## UNIVERSITY OF GUELPH Department of Marketing and Consumer Studies MCS 3040 Business and Consumer Law Fall 2011 Course Outline

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EXTENSION	519-498-6153	<b>OFFICE HOURS:</b> TBA
<b>OFFICE HOURS:</b>	Before and after class. Otherwise, by appointment only.	

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

## 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

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 (2010) (4<sup>th</sup> 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

e)	Participation:	Throughout the Course and Term (10%)
d)	Final Examination:	TBA (30%)
c)	Mid-Term Examination 2: Lecture Week 11	Monday, November 21, 2011 (20%)
b)	Assignment Due: Lecture Week 8	Monday, October 31, 2011 (20%)
a)	Mid-Term Examination 1: Lecture Week 6	Monday, October 17, 2011 (20%)

#### 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 2011-2012. 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/AcademicIntegrity/. 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 Blackboard calendar are not valid reasons.

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A+	90-100%	<b>Excellent:</b> An outstanding performance in which the student demonstrates a
Α	85-89	superior grasp of the subject matter, and an ability to go beyond the given
A-	80-84	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.
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
B-	70-72	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.
C+	67-69	Acceptable: An adequate performance in which the student demonstrates a
С	63-66	generally adequate grasp of the subject matter and a moderate ability to
C-	60-62	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.
D+	57-59	Minimally acceptable: A barely adequate performance in which the student
D	53-56	demonstrates a familiarity with the subject matter, but whose attempts to
D-	50-52	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.
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)

Week of Sept. 12/2011	Lecture Week 1 Reading Duplessis: Chapters 1, 2, 3, 4	
i)	<ul> <li>Introduction to the Law</li> <li>a) Origins and Sources of Law</li> <li>b) The Canadian Legal System</li> <li>c) Legal Risk Management</li> <li>d) The Litigation Process</li> <li>e) Alternative Dispute Resolution</li> </ul>	
Week of Sept. 19/2011	Lecture Week 2 Reading: Duplessis: Chapters 10, 11, 12	
i)	The Law of Tortsa)Introductionb)Intentional Tortsc)Negligence	
Week of Sept. 26/2011	Lecture Week 3 Reading: Duplessis: Chapters 5, 6, 7	
i)	The Law of Contracts (Formation)a)The Contractual Relationshipb)Consideration, Capacity, Intention and Legalityc)Contractual Formsd)Contractual Terms	
Week of Oct. 3/2011	Lecture Week 4 Reading: Duplessis: Chapters 8, 9	
i)	Factors Affecting the Contractual Relationshipa)Mistakeb)Misrepresentationc)Duress and Undue Influenced)Privity of Contract and Assignments	
ii)	The End of the Contractual Relationshipa)Performanceb)Breachc)Discharge by Agreementd)Frustratione)Remedies for Breach of Contract4	

Week of Oct. 10/2011	Lecture Week 5 THANKSGIVING. THERE IS NO CLASS.	
Week of Oct. 17/2011	Lecture Week 6 Reading: Duplessis: Chapters 23, 24	
i)	Marketing and Consumer Protection a) Sale of Goods	
Mid-	b) Consumer Protection Legislation term Examination #1 (20%)	
Week of Oct. 24/2011	Lecture Week 7	
	Reading: Duplessis: Chapters 25, 26, 27	
i)	<ul> <li><u>Banking and Debtor/Creditor Relationships</u></li> <li>a) Banking Relationships</li> <li>b) Negotiable Instruments</li> <li>c) Methods of Securing Debt</li> <li>d) Bankruptcy</li> </ul>	
Week of Oct. 31/2011	Lecture Week 8 Reading: Duplessis: Chapters 20, 21, 22	
i)	Employmenta)What is Employment?b)The Law of Master and Servantc)Legislationd)Collective Bargaining	
ii) Assig	Professional Servicesa)Contractual Obligationsb)Fiduciary Obligationsc)Responsibilities in Tortcmment is Due (20%)	
Week of Nov. 7/2011	Lecture Week 9	
i)	Agenciesa)The Agency Relationshipb)The Rights and Responsibilities of the Parties	
ii)	<u>Business Organization – Part I</u> a) Types of Business Organization	

Sole Proprietorship b)

	c) Partnership
Week of Nov. 14/2011	Lecture Week 10 Reading: Duplessis: Chapter 15, 16
iii)	Business Organization – Part IIa)The Process of Incorporationb)Funding of Corporationsc)Duties of Corporate Officersd)Advantages and Disadvantages
Week of Nov. 21/2011	Lecture Week 11 Reading: Duplessis: Chapters 17, 18, 28
i) Mid	Personal and Intellectual Property and Insurancea)Personal Propertyb)Bailmentc)Intellectual Property: Acquisition and Protectiond)Insurance: Contractual Rights, DutiesI-Term #2 (20%)
Week of Nov. 28/2011	Lecture Week 12 Reading: Duplessis: Chapter 19
i)	Introduction to the law of Real Estatea)Legal Interests in Landb)Mortgage Transactionsc)The Landlord/Tenant Relationship: Commercial & Residential
TRA	FINAL EXAMINATION (30%)

TBA

## FINAL EXAMINATION (30%)