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BGEN 361.02: Principles of Business Law

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SYLLABUS
BGEN 361 ~ Spring 2016

Course title: Business Law (3 credits)

Professor: Michael Harrington, J.D.

Semester: Spring 2016

Course designation: BGEN 361

Sections: Section 1 (M W 8:10 am – 9:30 am) and Section 2 (M W 9:40 am – 11:00 am)

Office: GBB 364

Office Hours: M W 1:30 pm – 3:00 pm and by appointment or as available from January 25th through March 21st, except that no office hours will be held on Wednesday, February 10th, Wednesday, March 2nd, or Wednesday, March 9th; M W 2:00 pm – 3:30 pm and by appointment or as available from March 23rd through March 30th; and M W 11:00 am – 12:30 pm and by appointment or as available from April 11th through May 4th

Phone: 243-4663

Email: michael.harrington@business.umt.edu

Class meeting times / room: M W (8:10 am – 9:30 am and 9:40 am – 11:00 am) in GBB 119

Pre-requisites: Junior standing in Business (i.e., no freshmen or sophomores), meaning that one of the following is required: (i) completion of the primary lower-core business courses with a “C-“ or better and a GPA of at least 2.0 in the primary lower-core business courses, or (ii) permission from the School of Business Administration Advising Office. In the alternative, a junior minor in Business will satisfy the pre-requisites, with “junior minor in Business” defined as a student who has met all requirements for, applied to, and been accepted to the Business Minor. In addition, it is assumed that all students in this course are able to communicate effectively in English at the college level.

Course Learning Goals/Objectives: To develop a familiarization with the basic legal issues encountered by anyone starting and/or operating a business. Many of you may never be involved in starting a business, but understanding the start-up process provides a logical platform for covering the business/legal environment in this introductory course. We will cover the following topics, although not necessarily in this order:

- **Legal System:** US compared to other legal systems, sources of law, judicial process, the role of the US Constitution in the regulation of business, alternative dispute resolution.
- **Business Organization Issues:** Partnerships, Limited Partnerships, LLPs, LLCs, S Corp, C Corp, operating a corporation (structure, dealing with shareholders and board members), choosing between various business entities, recognizing antitrust issues, and “going public.”
- **Contract Issues:** Elements of a contract, common law contracts, UCC contracts, international contract issues, impact of government regulation on consumer contracts (Federal Trade Commission, state consumer protection laws).
- **Employment Issues:** Hiring issues (affirmative action, discrimination, ADA), sexual harassment, affirmative action, employment at will, wrongful discharge, workers’ compensation insurance, unionization issues.
- **Tort Liability:** Distinctions between negligent, intentional and strict torts; insuring liability through auto, homeowner, CGL, D&O, E&O and umbrella liability policies; strict liability (including strict liability under environmental laws).
- **Money Issues:** Secured transactions under UCC Article 9, Bankruptcy, Foreign Corrupt Practices Act.
- **Property Issues:** Intellectual property law (trademarks, patents, copyrights, trade secrets), real property (listings, contracts of sale, title insurance, real estate financing, encumbrances, environmental liability), landlord-tenant issues in a commercial setting.
- **Ethics:** Distinction between legal and ethical issues.
- **Business Regulation:** Society’s endless pursuit of the appropriate amount of government regulation of business – the so-called “Goldilocks Principle.”

Moodle: There is a **Moodle web site** for this course. Everyone is expected to have taken the Moodle tutorial and be able to log onto the class web site on a daily basis. This is an important course component.

Text: The instructor will post chapters (on a “just in time” basis) from “The Legal Environment of Business” text (by Carr, Furniss, Harrington, and Morton) on Moodle (i.e., you will incur no charges for a text). No other specific text is required for this course, but the instructor will assign other readings during the course of the semester. These readings will be posted on Moodle.

Grading: Your final grade will be determined by your performance on exams, which will be weighted approximately as follows:


- Three (3) Midterm Exams: 0 to 100 pts. ea. = **300 points***

***** We will have three (3) midterm exams on the dates listed below. Failure to follow instructions or any form of cheating on a midterm exam may directly result in a grade of “0” for that exam and a failing grade for the course. **Warning:** There will be questions on the midterm exams that bright and reasonable students will answer incorrectly if they have not been attending class and have not studied the materials.

Total number of possible course points: 300 points

Your final numerical grade will be determined by adding together all of the points you earn and determining a percentage score. The tentative/approximate grading scale is as follows:

| | |
|----------|--------------|
| A | 90% to 100% |
| B | 80% to 89.9% |
| C | 70% to 79.9% |
| D | 60% to 69.9% |
| F | Below 60% |

 **Please note:** You must be present for exams as scheduled, and you may not leave the exam room during the exam. The use of any electronic devices (cell phones, calculators, PDAs, etc.) is strictly prohibited. You must take exams with your section unless you receive approval for a section change from the instructor. Except in extremely rare circumstances of certain unscheduled and documented events (such as an illness accompanied by a doctor’s note), **make-up exams will not be offered**. Missed midterm exams generally result in a score of zero for the missed exam.

The instructor reserves the right to alter the grading scale over the course of the semester. University policies regarding plus and minus grading will be followed. Course grades are non-negotiable, and “extra credit” is not offered. This course is offered only for a traditional letter grade; credit/no-credit grading is not an option.

Please keep in mind that, because this course is a required upper-core course for business majors, you must earn a “C-” or better and have your graduation application approved by the School of Business Administration’s Advising Office prior to taking the capstone co-requisites either the first or second semester of your senior year. If you are pursuing a minor in business, you must earn a “C-” or better in this course.

Attendance: Students are expected to attend all classes. Some material presented only in class will be on the exams.

Drops: Please keep in mind that the last day to obtain a partial refund for a dropped class is February 12th. The deadline for dropping the class is March 28th; there will be no drops after this date except by petition for explicit circumstances such as a family emergency, accident/illness, or other severe circumstances beyond the student’s control and which are fully documented and acceptable to the instructor. Low grades or their consequences are not acceptable reasons for a petition approval.

Disability Accommodations: If you have a documented disability for which you are requesting accommodations, please see the instructor during the first week of class. Students with disabilities may request reasonable modifications by contacting the instructor. The University of Montana assures equal access to instruction through collaboration between students with disabilities, instructors, and Disability Services for Students (DSS). “Reasonable” means the University permits no fundamental alterations of academic standards or retroactive modifications. For more information, please consult <http://www.umt.edu/disability>.

Incomplete policy: University policies regarding incompletes will be followed. In particular, the policy on incompletes is as follows:
The incomplete is not an option to be exercised at the discretion of students. In all cases it is given at the discretion of the instructor within the following guidelines . . . A mark of incomplete may be assigned students when:

1. *They have been in attendance and doing passing work up to three weeks before the end of the semester, and*
2. *For reasons beyond their control and which are acceptable to the instructor, they have been unable to complete the requirements of the course on time. Negligence and indifference are not acceptable reasons.*

Academic Misconduct: All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or a disciplinary sanction by the University. All students need to be familiar with the Student Conduct Code. The Code is available for review online at http://www.umt.edu/vpsa/policies/student_conduct.php. It is the student's responsibility to be familiar with the Student Conduct Code.

SoBA Code of Professional Conduct:
<http://www.business.umt.edu/ethics/professional-conduct-code.php>

Class Protocol:

Name placards: All students should have a name placard on her or his desk while in the classroom. This really helps the instructor get to know everyone.

Classroom conduct: Professionalism and common courtesy are expected, and students who are disruptive may be asked to leave. If you have any questions as to proper classroom behavior, please ask the instructor.

Class and Exam Schedule

M 2/15....**President's Day – No Class**

M 2/29...**MIDTERM EXAM 1**

W 3/30...**MIDTERM EXAM 2**

W 5/4 ...**MIDTERM EXAM 3**

➤ **Please note:** Some portion of each of Midterm Exam 2 and Midterm Exam 3 will be cumulative. In other words, (i) some questions on Midterm Exam 2 will relate to material covered and assigned during the first one-third (1/3) of the semester (i.e., from January 25th through the first midterm exam on Monday, February 29th); and (ii) some questions on Midterm Exam 3 will relate to material covered and assigned during the first two-thirds (2/3) of the semester (i.e., from January 25th through the second midterm exam on Wednesday, March 30th).

Mission Statement and Assurance of Learning

The University of Montana's School of Business Administration enhances lives and benefits society by providing a world-class business education in a supportive, collegial environment.

We accomplish this mission by acting on our shared core values of creating significant experiences, building relationships, teaching and researching relevant topics, behaving ethically, and inspiring individuals to thrive.

As part of our assessment process and assurance-of-learning standards, the School of Business Administration has adopted the following learning goals for our undergraduate students:

- Learning Goal 1: SoBA graduates will possess fundamental business knowledge.
- Learning Goal 2: SoBA graduates will be able to integrate business knowledge.
- Learning Goal 3: SoBA graduates will be effective communicators.
- Learning Goal 4: SoBA graduates will possess problem solving skills.
- Learning Goal 5: SoBA graduates will have an ethical awareness.
- Learning Goal 6: SoBA graduates will be proficient users of technology.
- Learning Goal 7: SoBA graduates will understand the global business environment in which they operate.