The Legal and Ethical Dimensions of Business  
Bus 4040 - 3 units  Fa2015  
Notre Dame de Namur University
Tuesday @ 6-9:00 pm

Jim Kelley is an attorney practicing in San Jose, CA. He holds a B.S. degree from the US Military Academy, an MBA from the Wharton Graduate Division of the University of Pennsylvania, and a JD from Santa Clara. He has concentrated his practice in corporate and business law, although he also spent five years in complex commercial litigation. He is also a Professor at NDNU.


COURSE DESCRIPTION:
This course is an introduction to those institutions that influence business decision making in society. The basic approach to analyzing these institutions will be to look at the interests that each of these institutions balance, and to refine our thinking about these institutions. We will analyze possible alternatives to the existing institutions and discuss techniques for influencing current decision making by existing institutions. Specifically we will review our economic system, our legal system, and our political system, as well as regulatory agencies.

METHOD:
Class discussion on assigned material, two papers, and a final exam.

MBA PROGRAM LEVEL LEARNING OUTCOMES:
1. Students will be able to understand, analyze and communicate economic, legal, and ethical aspects of business.
2. Students will be able to demonstrate written and oral communication competencies that support the effectiveness of strategic planning and operational activities.
3. Students will develop comprehensive solutions to business problems by synthesizing and evaluating information using qualitative methods of reasoning and analysis.

Course LEARNING OBJECTIVES
**Identify** legal regulatory requirements imposed on businesses, and identify the agencies that enforce these requirements.
**Explain** how the public policy/political process works, and how a business can influence that process.
Analyze the stakeholders and social interests related to a social/legal issue facing a business, and formulate strategies for response.

Identify ethical issues that may affect a business, apply ethical theory to evaluate the ethical consequence of different response options.

Recognize a crisis/legal situation and plan a response.

WORKLOAD: In addition to class attendance, every class at NDNU includes assignments estimated to take approximately nine (or more) hours per week outside of class. The distribution of average weekly hours of instruction/study for this class will follow that norm generally in accordance with the following:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Hours</th>
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<tbody>
<tr>
<td>Class Contact Hours</td>
<td>45</td>
</tr>
<tr>
<td>Text Readings and Note Taking</td>
<td>90</td>
</tr>
<tr>
<td>Research and Writing Assignments</td>
<td>12</td>
</tr>
<tr>
<td>Analyzing and briefing cases</td>
<td>25</td>
</tr>
<tr>
<td>Studying for quizzes and exams</td>
<td>10</td>
</tr>
<tr>
<td>TOTAL NUMBER OF HOURS PER COURSE</td>
<td>180+</td>
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WRITTEN ASSIGNMENTS: The School of Business and Management requires the use of the American Psychology Association (APA) publication guidelines as a standard for all papers. If you need help with your writing or need more information about writing in the APA format, please make an appointment at the NDNU Writing Center. You can also visit the APA Style webpage at [www.apastyle.org/previoustips.html](http://www.apastyle.org/previoustips.html).

LATE HOMEWORK: Case briefs are to be completed by the start of each class meeting. Assignments not turned in when requested cannot be turned in later. This policy does not apply to Projects.

PARTICIPATION: Both lecture and classroom activities (both in-class and online) are organized to maximize student involvement in the learning process. You will be evaluated on your comprehension of the material as well as your ability to discuss the relevancy of what was noteworthy in context of this class.

COURSE MATERIAL - Published Textbook Information

In accordance with the federal Higher Education Opportunity Act, to the extent practicable, NDNU makes textbook information available as part its class schedule. NDNU makes every effort to ensure the accuracy of the textbook information provided. Due to issues such as textbook availability, errors, and academic reasons, NDNU may need to change textbook information that has been published. NDNU cannot take financial responsibility when a student purchases a non-refundable textbook and a change occurs to published textbook information. Students wishing to avoid this risk, should purchase textbooks from sources that allow returns for refunds, such as the NDNU Bookstore managed by Follett.
ASSIGNMENTS: (See attached schedule)
Reading: Read textbook assignment before the scheduled class date. The expectation is that the student will thoughtfully consider the material and be prepared for class discussion.
Writing: Two projects will be completed (25 pts each).
Tests: The final will be open book, open notes (50 pts).
Quizzes: There may be quizzes given from time to time
Grading: Class discussion (quality and quantity) in both small group and class discussions will be considered in the grade (20pts). If you participate in the large class discussions rarely or not at all, you will not receive more than 15 points. As part of the participation grade you are required to brief the cases for each class in writing. The cases to be briefed are listed in the assignment study guide. These briefs will be subject to being collected and will not be returned.

If you miss four classes or portions thereof your grade cannot exceed a “C.”

Exceptional performance will be considered along with numerical scores in determining the final grade achieved. The instructor reserves the right to modify or waive any item contained in these guidelines if necessary to support educational goals, academic fairness, or common sense. Please note that no "extra credit" projects are allowed.

>94-100%      A
>91-94         A-
>88-91         B+
>84-88         B
>81-84         B-
>78-81         C+ and so on

Assignment Schedule     Bus 4040-KELLEY

Sep8    McAdams Chap 4 pp 140-171
Sep15   McAdams Chap 4 pp140-171 continued & Chap 3 pp 90-123
Sep22   McAdams Chap 5 pp 188-216
Sep29   McAdams Chap 9 pp 383-407
Oct6    McAdams Chap 8 pp 330-346; & pp 352-361; Project I due
Oct13   McAdams Chap 10 pp 434-462
Oct20   McAdams Chap 11 pp 467-495
Oct27   McAdams Chap 12 pp 502-512; 524-529; & 536-540
Nov3    McAdams Chap 13 pp 554-574; 576-584
Nov10   McAdams Chap 2 pp 50-71; Project II due
Nov17   McAdams Chap 6 pp 231-260
Nov24   McAdams Chap 18 pp 779-798; 802-811 & Chap 7 pp 277-284 & 299-302
Dec1    McAdams Chap 7 pp 302-317
Dec8    Jury trial & Review
Dec15   Final Exam
Schedule of Topics
Sep 8
The American Legal System
   Legal foundations and understanding case law
   Review Nichols (pp 145)
Sep 15
Understanding judicial process and its effect on business
   Wells Dairy, Inc. (Handout #1)
The Corporation and Public Policy
   No cases
Sep 22
Constitutional Law and the Bill of Rights
   What is protected speech?
   Does business have the same rights as individuals?
   Iota Xi (p 201) Q 2
   Bad Frog Brewery (p205) Q 5
   Kelo (p 213) Q4
Sep 29
Business Organizations and Security Regulation
   What are the various types of business organizations?
   How does society balance the need to raise capital with the need to protect orphans and widows?
   Shlensky (p 388) Q 2
   Veale (p396) Q 1, 2
Oct 6
Government Regulation of Business
   Why regulation?
   What are the sources of regulation?
   Is there too much regulation?
   Heart of Atlanta Motel (p 339) Q 1-3
   Granholm (p 343)
Administrative Agencies and the Regulatory Process
   Why were administrative agencies developed?
   F.C.C. (p 359)
Oct 13
Antitrust Law—Restraints of Trade
   What are the varieties of acts that may be restraints?
   What are the tests used to evaluate possible illegal restraints?
   Romero and Ferree (p 443)
   Leegin (p 449)
   Handout #2
Oct 20
Antitrust Law--Monopolies and Mergers
  How has antitrust law been affected by the changing political and economic tides?
  What are the elements of monopolization?
  Syufy (p 478) Q 1, 2, 3
  F.T.C. (p 490)
  Handout #3

Oct 27
Employment Law I: Protecting the Employee
  What’s the difference between an employee and an independent contractor?
  Why is the government involved in employment conditions?
  Yunker (p 510) Q 1-4

  What’s the difference between private sector and public sector privacy protection?
  Understanding privacy & at-will employment and its exceptions
  Koeppel (p 527)
  Lloyd (p 538) Q 1, 6

Nov 3
Employment Law II: Discrimination
  What public policy is involved?
  Explain disparate treatment and disparate impact
  Explain quid pro quo and hostile environment sex discrimination
  Explain BFOQ and its application
  Griggs (p 563) Q 2, 4, 5
  Pietras (p 571) Q 4
  McCormack (p 579)

Nov 10
Ethics
  No cases

Nov 17
Contracts
  Vian (p 238)
  Hamer (p 242)
  Dodson (p 246)
  Stambovsky (p 249)

Nov 24
Internet Law & Ethics
  YAHOO! (p 785)
  Immunomedics (p 790)
  MGM (p 807) continued
Product Liability
Understand the classes of negligence claims and associated defenses
Marilyn Merrill (p 299)

Nov25
Product liability
Understand express and implied warranties
Understand Strict Liability and its defenses
Recognize the effect of public policy on liability issues)
Hodges (p 310)
Calles (p 314) Q 4-5

Dec8
Jury trial No cases

INSTRUCTIONS FOR WRITTEN PROJECTS - Bus 4040

Both projects must be prepared on a word processor.

Length: All projects shall be no shorter than three pages. Recommended length is from 3 to 5 pages.

Content:
The topic for the second project will be provided later. For the first project choose an article or news story from a recent publication having to do with business regulation or business ethics. Recent means within the past three months. Exceptions will be granted only after consultation with the instructor. Note that this is a business course, your project should be relevant to business.

Write an essay or analysis of the material in the article to help the reader better understand the textbook discussion or to help crystallize your own opinion about the textbook materials. Your conclusions do not have to reflect the opinions of the reader or the majority of the class; however, your discussion should be clear, be supported by some evidence other than personal opinion, and be consistent. This is not merely a report, but your analysis and opinion. This is not an assignment to discuss a case, although a lawsuit may illuminate an issue about a regulation that you believe is good law or that you believe ought to be changed.

Your project should have the following:
An introduction which briefly describes to the reader the material to be discussed and which identifies the position you are taking regarding the material;
A middle in which you discuss, analyze, and comment on the material in the article. You should bring out concepts included in the text, discuss both arguments for and against your opinion, and you are encouraged to provide rational disagreement to any points promoted in the article; and
A conclusion in which you tie together the various points articulated in your discussion.

Include a copy of the article on which you have based your project. Please do not include the original article, but only a photocopy.

Please note that I use the American convention in referring to a corporation or agency in the singular. Also note that singular nouns require singular pronouns. Infinitives may not be split.

***If you are unhappy with your grade you may rewrite the paper within one class sessions of when the paper is returned to you. Only one rewrite per project is allowed. You cannot get a lower grade on a rewrite, but neither is there a guarantee of an improved grade.

Nota Bene:

**Learning and Other Disabilities**
If you have a learning disability or other condition or circumstance that requires accommodations in this class, you must bring it to the instructor’s attention as soon as possible. Appropriate accommodations (evidence of a disability must be in writing) can be written through the office of PASS. Please contact Peggy Koshland-Crane at 508-3670. The student will bring letters to each instructor specifying the accommodations. No accommodations will be allowed without a letter from PASS.

**Written Assignments:** The School of Business and Management requires the use of the American Psychology Association publication guidelines as a standard for all papers.

**Plagiarism:** NDNU takes plagiarism, representing someone else’s work as your own, very seriously. Consult the NDNU Student Handbook regarding the consequences of misrepresenting your work.