

# NEW JERSEY INSTITUTE OF TECHNOLOGY

Martin Tuchman School of Management

## Syllabus: Mgmt 290-001

**Course Title:** Business Law I  
**Course Number:** Mgmt 290-001  
**Room:** Kupf 206

**Semester:** Fall 2016  
**Class Timing:** T & F- 10:00 am-11:25 am  
**Webpage:** <http://web.njit.edu/~walshd/>

**Instructor:** Diana Walsh, M.A., J.D., (NJ Bar)  
**Office Hrs:** T: 1:30- 4:30 p.m. & by appointment

**Office:** Central Avenue Bldg. 3<sup>rd</sup> Floor  
**Tel. No:** (973) 596-6418  
**E-mail:** diana.walsh@njit.edu

### Required Textbook

Miller, *Business Law Today The Essentials ,Text & Summarized Cases*, 11<sup>th</sup> Ed., West Legal Studies in Business (2017);  
Student Copy ISBN: 978-1-305-57479-3

\* Copy of the 11<sup>th</sup> Ed. textbook is on reserve at the library front desk.

### Course Description/Learning Outcomes:

The course will introduce legal concepts that will enrich the understanding of business principles and concepts critical to the success of managers in finance, marketing, communications, accounting or pure economics, including principles and concepts critical to success on the CPA Examination, and an appreciation of the importance of ethics in business.

Current cases will be used to illustrate helpful legal principles and how the court system decides relevant disputes. The Internet and intellectual property will be emphasized including cybercrimes such as credit card fraud, hacking, and identity theft, as well as the difficulty of prosecuting such criminals, especially when they reside overseas. Employment issues and discrimination law such as immigration status, or constructive discharge, and the many forms of possible discrimination will be addressed, by means of current cases. International law will be discussed as it relates to management and comparisons with USA laws will explore and highlight the basic concepts that guide commerce. The method will be use of thought provoking queries that will apply the concepts found, and provide an understanding and the ethical context in which business decisions must be made, in order to succeed in the legal environment.

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

- **ALL** students are expected to be prepared to actively participate in class and group forum discussion on Moodle. All cases in the text must be studied in preparation for class participation.
- Regular attendance at **ALL** class sessions is required. Experience has shown that you will definitely not do well in this course when you do not attend the class sessions. Attendance will be taken during each class by way of a sign-in sheet and/or called during class session to discuss cases. Students are cautioned that signing in for a fellow student shall be deemed academic dishonesty, and shall be dealt with as would any other type of cheating. Absences without notification will affect your final grade.
- The due dates for assignments are **non-negotiable** and late work will be penalized.
- No make-up take-home **Group** Midterm Exam Project.
- No make-up **Individual** Online Final Multiple Choice Questions Exam Project is given without physician's note or other valid, written excuse.
- Final **Grading** is done 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. **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>.
- **Note** that any **email** that does not contain *course*, *class* and *section* number information will be discarded without being read or considered. An email **after** the fact will **not** be accepted. Students must email me **prior** to the date(s) on which you will or plan to be absent, religious observance or University sanctioned athletic participation. No written excuse of any kind or email will be considered or accepted after the last class of the semester. No exceptions. 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.

- **Respect** the professor and classmates: Do Not Use Laptops or Texting during Class for Personal use. Turn Off or Mute Cell Phones, Pagers, iPhones, Smart Phones, and Etc. Thank you
- Students with **special needs** requesting accommodations and services at NJIT need to present a current accommodation verification letter to faculty before accommodations can be made. Letters are issued by the Student Disability Services. For additional information, go to the SDS website at <http://www.njit.edu/counseling/services/disabilities.php>. Following is SDS contact information:

<b>Contact</b>	Dr. Phyllis Bolling
<b>Physical Address</b>	Room 205 Campbell Hall (Main Level)
<b>Phone</b>	973-596-3420
<b>Fax</b>	973-596-3419

**Course Grading:** Class Attendance, Participation & Discussions (10%)

**Moodle: Online** Case Problem & Quiz Assignments (25%)

**Group** Midterm Problem-solving Exam Project (35%)

**Moodle: Online** Individual Final Exam Project – Last Class of the Semester (30%)

**Online Quizzes 1 & 2 Rubric:** 55/70 = 1      71/85 = 2      86/100 = 3

**COURSE CONTENT:** (Subject to change at Instructor's discretion)

Be prepared **before** coming to class to discuss/participate the following:

Date	Topics/Lecture	Required Reading & Handout	Application – Learning Outcomes
9/6/16 & 9/9/16	Introduction: Syllabus Groups Assignment <i>What is jurisprudence?</i> <i>What are the sources of law?</i>	<u>Handout:</u> <i>Business and Its Legal Environment</i> <i>Overview of the Government of the United States.</i> <b>Read on Moodle:</b> ppt lecture: Introduction	<b>Participation &amp; Moodle Posting:</b> (See Moodle Postings for Detailed Information)  <b>Assignment 1</b> - 9/9/16 before 10:00 a.m. <b>All Students</b> to know the answers: Case Problem: The <i>Dudley</i> case (handout)
9/13/16 & 9/16/16	<i>What are the historical foundations of the legal environment of business?</i> <i>Where can we find Statutory and Administrative Law, or Case Law? How can we cite a case?</i>	<b>Read Chapter 1:</b> Legal and Constitutional Foundations of Business	<b>Participation/Discussion in class</b> 9/16/16 <b>All Students</b> - p. 18/11 <sup>th</sup> Ed. 1. <i>Should Threats Made on Facebook Be Considered Free Speech?</i> 2. <i>When should a statement made on social media be considered a true threat?</i>
9/20/16 & 9/23/16	<i>Is law and Justice the same?</i> <i>Is Business socially responsible for their decision-making? What is social responsibility? How does a duty-based ethical standard differ from outcome-based ethical standards?</i>	<b>Read Chapter 7:</b> Business Ethics and Decision Making	<b>Participation &amp; Moodle Posting:</b> 9/23/16 (See Moodle Postings for Detailed Information) <b>Assignment 2</b> - 9/23/16 before 10:00 a.m. <b>All Students</b> to know the answers Reviewing ... <i>Business Ethics</i> - p. 201 No late assignment accepted
9/27/16 & 9/30/16	<i>What is the judiciary role in our legal system?</i> <i>Are there alternative methods to litigation to resolve legal disputes?</i>	<b>Read Chapter 2:</b> Courts and Alternative Dispute Resolution <u>Handout:</u> <i>New Jersey Court System Chart</i> ;	<b>Participation/Discussion in class</b> 9/30/16  <b>All Students</b> to know the answer Case Problem: 2-1. Standing to Sue p. 71/11 <sup>th</sup> Ed.
10/4/16 & 10/7/16	<i>What is a tort?</i> <i>What are the four elements of negligence?</i> <i>What are three types of product</i>	<b>Read Chapters 3:</b> Tort Law and Product Liability <u>Handout:</u> <i>When do we have a legal duty?</i>	<b>Participation &amp; Discussion in class:</b> 10/7/16  <b>All Students</b> to know the answers Two Case Problems: p. 104/11 <sup>th</sup> Ed. 3-1. Liability to Business Invitees.

	<i>defects?</i>		3-2.Design Defects.
10/11/16 & 10/14/16	<i>What is cybersquatting, and when is it illegal? What law governs whether ISPs are liable for online defamatory statements made by users? How do online retailers track their users' Web browsing activities?</i>	<u>Read Chapter 5:</u> Internet Law, Social Media, and Privacy	<b>No class</b> 10/14/16 <b>Moodle Online 100 Review Quiz # 1</b> (See Moodle Postings for Detailed Information)  Ch. 1, Ch. 2, Ch. 3, Ch. 5 & Ch. 7 Any <b>Two hours</b> from 12:01 a.m. to 11:55 p.m.
10/18/16 & 10/21/16	<i>What two elements must exist before a person can be liable for a crime? Can Business be criminally liable in both traditional and online environments? How has the Internet expanded opportunities for identity theft?</i>	<u>Read Chapter 6 :</u> Criminal Law and Cyber Crime <u>Handout:</u> Civil and Criminal Law Differences Charts  * <b>Group</b> Midterm Problem-solving Exam Project posted on Moodle and hard copy distributed in class.	<u>Participation&amp; Discussion in class:</u> 10/21/16  <b>All Students</b> to know the answers Business Scenarios – 6-1, Types of Cyber Crimes, p.182
10/25/16 & 10/28/16	<b>Meet in class as groups</b>  <b>Take- home Group</b> Midterm Problem-solving Exam Project with the names of the participants.  <u>No</u> late Group Mid-term Exam accepted.	The <b>Group</b> Midterm Problem-solving Exam Project will consists of material facts of current case law problems. The Group Students must analyze and justify their decision from a legal and ethical standpoint, referring to <i>case law</i> discussed during the semester to affirm the decisions.	<b>Upload on Moodle:</b> 10/28/16 before 1:00 p.m.  <b>Group</b> Midterm Problem-solving Exam Project due date by 10/28/16 before 1:00 p.m. No late <b>Group</b> Midterm Problem-solving Exam Project accepted.  No Individual Midterm Exam accepted.
11/1/16 & 11/4/16	<i>What constitute the law of contract? What are the various types of contracts? How do shrink-wrap and click-on agreements differ from other contracts? What is required for consideration to be legally sufficient?</i>	<u>Read Chapter 8:</u> Contracts: Agreement and Consideration <u>Handout:</u> <i>Flowchart of Contract law</i> <i>Choice of Law: Goods vs. Services;</i>	<u>Participation/Discussion in class</u> 11//4/16  <b>All Students</b> to know the answers Case Problem – 8-3. Contract Classification. p. 235/11 <sup>th</sup> Ed.
11/8/16 & 11/11/16	<i>Does a minor have the capacity to enter into an enforceable contract? What Contracts must be in writing to be enforceable? May a covenant not to compete be enforced? What is the difference between mistake of value and mistake of fact?</i>	<u>Read Chapter 9:</u> Contracts: Capacity, Legality, and Enforceability <i>Mistakes of Fact Chart;</i> <i>The One Year Rule Chart;</i> <i>Contracts Subject to the Statute of Frauds Chart.</i>	<u>Participation&amp;Moodle Posting:</u> 11/11/16 (See Moodle Postings for Detailed Information) <b>Assignment 3-</b> 11/11/16 before 10:00 a.m. <b>All Students</b> to know the answers Case Problem: 9-1. Contracts by Minors, p. 263/11 <sup>th</sup> Ed.
11/15/16 & 11/18/16	<i>Do third parties to a contract have rights? What constitutes a breach of contract? What is the election of remedies?</i>	<u>Read Chapter 10:</u> Contracts: Performance, Breach, and Remedies <i>Assignment Relationships;</i> <i>Delegation Relationships;</i> <i>Third Party Beneficiaries;</i> <i>Contract Discharge;</i> <i>Remedies - Breach of Contract.</i>	<u>Participation/Discussion in class</u> 11/18/16  <b>All Students</b> to know the answers Case Problem: 10-11 Critical Thinking, p. 293/11 <sup>th</sup> Ed.

11/22/16 & 11/23/16	<p><i>What is the principle of comity, and the act of state doctrine?</i></p> <p><i>Under the Foreign Sovereign Immunities Act, in what situations is a foreign state subject to the jurisdiction of U.S. courts?</i></p> <p><i>What are some clauses commonly included in international business contracts?</i></p> <p><i>What federal law allow U.S. citizens, as well as citizens of foreign nations, to file civil actions in U.S. courts for torts that were committed overseas?</i></p>	<p><b>Read Chapter 25:</b> International Law in a Global Economy Flowchart of <i>CISG versus UCC Ways of Doing Business Internationally</i> <i>The Documentary Sale</i> <i>The "Life Cycle" of a Letter of Credit</i></p>	<p><b>No Class:</b> Wednesday 11/23/16</p> <p><b><u>Moodle Online 100 Review Quiz # 2</u></b> (See Moodle Postings for Detailed Information)</p> <p>Ch. 6, Ch. 8, Ch. 9, Ch. 10 and Ch. 25.</p> <p>Any <b>Two hours</b> from 12:01 a.m.to 11:55 p.m.</p>
11/25/16	No Class -Thanksgiving Recess	Thanksgiving Recess	Thanksgiving Recess
Tuesday: 11/29/16	<p><i>Under what circumstances a person may make another person liable?</i></p> <p><i>When the actions of an agent can bind a principal?</i></p> <p><i>Does a principal have liability to third parties for an agent's tort?</i></p>	<p>Read Chapter 17 Agency Relationships in Business Handout: <i>Principal-Agent Relationship</i> <i>Determining the scope of employment</i> <i>Determining Employee Status &amp; Exhibit 17-1, p. 482</i></p>	<p><b><u>Participation/Discussion in class:</u></b> Friday 12/2/16</p> <p><b>All Students</b> to know the answers Case Problem: <i>Matthews v. Food Lion, LLC &amp; Burlarley v. Walmart Stores, Inc.</i></p> <p><b>&amp;Read Chapter 18:</b> Employment Law</p>
Friday: 12/2/16 & Wednesday: 12/6/16	<p><i>What is Employment-at-will Doctrine and its exceptions;</i></p> <p><i>What federal statute governs working hours and wages?</i></p>	<p>Chapter 18: Employment Law Handout: <i>Employment-at-will Doctrine and its exceptions;</i></p>	<p><b><u>Participation/Discussion in class:</u></b> 12/6/16</p> <p><b>All Students</b> to know the answers Handout Case Problems</p>
Friday: 12/9/16	<p><b>No Class</b> 12/9/16 <b><u>Moodle Online Final Review Quiz</u></b> (See Moodle Postings for Detailed Information) From 12:01 a.m.to 11:55 p.m. and no later than 12/11/16 @11:59 p.m.</p>	<p>(See Moodle Postings for Detailed Information)</p> <p><b>All Students</b> – Online Review 200 Multiple Choice Questions Exam Project Ch. 1, Ch. 2, Ch. 3, Ch. 5, Ch. 6, Ch. 7, Ch. 8, Ch. 9, Ch. 10, Ch. 17, and Ch. 18.</p>	<p><b>No Class</b> 12/9/16 <b><u>Moodle Online Final Review Quiz</u></b> (See Moodle Postings for Detailed Information)</p> <p><b>All Students</b> – Online Review 200 Multiple Choice Questions Exam</p> <p>From 12:01 a.m.to 11:55 p.m. and no later than 12/11/16 @11:59 p.m.</p>
No face-to-face Class  12/13/16  <b>LAST Day of Class Fall Semester 2016</b>	<p><b>Online Final 100 Multiple Choice Questions Exam Project</b> Ch. 1, Ch. 2, Ch. 3, Ch. 5, Ch. 6, Ch. 7, Ch. 8, Ch. 9, Ch. 10, Ch. 17, and Ch. 18.</p> <p><b>No</b> make-up final exam project is given without physician's note or other valid, written excuse from Dean of Students.</p>	<p><b>Any Two Hours</b> on 12/13/16/to complete the Online Final Exam Project on Moodle during the Last Day of Class Fall semester 2016.</p> <p><b>No</b> make-up final exam project is given without physician's note or other valid, written excuse.</p>	<p><b>Course-Final grades</b> posted on Moodle and on the Website on the date as required by NJITUniversity policy.</p>

