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Fall 9-1-2021

### BGEN 361.01: Business Law

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#### Recommended Citation

Harrington, Michael V., "BGEN 361.01: Business Law" (2021). *University of Montana Course Syllabi, 2021-2025*. 1077.

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**SYLLABUS**  
**BGEN 361 ~ Business Law ~ Fall 2021**  
**Face to Face**

**Course title: Business Law (3 credits)**

**Professor: Michael Harrington, J.D.**

**Semester: Fall 2020**

**Course designation: BGEN 361**

**Section: Section 1 (M W 2:00 pm – 3:20 pm, Face to Face)**

**Office: GBB 361**

**Office Hours:** Given that one section of the course is offered only in an internet/online (asynchronous) modality, I won't be holding formal in-person office hours. However, please feel free to call or email me if you have any questions or concerns, and we'll set up an opportunity to visit – either in person, on the telephone, or via Zoom.

**Phone: 243-4663**

**Email: [michael.harrington@business.umt.edu](mailto:michael.harrington@business.umt.edu)**

**Class meeting times: M W (2:00 pm – 3:20 pm, Face to Face for Section 1)**

**Classroom: 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 plan to 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, and "going public."
- **Contract Issues:** Elements of a contract, common law contracts, UCC contracts, impact of governmental regulation on consumer contracts (including 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.

- **Money Issues:** Secured transactions under UCC Article 9, Bankruptcy, and possibly 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), lessor-lessee 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 to be able to log onto the class web site on a daily basis. This is an important course component.

## **Text**

No specific text is required for this course, but the instructor will assign readings during the course of the semester; these readings will be posted on Moodle.

***Through postings on Moodle and through comments in class, the instructor will assign chapters from the text (mainly on a “just in time” basis).***

## **Grading**

Your final grade will be determined by your performance on exams and Discussion Forum posts and Assignments, which will be weighted approximately as follows:

■ Three (3) Midterm Exams:	0 to 50 points each =	<b>150 points*</b>
■ Two (2) Discussion Forum Posts	0 to 10 points each =	<b>20 points</b>
■ Two Assignments	0 to 10 points each =	<b>20 points</b>

\* We will have three (3) midterm exams to be taken during the class periods 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: 190 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:

<b>A</b>	90% to 100%
<b>B</b>	80% to 89.9%
<b>C</b>	70% to 79.9%
<b>D</b>	60% to 69.9%
<b>F</b>	Below 60%

**Please note:** 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 September 20<sup>th</sup>. The deadline for dropping the class is November 1<sup>st</sup>. 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 the Office for Disability Equity. “Reasonable” means the University permits no fundamental alterations of academic standards or retroactive modifications. For more information, please consult [Disability Services for Students](http://www.umt.edu/disability) (<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, which can be found by accessing the “Community Standards” icon at this link: [Student Conduct Code](#). It is the student’s responsibility to be familiar with the Student Conduct Code.

## **College of Business Code of Professional Conduct**

(<http://www.business.umt.edu/ethics/professional-conduct-code.php>)

## **Class and Exam Schedule**

- Monday 9/06
- Monday 10/04
- Wednesday 11/03
- Wednesday 11/24
- Wednesday 12/08

**Labor Day – No Class**  
**MIDTERM EXAM 1**  
**MIDTERM EXAM 2**  
**Student Travel Day (Thanksgiving) – No Class**  
**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 August 30<sup>th</sup> through the first midterm exam on Monday, October 4<sup>th</sup>); 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 August 30<sup>th</sup> through the second midterm exam on Wednesday, November 3<sup>rd</sup>).

## **Mission Statement and Assurance of Learning**

The College of Business at the University of Montana creates transformative, integrated, and student-centric learning experiences, propelling our students to make immediate and sustained impact on

business and society. We nurture our students' innate work ethic to develop confident problem solvers and ethical decision makers. We pursue thought leadership and collectively create opportunities for a better life for our students, faculty, and staff.

**COB Core Values:**

- **Students first:** We educate the whole person
- **Experiential learning:** We create experiences that matter
- **Thought leadership:** We create rigorous and relevant knowledge
- **Stewardship:** We value people, planet and profit

**Learning Goals:** As part of our assessment process and assurance-of-learning standards, the COB has adopted the following learning goals for our undergraduate students:

**Learning Goal 1:** COB graduates will possess fundamental business knowledge in the core disciplines of Accounting, Finance, Management Information Systems, Management and Marketing.

**Learning Goal 2:** COB graduates will be able to integrate business knowledge.

**Learning Goal 3:** COB graduates will be effective communicators.

**Learning Goal 4:** COB graduates will possess problem-solving skills.

***IMPORTANT INFORMATION REGARDING COVID-19/Face-to-Face Class***

- Mask use is required within the classroom.
- If a student feels sick and/or is exhibiting COVID-19 symptoms, the student should not come to class and should contact the Curry Health Center at (406) 243-4330.
- If a student is required to isolate or quarantine, he or she will receive support in the class to ensure continued academic progress.
- Where social distancing (maintaining consistent 6 feet between individuals) is not possible, specific seating arrangements will be used to support contact tracing efforts.
- Class attendance and seating will be recorded to support contact tracing efforts.
- Drinking liquids and eating food is discouraged within the classroom.
- Please note this class is being recorded (mainly for the online section, but recordings also will be posted for students in this face-to-face section).