

Class Syllabus

Business Law SYLLABUS

INSTRUCTOR INFORMATION

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Course Outcome Summary

Course Information

Description BUSINESS LAW & ETHICS ...common law contracts and sales contracts: formation, interpretation, performance, and discharge; the law of agency; corporations; and introduction to the American legal system: criminal and tort law, and global business issues.

Course Competencies

1 Describe the sources of law and methods used to resolve legal disputes within the U.S legal system.

Assessment Strategies

by describing the sources of law and methods used to resolve legal disputes within the U.S. legal system.
by writing a report describing the structure of the Wisconsin State Court system.
by writing a report comparing the use of mediation and arbitration in settling legal disputes.
by completing an online self-check.

Criteria

Your performance will be successful when:

you describe the structure of the Wisconsin State Court system.
you name the district and circuit court judges for your county.
you differentiate between the jurisdiction of Wisconsin Municipality Courts, Circuit Courts, Court of Appeals and Supreme Court.
you compare the differences between the processes of mediation and arbitration.
you identify at least three benefits of using mediation over litigation.
you identify the four sources of American law.
you describe the basis for common law in establishing precedence and the principle of stare decisis.
you distinguish the procedural differences between substantive, procedural and cyber law.
you distinguish between the civil and criminal branches of law.
you identify the constitutional powers of the U.S. government.
you describe the Bill of Rights applies to businesses in the U.S.
you identify the requirements for a court having jurisdiction to decide a legal matter.
you identify the factors that might influence the venue for a court case.
you identify the requirements for an individual to have standing to sue.
you describe the structure of the U.S. and state court system.
you identify the procedures followed in a civil lawsuit brought in a state court.

Learning Objectives

Investigate the sources of American law and how the common law tradition of early English courts influenced American jurisprudence.

Differentiate between substantive and procedural law, criminal and civil law, and common law and equitable law.

Describe the constitutional powers of the federal and state governments.

Describe the protections offered to individuals and businesses under the Bill of Rights.

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Describe the structure of federal and state court systems.

Explain how jurisdiction, venue and standing to sue determine what courts can hear a case.

Describe the general procedures that are followed in a state court case.

Compare the process of mediation and arbitration for resolving disputes.

Identify the alternative dispute resolutions options available to businesses.

Cite how law affects the everyday happenings of students.

2 Distinguish between the legal and ethical responsibilities of individuals and businesses.

Assessment Strategies

by distinguishing between the legal and ethical responsibilities of individuals and businesses.

by analyzing business situations for legal and ethical issues.

by completing an online self-check.

Criteria

Your performance will be successful when:

you identify the role of business management in establishing an ethical workplace.

you analyze the individual consequences of acting according to one's ethics in business situations.

you differentiate between duty-based and outcome-based approaches to ethical reasoning.

you identify the duty of care required of accountants and attorneys.

you identify the impact of the Sarbanes-Oxley Act of 2002 on public accounting practices.

you identify the requirements of the Foreign Corrupt Practices Act in relation to the conduct of international business.

Learning Objectives

Define business ethics.

Describe tactics used by businesses to create an ethical work environment.

Describe different approaches to ethical reasoning.

Describe the professional responsibilities related to the duty of care for accountants, attorneys and management of an organization.

Describe regulations that govern business ethics in an international marketplace.

3 Identify the characteristics of various types of torts and crimes.

Assessment Strategies

by identifying the characteristics of various types of torts and crimes.

write a position paper on the disposition of tort cases.

by analyzing the legal implications of tort and criminal cases.

by completing an online self-check.

Criteria

Your performance will be successful when:

you distinguish the key differences between civil and criminal law.

you classify the types of torts as intentional or unintentional.

you describe the characteristics of the various types of torts.

you identify the four elements of unintentional torts (negligence).

you explain the various defenses to negligence.

you identify at least five actions a business could take to reduce exposure to litigation, or minimize the impact of

litigation on the business.

you classify the various types of crimes as violent, property, public order, white collar, and/or organized crime.

you describe the characteristics of the major types of crimes.

you explain the various types of defenses to crimes.

you describe the constitutional safeguards designed to protect the rights of individuals.

you describe the major procedural steps in the disposition of a criminal case.

you identify the types of cyber crimes committed against persons and property.

Learning Objectives

Classify torts as intentional or unintentional.

Define the various types of torts.

Describe the duty of care and defenses to acts of negligence.

Identify the types of cyber torts and cyber crimes.

Compare the key differences between civil and criminal law.

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Describe the criminal liability of a corporation and its employees.

Classify crimes as violent crime, property crime, public order crime, white-collar crime, and organized crime.

Describe the defenses to criminal liability.

Identify constitutional safeguards that protect individuals in criminal procedures under the U.S. Constitution.

4 Identify legal protections for personal and business intellectual property.

Assessment Strategies

by identifying legal protections for personal and business intellectual property.

by analyzing situations for possible infringement violations.

by writing a report on the legal considerations in file sharing.

by completing an online self-check.

Criteria

Your performance will be successful when:

you distinguish between characteristics of the different forms of intellectual property.

you identify statutory protections for trademark infringement.

you differentiate between various types of trademarks.

you identify statutory protections for cyber marks and domain names.

you identify statutory protections for patent infringement.

you identify statutory protections for copyright infringement.

you describe the copyright issues that arise out of the use of MP3 and file-sharing technology.

you identify the statutory protections for trade secret appropriation.

you describe the statutory protections for intellectual property in the global marketplace.

Learning Objectives

Compare the legal protections for the various types of intellectual property.

Identify the types of trademarks used to identify products and their origin.

Identify the rights granted under patent protection.

Identify the rights protected by copyright law.

Discuss copyright issues related to digital information such as MP3 and file-sharing technology.

Compare the remedies for infringements of intellectual property.

5 Describe the essential elements of the formation and discharge of common contracts and econtracts.

Assessment Strategies

by describing the essential elements of the formation and discharge of common contracts and econtracts.

by analyzing the legal elements of contract case studies.

by completing an online self-check.

Criteria

Your performance will be successful when:

you identify the four essential elements of a contract.

you classify contracts based on how and when the contract is formed.

you classify contracts based on their state or performance.

you classify contracts based on their enforceability.

you identify the application and limitations of quasi contracts.

you define the requirements for an offer to be effective.

you define the requirement of an effective acceptance.

you explain the conditions under which an offer can be terminated.

you describe the elements of consideration.
you describe situations in which consideration does not legally exist.
you identify how businesses can settle legal claims with debtors.
you identify the elements of promissory estoppel.
you describe situations in which contractual capacity may be questionable, or not exist.
you identify contracts that lack legality due to statutory law or public policy.
you describe the court's treatment of contracts found to be illegal.
you describe situations in which genuineness of assent does not exist.
you describe the impact of undue influence and duress on the legality of a contract.
you identify contracts that must be in writing according to the Statute of Frauds.
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you identify contracts that are exceptions to the Statute of Frauds.
you distinguish between the assignment and delegation of contract rights and obligations.
you explain the difference between an intended and unintended third-party beneficiary.
you explain the different ways that a contract may be discharged.
you describe the four basic types of damages available to the nonbreaching party in a breach of contract.
you explain how and why parties have a duty to mitigate damages when a contract breach occurs.
you explain how equitable remedies can be applied in a breach of contract when damages are inadequate.
you identify the requirements for recovery on a quasi contract.
you explain what election of remedies means.
you identify the minimum requirements of an online offer.
you explain the different methods for indicating acceptance to online offers.
you describe the different technologies used to sign and authenticate e-signatures.
you describe statutory regulations governing e-commerce transactions.

Learning Objectives

Identify the essential elements of a contract.
Categorize contracts based on formation, performance, and enforceability.
Describe the requirements for an offer and acceptance to constitute agreement.
Identify the situations that limit an individual's capacity to enter into a contract.
Describe contracts that are considered illegal and unenforceable.
Describe conditions under which genuineness of assent may be lacking.
Identify the types of contracts that must be in writing under the Statute of Frauds.
Describe the requirements for assigning rights and delegating duties of a contract.
Explain the methods for discharging one's duties under a contract.
Describe the types of damages available to a nonbreaching party to a contract.
6 Explain how the Uniform Commercial Code (UCC) facilitates commercial sales and leases.

Assessment Strategies

by explaining how the Uniform Commercial Code (UCC) facilitates commercial sales and leases.
by analyzing the legal elements of case studies involving issues regulated by the UCC.
by completing an online self-check.

Criteria

Your performance will be successful when:

you describe the scope of the UCC in regulating commercial sales transactions.
you identify the UCC definitions for sale, goods, and merchant.
you explain how the UCC modifies the common law concept of an offer through the use of open terms.
you identify approved methods of acceptance under the UCC.
you explain how the UCC treats contract modifications differently than common law.
you identify the Statute of Frauds provisions under the UCC.
you explain how the UCC replaces the concept of title with the concepts of identification, risk of loss, and insurable interest.
you identify the obligations of the seller or lessor under the UCC.
you identify the obligations of the buyer or lessee under the UCC.
you identify the remedies of the seller or lessor under the UCC.

you identify the remedies of the buyer or lessee under the UCC.

you describe conditions under which limitations of remedies can be applied under the UCC.

Learning Objectives

Define the terms sale, goods, and merchant, under Article 2 of the UCC.

Distinguish between the requirements of contracts under UCC and common law.

Identify when title passes in a sales contract.

Identify when risk of loss passes in a sales contract.

Identify when insurable interest occurs in a sales contract.

Describe the buyers and sellers duties and remedies for breach in a sales contract.

Describe the limitations of remedies under the UCC.

7 Describe the legal requirements of businesses to protect the interests of consumers.

Assessment Strategies

by describing the legal requirements of businesses to protect the interests of consumers.

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by analyzing the legal elements of case studies involving warranties and product liability.

by completing an online self-check.

Criteria

Your performance will be successful when:

you describe the three types of warranties of title.

you distinguish between express and implied warranties

you describe the types and limitations of product warranty disclaimers.

you describe the purpose and scope of the Magnuson-Moss Warranty Act of 1975.

you describe the product liability of manufacturers and sellers based on negligence and misrepresentation.

you explain the doctrine of strict liability as applied to product liability and public policy.

you identify the six requirements for strict liability.

you describe the three types of product defects covered under product liability law.

you identify the defenses to product liability

you identify the purpose and scope of the major consumer protection laws.

Learning Objectives

Cite the definitions of the three types of warranties of title.

Differentiate between express and implied warranties.

Describe the requirements for applying warranty disclaimers.

Describe the purpose and scope of the Magnuson-Moss Warranty Act of 1975.

Describe product liability based on theories of warranty, negligence, misrepresentation and strict liability.

Identify the tests used to determine whether a product defect exists.

Describe the defenses applied by businesses to avoid liability in product liability cases.

8 Describe the rights and responsibilities of principals, agents and independent contractors in the

business employment relationship.

Assessment Strategies

by describing the rights and responsibilities of principals, agents and independent contractors in the business

employment relationship.

by analyzing the legal elements of case studies involving agency relationships.

by completing an online self-check.

Criteria

Your performance will be successful when:

you distinguish between the employment conditions of an employee and an independent contractor.

you identify the means by which an agency relationship is created.

you identify the duties and obligations of a principal to an agent.

you identify the duties and obligations of an agent to a principal.

you distinguish between an agent's actual and apparent authority.

you identify a principal's liability for the contractual actions of an agent.

you identify a principal's liability for the torts and crimes of an agent.

you explain how agency relationships are terminated.

Learning Objectives

Discuss the doctrine of respondent superior.

Contrast the principal/agent and independent contractor relationship.

Distinguish between an agent's express and apparent authority.

Describe the principal's liability for acts of the agent within the scope of the agent's authority.

Describe how express, implied, and apparent agencies are created.

Describe the agents and principals duties to one another.

Identify the circumstances under which an agency relationship is terminated.

9 Identify the major provisions of laws that regulate the employment relationship.

Assessment Strategies

by identifying the major provisions of laws that regulate the employment relationship.

by writing a position paper on your experiences with discrimination in the workplace.

by analyzing the legal elements of cases involving employment law.

by completing an online self-check.

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Criteria

Your performance will be successful when:

you explain the common law doctrine of employment at will.

you determine whether the State of Wisconsin is an employment at will state.

you describe how the Fair Labor Standards Act of 1938 regulates wages, working hours, and child labor.

you describe the scope and provisions of the Occupational Safety and Health Act of 1970.

you describe the scope and provisions of worker's compensation laws

you describe the scope and provisions of the Social Security Act of 1935

you describe the scope and provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985.

you describe the scope and provisions of the Family and Medical Leave Act (FMLA) of 1993.

you identify privacy issues and concerns of employees in the workplace.

you describe the scope and provisions of the Electronic Communication Privacy Act (ECPA) of 1986

you describe the scope and provisions of the title VII of the Civil Rights Act of 1964.

you describe the scope and provisions of the Equal Pay Act of 1963.

you describe the scope and provisions of the Age Discrimination in Employment Act (ADEA) of 1967.

you describe the scope and provisions of the Americans with Disabilities Act (ADA) of 1990.

you identify defenses to employment discrimination.

Learning Objectives

Describe the legal concept of employment at will and its exceptions under the law.

Describe sources of labor law related to child labor, wages and hours and overtime.

Describe the impact of the Occupational Safety and Health Act of 1970 in providing safe and healthful working conditions.

Explain how state workers' compensation laws protect employees injured on the job.

Describe how federal and state regulations protect employees and their families from the financial impact of

retirement, disability, death, hospitalization, and unemployment.

Explain employee privacy rights related to employee screening, and personal and electronic monitoring in the workplace.

Describe the regulations that give protected classes of people protections from discrimination.

Explain what a business can do to comply with discrimination laws.

Describe the defenses to claims of employment discrimination.

10 Compare the formation and characteristics of the major forms of business organization.

Assessment Strategies

by comparing the formation and characteristics of the major forms of business organization.

by writing a report on starting a business.

by completing an online self-check.

Criteria

Your performance will be successful when:

you identify the major forms of business organization in the U.S.

you compare the methods of creation for the major forms of business ownership in the U. S.

you compare the advantages and disadvantages of the major forms of business ownership in the U. S.

you identify the characteristics of special business forms or hybrid organizations.

you describe the characteristics of the types of private franchises.

you describe the general types of details that describe the relationship of a franchisor and franchisee in a franchise contract.

Learning Objectives

Compare the advantages and disadvantages of the major types of business organization.

Describe the major characteristics of a corporation.

Define an S Corporation and describe its tax benefits.

Explain the popularity of limited liability partnerships and limited liability companies (LLC).

Distinguish between joint ventures, joint stock companies, and syndicates.

Describe characteristics of distributorships, chain-style, manufacturing and processing plant franchises.