

# MCS\*3040 Business and Consumer Law Winter 0.5 Credits

# General Course Information

**Instructor:** Linda Chiasson

Email Ichiasso@uoguelph.ca

Office Location Room 211, MacDonald Building (I am not often on campus)

Office Hours By appointment only on Mondays before class.

Department/School Marketing and Consumer Studies

Class Schedule: Mondays 7:00-9:50pm

**Pre-requisites:** 4.00 credits

Registration in BCOMM. program, BA:BADM minor, or BA:EURS area of emphasis in

European Business Studies. This is a Priority Access Course. Some restrictions may apply during some time periods. Please contact the department for more information.

# Course Description

Restrictions:

This course introduces students to statutory and common law concerning business and consumer transactions. An overview of the laws 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.

# Course Learning Outcomes

# Upon successfully completing this course, you will be able 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.
- 2. Understand the structure of the Anglo-Canadian judiciary system and its interrelationship with the Canadian legislative process.
- 3. Understand the law of tort and the various legal duties owed in a free and democratic society and various business torts.

- 4. Understand the law as applicable to the formation, maintenance, and ending of contractual relationships.
- 5. Demonstrate understanding of consumer protection and debtor/creditor laws including sale of goods; and bankruptcy.
- 6. Demonstrate understanding of the laws applying to employer/employee relations including master and servant, agencies, and the rights and responsibilities of the parties.
- 7. Describe the types of business organization and the processes, rights, and responsibilities for each.
- 8. Describe the legal considerations affecting personal and intellectual property rights; and understanding real property

# **Knowledge and Understanding:**

- 1. Understand the structure of the Anglo-Canadian judiciary (common law) system and its inter-relationship with the Canadian legal process in a business context.
- Understand 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. Understand the complex legal system in which businesses and consumers of goods and services operate.
- 4. Be able to communicate and deal effectively with legal counsel in matters relating to corporate/ commercial and consumer affairs.
- 5. 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. Improve analytical thinking and communication skills.

# Discipline/Professional and Transferable Skills:

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.

#### **Attitudes and Values**

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.

# Summary of Course Content and Materials

The scheduled class time for each subsequent week will be structured as follows:

The instructor will lecture and provide an overview of the assigned legal topic that week. While providing an overview of your readings, the in-class lecture will have <u>additional</u> content not included in your readings and all of the in-class materials are examinable.

| Week | Date   | Unit   | Pre-class activities   | In-class activities and assessments  |
|------|--------|--|--|--|
| 1    | Jan 6  | Introduction Overview of the course and expectations; detailed overview of the Course Outline and detailed overview of in-class assignment requirements  | Read through the Courselink Site announcements and Content sections  | Q&A with students<br>as to course<br>expectations  |
| 2    | Jan 13 | <ul> <li>Unit 01: Overview of the Canadian Legal System</li> <li>How is law defined?         How is law linked to morals and ethics? The significance of law for the business environment. Legal risk management and the legal profession.</li> <li>The courts and legislation; the Charter of Rights and Freedoms; the machinery of justice; the sources of law; litigation and alternative dispute resolution.</li> <li>Government regulation of business</li> </ul> | Assigned readings: Chapters 1, 2 and 3. Please note: Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVEL software) required for this course. As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions.  Please note that assigned quizzes for these chapters are due on January 17th, to allow for late registrations. This means that there will be four (4) chapter quizzes due at that time, but you will have immediate access to complete them, upon purchasing the online textbook. | Complete assigned readings.  First half: Legal topic overview and current topical issues.  Second half: Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only. |

| Week | Date   | Unit   | Pre-class activities   | In-class activities and assessments  |  |
|------|--------|--|--|--|--|
| 3    | Jan 20 | <ul> <li>Unit 02: Corporate Law</li> <li>The nature of a corporation; methods of incorporation; the constitution of a corporation; types of business corporations and corporate capital.</li> <li>Corporate governance: the internal affairs of a corporation; directors and officers; shareholders; external responsibilities; civil and criminal liabilities.</li> </ul> | Assigned readings: Chapter 11. Please note: Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions.   | Complete assigned readings.  First half: Legal topic overview and current topical issues.  Second half: Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only. |  |
| 4    | Jan 27 | Unit 03: Tort Law – Parts 1 and 2 Part 1  The nature of torts; intentional torts and other torts impacting business. Part 2  Negligence and liability of professionals.  | Assigned readings: Chapter 4; Chapter 5: pp. 134- 162(stop at Insurance). Please note: Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions.  | Complete assigned readings.  First half: Legal topic overview and current topical issues.  Second half: Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only. |  |
| 5    | Feb 3  | Unit 04: Agency and Employment Law  • What is employment? The law of employment: the employment contract; termination; liability of employer and related legislation.  | Assigned readings: Chapter 10: pp. 293-310; Chapter 12: pp. 364-392 (stop at Collective Bargaining) (up to and including the Case Summary) Please note: Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions. | Complete assigned readings.  First half: Legal topic overview and current topical issues.  Second half: Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only. |  |

| Week | Date   | Unit  | Pre-class activities  | In-class activities and assessments  |
|------|--------|---|---|--|
| 6    | Feb 10 | Group Assignment (in-class exercise). Completed assignments to be posted on Dropbox by 9:30pm. Please follow instructions carefully.  | Ensure that you have a thorough understanding of legal concepts learned to date.  | In-class group assignment, potentially covering material from Units 01-04 (above).  Note: This is an inclass group assignment only.  |
| 7    | Feb 17 | ***READING \  | WEEK FROM FEBRUARY 17-21 (INCLUS  |  |
| 8    | Feb 24 | *** CLASS   | CANCELLED DUE TO BUSINESS TRAVEL  | ***  |
| 9    | Mar 2  | Unit 05: Contract Law – Part 1  The contractual relationship: consensus, consideration, capacity, legality, intention and form of contract.   | Assigned readings: Chapter 6 and Chapter 7. Please note: Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions. | Complete assigned readings.  First half: Legal topic overview and current topical issues.  Second half: Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only. |
| 10   | Mar 9  | Unit 06: Contract Law – Part 2  • Misrepresentation; duress, undue influence and unconscionability; transactions; mistake; privity and assignment. Ending the contractual relationship. | Assigned readings: Chapter 8 and Chapter 9. Please note: Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions  | Complete assigned readings.  First half: Legal topic overview and current topical issues.  Second half: Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only. |

| Week | Date   | Unit   | Pre-class activities   | In-class activities and assessments  |
|------|--------|--|--|--|
| 11   | Mar 16 | Unit 07: Legislation in the marketplace  Bankruptcy; the sale of goods and consumer protection.  | Assigned readings: Chapter 15: pp. 488-498 (start at Bankruptcy and stop at Alternatives to Bankruptcy); Chapter 16: pp. 506-533 (stop at Negotiable Instruments). Please note: Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course. As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions.   | Complete assigned readings.  First half: Legal topic overview and current topical issues.  Second half: Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only. |
| 12   | Mar 23 | Unit 08: Property and Intellectual Property Law  Real property and personal property; IP: copyright, patents, trademarks, confidential information and regulating information technology.  Active class participation for assigned discussions (second half) | Assigned readings: Chapters 13 (excluding the section on Industrial Designs at p.429) and Chapter 14: pp. 441-448 (stop at Condominiums and Cooperatives) and 459-464 (stop at Protection of the Environment).  Please note: Each week, in addition and in relation to the assigned readings, there will be a graded component administered through the online resource (REVAL software) required for this course.  As students have been given ample notice of assigned deadlines for submissions, they must be strictly adhered to, no exceptions. | Complete assigned readings.  First half: Legal topic overview and current topical issues.  Second half: Business case analysis related to the weekly legal topic. Note: This is an in-class exercise only. |
| 13   | Mar 30 | Final Exam preparation  Note: The Final Exam is cumulative, covering all concepts learn from Units 01-08   | Final exam content and format will be discussed during this session. There will also be some review of course materials.   | Students should come prepared with review questions for the instructor.  |

<u>Note</u>: 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. Please be sure to consult the Courselink site regularly.

#### Course Assessment

|               | ·    |   | Associated<br>Learning<br>Outcomes | Due Date/<br>location                    |
|---------------|------|---|------------------------------------|--|
| Assessment 1: | 25%  | In-class assignments<br>(related to scheduled<br>legal topic) | LO 2-8                             | Weeks 2, 3, 4,<br>5, 9, 10, 11<br>and 12 |
| Assessment 2: | 15%  | Weekly chapter quizzes (assigned readings)                    | LO 2-8                             | See REVEL Platform (Pearson online text) |
| Assessment 3: | 20%  | In-class group<br>assignment                                  | LO 1-4                             | Week 6                                   |
| Assessment 4: | 35%  | Final exam  | LO 2-8                             | See exam<br>schedule                     |
| Assessment 5: | 5%   | Participation/Student Code of Conduct                         | LO 1                               | See guidance<br>below                    |
| Total         | 100% |   |                                    |  |

# Teaching and Learning Practices

Lectures, inclass assignments and group assignment

The instructor expressly forbids the recording of any lecture or the copying of any copyrighted class content (by any method).

All of your chapter readings related to the various legal topics covered in this course have various case summaries included, in order for you to better understand the legal topic discussed. It is expected that students attending lectures will have done their readings in advance of the lecture; in fact, you will have to because online quizzes related to your readings on assigned legal topics through the REVEL software platform are required to be completed before each lecture.

A significant component of each student's grade (25%) will be a "hands on" in-class assignment due each week during scheduled lectures (please see Course Schedule below for details). This assignment will be due in class only – **NO** exceptions are permitted. Each week, students will be assigned to groups of five or six (rotating each week) to complete an assignment. Instructions will be provided during the second half of the lecture and students are expected

to complete these weekly assignments at or about 9:00pm (or as instructed). After all group assignments are posted (by assigned group leader for that week), the instructor will then provide an overview of the "solution" for each weekly assignment.

Each weekly assignment will form part of your grade and are "pass/fail". To explain, there are 8 assignments, so each assignment will be worth approximately 3.125%. A "pass" will be awarded the full 3.125% and a "fail" will be awarded 0%. Though each assignment will be completed by groups of five students (or six depending on the number of registered students), each student's mark will be individually earned, as groups will change from week to week. Please note that if you are absent, you will have 0% for that week's assignment, unless you have a permitted excuse (See Course Policies below). Your overall assignment "pass/fail" mark will be posted soon after the last weekly assignment is submitted.

An in-class group assignment also forms part of a student's assessment and is designed to test a student's ability to assimilate the legal concepts learned to date. Groups will be pre-assigned and it is strongly encouraged that groups study together in advance of the assignment. This assignment is intended to be similar to an open-book midterm examination that will test a student's knowledge and understanding of the legal concepts in Units 01-04. This is not a "pass/fail" assignment and will be assessed out of 100 points.

**Exam** 

There is only a final examination scheduled for this course and it is a closed book exam. The final examination will be derived from the content of the assigned readings, class lectures and discussions. Exam instructions will be posted on the Courselink site well before the actual exam date. 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.

Examination conflict: There are no alternative writing dates for the midterm. If you miss the midterm, academic consideration will only be granted for reasons outlined in the University Academic Calendar. Documentation will be required as per the University Academic Calendar. Please note that for any reason that is not related to illness or family emergencies you are seeking some sort of accommodation for your midterm, you will need to contact Dr. Tirtha Dhar.

#### Course Resources

#### **Required Text:**

Revel for Business Law in Canada, Twelfth Canadian Edition

# Yates, Bereznicki-Korol, Clarke, Palmer, ISBN-13: 9780135307038 2019

There is no physical textbook for this course. The resources you will use are in the Pearson Revel online platform. You will need to purchase an access code from the bookstore. The Pearson Revel platform is an interactive textbook including text, audio, videos and interactives, quizzing and writing exercises. Once you have redeemed your access code, please **download the REVEL App** through an app store to access your course content on your mobile device. Should you require a printed version, one is available for \$20 with tax and shipping after you redeem your Access Code (see instructions below).

#### **REVEL Registration Instructions**

How to access Revel for or Business Law in Canada 12/e

- 1. **Invite Link**, Go To:
- 2. Sign in to your Pearson account or create one.
- 3. Redeem the access code purchased from the bookstore, or purchase instant access online. (Temporary access option for financial aid is also available.)
- 4. You will be provided with the option at this point to purchase a loose-leaf copy for \$20.00 including delivery. You can choose to purchase it now or at a later time (instructions are located in your REVEL confirmation email)
- 5. Go to the link below if you would like to watch a close captioned video on the how to log in to Revel

https://youtu.be/pavN9npktBI

#### **REVEL 24 Hour Technical Support**

Your best (and quickest) path to resolve technical issues is to contact technical support at the link below

https://support.pearson.com/getsupport/s/contactsupport

When you contact them please include the following information:

- 1. Your username
- 2. OS (Windows 8)
- 3. Browser (preferred browser is Chrome)
- 4. Exactly what you are trying to open.
- 5. Error message (if any) that appears when you try to open it.

If your query is not resolved in 24 hours please email marguerite.weir@pearsoned.com and let her know your incident #

The cost of this online access is \$95.00 (Pearson's propriety REVEL software) and students can also opt to obtain a loose-leaf book option for an additional \$20.00. This is a mandatory requirement for this course as there are scheduled quizzes and/or assignments administered through this textbook's online program.

#### Other Resources:

This course uses a variety of materials and resources. One of your primary resources will be the course website (<a href="http://courselink.uoguelph.ca">http://courselink.uoguelph.ca</a>). All announcements, required and recommended readings, assignments and updates will be posted here. Check this site often, at least twice per week.

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

#### Course Policies

#### **Grading Policies**

There will be no late assignments accepted. Students who find themselves unable to meet course requirements by the deadlines or the criteria expected because of medical or personal reasons, should review the regulations on academic consideration in the Academic Calendar and discuss their situation with the instructor, program counselor or other academic counselor as appropriate.

http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-grds.shtml

#### Missed Assignments:

A grade of zero will be assigned if you fail to submit an assignment, unless you are ill or have other compassionate reasons. Please read your Undergraduate Calendar for the regulations regarding illness and compassionate grounds. Please note, vacation travel, moving house, or outside work commitments will not be accepted as valid reasons for missing deadlines.

If you have religious observances which conflict with the course schedule or if you are registered with Student Accessibility Services, please contact the course instructor in order to make arrangements for your assessment if appropriate.

If students have a valid reason (see regulations on academic consideration noted above) for missing an assignment, the only option available to them is to re-weight the value of that assessment on their final exam.

#### Prohibited use of electronics

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. [Note: the use of laptops will be permitted for use ONLY to complete the in-class assignment scheduled each week.]

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 privately during the first couple of weeks of classes. Please know that I am committed to your success and you should in no way feel stigmatized in reaching out to me directly for any reasonable assistance that I can provide.

#### **Student Code of Conduct**

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).

#### Student Code of Conduct as a factor of your in-class participation mark

The rule of law in a free and democratic society is the key to its survival. Philosophically, the rule of law encourages citizens to be focused on the 'greater good' rather than individualistic pursuits. In line with that, over the years, the instructor has noted a decreasing lack of civility and respect in student communications to the instructor when expressing a concern. This type of rude and uncivil conduct in this course is unacceptable and will not be tolerated for any reason. If a student communicates with the instructor in any manner and through any medium that violates the expectations set out above, the instructor reserves the right to deduct marks from the student's overall participation marks as a penalty for this form of academic misconduct. Please govern yourselves accordingly and keep your emotions in check when communicating with your instructor.

# **University Policies**

#### **Academic Consideration**

When you find yourself unable to meet an in-course requirement because of illness or compassionate reasons, please advise the course instructor in writing, with your name, id#, and e-mail contact. See the academic calendar for information on regulations and procedures for Academic Consideration:

http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-ac.shtml

#### **Academic Misconduct**

The University of Guelph is committed to upholding the highest standards of academic integrity and it is the responsibility of 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.

University of Guelph students have the responsibility of abiding by the University's policy on academic misconduct regardless of their location of study; faculty, staff and students have the

responsibility of supporting an environment that discourages misconduct. Students need to remain aware that instructors have access to and the right to use electronic and other means of detection. Please note: Whether or not a student intended to commit academic misconduct is not relevant for a finding of guilt. Hurried or careless submission of assignments does not excuse students from responsibility for verifying the academic integrity of their work before submitting it. Students who are in any doubt as to whether an action on their part could be construed as an academic offence should consult with a faculty member or faculty advisor.

The Academic Misconduct Policy is detailed in the Undergraduate Calendar:

https://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-amisconduct.shtml

#### Accessibility

The University of Guelph is committed to creating a barrier-free environment. Providing services for students is a shared responsibility among students, faculty and administrators. This relationship is based on respect of individual rights, the dignity of the individual and the University community's shared commitment to an open and supportive learning environment. Students requiring service or accommodation, whether due to an identified, ongoing disability or a short-term disability should contact Student Accessibility Services as soon as possible.

For more information, contact SAS at 519-824-4120 ext. 56208 or email sas@uoguelph.ca or see the website: https://wellness.uoguelph.ca/accessibility/

# **Recording of Material**

Presentations which are made in relation to course work—including lectures—cannot be recorded or copied without the permission of the presenter, whether the instructor, a classmate or guest lecturer. Material recorded with permission is restricted to use for that course unless further permission is granted.

# **Drop date**

The last date to drop one-semester courses, without academic penalty, is XXXXX, 20XX. For regulations and procedures for Dropping Courses, see the Academic Calendar:

https://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-drop.shtml

| Date Submitted to Chair:    |                                 |
|-----------------------------|---------------------------------|
| Chair Signature (Approval): | month & De                      |
| Date Approved by Chair:     | 11 <sup>th</sup> December, 2019 |