

SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY

SAULT STE. MARIE, ONTARIO

COURSE OUTLINE

Course Title:- BUSINESS LAW I

Code No.:- BUS 102

Program:- ACC'T/BUS./GEN.ED.

Semester:- TWO/THREE

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Author:- Professor J. LUCCHETTI

Office:- E-4680

Telephone:- 759-2254 Ext. 678

E-mail :- Joe.Lucchetti@saultc.on.ca

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APPROVED: 
Dean

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INTRODUCTION:

We live a very complex society in which law and the administration of law plays a very important role. This course is designed to provide the student with a general understanding of legal concepts and principles. As society is engaged in its daily activities, we look to the law to provide direction and to govern our personal and business relationships. The law and the administration of the law is essential if society is to live and progress in an orderly manner.

This course will cover historical and contemporary issues of the law. It will be of interest and benefit to anyone, regardless as to whether the individual plans to start a business, is an employee or volunteer in an organization, or a consumer.

GENERAL OBJECTIVES:

1. To introduce students to basic legal terms, concepts, and principles.
2. To examine the nature of law (historic and current) and the purpose of the legal system in our society and in social change.
3. To provide students with an understanding of the role of courts in such areas as legislation, constitution, protection of civil liberties, settling disputes, criminal issues, etc.
4. To discuss the machinery of justice, including who makes laws, different types of laws, the historic and current aspects of courts, their usage, legal aid, etc.
5. To examine the scope and development of tort law, focussing on liability, negligence, duty and standard of care, etc.
6. To explore the role, scope, liability and standards of professional services.
7. To explain in some detail, various aspects of formation of a contract which may be applicable to personal and business activities.
8. To discuss the law as it applies to intellectual property such as copyright, patents, trademarks, etc.
9. To provide students with the knowledge of legal terms, concepts and issues, to enable them to make decisions and function effectively in an environment of complex social issues.

GENERAL EDUCATION REQUIREMENTS

This course meets the general education criteria as follows:

Duration:

This course is three hours per week for 16 weeks.

Meeting Societal Challenges:

A knowledge of the law and its application will contribute to the student becoming an informed citizen and benefit the student as he/she engages in daily activities as an employee and consumer.

This course will contribute to the student's personal growth in the following ways:

- a. Students will be encouraged to share their views in class discussions.
- b. Case studies will be used to help develop students' skills in problem-solving, decision making and communication.

Historical, Theoretical, & Contemporary:

a. Historical Context - This course will examine the origin and progress of laws, focussing on the late 19th century and later. It will look at the roots of Canadian law and its development from English common law and natural law.

b. Theoretical Basis - basic legal terms will be defined. The course will also include such topics as the role of courts and the machinery of justice, the types of laws, sources of laws and the system of courts in Canada.

c. Application to Contemporary Life - through the use of classroom discussions, case studies, and review of current legal issues and articles, this course will have practical application to contemporary life.

Support Continuous Learning:

The case studies will help develop students' skills in critical thinking and problem solving which may be used in other areas of study and in their daily lives.

Evaluation & Teaching Methods:

The course may be covered in a variety of methods, including readings, lectures, discussions, case studies, and group work, if appropriate.

Evaluation will include assignments, quizzes, and tests. The quizzes and tests will be essay and objective type instruments.

CSAC Goals:

a. Civic Life - this course will help develop an awareness of the structure and administration of laws and the judicial system in Canada. Such knowledge will be of benefit to individuals in all walks of life.

b. Personal Development - the students will gain an awareness and intellectual growth relative to the law and the legal system. The course will involve discussions of values, and laws and their application to personal and business relationships. This course will look at various legal issues including freedoms and responsibilities.

c. Social Understanding - the law, its application, and its institutions will help students to understand relationships in society. The law is an instrument for social change; it addresses social problems; it outlines the roles of individuals in private and business life; it is used to resolve conflict, etc.

Broad Contexts:

The topics covered in this course are of interest and benefit to all individuals regardless of vocation. References and examples which may be used to illustrate the course material may come from every walk of life.

SPECIAL NOTE

The law and its administration involve some very complex issues. These issues are subject to a variety of interpretations and applications, and depend on various factors which may be unique to each situation.

Students are cautioned against taking the course material and applying it to specific issues which they may face. The course material, discussions, opinions, etc. are presented for educational purposes only, and at a very basic level. The course is intended to make students generally more aware of the law and its administration, and not as a solution to specific problems.

If specific issues are raised in class, they may be raised for discussion purposes only. Such discussions will make the course material more relevant and interesting but must not be used as a solution or remedy for specific legal problems. Students are directed to seek appropriate professional assistance to remedy their specific or general legal concerns and problems.

METHODOLOGY:

A variety of methods may be employed to cover the course content. These may include readings, lecture, discussion, case studies, and study groups, depending on the size of the class and the commitment and involvement of the students. Students will be required to read and understand the relevant chapters of the textbook and other assigned readings.

Students will be required to complete assignments in order to enhance their learning experience and to demonstrate knowledge and application of the subject material.

EVALUATION & MARKING SCHEME:

Students will be evaluated on the following basis:

- Assignments and quizzes	20%
- First test	25%
- Second test	25%
- Final test (semester work)	30%
TOTAL	<u>100%</u>

TESTS:

All tests will consist primarily of essay questions. Some short answer, multiple choice questions, etc. may be used to complement and extend the test areas.

Dates of the tests will be announced approximately one week in advance. Students are required to take the tests as scheduled.

If a student is not able to write a test because of illness, or a legitimate emergency, that student must contact the professor prior to the test and provide an explanation which is acceptable to the professor. (In some circumstances a medical certificate or other appropriate proof may be required.)

Following the student's return to the college, he/she must request, in writing, to make up for the missed test. This request will be in proper letter form and outline the reasons for requesting special considerations. Making such a request does not guarantee that the student will receive permission to make up for the missed test. The professor will consider the request, and if permission is granted, the test will be given at the end of the semester, or at some other time at the professor's convenience. This is to allow time for the student to prepare for the test without missing important work and to allow time for the professor to prepare a new test.

Such requests must be made within one week of returning to the College. In considering the request, the professor will take a number of factors into consideration. These will include, but not limited to, the student's attendance, completion of all other quizzes, tests, assignments, etc. and the likelihood of the student being successful.

In all other cases, the student will receive a mark of zero for that test.

THERE WILL BE NO REWRITES OF INDIVIDUAL TESTS.

QUIZZES:

Quizzes may, or may not, be announced in advance. If a student misses a quiz, he/she will receive a zero for that quiz. No make-up quizzes will be given. Consideration may be given to students who miss a quiz but who made some arrangements in advance.

Final Grade:

The final grade will be based on the following scale:

- 90% and more	"A+"
- 80% to 89%	"A"
- 70% to 79%	"B"
- 60% to 69%	"C"
- 59% or less	"R"

Each student must meet the following requirements in order to complete this course successfully:

1. Must complete, in a fashion acceptable to the professor, all projects and other assignments.
2. Must write two tests and the final exam. If a student misses a test, or the final exam, and has not made appropriate arrangements as above, he/she will receive a mark of zero for that test/exam.
3. Must have an overall mark of 60%. This mark includes all work in the semester.

Students who are not successful in achieving the minimum mark of 60% and/or do not complete the required assignments in an acceptable fashion, as they are due, will repeat the course.

THERE WILL BE NO SUPPLEMENTARY TESTS.
FINAL GRADES WILL BE RELEASED BY THE REGISTRAR'S OFFICE

RESOURCE MATERIAL:

Principal Text: J.E. Smyth, D.A. Soberman, A.J. Easson, The Law and Business Administration in Canada, 8th Edition; Prentice-Hall Canada, Inc., 1998

- Support Material:
1. Richard Yates, Business Law in Canada, Fourth Edition; Prentice-Hall Canada, Inc., 1995.
 2. D'Anne Davis, Business Law in Canada; Prentice-Hall Canada, Inc., 1995
 3. Periodicals and other appropriate material.

ASSIGNMENTS, PROJECTS, QUESTIONS, ETC.:

All assignments, projects, questions, etc. must be submitted to the professor at the beginning of class on the due date. If no class is scheduled on the due date, students are required to deliver the assignments to the professor's office, by the designated time. Assignments may be submitted in advance; normally assignments will not be accepted after the stated deadline. If assignments are accepted late, a penalty will be assessed. It is the student's responsibility to ensure the professor gets his/her completed assignment.

Questions assigned for homework must be completed promptly and be available at any time to be submitted for evaluation. They, too, will be collected at the beginning of class. Materials not submitted in accordance with these requirements and where no arrangements have been made, will be given a mark of zero.

RETURN OF STUDENTS' WORK:

Quizzes, tests, assignments, projects, etc. will be returned to students during one of the normal class times. Any student not present at that time must pick up his/her test, etc. at the professor's office within three weeks after that class. Tests, etc. not picked up within the three weeks will be discarded. End of semester tests, assignments, etc. will be held for three weeks. If they have not been picked up by students within that three-week period, the tests, assignments, etc. will be discarded.

Tests, etc. will be returned only to those students to whom they belong. In limited circumstances, tests, etc. may be given to another student, if the student to whom they belong provides written instructions to the professor requesting that the tests, etc. be given to a particular individual.

ASSISTANCE IS ALWAYS AVAILABLE:

IT WILL BE TO THE STUDENTS' ADVANTAGE TO HAVE ANY QUESTIONS, CONCERNS, OR PROBLEMS RELATED TO THIS COURSE RESOLVED AS SOON AS POSSIBLE. IF YOU REQUIRE ANY ASSISTANCE, SEE YOUR PROFESSOR. HE WILL BE MORE THAN HAPPY TO HELP.

Review classes will be held as deemed necessary by the professor. Tutorials held outside of class time may also be arranged at the mutual convenience of the students and the professor. These review classes and tutorials are not to be used as an opportunity to miss classes.

Students are urged to ask questions and participate in the class discussions. This will enable the student to clarify any issue and also to participate in and contribute to the class discussions.

Students are also encouraged to read newspapers, magazines, etc. and to tune in to the radio and television newscasts for legal issues as they may relate to individuals and businesses. This will make this course more understandable, interesting, and practical. It will provide the opportunity for the student to better apply the theory and to enhance his/her opportunity for success in this course.

PLEASE KEEP IN MIND THAT A STUDENT WILL ONLY GET OUT OF THIS COURSE WHAT HE OR SHE IS PREPARED TO PUT INTO IT. STUDENTS MUST DO THE REQUIRED WORK IF THEY EXPECT TO BE SUCCESSFUL.

BUSINESS LAW I
COURSE OUTLINE - CONTENT SCHEDULE

Subject to change, the following is a proposed schedule of subjects which may be included in the course. They are not necessarily the only subjects to be taught but rather the major areas to be covered and are presented to indicate the overall, general direction of the course. Materials may be added or deleted as circumstances and conditions may necessitate.

<u>UNIT</u>	<u>SUBJECT</u>	<u>REQUIRED READINGS</u>
1	Review of Course Outline	Handout
2	<u>Law & Society</u> -how do we define Law -law & conscience -natural law -laws of nature -challenging the purpose of the legal system -Marxism -the Golden Mean -principle of utility -social engineering -law & social change	Chapter 1
3	<u>The Role of the Courts</u> -arbitrator of the Constitution -interpreter of legislation -protector of civil liberties -rights & freedoms protected by Charter -freedom of expression -arbitrator of disputes between parties -legal realism	Chapter 2
4	<u>The Machinery of Justice</u> -who makes laws -substantive & procedural law -public & private law -civil & common law -theory of precedent - sources of law -system of courts & history in Canada -using the courts - the trial - legal aid -legal profession	Chapter 3

<u>UNIT</u>	<u>SUBJECT</u>	<u>REQUIRED READINGS</u>
5	<u>The Law of Torts</u> -scope of the law -development of tort concept -basis for liability -negligence -duty & standard of care -remoteness of damage -burden of proof -plaintiff's conduct -special aspects of negligence -other torts	Chapter 4
6	<u>Professional Liability</u> -role of professionals -legal dilemma -scope of the professional duty of care -expansion of professional liability -setting standard for professional services -causation as a requirement for liability -role of professional organizations	Chapter 5
7	<u>Formation of a Contract:</u> <u>Offer and Acceptance</u> - role of contract law -nature of a contract -nature of an offer -communication of an offer -offer by tendering a written document -lapse & revocation of offer -rejection & counter-offer -elements of acceptance -transactions at a distance -unilateral & bilateral contracts -precision of wording of an offer -effect of an incomplete agreement	Chapter 6

<u>UNIT</u>	<u>SUBJECT</u>	<u>REQUIRED READINGS</u>
8	<u>Formation of a Contract:</u> <u>Consideration & Intention to Create Legal Relations</u> -meaning of consideration -gratuitous promises -adequacy of consideration -motive contrasted with consideration -past consideration -relationship between existing legal duty and consideration -gratuitous reduction of a debt -injurious reliance -effect of request for goods or services -use of a seal -intention to create legal relations	Chapter 7
9	<u>Formation of a Contract:</u> <u>Capacity to Contract & Legality of Object</u> -burden of proving essential elements of a contract -meaning of capacity to contract -minors -diminished contractual capacity -corporations -labour unions -enemy aliens -bankrupt debtors -role of legality in the formation of a contract -void & illegal contract -contracts affected by statutes -contracts illegal by common law and public policy -agreement in restraint of trade	Chapter 8

<u>UNIT</u>	<u>SUBJECT</u>	<u>REQUIRED READINGS</u>
11	<u>The Requirement of Writing</u> -substance and form -types of contracts affected by the Statute of Frauds -requirements for a written memorandum -the effect of statute on contracts within its scope -doctrine of part performance -requirements of the Sale of Goods Act -consumer protection legislation	Chapter 11
12	<u>Grounds for Impeaching a Contract:</u> <u>Mistake</u> -restricted meaning of mistake -mistakes about terms -mistakes in assumptions -mistakes and innocent third parties -mistake about the nature of a signed document -mistakes in performance	Chapter 9
13	<u>Grounds for Impeaching a Contract:</u> <u>Misrepresentation, Undue Influence and Duress</u> -misrepresentation and torts -misrepresentation and contracts -consequences of misrepresentation in contracts -opinion vs facts -signed documents and misrepresentation by omission -contracts requiring disclosure -undue influence -duress	Chapter 10
14	<u>Intellectual Property</u> -nature of intellectual property -forms of intellectual property -trademarks -copyright -patents -industrial design -confidential information, trade secrets and know-how -technological change and intellectual property law	Chapter 25

Note:

Additional required readings may be assigned as the course progresses.

THE ABOVE SCHEDULE WILL BE INTERRUPTED BY TESTS AND IS SUBJECT TO CHANGE FOR OTHER REASONS.

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