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BMGT 540.V60: Management and Legal Environment

Michael V. Harrington
University of Montana, Missoula, michael.harrington@umontana.edu

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SYLLABUS
BMGT 540 ~ Management and the Legal Environment ~ Fall 2022
(Section 60 – Internet/Online Only)

Course title: Management and the Legal Environment (3 credits)
Professor: Michael Harrington, J.D.
Semester: Fall 2022
Course designation: BMGT 540
Section: Section 60 (online)
Office: GBB 361
Office Hours: Given that the course is not offered in a face-to-face modality, I won't be holding formal in-person office hours. However, please feel free to email me if you have any questions or concerns, and we'll set up an opportunity to visit on the telephone or via Zoom.
Phone: 243-4663
Email: michael.harrington@business.umt.edu
Class meeting times: Internet/Online only (Section 60)

Pre-requisites

There are no pre-requisites for this course.

Course Learning Goals/Objectives

For the law portion of the course, 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. For the management portion of the course, to better understand what is involved in being an effective manager and leader in a business organization and the various functions of management, to analyze strategy and apply management techniques to execute strategy, to identify and successfully resolve conflicts, and to appreciate the importance of continuously enhancing knowledge, skills and abilities of the team leader and team members. We will plan to cover the following topics, although not necessarily in this order, and expect you to have a basic understanding of the following:

- **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."
- **Four Functions of Management:** Understanding the functions of management – planning, organizing, leading, and controlling.
- **Identification of Problems:** Identifying current management problems, alternative solutions, and solution selection.
- **Management Strategy:** Ability to analyze organizational situations in each functional area of management
- **Application of Management Techniques:** Ability to identify and apply management techniques for dealing with modern-day organizations.
- **Strategy:** Identifying techniques used to develop long-range plans and implement those plans in an organization.
- **Development of Employable Skill Sets:** Achieving the knowledge, skills, and abilities necessary to obtain employment in the desired field of management.

Course Description

This course is divided between coverage of the legal environment of business and management / organizational behavior. The first portion of the course will focus on law topics, and the second portion of the course will focus on management topics. Additional course information, pre-recorded lectures, and readings will be found on your Moodle course page during the course of the semester.

Law Portion of the Course. BMGT 540 Management and the Legal Environment will start with the law topics. The **Law Component** will provide selected topical coverage of the legal concepts and processes necessary for today's business managers. The readings mainly will come from a text co-authored by Professor Furniss and me, and they are designed to offer a pragmatic approach to the study of business and the law. Students will be introduced to the substantive "rules" of law, as well as its evolving processes, alternatives to litigation, and ethical and international aspects of business and law.

Law Portion Exams: There will be two midterm exams covering law topics. This is a bit different from the management portion of your course, because there will be only one midterm exam covering the management topics.

Management Portion of the Course. BMGT 540 Management and the Legal Environment will conclude with the management topics. The **Management Component** is designed to provide you with the opportunity to reflect on your previous experience working in organizations and to develop some of the interpersonal knowledge, skills, and abilities necessary to be an effective manager. If you are similar to most students enrolled in MBA programs, within three years after graduating you will be given some management responsibilities. This will typically involve leading a team, but it also may consist of managing an organizational unit or division. The knowledge, skills, and abilities developed in this course, therefore, will be important for your future success. For those of you who may already hold management positions, this course will help build a formal management education framework that you can apply to your present jobs. The **Management Component** of the course will use a combination of readings from various sources.

Management Portion Exam: The management component will contain one midterm exam exclusively over the management material.

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 website. 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, the instructor will assign chapters from various texts (mainly on a "just in time" basis).

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 points each =   **300 points***

* The first two midterm exams will cover legal topics, and the third midterm exam will cover management topics. In total, therefore, we will have three (3) midterm exams to be taken during the 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 remotely participating in the 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%

<u>**Please note**</u>: Except in <u>extremely</u> 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 you must earn a "B" or better in this foundation course to complete your program of study.**

Attendance

Because it is an internet/online only course, no attendance will be taken; however, students are expected to review all material posted to Moodle.

Drops

Please keep in mind that the last day to obtain a partial refund for a dropped class is September 19th. The deadline for dropping the class is October 31st. 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).

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 10/03
- Wednesday 11/02
- Wednesday 12/07

MIDTERM EXAM 1 (opens 8:00 am / closes 8:00 pm)
MIDTERM EXAM 2 (opens 8:00 am / closes 8:00 pm)
MIDTERM EXAM 3 (opens 8:00 am / closes 8:00 pm)

Please note: Some portion of Midterm Exam 2 will be cumulative. In other words, 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 29th through the first midterm exam on Monday, October 3rd).

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

The University of Montana's MBA Program's mission is to serve our region by educating leaders to effectively manage organizations in a global business environment.

As part of our assessment process and assurance-of-learning standards, the MBA program has adopted six learning goals for our students.

College of Business MBA Learning Goals: COB MBA graduates will demonstrate:

1. Integrated knowledge of business functions.
2. Communication skills and teamwork ability.
3. Ethical conduct, social responsibility, and professional leadership.
4. Analytical and innovative thinking in business problem solving.
5. Knowledge and application of current trends in information technology.
6. Ability to evaluate implications of operating in the global business environment.