



Marketing and Consumer Studies

MCS*3040 Section 01 BUSINESS AND CONSUMER LAW Winter 2019

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Office Hours: By appointment only, with at least 48 hours advanced notice

Teaching Assistant: Not applicable

Class Times and Location: Mondays 7:00-10:00pm; LA Room 204

Course Description and Objectives:

This course introduces students to statutory law and common law intersecting with business and consumer transactions. An overview of the law of contracts and torts forms the basis of business and producer/consumer relationships. Discussion topics include sale of goods and consumer protection legislation; debtor-creditor relations; competition law; intellectual property rights and manufacturers' product liability and employment law. This course also inevitably explores the philosophical pinning of the rule of law in Canada in the various legal disciplines studied as part of this course, as governed by the *Charter of Rights and Freedoms*, the supreme law of Canada and provides an overall review of Canada's legal system.

NOTICE TO ALL STUDENTS:

NO LEGAL ADVICE OR CONSULTATION THROUGH MY LAW OFFICE WILL BE AVAILABLE TO PEOPLE REGISTERED (OR WHO HAVE BEEN REGISTERED IN PAST SEMESTERS) IN THIS COURSE.

1. To acquaint students with the structure of the Anglo-Canadian judiciary (common law) system and its inter-relationship with the Canadian legal process in a business context.
2. To equip students 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.
3. To develop an understanding of the complex legal system in which businesses and consumers of goods and services operate.
4. To enable students to communicate and deal effectively with legal counsel in matters relating to corporate/ commercial and consumer affairs.
5. To understand the philosophy framing the rule of law in a free and democratic society and allow students to engage in healthy debate through conflicting ideas and issues with the framework of the laws that govern our society.

6. To understand the difference between an ethical code of conduct (personally) in a business context in adhering to the “letter of the law” or in attempting to adhere to the “spirit” of what the law intended in the first place.
7. To improve analytical thinking and communication skills.

Course Materials and Resources:

This course uses a variety of materials and resources. One of your primary resources will be the course website (<http://courselink.uoguelph.ca>). All announcements, required and recommended readings, assignments and updates will be posted here. You will also be able to access any handouts you may have missed through this site. Check this site often.

Please note that in-class content will not be specifically posted. Students are encouraged to touch base with their peers for class discussions/lecture materials if they are unable to attend lectures. **The instructor will not provide class notes or “catch up” materials for absent students, for any reason.**

Students should purchase a course pack, which will be available during the first lecture for \$10 (cash only). After the first lecture, you can procure the course pack through the MCS 200 office. It is important to purchase this course pack and to have it with you during lectures as no other materials will be posted online. This course pack contains all of the readings and materials for the course, except for the assignment requirement, which will be posted on the course website.

On-Line Communication:

- This course has a website (see <http://courselink.uoguelph.ca/>).
- Any announcements related to the course that are not made in class will be posted on the “news” board on the course site.
- I may communicate with you via your central email account <uoguelph.ca> from time to time. You are required to check this account on a regular basis. Please be advised that I will not edit my mailing list to your hotmail/yahoo etc. account.
- While I endeavour to check my email daily, students can reasonably expect a response from me within 48/72 hours (especially if over a weekend). If your request is urgent, it is best to call me at 519.836.7550 x.40077.
- If your email is inappropriate as to its tone or content generally, or is requesting information that was already clearly discussed in class, I may elect not respond to such emails.

Method and Timing of Evaluation:

Your performance will be evaluated based on the following:

Assignment/Examination	Date	Marks allocated
In-class participation and group assignment and discussions (see Courselink for details)	See course schedule	30%
In-class quizzes (5)	See course schedule	20%
Midterm 1 (12.5%) and 2 (12.5%)	See course schedule	25%
Final exam	Verify with university schedule	25%

In-Class participation and group assignment/discussions:

The class has been divided into at least 14 groups (could fluctuate based on enrollment). Each group will have a volunteer leader, to be selected at the first class/lecture. The group leader will manage the in-class work, tied to online group work and the group assignment and be the single point of contact for the instructor. Please note that each group member will assess other group members' contribution and participation in the assignments each week. Students will not assess themselves. These weekly assessments by your peers will influence your overall marks for this segment of your grade for this course. A schedule of all of the group requirements throughout the semester is posted on the Courselink site and groups have been established.

Quizzes and exams:

There are five in-class quizzes scheduled. The quizzes will be five multiple choice questions and five T/F questions based on the topic learned from the week before. The instructor will average all of your marks and will take the best four of five marks. These marks will be posted soon after the fifth quiz is completed. Please see course schedule for more details.

Midterm and final examinations are all closed book. The midterm examinations will be derived from the content of the assigned readings, class lectures and discussions. The exams set for this section of the course will be different from the other section, but will be fair and based on our specific class content/discussions and assigned readings. **The instructor will NOT be responding to e-mails (meaning, I will completely ignore e-mails) requiring the instructor to “confirm” or “outline” content for exams. This would have been thoroughly discussed during lectures and students will be expected to be responsible for listening and taking appropriate notes as to exam content.**

The midterm examinations are scheduled during regular lecture times and therefore, in accordance with the University of Guelph's own policy, any conflict is **entirely the student's responsibility.**

Examination conflict: Students are responsible for ensuring that they do not have a time conflict with examinations in other courses or any other commitment, whatever its nature. You are not permitted to enrol in this course if you have a time conflict with another course or any other personal commitment, no matter how important it might be to you or even to the University of Guelph's sports teams or other such personal commitments. If a personal conflict arises, this is your issue and accommodation will not be made, for any reason.

The use of personal laptops or other types of electronic equipment (e.g. cellphones, Blackberries etc.) during lectures is expressly forbidden. Students are expected to make handwritten notes of lectures – paper/pen will not be provided, so please bring your own and be prepared for lectures. Please note that if the instructor notices students using electronic devices during lectures, **that student may be asked to leave the room.** Also, constant chatter during lectures is disruptive to the instructor, and if particularly disruptive, student(s) may also be asked to leave the room. Please be considerate and keep noise levels down.

Please note that if you are registered with the Centre for Students with Disabilities or require special consideration for some form of accommodation in the completion of the required learning activities for this course, please meet with me during the first week of classes.

Course Philosophy and Approach:

The study of law is inherently philosophical, even when studied in a business context. While this course does not purport to tell students what to think, it encourages students **to think** and to know why they believe what they do and to understand their constitutional right to their opinion and the freedom to express it in a free and democratic society like Canada.

After having taken this course, students should emerge with a more mature sense of their own set of values, in the face of what the law dictates in a business setting and be able to derive an ethical code of conduct for reference in their individual careers. There are different philosophies by which people form their careers and this class challenges students to have a personal philosophy and to clearly understand what informs that philosophy and why they subscribe to it. It challenges students to consider their sources of influence in such a “social/multi-media” age and to reason with sources other than television and the Internet as key influencers for ethical decision making.

The rule of law in a free and democratic society demands an open dialogue of differing points of view. Conflict and debate are encouraged, in that homogeneity as a goal in society can lead to “thought-police”, which should be avoided especially in a university setting. Higher learning should encourage open debate of differing points of view, all while exercising civility in the respect of opposing points of view. This will be highly encouraged in this course.

There is also significant emphasis on in-class participation and attendance because the study of law is not necessarily easily grasped and requires explanations through examples, in order for students to relate to the topic and to assimilate the subject matter. Therefore, the course is based on an active 12-week semester. Please note that the instructor believes that the most effective and efficient use of classroom time aims at reinforcing or clarifying what the student has tried to learn on an individual basis **before** entering the classroom. For this reason, it will be assumed that students have carefully read the assigned material and made a reasonable effort to prepare solutions to any assigned problems **PRIOR** to the class. These materials will be **DISCUSSED** in class.

Instructor expectations:

1. **Attendance.** Because interaction is central to effective learning in this course, it is expected that students attend every class. Valid reasons for absence include serious illness and family emergencies. Studying for exams and completing assignments are not valid reasons to miss class.
2. **Preparation.** You are expected to read assigned material in advance and to be fully prepared for class discussion. You may be called upon to begin the class and to contribute to discussion at any time. Unsupported opinion will not substitute for informed discussion. Adequate preparation is the only way to avoid embarrassment.
3. **Group work.** You will participate in some group work during the term. The group should address group problems or conflict in a timely fashion. I am available to assist groups who experience problems.

Course Schedule and Key Dates (Section 01):

Class	Date	Unit	Pre-Class Activities/Readings	In-Class Activities and Assessments
1	Jan 7	Overview of the course and expectations Overview of the Canadian Legal System <ul style="list-style-type: none"> • Rule of law/court system • Supreme law of Canada • Litigation • Group participation 	See Courselink and prepare with your group for the week's activities.	See Courselink.
2	Jan 14	Corporate Law <ul style="list-style-type: none"> • Other forms of business • Formation of an Ontario corporation • Governance of an Ontario corporation • Corporation as a legal entity • Public vs private corporations • Financing a corporation • Group participation 	See Courselink and prepare with your group for the week's activities.	See Courselink. Groups 1, 5 and 9 [Case Comment] <u>In-class quiz on The Canadian Legal System</u>
3	Jan 21	Property Law/Intellectual Property Law <ul style="list-style-type: none"> • The concept and definitions of property; real property; and personal property • Copyrights; Patents; Trademarks; Infringement • Group participation 	See Courselink and prepare with your group for the week's activities.	See Courselink. Groups 2, 6 and 10 [Current Event] <u>In-class quiz on Corporate Law</u>
4	Jan 28	Legislation in the marketplace <ul style="list-style-type: none"> • Federal statutes (3) • Provincial statutes (3) • Group participation 	See Courselink and prepare with your group for the week's activities.	See Courselink. Groups 3, 7, 11 and 13 [Case Comment]
5	Feb 4	CLASS CANCELLED	Study for the Midterm Exam – materials from Classes 1-4 will be covered.	Midterm Exam 1 – 60 minutes in length. See posted instructions.
SATURDAY FEBRUARY 9TH – MIDTERM EXAM – LOCATION/TIME TBC				
6	Feb 11	Tort Law <ul style="list-style-type: none"> • What is tort law? • The tort of negligence • Various liabilities in tort • Defences • Remedies • Group participation 	See Courselink and prepare with your group for the week's activities.	See Courselink. Groups 4, 8, 12 and 14 [Current Event]
READING WEEK – FEB 18-22				
7	Feb 25	Review Midterm (before the lecture – 6:15pm) Contract Law – Part 1 <ul style="list-style-type: none"> • Form of contract • Formation of a contract • Group participation 	See Courselink and prepare with your group for the week's activities.	See Courselink. Groups 1, 5 and 9 [Current Event] <u>In-class quiz on Tort Law</u>
8	Mar 4	Contract Law – Part 2 <ul style="list-style-type: none"> • Certainty of terms • Privity of contract • Various ways to vitiate a contract • Remedies • Group participation 	See Courselink and prepare with your group for the week's activities.	See Courselink. Groups 2, 6 and 10 [Case Comment] <u>In-class quiz on Contract Law Part 1</u>

Class	Date	Unit	Pre-Class Activities/Readings	In-Class Activities and Assessments
9	Mar 11	Agency and Employment Law (ONLINE LECTURE – DETAILS TO BE PROVIDED) <ul style="list-style-type: none"> • Agency relationships • The employment contract • Ending the employment relationship • <i>Charter of Human Rights and Freedoms</i> • Group participation 	See Courselink and prepare with your group for the week's activities.	See Courselink. Groups 3, 7, 11 and 13 [Current Event]
10	Mar 18	CLASS CANCELLED	Study for the Midterm Exam – materials from Classes 6-9 will be covered.	Midterm Exam 2 – 60 minutes in length. See posted instructions.
SATURDAY MARCH 23 – MIDTERM EXAM – LOCATION/TIME TBC				
11	Mar 25	<ul style="list-style-type: none"> • Group participation • Midterm 2 review • Final exam preparation 	See Courselink and prepare with your group for the week's activities.	See Courselink. Groups 4, 8, 12 and 14 [Case Comment] <u>In-class quiz on Employment Law</u>
12	Apr 1	<ul style="list-style-type: none"> • Optional review session 		

Note: The schedule of learning activities may require modification from time to time. Any changes will be announced in class and/or on the Courselink site.

Policies and Regulations

All students are expected to abide by the University's academic regulations in the completion of their academic work, as set out in the undergraduate calendar (see <http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/index.shtml>). Some regulations are highlighted below:

Academic Misconduct:

The University of Guelph is committed to upholding the highest standards of academic integrity and directs all members of the University community – faculty, staff and students – to be aware of what constitutes academic misconduct and to do as much as possible to prevent academic offences from occurring. The University of Guelph takes a serious view of academic misconduct and it is your responsibility as a student to be aware of and to abide by the University's policy. Included in the definition of academic misconduct are such activities as cheating on examinations, plagiarism, misrepresentation, and submitting the same material in two different courses without written permission.

To better understand your responsibilities, read the Undergraduate Calendar at: <http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-amisconduct.shtml> You are also advised to make use of the resources available through the Learning Commons (<http://www.learningcommons.uoguelph.ca/>) and to discuss any questions you may have with your course instructor, teaching assistant, Academic Advisor or Academic Counselor.

Students should be aware that faculty have the right to use software to aid in the detection of plagiarism or copying and to examine students orally on submitted work. For students found guilty of academic misconduct, serious penalties, up to and including suspension or expulsion from the University can be

imposed.

Academic Consideration:

Students who find themselves unable to meet course requirements by the deadline or criteria expected because of medical, psychological or compassionate circumstances beyond their control, should review the regulations on Academic Consideration in the Undergraduate Calendar (http://www.uoguelph.ca/undergrad_calendar/c08/c08-ac.shtml) and discuss their situation with the instructor, Program Counsellor or Academic Advisor as appropriate.

Religious Holidays:

Should a student need to miss scheduled tests, mid-term examinations, final examinations, or requirements to attend classes and participate in laboratories for religious reasons, please advise the instructor within two weeks of the distribution of this course outline so that alternate arrangements can be made. For further information see

<http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-accomrelig.shtml>

University Grading Scheme:

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

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.

Code of Conduct – The Top Ten

As a student in the Department of Marketing and Consumer Studies, College of Management and Economics at the University of Guelph, you are a member of a scholarly community committed to improving the effectiveness of people and organizations, and the societies in which they reside, through ground-breaking and engaging scholarship and pedagogy. We seek to promote a comprehensive, critical and strategic understanding of organizations, including the complex interrelationship between leadership, systems (financial and human) and the broader social and political context. And, we prepare graduates for leadership roles in which organizational objectives, self-awareness, social responsibility and sustainability are primary considerations.

In keeping with this commitment, we expect all of our students (indeed – all members of our community) to act in a professional and respectful manner to fellow students, staff and faculty, as well as to members of the broader university and local community. This expectation is very much in keeping with your preparation for a professional career.

The following conduct is expected of all of our students:

1. Come to class prepared to learn and actively participate (having completed assigned readings, learning activities etc.).
2. Approach your academic work with integrity (avoid all forms of academic misconduct).
3. Arrive on time and stay for the entire class. If you happen to be late, enter the classroom as quietly as possible. At the end of class, apologize to the faculty member for the interruption. If you have to leave class early, alert the faculty member in advance.
4. If you know in advance that you are going to miss a class, send an email to the faculty member letting him/her know that you will be absent, with a brief explanation.
5. While in class, refrain from using any written material (e.g., newspaper) or technology (e.g., the Internet, computer games, cell phone) that is not relevant to the learning activities of that class. Turn off your cell phone at the start of each class.
6. Listen attentively and respectfully to the points of view of your peers and the faculty member. Don't talk while others have the floor.
7. Raise your hand when you wish to contribute and wait to be called upon. Challenge others appropriately, drawing on reason and research rather than unsubstantiated opinion, anecdote and/or emotion. Keep an open mind and be prepared to have your point of view challenged.
8. When sending emails to faculty, apply principles of business writing; use a professional and respectful style (use a formal salutation, check for spelling and grammatical errors, and avoid slang and colloquial short forms).
9. When making a presentation, wear business dress.
10. Provide thoughtful feedback at the completion of all courses (we are committed to continuous improvement but need your input to help us decide what to focus on).