UNIVERSITY OF GUELPH Department of Marketing and Consumer Studies MCS 3040 Business and Consumer Law FALL 2017 Course Outline

| INSTRUCTOR : | Joe Radocchia | ROOM: THRN 1307 |
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| OFFICE: | MINS 257 | EMAIL: jradocch@uoguelph.ca |
| EXTENSION | 519-498-6153 | OFFICE HOURS: TBA |
| OFFICE HOURS: | Before and after class. Other | wise, by appointment only. |

LECTURES: Section 1: Monday 7:00 p.m. - 9:50 p.m. THRN 1307

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.

LEARNING OUTCOME ASSESSMENT

The learning outcomes to be assessed throughout the course are incorporated and reflected in both the General Objectives for the course, as outline above, and in the Method of Student Evaluation, outlined below. The two midterms and final exam that students will complete, reflect and incorporate all of the General Objectives from a) to d) as outlined above. The Assignment and weekly conferencing requirements, also reflect and incorporate all aspects of the General Objectives, but more specifically require students to hone in on General Objective d), in order

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that students can demonstrate through their written work an ability to communicate and deal effectively with legal counsel in matters relating to corporate/commercial and consumer affairs.

METHOD OF PRESENTATION

Lecture 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=Bryne, <u>Canadian Business & the Law</u>, Nelson Thompson (2017) (6th Edition)

Additional readings of materials as announced in lectures.

Courselink

The MCS*3040 Courselink webpage (address:<u>http://courselink.uoguelph.ca)</u> 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

| a) | Mid-Term Examination 1: Lecture Week 6 | Monday, October 23, 2017 (20%) |
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| b) | Assignment Due: Lecture Week 8 | Monday, November 6, 2017 (20%) |
| c) | Mid-Term Examination 2: Lecture Week 11 | Monday, November 27, 2017(20%) |
| i) | Final Examination: | Friday, December 8, 2017(30%) |
| | Participation: | Throughout the Course and Term (10%) |

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 an immediate failure in your examination as well as immediate 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.webapps.ccs.uoguelph.ca/lc/AcademicInteg-

rity/.

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 |
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| A | 85-89 | superior grasp of the subject matter, and an ability to go beyond the given mate- rial in a critical and constructive manner. The student demonstrates a high de- gree of creative and/or logical thinking, a superior ability to organize, to ana- lyze, and to integrate ideas, and a thorough familiarity with the appropriate liter- ature and techniques. |
| A- | 80-84 | |
| B+ | 77-79 | Good: A more than adequate performance in which the student demonstrates a |
| В | 73-76 | 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- | 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. |
| С | 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 exam- |
| D | 53-56 | |

| D- | 50-52 | ine the material in a critical and constructive manner are only partially success- ful. The student displays some understanding of the relevant issues, and some familiarity with the appropriate literature and techniques. |
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| 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.

LECTURE SCHEDULE (Subject to change)

| Weeks of Sept. 11-18/2017 | Lectures Weeks 1 & 2 |
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| - | Reading Duplessis: Chapters 1, 2, 3, 4 |
| 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 |
| Weeks of Sept. 25-Oct.2/20 |)17 Lectures Weeks 3 & 4 |
| Weeks of Sept. 25 Set.2/20 | Reading: Duplessis: Chapters 10, 11, 12 |
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| <u>i)</u> | The Law of Torts |
| | a) Introduction |
| | b) Intentional Torts |
| | c) Negligence |
| OCTOBER 9, 2017 | THANKSGIVING – make up class December 1/17 |
| Weeks of October 16-23/20 | 117 Lectures Weeks 5 & 6 |
| | Reading: Duplessis: Chapters 5, 6, 7 |
| <u>i)</u> | The Law of Contracts (Formation) |
| <u>17</u> | a) The Contractual Relationship |
| | b) Consideration, Capacity, Intention and Legality |
| | $) \qquad \qquad$ |

- c) Contractual Forms
- d) Contractual Terms

MIDTERM #1— OCTOBER 23, 2017 (20%)

MCS 3040 Monday Evening Course Outline Fall 2017

| Week of Oct.30/2017 | Lecture Week 7 | |
|----------------------|--|--|
| | Reading: Duplessis: Chapters 8, 9 | |
| 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 Nov.6/2017 | Lecture Week 8 | |
| | Reading: Duplessis: Chapters 23, 24 | |
| <u>i)</u> | Marketing and Consumer Protection | |
| | a) Sale of Goods | |
| | b) Consumer Protection Legislation | |
| | ASSIGNMENT DUE NOVEMBER 6, 2017 (20%) | |
| Week of Nov. 13/2017 | Lecture Week 9 | |
| | Reading: Duplessis: Chapters 20, 21, 22 | |
| <u>i)</u> | 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 Nov. 20/2017 ii) | Lecture Week 10Reading:Duplessis: Chapters 13, 14Agenciesa)The Agency Relationshipb)The Rights and Responsibilities of the PartiesBusiness Organization – Part I |
|-----------------------------|--|
| | a) Types of Business Organization b) Sole Proprietorship c) Partnership |
| Week of Nov. 27/2017 | Lecture Week 11Reading:Duplessis: Chapters15,16iii)Business Organization – Part IIa)The Process of Incorporationb)Funding of Corporationsc)Duties of Corporate Officersd)Advantages and DisadvantagesMIDTERM #2- NOVEMBER 27, 2017 (20%) |
| Week of Dec.1/2017 | Lecture Week 12 Final Exam Review and Preparation |
| December 8/2017 | FINAL EXAMINATION (30%) |