

## Dillard College of Business Administration

### Spring Semester 2023

Syllabus: Legal and Ethical Environment of Business  
LSBA 3233 Sections 201 and 202  
Dillard Building 336

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#### Contact Information

Instructor: Kristopher R. Tilker, Professor of Legal Studies  
Office: DB 294  
Office hours: 30 minutes before and 30 minutes after class, Monday 10-11 am, and by appointment  
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#### Course Materials

*Business Law* by Clarkson, Miller, and Cross, 15<sup>th</sup> edition, Cengage Learning, ISBN 978-0-357-12963-0  
Handouts are provided by professor.  
Do NOT use previous editions of the textbook or handouts.

#### Course Description

An introduction to the procedures of the American legal system and how the law operates in the business environment with international, economic, political, and social influences. Topics include legal process; alternative dispute resolution; legal and ethical decision-making; international law; torts; insurance; contracts; and sales law.

#### Course Prerequisites

POLS 1333 and POLS 1433 plus junior standing.

#### Learning Goals

Social order is essential to successful commerce. As one of the primary means for maintaining social order, legal principles and processes facilitate the creation and operation of markets by providing necessary assurance to investors, sellers, buyers, employees, and others that their reasonable commercial expectations will be realized. While serving this positive function, however, law simultaneously operates as the most pervasive external constraint on business decision-making.

Students should study the legal and ethical environment of business for the same reasons that they study other core subjects in which they do not intend to specialize. They must be able to identify issues pertaining to the particular discipline; recognize potential problems before they become actualized and costly; know when to consult an expert; understand the language, practices, and methods of reasoning and problem-solving in the discipline so that the expert can be used effectively and efficiently; and have sufficient insight into the discipline

so that the service and advice of the expert can be knowledgeably evaluated and incorporated into the firm's decision-making processes.

By the end of the course, students should expect themselves:

- To have acquired an understanding of the unique vocabulary terms in the law.
- To understand the relationship between ethics and law.
- To understand the parallel nature of ethical and moral decision-making and the steps necessary to make objective decisions.
- To understand the processes of business dispute resolution in the American judicial system and in the international arena.
- To be equipped as a businessperson or manager to recognize legal issues and manage legal risks in business decision-making by having a general understanding of the substantive areas of law that affect business on a daily basis: insurance, torts, and contracts.
- To have improved skills in analyzing problems and arriving at well-reasoned explanations.

### Course Policies

**Attendance Policy:** Students are expected to attend all class meetings for this course, following the university attendance policy. See Midwestern State University Undergraduate Catalog 2022-2023. This catalog is electronic only. It may be found on the MSU website using the Registrar button then University Catalogs button. University attendance policy is then found under Registrar. Attendance is deemed essential for this class. Each student is allowed ten (10) absences for the entire semester. Notwithstanding anything herein contained to the contrary, any student who has eleven (11) or more absences will receive a final grade of F. Excused absences are only allowed for official university activities documented ahead of time by the proper university official. Roll is taken during the first three (3) minutes of class. If you have been counted absent and you notify the instructor at the end of class that you came to class late, your absence will be changed to late. Being late twice is equal to one (1) absence. Additionally, in order to not disturb the class, each student is expected to stay seated throughout the entire class period except in case of an emergency. Notwithstanding anything herein contained to the contrary, any student who misses three (3) consecutive classes will receive a final grade of F. If this happens before March 27, 2023 (the official drop date for a "W"), the student will be dropped by the instructor and receive a grade of F. Many important announcements are made in class. You should always contact one of your classmates when you are absent. If you miss the concert, don't expect the band to give you a private performance.

### Zoom Attendance:

Attendance by Zoom is prohibited without prior approval from your instructor. A request for approval to attend the class by Zoom should be made at a minimum of 24 hours before the scheduled class. If Zoom attendance is approved, you are required to attend by a continual livestream picture of your entire face and with you dressed the same as if you were attending class on campus.

### Other Related Policies

It is important for you to read all the assigned text materials and to do a written brief on all assigned law cases. Classroom time will be spent clarifying and analyzing the basic material and applying material to different fact situations. Knowing rules of law has little value if you cannot apply them to solving problems.

**Assignments:** Will be made at the end of every class. There will be a significant amount of reading. I optimistically expect that all assignments will be read on time by all students. I have ways of determining whether this is actually the case during the class participation portion of our festivities. I cannot emphasize enough how important it is to come to class well-prepared. I strongly recommend that you apply this rule of thumb: expect to spend a minimum of two hours studying out of class for each hour of class time.

Business and industry expect to hire college graduates who are self-reliant, have good communication skills, and display good critical-thinking skills. Being prepared for class teaches you self-reliance. Preparing case briefs and explaining cases help your communication skills. My use of the Socratic Method enhances your critical-thinking skills.

**Testing Policy:** Each student is responsible on every test for material covered in class and for reading that is assigned outside of class. This includes all test material and all lecture material unless the instructor specifically excludes particular items. Also, any information in this syllabus is considered as part of classroom notes and may be tested.

**Midwestern State University Student Handbook:** Questions not specifically addressed by this syllabus are governed by the most current student handbook and the MSU Catalog. Make sure you know how to access these on the MSU website and are familiar with all the procedures therein. Pay close attention to the Code of Student Conduct section in the handbook and the Student Honor Creed. The MSU catalog is found using the Registrar button on the main page of the MSU website. The Student Handbook and the Student Honor Creed are found using the Student Life button on the main page of the MSU website. Do not hesitate to ask if you need help accessing the Student Handbook, Student Honor Creed, or University Catalog.

**Medical or Other Serious Problems:** Please take time and make the effort to advise your instructor if you have difficulties that require his attention in order to properly evaluate your classroom participation and activities.

**Student Responsibility:** The first obligation, particularly operative the first day of class or sooner, is to read and understand the content of this syllabus. The second obligation is to be devoted to learning the material assigned. College is supposed to be a demanding and, at times, an uncomfortable experience. College is where a student leaves behind the rote learning of high school and accepts the anxiety, discomfort, and challenge of complexity that leads to the acquisition of deeper knowledge and improved critical-thinking skills. You should expect me to spur your achievement rather than inflate your self-esteem. You will not pass this class if you expect to exchange oxygen for carbon dioxide for 15 weeks. I do not give grades; you earn grades. Grades are based on performance on scheduled assessments, not on how deserving you feel you may be because of external hardships. Extra credit is not available to correct poor performance on tests and assignments. An outstanding student who attends an excellent college is an outstanding student. Likewise, an unengaged student attending an excellent college is an unengaged student. Your priorities are 100% your responsibility.

There is ample time to be a serious student, enjoy extracurricular activities, and work part-time. However, organizing your study time should be your highest priority. Cal Newport has written two superior books about this topic: 1. [How to Become a Straight A Student](#) and 2. [Deep Work](#).

**Campus Carry Rules and Policies:** Effective August 1, 2016, the Campus Carry law (Senate Bill 11) allows those licensed individuals to carry a concealed handgun in buildings on public university campuses, except in locations the university establishes as prohibited. The new Constitutional Carry law does not change this process. Concealed carry still requires a License to Carry permit, and openly carrying handguns is not allowed on college campuses. For more information, visit [Campus Carry](#).

**Active Shooter:** The safety and security of our campus is the responsibility of everyone in our community. Each of us has an obligation to be prepared to appropriately respond to threats to our campus, such as an active aggressor. Please review the information provided by MSU Police Department regarding the options and strategies we can all use to stay safe during difficult situations. For more information, visit [Safety / Emergency Procedures](#). Students are encouraged to watch the video entitled "Run. Hide. Fight." which may be electronically accessed via the University police department's webpage: ["Run. Hide. Fight."](#) A summary of the MSU Preparedness Information has been provided with this syllabus.

**Food and Drink Policy:** Food and drinks, other than bottled water with a secure lid, are NOT permitted in the classrooms.

Students with Disabilities: When notified by a student who has documented a disability with the MSU Counseling and Disability Services Office, I will comply with all federal, state, and university regulations to accommodate the student. See Midwestern State University Undergraduate Catalog 2022-2023.

Use of Electronic Devices: Use of cellphones is strictly prohibited with two exceptions. You may review cellphone texts in class if required by your employer or if you are responsible for a minor who is in childcare or elementary school. You must notify your instructor by the second class period if one of these exceptions applies. This exception does not apply when tests are being given or reviewed. Additionally, sending texts or emails while in the classroom is prohibited. See Lower Grade (G) below.

If you need to send a text or make a cellphone call, you may leave the class to do so. You are also expected not to return to the class for the remainder of the period. "You cannot truly listen to anyone and do anything else at the same time." – M. Scott Peck

Grade Postings: Test grades will be posted on D2L. You are expected to keep records of your grades and to be able to audit grades when posted. Additionally, you are expected to keep records of your grades and provide your grades to your instructor in the event of a D2L technology failure.

Test Policy: You must take each and every test at the date and time announced in class. Failure to do so will result in zero (0) credit for that test. Any deviation from this policy because of illness or emergency must be approved in advance and be properly documented. Additionally, if a student misses a test and serious emergency circumstances are documented, instead of a grade of zero (0), the student will take the final exam to replace the point value of the missed test(s). Additionally, it is agreed and understood by you that the policy for all tests in this class is as follows: (1) you will comply with the MSU Student Honor Creed, and (2) the questions and answers on tests are deemed confidential and will NOT be copied, disseminated, spread, circulated, shared, or publicized. Test-policy violations are grounds for being dropped from this class with an F and referral to the Dean of Students for disciplinary action, which may result in expulsion from Midwestern State University.

Lower Grade: In addition to the disciplinary consequences previously stated in this syllabus, I reserve the right to lower any student's final grade two letter grades (i.e., A to C, C to F) for:

- A. Unpreparedness in class, or,
- B. A negative, rude, unreasonably argumentative, or inattentive attitude in class, or,
- C. Repeatedly disrupting the class for any reason, or,
- D. When you have permission to Zoom, failure to use Zoom during classroom lecture with a continual livestream picture of your face with you dressed the same as if you were attending class on campus, or,
- E. Repeatedly leaving and returning to your seat during class, or,
- F. Not showing respect for fellow classmates' questions, opinions, or,
- G. Violation of use of electronic devices or food and drink policies listed above, or,
- H. Repeated tardiness to class or,
- I. Violation of test rules and procedures, or,
- J. Violation of the Zoom attendance policy in this syllabus.

Grading Scale: Grades will be determined on the following percentage scale, with no rounding up or down:

86 -100 = A

80 - 85 = B

65 -79 = C

60 - 64 = D

59-Below = F

Assuming there are 600 possible points in this class:

516-600 = A

480-515 = B

390-479 = C

360-389 = D

359 or less = F

**Academic Integrity:** With regard to academic honesty, students are referred to the Student Honor Creed of the Midwestern State University Undergraduate Catalog 2022-2023. This catalog is electronic only. It may be found on the MSU website using the Registrar button, then the University Catalogs button, then Student Life button. Additionally, a copy of the MSU Student Honor Code is attached to this syllabus. Violation of any of the guidelines in the MSU Student Honor Creed is an academic integrity violation. In short, cheating, collusion, and plagiarism will not be tolerated. The term “cheating” generally means representing someone else’s work as your own and includes, but is not limited to:

1. Failing to report to your professor any suspicion of cheating on tests.
2. Acting with intent to promote or assist cheating, including soliciting, encouraging, directing, or aiding attempts of fellow students to cheat before, during, or after a test.
3. Soliciting information about test questions from students who have taken a test.
4. Intentionally or negligently aiding someone taking a test.
5. Looking or glancing at another student’s test while the test is being taken.
6. Soliciting answers from a fellow student during a test.
7. Using a cellphone or any electronic device as an aid to find answers while taking a test.
8. Using any device to record a test, including eyeglasses, cellphones, watches, and calculators.
9. Acquiring a test or other academic testing material without the express permission of the professor who authored the test.
10. Copying, disseminating, spreading, circulating, sharing, or publicizing any questions on a test given for credit.
11. Violation of exam rules and procedures in this syllabus and as stated on the exams.

Academic integrity violations are grounds for being dropped from this class with an F and referral to the Dean of Students for disciplinary action, which may result in expulsion from the university.

**Syllabus Change Policy:** This syllabus is a guide for the course and may be subject to change.

**Additional Assignment:**

**Law-Case Presentation:** Each student will be assigned one or more law case(s) to brief and present during the semester. A total of one-hundred (100) points may be earned for this assignment. If you are unprepared, absent, or do a poor presentation, you will not receive any points. If you make an excellent presentation, you will earn up to one-hundred (100) points. This presentation of your brief must follow exactly the format in the handouts titled “How To Do A Written Law Case Brief.” To receive all 100 points, your law-case presentation must be an excellent delivery that communicates the required information clearly. This involves doing more than reading your brief to the class. It should be obvious that there was a significant amount of time spent on practice and preparation. This will be evidenced by very limited use of notes while making the presentation. A grading rubric for this presentation will be provided when cases are assigned to individual students.

**COURSE OUTLINE:** This is a general outline of material expected to be covered. Material covered, dates of tests, and percent of total grade will vary as necessitated by the pace at which material is covered and the total points for each test. Additionally, lesson plans for this class are provided with this syllabus.

**THE FOUNDATIONS – Test 1**

- Chapter 1 Law and Legal Reasoning
- Chapter 2 Business and the Constitution
- Chapter 3 Ethics in Business

**COURT PROCESSES AND INTERNATIONAL LAW – Test 2**

- Chapter 4 Courts and ADR
- Chapter 5 Court Procedures
- Chapter 24 International and Space Law

**INSURANCE AND TORTS - Test 3**

- Chapter 50 Insurance
- Chapter 6 Tort Law
- Chapter 7 Strict Liability and Products Liability

**ELEMENTS OF CONTRACTS – Test 4**

- Chapter 11 Nature and Terminology
- Chapter 12 Agreement
- Chapter 13 Consideration

**CONTRACTS CONTINUED - Test 5**

- Chapter 14 Capacity and Legality
- Chapter 15 Mistakes, Fraud, and Voluntary Consent
- Chapter 16 The Writing Requirement and Electronic Records

Final Exam for students with an excused absence for a regularly scheduled test(s).

**8:00 a.m. TR class final exam is scheduled at 8:00 a.m. Thursday May 11.**

**9:30 a.m. TR class final exam is scheduled for 8:00 a.m. Tuesday May 9.**

Students graduating with probability of honors required to take the final must do so before 10 am Wednesday, May 10, 2023.