

Fellowship Report – MCS 3040 – Business and Consumer Law

Executive Summary

During the summer of 2018, I applied for and was awarded a Fellowship grant to re-design my MCS3040 Business and Consumer Law course. Since receiving the Fellowship grant and working on this submission, I have been teaching all of the sections of this course (Fall/Winter – two in-class sections and a DE section; Summer – one in-class section). My course is a mandatory requirement for the Marketing and Consumer Studies undergraduate degree and though it is a third-year course, most students take the course in their second year. I am an instructor to approximately 450-500 students per semester (Fall/Winter) and to about 50-70 students (Summer). Therefore, in any given calendar year, I will have had about 1,000 different students. This may change this Fall as there is only one in-class option available for this course, alongside a DE section.

My current teaching methodology is centered on being fully engaged in the classroom, without any reliance on electronics in order to have students “fully present” during lectures with a view to enhance learning. There are no phones or laptops permitted in my classroom. In the past, I have provided very few teaching aids, again, with emphasis on in-class attendance, active listening and participation in order to improve the learning of what is a complex, yet interesting subject: the study of law. But over the past couple of years, I have been considering my methodology in light of the changing demographic and student mindset in the classroom, so the Fellowship provided me with an opportunity to do research and to make significant changes to my course.

With that background, the changes to this course attempt to respond to and resolve the many challenges that I have faced in the classroom over the past decade. Please note that these challenges are generalizations and of course, do not apply to all students. In my observations, there are about 40% of students that are fully engaged and very eager to learn and desire mentorship, but they are a diminishing minority as seen over the past 10 years of teaching.

- Challenge 1: I have observed that many students do not purchase textbooks and therefore, do very little (if any) reading, and only as required.
- Challenge 2: I have observed that many students do not attend class regularly and/or place other activities in priority over their academics (however worthy the pursuits may be).
- Challenge 3: I have observed that students are decreasingly responsive to the Socratic method of teaching. I have observed that many students cannot or will not participate in class and generally do not communicate if they are struggling or need clarification and if at all, usually only after marks are posted when it is too late to assist the student.
- Challenge 4: I have observed that some students have a sense of entitlement and demand consideration for marks, even when not satisfying any of the work requirements of the course. In their minds, a valid excuse as to why work was not completed should be given the same academic credit as actually doing the work.
- Challenge 5: I have observed that some students do not possess the skill of being able to listen to a lecture, synthesize materials and know how to take effective summary notes with a pen and paper during a lecture. They struggle with appropriately discerning what is a salient concept or point and what merely adds context or colour to the discussion. (It is noted that perhaps the ability to write with pen and paper is an outdated skill requirement. ☺) At times, language barriers exacerbate this issue.
- Challenge 6: I have observed that many students are unable to “unplug” from their electronics during the entire lecture.
- Challenge 7: I have observed that many students seize upon assigned group work to “shadow” other students to “get through” the course with generally inflated marks for their actual skill level. Please note that individual assignments are not always possible to manage with such large class sizes.

- Challenge 8: As the law has philosophical underpinnings and during my first lecture on an overview of the Canadian legal system, it is becoming almost impossible to have a fluid and “all viewpoints” conversation with the class during lectures in the historical and current context of the *Charter of Rights and Freedoms* and associated social influences that the law has in a free and democratic society. The intolerance of students with certain viewpoints to discuss or even consider other viewpoints has notably increased. Therefore, it is becoming more evident with each passing semester that the ability to moderate an objective, well-rounded discussion on the philosophical underpinnings of the Canadian legal system is not recommended.

In over 10 years of teaching at the University of Guelph, I have been grappling with these challenges at varying levels. Therefore, my teaching methodology must accommodate the 60%+ of students who are not as responsive, using my current methodology.

Therefore, this report sets out the following:

1. A revised set of resources to assimilate the legal subjects that make up the subject matter for this course.
2. A revised teaching methodology.
3. A revised course schedule and grading scheme.
4. A revised set of assignments, with less emphasis on in-class discussions.

Resources

In past semesters, all students would be provided with the same in-class resources and the materials would be conveyed through weekly lectures. This change was made when I realized that many students do not purchase, much less read, assigned textbooks. I was told by many students over the course of several years that textbooks were too expensive.

In working with Pearson, I was able to source a legal online textbook (with supporting REVEL software) that would cost my students \$95.00 + \$20.00 for an additional loose-leaf option. So for the Fall 2019 semester, I am re-introducing a textbook resource.

- Yates, Bereznicki-Korol *et al.* Business in Canada, 12th Edition. Pearson Canada, Toronto, Ontario.

The REVEL software for this online textbook has the ability to create and mark assignments automatically and all I need do is to input results within my gradebook in Courselink. This online text also has a “listening” function, so that if students do not want to read, they can listen to the chapters. Scheduled and mandatory mini-quizzes tied to the readings also helps to ensure that students actually read the content of the chapters before class therefore, making the lectures that much more meaningful and enjoyable. Finally, this allows me to gauge student progress individually.

Teaching Methodology

I am very committed to my current teaching methodology, but also recognize that it is becoming increasingly irrelevant to the majority of my students. Therefore, all of the legal subjects will be taught in the context of working for and managing a “fictitious” company. For the Winter 2020 semester, the subject company will be “Big Cow Burger” (a.k.a. a competitor to McDonalds) and students will be assigned into functional “departments”. The instructor will act as President and Chair of the Board. Student groups will be divided as follows:

1. The Board of directors (12 students). Students can volunteer for these positions, which will involve working more closely with me as they learn how a board oversees the management of a corporation. If more than 12 students volunteer, they will be chosen by lot.
2. Executive management team: EVP and CFO (Finance); EVP Operations and Supply Management; EVP Franchise Management; EVP Real Estate and Construction; EVP Marketing and Communications; EVP

Food Engineering; EVP Human Resources; EVP Legal and Compliance (8 students). Students can volunteer for these positions, which will involve working more closely with me as they learn to manage their “departments” (groups). If more than eight students volunteer, they will be chosen by lot.

3. Each department (8) will have two managers who “work for” the EVP (16 students). Again, students can volunteer for these positions, which will involve working closely with the EVP and “step in” if the EVP is unavailable, as they learn to manage their “departments” (groups). If more than 16 students volunteer, they will be chosen by lot.
4. The remaining students will be divided into each department in “staff” positions.

The EVP will be responsible for communicating and assigned work and presenting his/her department’s findings in in-class discussions each week or assigning that in-class work to a member of their “department”. I will try to mimic how corporations actually operate. Each week, different departments will be faced with a “legal challenge” related to the legal topic that is the subject of that lecture and will be required to present a memo as to how they would approach the problem (within the law) and try to resolve it, recommending various options and ultimately one course of action. The instructor will track their progress with academic grading, but also through an “algorithm” that relates back to the “share price” of the company. It will not be scientific in the least, and is meant to be a “fun” way to relate the law to actual situations faced by corporations in real life. This methodology also attempts to correlate to the ‘case study’ methodology taught in most business classes.

In the Fall 2020, I will introduce business cases as part of the in-class work, to begin to set a framework for this methodology.

Revised Course Schedule and Grading Scheme

The first half of the lecture (70 minutes) will be committed to discussing the legal topics and assigned readings and the second half of the lecture (70-80 minutes) will be to discuss the assigned department memos, based on legal situations that occur related to the legal topic discussed that week.

Week	Date	Unit	Pre-Class Activities/Readings	In-Class Activities and Assessments
1	Sep 9	<p>Overview of the course and expectations</p> <p>Overview of the Canadian Legal System</p> <ul style="list-style-type: none"> • How is law defined? How is law linked to morals and ethics? The significance of law for the business environment. Legal risk management and the legal profession. • The courts and legislation; the <i>Charter of Rights and Freedoms</i>; the machinery of justice; the sources of law; litigation and alternative dispute resolution. • Government regulation of business 	<p>Assigned readings:</p> <p>Chapters 1, 2 and 3.</p> <p><u>Please note:</u> Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVEL software) required for this course. <u>As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions.</u></p>	<p>Complete assigned readings.</p> <p><u>First half:</u> Legal topic overview and current topical issues.</p> <p><u>Second half:</u> Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only.</p>

Week	Date	Unit	Pre-Class Activities/Readings	In-Class Activities and Assessments
2	Sep 16	<p>Corporate Law</p> <ul style="list-style-type: none"> The nature of a corporation; methods of incorporation; the constitution of a corporation; types of business corporations and corporate capital. Corporate governance: the internal affairs of a corporation; directors and officers; shareholders; external responsibilities; civil and criminal liabilities. 	<p>Assigned readings:</p> <p>Chapter 11.</p> <p><u>Please note:</u> Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. <u>As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions.</u></p>	<p>Complete assigned readings.</p> <p><u>First half:</u> Legal topic overview and current topical issues.</p> <p><u>Second half:</u> Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only.</p> <p><u>NOTE: Assignment is due Friday September 20 for students with family name A-E. Please see Courselink for details.</u></p>
3	Sep 23	<p>Tort Law – Part 1</p> <ul style="list-style-type: none"> The nature of torts; intentional torts and other torts impacting business. 	<p>Assigned readings:</p> <p>Chapter 4.</p> <p><u>Please note:</u> Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. <u>As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions.</u></p>	<p>Complete assigned readings.</p> <p><u>First half:</u> Legal topic overview and current topical issues.</p> <p><u>Second half:</u> Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only.</p>
4	Sep 30	<p>Tort Law – Part 2</p> <ul style="list-style-type: none"> Negligence and liability of professionals. Active class participation for assigned discussions (second half) 	<p>Assigned readings:</p> <p>Chapter 5: pp. 134-162.</p> <p><u>Please note:</u> Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. <u>As students have been given ample notice of assigned</u></p>	<p>Complete assigned readings.</p> <p><u>First half:</u> Legal topic overview and current topical issues.</p> <p><u>Second half:</u> Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only.</p> <p><u>NOTE: Assignment is due</u></p>

Week	Date	Unit	Pre-Class Activities/Readings	In-Class Activities and Assessments
			<u>deadlines for submissions, they must be strictly adhered to, no exceptions.</u>	<u>Friday October 4 for students with family name F-J. Please see CourseLink for details.</u>
5	Oct 7	Agency and Employment Law <ul style="list-style-type: none"> What is employment? The law of employment: the employment contract; termination; liability of employer and related legislation. Active class participation for assigned discussions (second half) 	Assigned readings: Chapters 10: pp. 293-310; 12: pp. 364-392 (stop at Collective Bargaining) (up to and including the Case Summary) <u>Please note:</u> Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. <u>As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions.</u>	Complete assigned readings. <u>First half:</u> Legal topic overview and current topical issues. <u>Second half:</u> Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only. <u>NOTE: Assignment is due Friday October 11 for students with family name K-O. Please see CourseLink for details.</u>
6	Oct 14	***THANKSGIVING MONDAY*** [MAKE UP THURS DECEMBER 5TH]***		
7	Oct 21	***MIDTERM EXAM*** [IN THE CLASSROOM – FIRST HOUR]		
8	Oct 28	Review Midterm (before the lecture – 6:15pm). No other time will be provided for a midterm review for any reason. Contract Law – Part 1 <ul style="list-style-type: none"> The contractual relationship: consensus, consideration, capacity, legality, intention and form of contract. 	Assigned readings: Chapters 6 and 7. <u>Please note:</u> Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. <u>As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions.</u>	Complete assigned readings. <u>First half:</u> Legal topic overview and current topical issues. <u>Second half:</u> Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only.
9	Nov 4	Contract Law – Part 2 <ul style="list-style-type: none"> Misrepresentation; duress, undue influence and unconscionability; transactions; 	Assigned readings: Chapters 8 and 9. <u>Please note:</u> Each week, in	Complete assigned readings. <u>First half:</u> Legal topic overview and current topical

Week	Date	Unit	Pre-Class Activities/Readings	In-Class Activities and Assessments
		mistake; privity and assignment. Ending the contractual relationship.	addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. <u>As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions.</u>	issues. <u>Second half:</u> Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only. <u>NOTE: Assignment is due Friday November 8 for students with family name P-S. Please see CourseLink for details.</u>
10	Nov 11	Legislation in the marketplace <ul style="list-style-type: none"> Bankruptcy; the sale of goods and consumer protection. 	Assigned readings: Chapter 15: pp. 488-498; 16: pp. 506-533 (stop at Negotiable Instruments). <u>Please note:</u> Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. <u>As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions.</u>	Complete assigned readings. <u>First half:</u> Legal topic overview and current topical issues. <u>Second half:</u> Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only.
11	Nov 18	Property and Intellectual Property Law <ul style="list-style-type: none"> Real property and personal property; IP: copyright, patents, trademarks, confidential information and regulating information technology. Active class participation for assigned discussions (second half) 	Assigned readings: Chapters 13 (excluding the section on Industrial Designs at p.429) and 14: pp. 441-448 (stop at Condominiums and Cooperatives) and 459-464 (stop at Protection of the Environment). <u>Please note:</u> Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. <u>As students have been given ample notice of assigned deadlines for submissions, they</u>	Complete assigned readings. <u>First half:</u> Legal topic overview and current topical issues. <u>Second half:</u> Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only. <u>NOTE: Assignment is due Friday November 22 for students with family name T-Z. Please see CourseLink for details.</u>

Week	Date	Unit	Pre-Class Activities/Readings	In-Class Activities and Assessments
			<u>must be strictly adhered to, no exceptions.</u>	
12	Nov 25	Final Exam preparation	Final exam content and format will be discussed during this session.	Students should prepare any review questions for the instructor.

Assignment/Examination	Date	Marks allocated
Assignment (submitted online through Dropbox)	See course schedule and all of the information set out in Courselink	20%
In-class Weekly Assignments (completed and submitted in class only)	See course schedule and any additional information set out in Courselink.	10%
Individual weekly assigned readings and related quizzes (available through online REVEL software platform of the textbook)	See REVEL software information for schedule. <u>Technical difficulties will NOT be a permitted excuse for missing a quiz or for a late submission. Pearson provides 24-hour access to technical support.</u>	
Quizzes for Chapters 1,2,3 11, 4, 5, 10 and 12		7.5%
Quizzes for Chapters 6, 7, 8, 9, 15, 13 and 14		7.5%
Midterm 1	See course schedule and any information set out on Courselink	20%
Final exam	Verify with university schedule. Instructions will be posted on Courselink	30%
In-class participation (general) and adherence to the Student Code of Conduct***	See Course Outline	5%

Concluding Remarks

This revised course was the product of many months of work beginning in the Fall 2018 and Winter 2019 semesters with partial implementation in the Summer 2019 semester to ‘test’ certain methods and adjust as required. A summary of the challenges that this revised course construct attempts to address:

Challenge 1: No purchase of textbooks. By making the online textbook option available (with a reader), students are more likely to engage in the resource in a way more familiar to “digital natives”. Further, by tying reading quiz requirements to the assigned readings, which can only be done on an individual software basis, this will help to ensure that students have read the assigned materials prior to coming to lectures, thereby, enhancing their learning experiences in class.

Challenge 2: Irregular class attendance. By making the lectures “value add” to the assigned readings and shortening the lecture, students are more likely to want to attend.

Challenge 3: Inability (or unwillingness) to participate. By structuring the in-class discussions in this way, students will feel part of a “department” and so, will not necessarily feel isolated in their class contribution.

Challenge 4: Sense of entitlement. By assigning group “managers” (Winter 2020), students will be encouraged to monitor themselves and their “staff’s” contributions, teaching them valuable management and leadership skills throughout the semester. I structured my groups in this manner to “test” it in the Winter 2019 semester (not as departments but by assigning group “leads” and “co-leads”) and it worked very well in using students to manage their peers and having one point of contact for each group throughout the semester.

Challenge 5: Inability to synthesize salient points in a lecture format. By adding a textbook resource, this will greatly assist students with assimilating the course materials, rather than relying on lecture content only.

Challenge 6: “Unplugging” from electronics. I will continue to enforce no electronics in my class to encourage students to see the value in “unplugging” once in a while.

Challenge 7: “Shadowing” other students through group work. The work in the Fall semesters will be largely individual and the in-class components in the Fall will have rotating groups. In the Winter 2020, Group EVPs and their managers will be encouraged to monitor “staff” contributions and to provide performance evaluations to the instructor.

This will be monitored closely not to allow any unfair assessments by giving staff (students) the opportunity to respond and/or challenge. Further, the online textbook resource forces students to engage individually and to complete quizzes only through the online software. There is also an individual assignment. Therefore, this gives the instructor the ability to monitor the student’s individual progress.

Challenge 8: The increased inability for rounded (all viewpoints) discussions. By structuring the course around what “real” companies actually face in the legal landscape and in managing legal risk, class discussions will remain as neutral as possible in the ascetic discussions of the challenges of a corporation in managing legal risk.