

UNIVERSITY OF GUELPH
Department of Marketing and Consumer Studies
MCS 3040 Business and Consumer Law
Winter 2011

INSTRUCTOR: Linda Chiasson

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EXTENSION	52407	WORK:	519.836.7550 x. 2201
OFFICE HOURS:	Wednesdays from 5:45-6:45pm and only by appointment. Appointments must be requested no later than 3:00pm on Wednesday.		

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 equip the student with 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 understanding 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. **The use of personal laptops or other types of electronic equipment (cellphones, Blackberries) during lectures is also expressly forbidden.**

REQUIRED TEXTS

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

There are several prior editions of this text. Students will be taught and examined on the 4th edition. **Should students elect to use prior editions, they do so at their own risk.** There are some former students who want to sell their 4th edition texts and their contact information will be posted on the CourseLink website.

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 some course information, **but class content will not specifically be posted**. Students are encouraged to touch base with their peers for class discussions if they are unable to attend lectures – see point #5 below.

METHOD OF STUDENT EVALUATION

a)	Mid-Term Examination 1: Week 6	Wednesday February 16, 2011 (15%)
b)	Group Assignment Due: Week 8	Wednesday March 9, 2011 (25%)
c)	Mid-Term Examination 2: Week 11	Wednesday March 30, 2011 (20%)
d)	Final Examination:	[DATE], 2011 (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. Information is automatically posted and students will be provided with directions on how to fill them out.
5. **Class attendance:** while class participation is not graded, those students who attend lectures regularly will have a distinct academic advantage over those that do not. **There will be limited website posts as to in-class discussions/content and students will be expected to consult with their peers if they miss lectures.** Please note that an attendance sheet will be passed around during each class for students to sign. This will assist me with learning student names. Any material discussed in class is fair game for midterms and exams.
6. **Examinations:** 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 at least one week prior to each examination. Midterm examinations will be non-cumulative, but the final examination will be cumulative and cover the entire term's course content. The exact format of the final exam will be discussed prior to the end of term.
7. **Assignment:** assignment due March 9, 2011 will be a case comment of no more than 800-1,000 words. For this assignment, students are asked to work in groups of four. Groups will be assigned and cases will be posted in a drop-box on D2L by no later than Wednesday January 26, 2011 along with the "assignment contract". Please note that there is an in-class component to your grade on Wednesday January 26, 2011.

8. **Course outline:** please review the course outline carefully, as it outlines required readings in preparation for the lectures. Also, you will note that there are "Special Sessions" in the outline. These are not mandatory, but are meant to assist students through this course. It is recommended that students take full advantage of these sessions, but the choice is left to the student.

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

Week of Jan 10/2011

Week 1 – Wednesday January 12

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 Jan 17/2011

Week 2 – Wednesday January 19

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

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

**** Special Session – "How to study for a law course" 6:00-6:45pm**

Week of Jan 24/2011

Week 3 – Wednesday January 26

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
- ii) The "Assignment Contract" (related to written assignment)
 - a) In-class contract negotiation exercise (more details will be provided)

Week of Jan 31/2011

Week 4 – Wednesday February 2

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 Feb 7/2011

Week 5 – Wednesday February 9

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

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

**** Special Session – Q&A for Midterm #1 (after the lecture ends)**

Week of Feb 14/2011

Week 6 – Wednesday February 16

**** Mid-Term #1 (15%) ** (7:00-8:30pm)**

Week of Feb 21/2011

*****READING WEEK*****

Week of Feb 28/2011

Week 7 – Wednesday March 2

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

MAKE-UP CLASS FOR MARCH 16TH LECTURE

*****SATURDAY MARCH 5th, 2010 FROM 10AM-12PM*** (LOCATION TBD)**

Reading: Duplessis: Chapters 20, 21, 22 (pp.501-526, 534-553 and 561-570)

- 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

Week of Mar 7/2011

Week 8 – Wednesday March 9 ** Assignment is due (25%) ******

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 Mar 14/2011

Week 9 – Wednesday March 16 – NO LECTURE (replaced with make-up lecture on Saturday March 5, 2011 from 10am-12pm)

Week of Mar 21/2011

Week 10 – Wednesday March 23

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

**** Special Session – Q&A for Midterm #2 (after the lecture ends)**

Week of Mar 28/2011

Week 11 – Wednesday March 30

**** Mid-Term #2 (20%) ** (7:00-8:30pm)**

Week of Apr 4/2011

Week 12 – Wednesday April 6

Reading: Duplessis: Chapters 17 (411-429), 18 (436-455), 28 (707-724)

- i) Personal and Intellectual Property and Insurance
 - a) Personal Property and Bailment
 - b) Intellectual Property: Patents, Industrial Designs, Trademarks, Copyright
 - c) Insurance: Contract/Products/Remedies

Reading: Duplessis: Chapter 19 (pp.471-478 and 488-494)

- i) Introduction to the law of Real Estate
 - a) Legal Interests in Land
 - b) The Real Estate Lease

**** Special Session – Review of concepts from the term in preparation for the final exam (after the lecture ends)**

[DATE], 2011

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