

Business Law - STRAT 3410-004

Fall 2017

Tuesday/Thursday 12:25 a.m. – 1:45 p.m.

SFEBB 1170

Professor: Jeff Nielsen

Office: SFEBB 4113

Office hours by appointment

Email: jeff.nielsen@eccles.utah.edu

COURSE OUTLINE AND SYLLABUS

TEXT

Business Law & The Regulation of Business
(12th edition)
Mann/Roberts

(also available online at http://www.cengagebrain.com/micro/UofU_MGT3410BusLaw)

CLASS OBJECTIVE

To obtain a working knowledge and understanding of the law as it pertains to business concepts and issues; to develop critical thinking, close reading, and rhetorical skills.

CLASS FORMAT

Generally, each class will consist of lecture and discussion related to various readings from the text or case studies from an area of the law governing or touching upon the world of business. Material covered will come from either the text or from readings posted on Canvas. Discussion will be directed by the instructor using the Socratic Method, meaning that participation will be required and students should be prepared to be called upon to speak in class at any time (as well as to volunteer to do so). There will be significant discussion of issues, concepts, and material that will not be covered in the reading materials but *will* be on the exams, so attendance is very important.

GRADING AND EXAMINATION

Two exams will be administered over the course of the semester, a Midterm and a cumulative Final. Each examination will cover material from readings, lectures, and class discussions. The first exam (the Midterm) will account for thirty percent (30%) of the total grade. The Final - a cumulative exam - will account for forty-five percent (45%) of the total grade. Both exams will be multiple-choice exams and will be closed book and closed note. The remaining twenty-five percent (25%) of your grade will be based on class participation. Participation means being ready to discuss the issues and ideas of the day, both when called upon

and when not, by taking part in class discussions and, as desired, online. And, while I certainly understand that not everyone will be equally comfortable speaking up in class, the law is, in large part, advocacy and interpretation, so demonstrating your ability to synthesize and extrapolate from the material is as important as remembering it on the day of the exam.

Grading is meant to provide feedback to students as to how well they have mastered the content and learning objectives of a particular course in order to allow them to capitalize on strengths and work to improve weaknesses through future action. The David Eccles School of Business grading policy is intended to ensure grades offer reliable feedback regarding student performance, and to ensure fairness and consistency across The Eccles School. The instructor is responsible for arriving at a grade for each student that the instructor believes appropriately reflects the student's mastery of the course material and learning objectives. The instructor will then consider the overall performance of the class vis-à-vis The Eccles School guidelines. These guidelines were promulgated to ensure that grading, on average for The Eccles School as a whole, is sustained at a reasonable level over time. The guidelines are as follows:

COURSE LEVEL	GUIDELINE
1000-2000	2.4-2.8
3000-3990	2.6-3.0
4000-5990	2.8-3.2
6000-6990	3.1-3.5

If students have a concern about their grade in a particular course, they should consider whether it reflects an accurate evaluation of their mastery of the course material and learning objectives. If they need clarification of the instructor's evaluation, they should meet with the instructor to obtain additional information and feedback. If after doing so, they believe their grade was arrived at in an inappropriate manner, they may pursue an appeal through The Eccles School's appeals process as described in Section 5.15 of the University of Utah Code of Student Rights and Responsibilities.

COURSE POLICY

When discussing the law we will necessarily touch upon issues and concepts about which people have dramatically differing opinions, including political, social, philosophical, and historical controversies. Therefore, in order to have the most productive class discussion, civility must be maintained at all times. Also, it should be said that the law can be a complex and sometimes counterintuitive subject for study; everyone will not absorb or synthesize information or ideas in the class with the same alacrity or ease; this is why it is so important that all students feel free to ask *any* question, without fear of embarrassment, during class. All participants in class discussions deserve respect so that all students can benefit from open and informative sessions.

Attendance for this class is mandatory. Every student is expected to be in class every day,

having read the material and prepared to discuss it if called upon to do so. Failure to be in class and be prepared is the main way a student can expect to lose participation points. Each student will be allotted a total of three (3) excused absences for the semester. An excused absence is one wherein the student has contacted myself or my teaching assistant PRIOR TO the class the student intends to miss. No excuses necessary as all excuses are fine, but you only get three of them. Each *unexcused* absence will result in a drop in the participation portion of your grade. There will be an attendance sign-in sheet each day to track attendance. Falsifying the attendance sheet is academic misconduct and is grounds for a failing grade in the course.

Use of any and all electronic devices (including, but not limited to cell phones, language translators, laptops, tablets, calculators, etc.) is forbidden during an exam unless otherwise specifically authorized by the instructor. A student who uses an unauthorized device may be subject to penalties for academic misconduct including, but not limited to a score of zero on the relevant assignment or examination or a failing grade in the course.

Because of the importance of professional and ethical behavior in business, and its emphasis in our program, professional or academic misconduct is not tolerated in The Eccles School. Students are expected to adhere to the standards of behavior outlined in the University of Utah Code of Student Rights and Responsibilities (Policy 6-400). Students engaging in behavioral misconduct could be subject to suspension or dismissal from the University. Students involved in any form of academic misconduct, including but not limited to cheating on tests, plagiarism, falsifying attendance, and collusion may, at the instructor's discretion, receive a failing grade in the course, examination, or academic assignment. In addition to or instead of this sanction, the instructor may refer the case to the Student Behavior Committee for hearing. If the instructor chooses not to do so, the Associate Dean for Academic Affairs, after appropriate investigation, may so refer the matter along with a recommendation to dismiss the student from The Eccles School. If, after hearing the evidence, the Student Behavior Committee determines that the student in question is guilty of the misconduct charged, the Student Behavior Committee may impose sanctions in addition to any issued by the professor. If the academic dishonesty is not proven in such hearing, the instructor must rescind any sanctions imposed and will be required to evaluate the student's performance with the assumption that there has been no misconduct. The Eccles School will treat the student likewise. If a student suspects another student of academic misconduct, he/she should refer the incident to the instructor, the appropriate department, the Associate Dean for Academic Affairs, or the Student Behavior Committee, administered by the Associate Dean of Students, 270 Union.

Americans with Disabilities Act: The University of Utah, The Eccles School, and your instructor seek to provide equal access to programs, services, and activities for those with disabilities. If you need an accommodation in this class, reasonable prior notice should be given to this instructor and to the Center for Disability Services.

Information about the Center for Disability Services (“CDS”) may be found at: <http://disabilityv.utah.edu> and the CDS is located at 160 Union or by calling 581- 5020. All information in this course can be made available in alternative format with prior notification to CDS.

Students for whom English is their second language will, understandably, have a more difficult time in a class and with a subject that is so discursive and that requires such a high volume of complex reading. While The Eccles School does not require instructors to make accommodations for ESL students, accommodations for examinations and other assignments will be made upon reasonable request and subject at all times and in each case to the judgment of the instructor. That a particular accommodation was made for a particular circumstance or student shall not be taken as a guarantee of such or similar accommodation being made in the future or for any other student. Each accommodation will be made, if made at all, on an ad hoc basis at the discretion of the instructor.

All David Eccles School of Business (“DESB”) policies relating to prerequisites and adding and dropping courses will be followed in this course. Students are responsible for knowing when the add/drop dates have passed.

FYI: Business Career Services at The Eccles School offers a full range of free services to support your future career success. Career path selection and coaching, resumé review, interview and salary negotiation techniques are among the facets of your development with which Business Career Services can be of assistance. Mastering these skills will greatly improve your ability to secure the career most closely matched with your ambitions. In addition, Corporate Outreach is expanding the network of excellent companies - worldwide and in every sector - to extend your job search reach. Students may also access multiple opportunities to prepare for and interact with potential employers in a variety of formal and informal settings. Students who enroll in the available Career Business Associates Professional Development Plan average more interviews, more job offers, and higher starting salaries. Enroll with your career coach as soon as possible. You may contact Business Career Services via email at BCS@eccles.utah.edu and via telephone at 587-8687.

TEACHING ASSISTANTS AND OFFICE HOURS

We have a teaching assistant for this course, Ragnhild Støer. She has taken this course already and excelled in it. She knows the material well and she is willing and eager to help you understand it or go over exams or otherwise be of service upon your request. Her email:

Ragnhild Støer – ragnhild.stoer@utah.edu

For myself, as you will have seen above, my office hours are by appointment this semester. If you want to be sure to catch me, it’s always best to make an appointment a day or two in advance of the day you’d like to meet. My office is on the 4th floor of the SFEBB, room 4113. Certainly, you should not hesitate to come see me whenever you like or need – I’m often up there in my office though my apologies if I’m not around when you come calling. I’m really very happy to meet with you; it’s not my job to teach this *course*, it’s my job to teach *you*. It’s not my job to make the *course* a success, it’s my job to help *you* succeed. And that doesn’t end when our class sessions do. So help me to be helpful: let me know what you need to get the most

out of the course and I'll try to help you get it.

Please note that my email address is NOT the one you will get through Canvas. I never check that inbox. If you need or want to get in touch with me by email you must do so through the email address listed at the top of this syllabus.

As for Ragnhild, she is usually available by appointment, provided there is no conflict with her schedule. There are also usually tutoring services available through the DESB tutoring center. You may contact them at:

<http://undergrad.business.utah.edu/page/tutoring>

CLASS SCHEDULE AND ASSIGNMENTS

This syllabus is, at best, a loose road map for the semester. But on any journey there are unexpected delays and unforeseen distractions and it's fairly likely that we will end up either ahead or behind the scheduled readings and units as we progress through the course. Be forewarned of that possibility, but also know that every effort will be made to give you ample time to adjust to any changes to the assignments, examination dates, or class sessions. So, pending any future alterations, here are the assigned readings for the course in the order in which you should read them. If ever you are in doubt as to what reading is required for the day in question, always default to those listed below; the worst that could happen is that you are ahead of the class. Where additional readings are listed, there may (or may not) be additional readings assigned on Canvas. Students will be given several days notice when such are posted and required. When you are assigned a chapter in the textbook, you will be responsible for reading *everything* in that chapter. Readings in italics are those to be found either in the back of the textbook in the added materials or on canvas. Please note that the readings to the immediate right of any date are the readings you are expected to have completed FOR THAT DATE.

Date	Topic	Reading
Week 1 August 22 & 24	Introduction to the Course. Introduction to the Law and Legal Reasoning.	Chapters 1, 2, & 3
Week 2 August 29 & 31	Intentional Torts	Chapter 7; <i>Garrat v. Dailey</i> ; <i>Wagner v. State of Utah</i>
Week 3 September 5 & 7	Intentional Torts	Additional Readings TBA
Week 4 September 12 & 14	Negligence and Strict Liability	Chapter 8; <i>Palsgraf v. Long Island Railroad</i>
Week 5 September 19 & 21	Negligence and Strict Liability	Additional Readings TBA
Week 6 September 26 & 28	Contracts	Chapters 9 – 11; <i>Hamer v. Sidway</i> ; <i>Lucy v. Zehmer</i> Chapters 12 – 15; <i>Blackmun v. Iverson</i>
Week 7 October 3 & 5	Contracts	Chapters 16 – 18

Week 8 October 10 & 12	FALL BREAK – NO CLASS	NONE (unless you want to get ahead)
Week 9 October 17 & 19	Agency MIDTERM EXAM	Chapters 28 & 29; <i>Alberty-Vélez v. Corporación de Puerto Rico</i> None – Midterm Exam
Week 10 October 24 & 26	Property	Chapters 47 – 49; <i>Shelley v. Kraemer</i> ; <i>Edwards v. Sims</i>
Week 11 October 31 & November 1	Property	Additional Readings TBA
Week 12 November 7 & 9	Property	Additional Readings TBA
Week 13 November 14 & 16	Corporations	Chapters 30 – 33; Additional Readings TBA Chapters 34 – 36; Additional Readings TBA
Week 14 November 22	Constitutional Law THANKSGIVING – NO CLASS	Chapter 4; The Constitution of the United States of America; <i>Gibbons v. Ogden</i> ; <i>Wickard v. Filburn</i> ;
Week 15 November 28 & 30	Constitutional Law	<i>Heart of Atlanta Motel v. United States</i> ; <i>Katzenbach v. McClung</i> ; <i>United States v. Lopez</i>

Week 16 December 5 & 7	Constitutional Law	<i>Philadelphia v. New Jersey</i>
Tuesday, December 12	FINAL EXAM 10:30 a.m. – 12:30 p.m. (in our normal classroom)	<i>“Lasciate ogne speranza, voi ch'intrate”</i>