

**Marketing and Consumer Studies**

**MCS 3040 BUSINESS AND CONSUMER LAW**

**Course Outline**

**Fall 2018**

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**Instructor:** Joe Radocchia, Bachelor of Laws (LL.B.), Masters in Environmental Studies (M.E.S.)

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Email: jradocch@uoguelph.ca

Office Hours: By appointment

**Class Times and Location: 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 students registered in this Course.**

**Course Description and Objectives:**

Business and Consumer Law introduces students with no previous legal study or experience to the basic legal principles, concepts and rules that form the basis to our Canadian legal justice system, and its application to the conduct of business. A course pre-requisite requires students to have completed 10 course credits. Students will explore the foundation to the Canadian legal justice system and examine varying areas of Canadian law, including torts, contracts, employment, and business organizations; topic areas which will provide students with an appreciation of how law impacts and influences each one of us in our daily lives, both personally and professionally.

**Learning objectives of the Course:**

* To acquaint students with the structure of the Anglo-Canadian judiciary system and its inter-relationship with the Canadian legal process.
* To familiarize students with the basic concepts, principles and rules of law and their application to businesses, professionals and consumers.
* To develop an appreciation of the complex legal system in which businesses and consumers of goods and services operate.
* To enable students to communicate and deal effectively with legal counsel in providing a legal opinion for a client as it relates to corporate/commercial and consumer affairs.
* Demonstrate knowledge of essential legal principles, concepts and rules within our Canadian legal justice system, including the rule of law, the necessary elements of a contract and tort law, vicarious liability, and the application and significance of the different categories of business organizations.
* Demonstrate comprehension and knowledge of how contract and tort law shape and influence the conduct of business, including the employer-employee relationship.
* Demonstrate the ability to apply facts and knowledge from the course to varying methods of evaluation including examinations, case studies and weekly discussions of various legal topics.
* Demonstrate the ability to analyze various legal concepts, principles and rules in order to identify and apply which of these concepts, principles or rules is most relevant and applies to the legal issue that must be addressed and resolved.
* Demonstrate the ability to evaluate, synthesize, structure and apply a legal argument coherently and convincingly.

**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.

The required textbook is: **Duplessis, O’Byrne, King, Adams, Enman, CANADIAN BUSINESS AND THE LAW**, Nelson Education (2017) (6th Edition)

**On-Line Communication:**

* This course has a website (see <http://courselink.uoguelph.ca/>). Please post any questions you may have to “Ask Your Instructor” under the Discussions Tab found within the Tools Tab in Courselink.
* I will be communicating 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 to 72 hours.

**Method and Timing of Evaluation:**

Your performance will be evaluated based on the following:

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| --- | --- | --- |
| **Assignment/Examination** | **Date** | **Marks allocated** |
| Mid-Term Examination 1 | October 15, 2018 | 20% |
| Assignment | November 5, 2018 | 20% |
| Mid-Term Examination 2 | November 19, 2018 | 20% |
| Final Examination | December 7, 2018 | 30% |
| Participation | Throughout the Term | 10% |

Midterms and the Final Exam will test and assess your ability to apply, analyze, understand and recall the legal principles, concepts and rules that you will learn throughout the course. Being able to comprehend and apply such principles, concepts and rules to “real life” examples will be integral to your success on the Midterms and Final Exam. Consequently, attending lectures and having your readings completed for each lecture will be crucial to your comprehension of how the law applies to resolve legal issues and fact circumstances that you will be introduced to throughout the course. The Assignment will be based on “real life” Case Studies that will require you to analyze, synthesize and address a legal problem for a client for whom you must provide a legal opinion regarding what your best advice is for that client to resolve their legal problem. The Participation component of the Course requires you to participate in weekly topic discussions that you will be asked to address either by posting your own answer to the weekly topic and the questions posed, or by responding to posts from your classmates. These weekly topics and related questions are designed to stimulate thought and an exchange among students of the legal concepts and material covered from week-to-week throughout the course. Both the Assignment and the Participation components of the course will demonstrate your ability to apply your written and argumentative skills, and your ability to for analysis by incorporating and using the legal concepts, rules and principles you have learned throughout the Course.

**PLEASE NOTE THE FOLLOWING REGARDING FINAL EXAMINATION CONFLICTS:** Students are responsible for ensuring that they do not have a time conflict with examinations in other courses. You are not permitted to enrol in this course if you have a time conflict with another course.

**PLEASE NOTE THE FOLLOWING LATE PENALITIES:** Unless you the student have discussed with me an extension or accommodation well ahead of the due date regarding the Assignment, a 5% earned grade per day (including weekends), will be applied to late Assignment submissions. Extensions will only be granted on the basis of extenuating circumstances. If you are registered with the Centre for Students with Disabilities and will require 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. Keep a copy of all of your graded work until final marks have been recorded. You may be asked to resubmit your work at any time.

**Course Philosophy and Approach:**

In order for students to best grasp the foundational legal concepts and legal material that will be covered in this Canadian Business and Consumer Law Course, students need to complete their readings and weekly conferencing posts prior to class, and to attend class from week-to-week. Classes will involve an exchange between me, your instructor, and you, the student, where you will be asked and challenged how a particular legal case or circumstance should best be resolved, and what legal analysis and areas of law should be applied. “Real life” legal examples will be provided in each class to test your knowledge, analytical skills, reasoning and your ability to problem solve. These examples will commonly be used on examinations, thereby making it very important to attend classes to ensure you are conversant both with your assigned readings and with the material covered in class, since the class lectures will expand upon and hopefully illuminate for you how law operates and applies within our Canadian legal framework.

Remember, the course is based on an active 12-week semester. 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 the student has carefully read the assigned materials which will be **DISCUSSED** in class.

**Course Schedule and Key Dates:**

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| --- | --- | --- | --- | --- |
| **Class** | **Date** | **Topic** | **Pre-Class Activities/Readings** | **In-Class Activities and Assessments** |
| 1 | Sept. 10/18 | Introduction to the Law: Origins and Sources of Law; The Canadian Legal System; Legal Risk Management; The Litigation Process; Alternative Dispute Resolution | Duplessis: Chapters 1,2,3,4 | Weekly Conference Topic #1 |
| 2 | Sept. 17/18 | Introduction to the Law: Origins and Sources of Law; The Canadian Legal System; Legal Risk Management; The Litigation Process; Alternative Dispute Resolution | Duplessis: Chapters 1,2,3,4 | Weekly Conference Topic #2 |
| 3 | Sept.24/18 | The Law of Torts: Introduction; Intentional Torts; Negligence | Duplessis: Chapters 10, 11, 12 | Weekly Conference #3 |
| 4 | Oct. 1/18 | The Law of Torts: Introduction; Intentional Torts; Negligence | Duplessis: Chapters 10, 11, 12 | Weekly Conference #4 |
| 5 | Oct. 8/18 | **THANKSGIVING- make up class Friday, November 30, 2018** |  | Weekly Conference #5 |
| 6 | Oct.15/18 | The Law of Contracts: Introduction to Contracts; Forming Contractual Relationships; Terms of a Contract | Duplessis: Chapters 5,6,7 | Weekly Conference #6  **MIDTERM #1 (20%)** |
| 7 | Oct. 22/18 | The Law of Contracts: Introduction to Contracts; Forming Contractual Relationships; Terms of a Contract | Duplessis: Chapters 5,6,7 | Weekly Conference #7 |
| 8 | Oct.29/18 | Non-Enforcement of Contracts; Termination and Enforcement of Contracts | Duplessis: Chapters 8, 9 | Weekly Conference #8 |
| 9 | Nov. 5/18 | Marketing and Consumer Protection: Sale of Goods; Consumer Protection Legislation | Duplessis: Chapters 23, 24 | Weekly Conference #9  **ASSIGNMENT DUE (20%)** |
| 10 | Nov. 12/18 | Employment Relationship; Terminating the Employment Relationship; Professional Services | Duplessis: Chapters 20,21,22 | Weekly Conference #10 |
| 11 | November 19/18 | The Agency Relationship; Business Forms and Arrangements | Duplessis: Chapters 13, 14 | Weekly Conference #11  **MIDTERM #2 (20%)** |
| 12 | Nov.26/18 | The Corporate Form: Organizational Matters and Operational Matters | Duplessis: Chapters 15, 16 | Weekly Conference #12 |
| 13 | Nov. 30/18 | Make Up Class for Thanksgiving Monday/Final Exam Review and Preparation |  |  |

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:

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| --- | --- | --- |
| 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).