

UNIVERSITY OF GUELPH
Department of Marketing and Consumer Studies
MCS 3040 Business and Consumer Law
Fall 2010
Course Outline

INSTRUCTOR: Linda Chiasson
OFFICE: MINS 257 **EMAIL:** lchiasso@uoguelph.ca
EXTENSION 52407 **WORK:** 519.836.7550 x. 2201
OFFICE HOURS: Wednesdays at 5:45-6:45pm or by appointment.

LECTURES: Section 2: Wednesdays 7:00-9:50 p.m. TBA

NOTICE TO ALL STUDENTS:

NO LEGAL ADVICE OR CONSULTATION THROUGH MY LAW OFFICE WILL BE AVAILABLE TO PEOPLE REGISTERED IN THIS COURSE.

CALENDAR DESCRIPTION

To introduce the student with no previous legal study to the laws and legal requirements necessary in the conduct of business. Pre-requisite: 10 course credits.

GENERAL OBJECTIVES

- a) To acquaint the student with the structure of the Anglo-Canadian judiciary system and its inter-relationship with the Canadian legal process.
- b) To familiarize the student with some of the basic concepts, principles and rules of law and their application to individuals and persons in business from the perspectives of both providers and consumers of goods and services.
- c) To develop an appreciation of the complex legal system in which businesses and consumers of goods and services operate.
- d) To enable the student to communicate and deal effectively with legal counsel in matters relating to corporate/commercial and consumer affairs.

METHOD OF PRESENTATION

Lectures and class discussion. Taping of lectures by students is expressly forbidden without the prior consent of the professor. Such consent shall only be granted in the case of a *bona fide* medical need as evidenced by appropriate documentation from the student's physician as verified by the professor.

REQUIRED TEXTS

- ♦ Duplessis, Enman, Gunz, O'Byrne, Canadian Business & the Law, Nelson Thompson (2010) (4th Edition)
- ♦ Additional readings of materials as announced in lectures.

COURSELINK

The MCS*3040 course webpage (address: <http://courselink.uoguelph.ca>) is key to this course for grade posting. It is also an information centre where you can find course reminders, updates and final course evaluations.

METHOD OF STUDENT EVALUATION

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|----|---|--|
| a) | Mid-Term Examination 1: Lecture Week 6 | Wednesday October 20, 2010 (20%) |
| b) | Assignment Due: Lecture Week 8 | Wednesday November 3, 2010 (20%) |
| c) | Mid-Term Examination 2: Lecture Week 11 | Wednesday November 24, 2010 (20%) |
| d) | Final Examination: | Tuesday December 14, 2010 (40%) |

SUBJECT TO CHANGE

NB: Examinations will be based on course texts; class lectures and discussions and readings as assigned. There will be NO rescheduling of examinations. If the student anticipates a conflict with another course it is suggested that either this course or the course in conflict be dropped.

WARNING: For purposes of your examinations the use of dictionaries, computers, tape recording devices, textbooks, notes or any other material other than your examination paper, your pen and pencil is STRICTLY FORBIDDEN and will result in notification to the University administration of your academic misconduct.

CONDITIONS OF ENROLMENT

This course and the student evaluation will be conducted in strict accordance with the provisions contained in the Undergraduate Procedures Handbook. It is suggested that the student review these provisions carefully.

NOTICES TO STUDENTS

1. Students are strongly encouraged to familiarize themselves with ALL aspects of Undergraduate Degree Regulations and Procedures as published in Section VIII of the 2010-2011 Undergraduate Calendar. Particular attention should be paid to the section on Academic Misconduct, procedures for Adding Courses and procedures for Dropping Courses found on the University of Guelph Website.
2. Given the emphasis that the University of Guelph places on issues of academic integrity, students

are encouraged to go to . <http://www.academicintegrity.uoguelph.ca/> . The site includes a tutorial on plagiarism and how to cite sources correctly, etc., which students should find very useful.

3. This course follows the University grading scheme outlined in the University Calendar:

Note: As per the University Calendar academic consideration for being unable to meet assignment due dates, case participation, or for being unable to attend any quiz, midterm or final exam will only be granted for medical, psychological or compassionate reasons. In all cases, appropriate documentation as outlined in the University Calendar is required. Work arrangements, vacation or personal arrangements, sleeping in or not following the Courselink calendar are not valid reasons.

A+	90-100%	Excellent: An outstanding performance in which the student demonstrates a superior grasp of the subject matter, and an ability to go beyond the given material in a critical and constructive manner. The student demonstrates a high degree of creative and/or logical thinking, a superior ability to organize, to analyze, and to integrate ideas, and a thorough familiarity with the appropriate literature and techniques.
A	85-89	
A-	80-84	
B+	77-79	Good: A more than adequate performance in which the student demonstrates a thorough grasp of the subject matter, and an ability to organize and examine the material in a critical and constructive manner. The student demonstrates a good understanding of the relevant issues and a familiarity with the appropriate literature and techniques.
B	73-76	
B-	70-72	
C+	67-69	Acceptable: An adequate performance in which the student demonstrates a generally adequate grasp of the subject matter and a moderate ability to examine the material in a critical and constructive manner. The student displays an adequate understanding of the relevant issues, and a general familiarity with the appropriate literature and techniques.
C	63-66	
C-	60-62	
D+	57-59	Minimally acceptable: A barely adequate performance in which the student demonstrates a familiarity with the subject matter, but whose attempts to examine the material in a critical and constructive manner are only partially successful. The student displays some understanding of the relevant issues, and some familiarity with the appropriate literature and techniques.
D	53-56	
D-	50-52	
F	0-49	Fail: An inadequate performance.

http://www.uoguelph.ca/undergrad_calendar/index.shtml

4. The course and instructor evaluation for MCS*3040 will be handled via a separate Courselink site during the last two weeks of the term.
5. Midterm examinations will be derived from the content of the course text, any additional assigned readings, class lectures and discussions. They will be structured as a mix of multiple choice, true or false and/or short answer questions and the exact layout of the exam will be explained one week prior to each examination. Midterm examinations will be non-cumulative, but the final examination will be cumulative and cover the entire term. The format of the final exam will be discussed prior to the end of term.
6. Assignment due November 3 will be a case comment of no more than 800 words. Cases will be posted in a drop-box on D2L by no later than Wednesday September 29, along with assignment instructions.

LECTURE SCHEDULE (Subject to change, which will be announced as necessary)

Week of Sept. 13/2010

Week 1 – Wednesday September 15

Reading Duplessis: Chapters 1, 2, 3, 4 (pp. 1-100)

- i) Introduction to the Law
 - a) Origins and Sources of Law
 - b) The Canadian Legal System
 - c) Legal Risk Management
 - d) The Litigation Process
 - e) Alternative Dispute Resolution

Week of Sept. 20/2010

Week 2 – Wednesday September 22

Reading: Duplessis: Chapters 10, 11, 12 (pp. 227-293)

- i) The Law of Torts
 - a) Introduction
 - b) Intentional Torts
 - c) Negligence

Week of Sept. 27/2010

Week 3 – Wednesday September 29

Reading: Duplessis: Chapters 5, 6, 7 (pp.101-170)

- i) The Law of Contracts (Formation)
 - a) The Contractual Relationship
 - b) Consideration, Capacity, Intention and Legality
 - c) Contractual Forms
 - d) Contractual Terms

Week of Oct. 4/2010

Week 4 – Wednesday October 6

Reading: Duplessis: Chapters 8, 9 (pp. 171-226)

- i) Factors Affecting the Contractual Relationship
 - a) Mistake
 - b) Misrepresentation
 - c) Duress and Undue Influence
 - d) Privity of Contract and Assignments
- ii) The End of the Contractual Relationship
 - a) Performance
 - b) Breach
 - c) Discharge by Agreement
 - d) Frustration
 - e) Remedies for Breach of Contract

Week of Oct. 11/2010

Week 5 – Wednesday October 13

Reading: Duplessis: Chapters 23, 24 (pp.583-635)

- i) Marketing and Consumer Protection
 - a) Sale of Goods
 - b) Consumer Protection Legislation

Week of Oct. 18/2010

Week 6 – Wednesday October 20

**** Mid-term Examination #1 (20%) ****

Week of Oct. 25/2010

Week 7 – Wednesday October 27

Reading: Duplessis: Chapters 25, 26, 27 (pp.637-704)

- i) Banking and Debtor/Creditor Relationships
 - a) Banking Relationships
 - b) Negotiable Instruments
 - c) Methods of Securing Debt
 - d) Bankruptcy

Week of Nov. 1/2010

Week 8 – Wednesday November 3

Reading: Duplessis: Chapters 20, 21, 22 (pp.499-581)

- i) Employment
 - a) What is Employment?
 - b) The Law of Master and Servant
 - c) Legislation
 - d) Collective Bargaining
- ii) Professional Services
 - a) Contractual Obligations
 - b) Fiduciary Obligations
 - c) Responsibilities in Tort

**** Assignment is due (20%) ****

Week of Nov. 8/2010

Week 9 – Wednesday November 10

Reading: Duplessis: Chapters 13,14 (pp.296-352)

- i) Agencies
 - a) The Agency Relationship
 - b) The Rights and Responsibilities of the Parties
- ii) Business Organization – Part I
 - a) Types of Business Organization
 - b) Sole Proprietorship

- c) Partnership

Week of Nov. 15/2010

Week 10 – Wednesday November 17

Reading: Duplessis: Chapter 15, 16 (pp.353-409)

- iii) Business Organization – Part II
 - a) The Process of Incorporation
 - b) Funding of Corporations
 - c) Duties of Corporate Officers
 - d) Advantages and Disadvantages

Week of Nov. 22/2010

Week 11 – Wednesday November 24

Reading: Duplessis: Chapters 17, 18, 28 (pp.411-469 and 705-729)

- i) Personal and Intellectual Property and Insurance
 - a) Personal Property
 - b) Bailment
 - c) Intellectual Property: Acquisition and Protection
 - d) Insurance: Contractual Rights, Duties

**** Mid-Term #2 (20%) ****

Week of Nov. 29/2010

Week 12 – Wednesday December 1

Reading: Duplessis: Chapter 19 (pp.470-498)

- i) Introduction to the law of Real Estate
 - a) Legal Interests in Land
 - b) Mortgage Transactions
 - c) The Landlord/Tenant Relationship: Commercial & Residential

Tuesday December 14, 2010

**** FINAL EXAMINATION (40%) ****