only when a legitimate justification is provided in a timely manner and consistent with the above-described Attendance & Excused Absences Policies.

Academic & personal Integrity: It is the responsibility of each student to adhere to the university’s standards for academic integrity. Violations of academic integrity include any act that violates the rights of another student in academic work, that involves misrepresentation of your own work, or that disrupts the instruction of the course. Other violations include (but are not limited to): cheating on assignments or examinations; plagiarizing, which means copying any part of another’s work and/or using ideas of another and presenting them as one’s own without giving proper credit to the source; selling, purchasing, or exchanging of term papers; falsifying of information; and using your own work from one class to fulfill the assignment for another class without significant modification. Proof of academic misconduct can result in the automatic failure and removal from this course. For questions regarding Academic Integrity, the No-Grade Policy, Sexual Harassment, or the Student Code of Conduct, students are encouraged to refer to the Department Undergraduate Handbook, the Undergraduate Catalog, the *Ram’s Eye View*, and the University website at www.wcupa.edu.

Electronic Mail Policy: It is expected that faculty, staff, and students activate and maintain regular access to University provided e-mail accounts. Official university communications, including those from your instructor, will be sent through your university e-mail account. You are responsible for accessing that mail to be sure to obtain official University communications. Failure to access will not exempt individuals from the responsibilities associated with this course.

Course Outline:

A. Overview of the Legal System

1. Sources and classifications of law
2. Relationship between law and ethics
3. Structure of the court system
4. Dispute resolution: Litigation and Alternative Dispute Resolutions (ADRs)

B. Business and the Constitution

1. Overview of the Constitution
2. Congressional power to enact laws
 - a. Commerce clause/necessary and proper clause
 - b. Preeminence of federal law: Supremacy clause
3. Limitations on Congressional/government action
 - a. First Amendment: Is all speech created equal?

C. Administrative Law

1. Creation and purpose of administrative agencies
2. Powers of administrative agencies
 - a. Rulemaking
 - b. Investigation and enforcement
 - (1) Fourth Amendment: protection against unreasonable search and seizure
 - (2) Fifth Amendment: privilege against compelled self-incrimination
 - c. Adjudication

D. Torts & Products Liability

1. Intentional torts; defenses
2. Negligence; defenses
3. Express Warranty & Implied warranty of merchantability
3. Strict liability in tort (products liability)
 - a. Manufacturing defects
 - b. Design defects and failure to warn
 - c. Defenses to strict liability in tort

E. Intellectual Property

1. Patents
2. Copyrights
3. Trademarks

F. Contracts

1. Elements of a valid contract
 - a. Offer
 - b. Acceptance

- c. Consideration
- d. Capacity
- e. Legality
- 2. Lack of consent
- 3. Statute of Frauds
- 4. Parol evidence rule and contract interpretation
- 5. Performance of a contract, breach and remedies

G. Employment Law

- 1. Common law protection (or lack thereof)
 - a. Employment at-will
 - b. Exceptions to employment at-will
 - (1) Tort of wrongful discharge in violation of public policy
 - (2) Implied contract (employee handbooks)
- 2. Statutory protection
 - a. Whistleblower statutes
 - b. “Lifestyle” statutes
 - c. Section 7 of the National Labor Relations Act
 - d. Anti-discrimination statutes
 - (1) Title VII of the Civil Rights Act of 1964: race; religion; color; sex; national origin
 - (a) Disparate treatment/BFOQ defense
 - (b) Disparate impact/business necessity defense
 - (c) Sexual harassment: Quid pro quo and hostile work environment
 - (2) ADA: disability
 - (3) ADEA: age
 - (4) GINA: genetic information
 - e. Employee welfare statutes
 - (1) FLSA: minimum wage and overtime pay
 - (1) OSHA: safety and health
 - (2) FMLA: family and medical leave

Class Assignments: To maximize your understanding of the material and to foster participation in class discussion, you are expected to read and prepare the assigned material in advance of the class session in which the material will be covered. **PLEASE check my Course Homepage on D2L for BLA 201 (Fall 2018) for announcements and assignments.** The following schedule is **tentative** and may be **revised and supplemented** during the course of the semester: