

**NEW JERSEY INSTITUTE OF TECHNOLOGY**  
**Martin Tuckman School of Management**  
**MGMT 691 Fall 2016 Syllabus**  
Diana Walsh, M.A., J.D. (N J Bar)

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**Moodle:** (class video lectures)

**Course Title:** *Legal and Ethical Issues*

**Online Course No.:** Mgmt 691-851

**Office Hrs:** njit.webex.com & by appointment

**Classroom:** njit.webex.com & Moodle

**Moodle:** Q&A Discussion Forum - The purpose of this forum is for any question or answer we may have regarding the course material. If you need additional information regarding grades, post your phone number under the Q&A Discussion Forum and I will contact you.

**Required Textbooks:**

- Halbert/Ingulli, *Law and Ethics in the Business Environment*, 8<sup>th</sup>/ed. (2015)  
ISBN: 978-1-285-42856-7
  - Vega, *Taking Sides: Clashing Views in Business Ethics and Society*, 14<sup>th</sup>/ed. (2016);  
ISBN: 978-1259402791
- \*Hard Copy of both required textbooks is **on reserve** at NJIT library at the front desk.

**Course Objectives/Learning Outcomes:**

Students are presented with a set of system intersections where global business imperatives, legal rules, and ethical concepts collide. The goal of this course is to personalize these complex issues and to give students the tools to understand and to deal with them. Students will be exposed to case-law opinions that show them how they will have to deal with the toughest decisions they will make as managers. Discussing and debating questions that they find compelling will be the basic mechanism of the course. These discussions will disturb preconceived solutions and destabilize pat responses, creating opportunities for students to begin to develop critical habits of mind. Students will learn, from selected readings of current and landmark case law, the process of the law as it evolves where controversy is brewing, and where ethical issues tend to surface.

**Course Requirements: (See Moodle Postings for Detailed Information)**

- This course is graded on a *curve*. No extra credit work, nor grades negotiation. Do not e-mail requests for additional grade points. If there is an error in the grading, come during semester office hours to meet with the professor. **Grades are not 'given out' by the professor; they are 'earned' by the student.**
- *Academic integrity* Forms of academic dishonesty include plagiarism, fabrication, cheating, and academic misconduct. Students are responsible for the authenticity of material submitted both for individual and group work. Cheating and plagiarism are serious misconduct issues that result in negative consequences for all involved in the learning environment. Any serious misconduct of this nature will be addressed directly and expeditiously by the School of Management and NJIT. In order to protect and maintain a superior learning environment at the School of Management. **All students must review and adhere to the University's Academic Honesty Policy at <http://www.njit.edu/academics/pdf/academic-integrity-code.pdf>**
- *Emails* after the fact will not be accepted. Neither NJIT nor the instructor can be held responsible for the content of any personal messages, which are sent from one student directly to another student using the online email delivery system. It is expected that all students will adhere to accepted codes of ethical, personal, and civil conduct when conversing online using email or engaging in any real time online chat sessions. Failure to abide by such codes of conduct and etiquette may result in expulsion from the course with a failing grade. Consult the official university code of student conduct for further information.
- No written excuse of any kind will be considered or accepted after the last class of the term. No exceptions.
- *Topic Case Assignment Instructions:* Based on the topic's understanding, students are required to identify, analyze and justify their analytic understanding of the legal rule and ethics, using case law to affirm their decision-making and recommend appropriate course of actions based on multiple ethical perspectives to the issue(s) in question to receive a rate of two (2) points. **NO** summary and/or what the student feels of the assigned case law assignment problem.
- *Taking Sides: Discussion Forum Instructions:* Students are required to complete the following instructions to receive a rate of two (2) points.
  1. **Post** your understanding of the pro & con arguments of the authors in the clashing view(s) in question.
  2. **Take** a stand as a student, why and/or why not, with one author instead of the other.
  3. **Reply** to *two* other students whether or not you agree with the authors' arguments of their taking side or stand.
  4. When **replying** to *two* other students, whether or not you agree, **provide** additional reasoning by quoting from the authors' clashing views in question or refer from an outside reference to affirm your point of view.

5. No personal opinions or feelings, only what the student has learned from the reading of the arguments in the clashing views in question.

- **Team Final Problem-Solving paper:** Teams are required to submit the team final problem-solving project listed on the date noted below. The assigned problem-solving project is an analytic decision-making in response to the indicated questions posted within each Unit. Each student in the team is required to participate in doing the following:
  - Perform legal research referring to other current similar cases, if necessary; No opinions.
  - Compose a conclusion containing analytical reasoning as to how to resolve and decide each case problem by applying legal arguments, by justifying and by debating the arguments, and by applying, if any, policy issues discussed virtually during the semester.

**COURSE GRADING:** Final grades for this course are determined as follows:

Moodle: Topic Case Assignments	35 pts.
Moodle: Discussion Forum postings	35 pts.
Moodle: Group Final Problem-Solving paper project	30 pts.

**COURSE OUTLINE: (Subject to change at Instructor’s discretion)**

<p><b>Topic 1</b></p> <p>9/6/16</p>	<p><b>1. What happened to “Common Sense”? Is there “gray areas” in the law? Is there “shared morality”? Are there “conflicts”?</b></p> <p>Required Readings: The <u>facts</u> of World War II case ( <u>See Moodle Posting for Detailed Information</u>) <u>Taking Sides Clashing Views</u> (TS): <i>Can Ethics Codes Build “True” Corporate Ethics?</i> 14<sup>th</sup> Ed.</p> <p><b>Topic Case Assignment 1:</b> After reading the facts post on Moodle, identify, analyze and justify your conclusion legally and ethically in connection with the following issues in question: <i>What law had they violated?</i></p> <p><b>Discussion Forum 1:</b> After reading the debating issue of Taking Sides Clashing Views, follow Taking Sides Discussion Forum Instructions, <b>take a stand</b> with which author’s point of view you tend to agree regarding the following issues: 1) <i>What problems do Young and Hasler see with the emphasis on ethics codes and ethics audits?</i> 2) <i>Is it possible that ethics codes are valuable only to the extent that those bound by them helped to write them?</i> 3) <i>How might corporation officers instill a deeper and more resilient sense of ethics in the employees?</i></p>
<p><b>Topic 2</b></p> <p>9/16/16</p>	<p><b>2. What is Law? What is Justice? What constitutes our legal system? Are there alternate tools to resolve disputes?</b></p> <p>Required Readings: The <u>facts</u> of <i>Stan Garner v. Jones Co.</i> case ( <u>See Moodle Posting for Detailed Information</u>)</p> <p><b>Topic Case Assignment 2:</b> After reading the facts post on Moodle, identify, analyze and justify your conclusion legally and ethically in connection with the following issues in question: 1. <i>Is an arbitration clause in an employment application sufficient to establish an agreement to arbitrate?</i> 2. <i>Considering the relative bargaining power of the parties, was it fair or ethical to enforce the arbitration clause in this contract?</i> 3. <i>How would business be affected if each state could pass a statute allowing parties to void arbitrations?</i></p>
<p><b>Topic 3</b></p> <p>9/23/16</p>	<p><b>3. What is ethics? What makes an act good, or legal, or constitutional?</b></p> <p>Required Readings: <u>Taking Sides Clashing Views</u> (TS): <i>Is the Foreign Corrupt Practices Act Obsolete?</i> 14<sup>th</sup> Ed.</p>

	<p><b>Discussion Forum 2:</b> After reading the debating issue of Taking Sides Clashing Views, follow Taking Sides Discussion Forum Instructions, <b>take a stand</b> with which author’s point of view you tend to agree regarding the following issues 1. <i>How does a focus on compliance differ from a focus on eradicating corruption?</i> 2. <i>Is opposition to bribery a universal principle? Should it be? Why or why not?</i> 3. <i>What are the challenges of implementing a law in countries without “rule of law”?</i></p>
<p><b>Topic 4</b></p> <p>9/30/16</p>	<p><b>4. When is a reasonable person’s conduct a legal duty and unethical?</b></p> <p>Required Readings:  <u>Chapter 1</u> of Halbert &amp; Ingulli Textbook 8<sup>th</sup> Ed.  The <u>facts</u> of <i>Jones v. Automobile Club</i> case ( <u>See Moodle Posting for Detailed Information</u>)</p> <p><b>Topic Case Assignment 3:</b> After reading the facts post on Moodle, identify, analyze and justify your decision legally and ethically in connection with the following issues in question: 1. <i>What must the plaintiff, Mr. Jones prove in this case to be successful in a negligence lawsuit?</i> 2. <i>Which party in this case acted ethically, Mr. Jones or the Automobile Club? Why, if not, why not?</i> 3. <i>Is the Automobile Club liable? Why, if not, why not?</i></p>
<p><b>Topic 5</b></p> <p>10/7/16</p>	<p><b>5. Are there conflicts between Whistleblower Protection Act and ethics?</b></p> <p>Required Readings:  <u>Chapter 2</u> of Halbert &amp; Ingulli textbook 8<sup>th</sup> Ed.  The <u>facts</u> of the <i>Lopez</i> case ( <u>See Moodle Posting for Detailed Information</u>)</p> <p><b>Topic Case Assignment 4:</b> After reading the facts post on Moodle, identify, analyze and justify your conclusion legally and ethically in connection with the following issues in question: 1) <i>Can Lopez bring a claim for wrongful discharge? Why or why not?</i> 2) <i>Will Lopez be protected under the whistleblower policy?</i> 3) <i>In whose favor will the court rule? Why?</i></p>
<p><b>Topic 6</b></p> <p>10/14/16</p>	<p><b>6. Can we have “privacy” with the advances of technology?</b></p> <p>Required Readings:  <u>Chapter 3</u> of Halbert &amp; Ingulli Textbook 8<sup>th</sup> Ed.  <i>E-commerce and Cyberlaw</i>  <u>Taking Sides Clashing Views</u> (TS): <i>Is Employer Monitoring of Employee Social Media Justified?</i> 14<sup>th</sup> Ed.</p> <p><b>Discussion Forum 3:</b> After reading the debating issue of Taking Sides Clashing Views, follow Taking Sides Discussion Forum Instructions, <b>take a stand</b> with which author’s point of view you tend to agree regarding the following issues. 1. <i>Is it ethical for employees to publicly write disrespectful information about other employees or supervisors?</i> 2. <i>How difficult could it be to get a job if one was fired from a previous job for social network problems?</i> 3. <i>If several employees use social media to get necessary action at work, would this be appropriate?</i></p>
<p><b>Topic 7</b></p> <p>10/21/16</p>	<p><b>7. Can we have “equality” in a diverse society?</b></p> <p>Required Readings:  <u>Chapter 4</u> of Halbert &amp; Ingulli Textbook 8<sup>th</sup> Ed.  The <u>facts</u> of <i>Wilson v. Keten</i> case ( <u>See Moodle Posting for Detailed Information</u>)</p> <p><b>Topic Case Assignment 5:</b> After reading the facts post on Moodle, identify, analyze and justify your decision legally and ethically in connection with the following issues in question: 1. <i>Could Wilson establish a claim for retaliation? Why or why not?</i> 2. <i>Should homosexuals be a protected class under Title VII of the Civil Rights Act? Discuss the arguments for and against amending federal law to prohibit employment discrimination based on sexual orientation.</i></p>
<p><b>Topic 8</b></p> <p>10/28/16</p>	<p><b>8. Is Business responsible for the health and safety in the work environment?</b></p> <p>Required Readings:  <u>Chapter 5</u> of Halbert &amp; Ingulli Textbook 8<sup>th</sup> Ed.  <u>Taking Sides Clashing Views</u> (TS): <i>Will Robots Help the American Worker?</i> 14<sup>th</sup> Ed.</p>

	<p><b>Discussion Forum 4:</b> After reading the debating issue of Taking Sides Clashing Views, follow Taking Sides Discussion Forum Instructions, <b>take a stand</b> with which author’s point of view you tend to agree regarding the following issues 1. <i>What distinguishes pride in accomplishment?. Can pride in accomplishment be created within the context working with a robot?</i> 2. <i>Historically, individuals have attached much of their identity to their source of work. Will individual of the future be forced into industries that revolve around robot production?</i> 3. <i>What impact robots might have on the education system?</i></p>
<p><b>Topic 9</b></p> <p>11/4/16</p>	<p><b>9. Should our ethical instincts in preserving the natural world trump the freedom of free enterprise?</b></p> <p>Required Readings:  <u>Chapter 6</u> of Halbert &amp; Ingulli Textbook 8<sup>th</sup> Ed.  <u>Taking Sides Clashing Views</u> (TS): <i>Is Hydrofracking a Safe Practice?</i> 14<sup>th</sup> Ed.</p> <p><b>Discussion Forum 5:</b> After reading the debating issue of Taking Sides Clashing Views, follow Taking Sides Discussion Forum Instructions, <b>take a stand</b> with which author’s point of view you tend to agree regarding the following issues 1. <i>Is hydrofracking needed for energy independence in the U.S.? What distinguish energy independence from energy security?</i> 2. <i>What impact would legislation have that restricts hydrofracking based on health concerns?</i> 3. <i>Are there some public policies that could promote energy security for the U.S. yet not harm the health and ecology of the communities where the industry is based?</i></p>
<p><b>Topic 10</b></p> <p>11/11/16</p>	<p><b>10. Are Marketing and Advertisement exploitive?</b></p> <p>Required Readings:  <u>Chapter 7</u> of Halbert &amp; Ingulli Textbook 8<sup>th</sup> Ed.  <u>Taking Sides Clashing Views</u> (TS): <i>Should advertising directed at children be restricted?</i> 14<sup>th</sup> Ed.</p> <p><b>Video Assignment: extra credit</b> (See Moodle Postings for Detailed Information)</p> <p><b>Watch &amp; Refer</b> to the video, analyze and explain: 1. <i>Have legal drugs helped or hurt individuals and society at large? Why or why not?</i> 2. <i>How do we, as society, differentiate the good drugs from the bad drugs? How do we know what is good? Good legally or ethically?</i></p> <p><b>Discussion Forum 6:</b> After reading the debating issue of Taking Sides Clashing Views, follow Taking Sides Discussion Forum Instructions, take a stand with the following issues in question: 1. <i>What distinguishes “manipulation” in children’s advertising from mere information?</i> 2. <i>How advertising for adults differs from advertising directed at children?</i> 3. <i>How can advertising be controlled if it is protected by the First Amendment? Is it ethically prudent to interfere with advertising?</i></p>
<p><b>Topic 11</b></p> <p>11/18/16</p>	<p><b>And is a product then “defective”?</b></p> <p>Required Readings:  <u>Chapter 8</u> of Halbert &amp; Ingulli Textbook 8<sup>th</sup> Ed.</p> <p><b>Video Assignment 6: Regulation</b> (See Moodle Posting for Detailed Information)</p> <p><b>Watch &amp; Refer</b> to the video, analyze and explain: 1. <i>How the idea of legal drugs can be, at the same time, so highly esteemed in today's society and simultaneous thought to be ethically reprehensible?</i> 2. <i>Can we ever go back to little or no regulation, and let "the market" settle issues of which drugs should be allowed?</i> 3. <i>What about "secrecy"? Should the pharmaceutical industry have the privacy right to non-disclosure as individuals, to protect their patents?</i> 4. <i>When those TV advertisements tell us of all the side effects and possible problems, aren't they really saying, "buy this! it is really powerful?"</i> 5. <i>According to the video, is more government regulation likely to accomplish what the Pharmaceutical Industry seems to ignore or avoid preventing? Why or why not?</i></p>
<p>11/25/16</p>	<p style="text-align: center;"><b>No Class -Thanksgiving Recess</b></p>
<p><b>Topic 12</b></p> <p>12/2/16</p>	<p><b>12. How can we protect the work we do with our minds?</b></p> <p>Required Readings:  <u>Chapter 9</u> of Halbert &amp; Ingulli Textbook 8<sup>th</sup> Ed.  <u>Taking Sides Clashing Views</u> (TS): <i>Should Big Pharma be permitted to Discourage Access to Generic Drugs Access to the Market?</i> 14<sup>th</sup> Ed.</p>

	<p><b>Discussion Forum 7:</b> After reading the debating issue of Taking Sides Clashing Views, follow Taking Sides Discussion Forum Instructions, <b>take a stand</b> with which author's point of view you tend to agree regarding the following issues: 1. <i>What distinguishes a brand-name drug from a generic drug? Is the brand-name drug superior to the generic drug?</i> 2. <i>What impact does the delay of generic drug availability have on the average American consumer?</i> 3. <i>If it is possible for inexpensive generic drugs to be available for those in need, is this a sufficient reason to make the duration of the brand-name patent shorter?</i></p>
<p><b>12/9/16</b></p>	<p><b>Group Final Problem-Solving paper project due no later than 12/16/16: Students will be working as groups on the final problem-solving project.</b> The group final exam paper project is to be uploaded on Moodle no later than 11:55 p.m. on December 16, 2016. <b>One</b> final group paper project for each group with the names of the participating students within the group. The final grade is accumulated on a curve range. The final problem-solving project is given a group grade that is the sum of the three problems' individual grades. Each member is responsible for one problem and the grade on that part will be considered for the overall term grade. Each problem is led by one member, and after initial research and drafting, the other members will share insights and editorial criticism.</p> <p>The group is responsible for its members! If there is plagiarism or google copying by any member, all members will share the consequences. Therefore, group participation and interaction become part of the learning experience. Each student in the group is required to participate in doing the following:</p> <ul style="list-style-type: none"> <li>• <i>Identify, analyze and justify</i> your decision from a <i>legal</i> and <i>ethical</i> standpoint by referring to case law, by identifying the ethical issue/dilemma from multiple ethical perspectives, by discussing the approach of ethics being used, and by recommending appropriate course of action based on ethical theories. Not your opinion. No summaries of cases' opinions or essays.</li> <li>• Give references.</li> </ul>