

I. COURSE DESCRIPTION:

The law and the administration of the law are extremely important if society is to live and progress in an orderly manner. This course will cover historical and contemporary issues of the law with a focus on the law of torts and the law of contracts.

II. LEARNING OUTCOMES AND ELEMENTS OF PERFORMANCE:

Upon successful completion of this course, the student will demonstrate the ability to:

1. **Explain what is “law” and its role, its complexities, background, philosophies, and development as they pertain to our legal system today and the role of courts in our society.**

Potential Elements of Performance:

- What is the significance of the law to the business environment?
- How do we distinguish between the “laws of nature” and “laws of human conduct”?
- What is the relationship between the law and business ethics?
- How do courts decide whether the legislation is valid under the Constitution?
- How courts determine what is the effect of that legislation?
- How do courts interpret the Charter of Rights and Freedoms to protect our civil liberties?
- In settling disputes how do the courts interpret legislation originating both from Parliament and from provincial legislatures?
- How do courts act as arbiters of disputes between private parties?

2. **Discuss the machinery of justice in terms of a broad classification of law, the sources of law and the Canadian court system and the underlying process of the legal system.**

Potential Elements of Performance:

- Discuss the differences between substantive and procedural law, Public and private law, and civil and common law.
- Explain the theory of precedent, and how we meet the need for certainty as well as for flexibility and change in the law.
- Describe how the systems of courts are organized in Canada.

- Discuss the procedures for using the courts and making out-of-court settlements.
- Outline alternative methods of resolving disputes.
- Explain how the legal profession is organized and governed.

3. **Discuss what tort law is, its nature and purpose, and when wrongs are torts and when compensation may be recovered by those who have suffered harm from the wrong doings of others.**

Potential Elements of Performance:

- Discuss the nature and purpose of tort law.
- Explain the basis for tort liability.
- Explain the tort of negligence and what is required by way of proof.
- Discuss how the law of negligence applies to particular situations, such as the liability of manufacturers.
- Outline occupier's liability.
- Discuss several torts other than negligence.
- Explain the remedies provided under tort law.

4. **Discuss the role of professionals and the scope of the duty that they owe and the liability they have for the services they provide and the work they do.**

Potential Elements of Performance:

- Explain the special duties owed by professionals to their clients and others.
- Discuss how the duties differ when they derive from contract, fiduciary relationships and tort.
- Examine the standards set for professionals.
- Explain the application of causation.

5. **Describe the formation of a contract as it relates to an offer and acceptance, two of the requirements for entering into a valid business contract.**

Potential Elements of Performance:

- Provide an explanation of what a contract is.
- Discuss the essential elements of an offer.
- Describe how an offer may be communicated.
- Discuss standard form contracts.
- Discuss the ways in which an offer may be terminated.
- Explain the methods in which an offer may be accepted.
- Distinguish between bilateral and unilateral contracts.

6. **Discuss the formation of contracts as it relates to the elements of consideration and the intention to create legal relations.**

Potential Elements of Performance:

- Explain the legal meaning of the term “consideration”.
- Outline the difference between valuable consideration and adequate consideration.
- Discuss a gratuitous promise and its significance in forming a contract.
- Explain injurious reliance.
- Discuss other means by which a promise made may become legally binding.
- Discuss what is meant by the phrase “intention to create legal relations.”

7. **Explain the formation of a contract as it pertains to who can and who cannot contract in various circumstances and the legality of the object of the contract.**

Potential Elements of Performance:

- Explain who generally has the right to contract.
- Discuss a minor’s capacity to contract.
- Discuss others with limited capacity to contract.
- Explain “necessaries” for a minor and how are they determined.
- Outline what contracts are illegal and why.
- Explain the difference between a contract that is void and a contract that is illegal.
- Discuss agreements in restraint of trade and how such contracts would be viewed by a court.

8. **Discuss a legal mistake as grounds for impeaching a contract, (setting the contract aside).**

Potential Elements of Performance:

- Discuss the legal consequences of a mistake about the terms of a contract.
- Explain the legal consequences of a mistake in an assumption.
- Distinguish a void contract from a voidable contract.
- Discuss how the law of mistake affects third parties.
- Explain the defense of non est factum and when it applies and when it does not apply.

9. **Discuss misrepresentation, undue influence, and duress as reasons for impeaching a contract.**

Potential Elements of Performance:

- Discuss the difference between misrepresentation as a tort and as a contractual wrong.
- Explain the difference between “opinion” and “fact”.
- Discuss when the requirement of utmost good faith should be applied.
- Explain undue influence and duress.

10. **Discuss the various forms a contract may take, and in particular discuss whether the form a contract takes really matters in view of the Statute of Frauds.**

Potential Elements of Performance:

- Discuss the types of contracts which must be in writing to be enforceable.
- Describe the requirements that a written contract must meet to satisfy the Statute of Frauds.
- Explain the doctrine of past performance.
- Discuss the Sale of Goods Act.
- Discuss consumer protection legislation.

11. **Describe the methods used by the courts to interpret the terms of a contract.**

Potential Elements of Performance:

- Discuss the two main approaches to interpreting terms in a contract.
- Describe how courts choose between conflicting testimony of the parties.
- Explain the parol evidence rule and how it works.
- Discuss implied terms and how they are recognized.

Marks for the above outcomes will be distributed approximately equally.

III. TOPICS:

1. Law and Society
2. The Machinery of Justice
3. The Law of Torts
4. Professional Liability
5. Formation of a Contract: Offer and Acceptance
6. Formation of a Contract: Consideration and Intention to Create Legal Relations
7. Formation of a Contract: Capacity to Contract and Legality of Object
8. Grounds upon Which a Contract may be Impeached: Mistake
9. Grounds upon Which a Contract may be Impeached: Misrepresentation, Undue Influence, and Duress
10. The Requirement of Writing
11. The Interpretation of Contracts

IV. REQUIRED RESOURCES/TEXTS/MATERIALS:

Principal Text: Smyth, J. E., Soberman, D. A., Easson, A. J., The Law and Business Administration in Canada, 9th Edition; Prentice-Hall Canada, Inc. 2001

Support Material: 1. Yates, R., Business Law in Canada, 4th Edition; Prentice-Hall Canada, Inc. 1995.

2. Periodicals and other appropriate material.

V. Evaluation Process/Grading System

Students will be evaluated on the following basis:

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| • Quizzes | 20% |
| • First Test | 25% |
| • Second Test | 25% |
| • Final Test (semester work) | 30% |

TOTAL	100%
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TESTS

The majority of marks on all tests will be based primarily of essay questions. Multiple choice (or other objective type questions) may be used to complement and extend the test areas. Dates of tests will be announced approximately one week in advance. **Students are required to write all tests and quizzes as scheduled.**

THERE WILL BE NO RE-WRITES OF INDIVIDUAL TESTS !!!!

Students must meet the following requirements to complete this course successfully:

1. Must complete, in a fashion acceptable to the professor, all projects and assignments.
2. Must write the two tests and the final exam. If a student misses a test, or the final exam and has not made appropriate arrangements as outlined below, 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.

FINAL GRADES WILL BE ISSUED BY THE REGISTRAR'S OFFICE

The following semester grades will be assigned to students in postsecondary courses:

<u>Grade</u>	<u>Definition</u>	<u>Grade Point Equivalent</u>
A+	90 - 100%	4.00
A	80 - 89%	3.75
B	70 - 79%	3.00
C	60 - 69%	2.00
R (Repeat)	59% or below	0.00
CR (Credit)	Credit for diploma requirements has been awarded.	
S	Satisfactory achievement in field placement or non-graded subject areas.	

U	Unsatisfactory achievement in field placement or non-graded subject areas.
X	A temporary grade. This is used in limited situations with extenuating circumstances giving a student additional time to complete the requirements for a course (see <i>Policies & Procedures Manual – Deferred Grades and Make-up</i>).
NR	Grade not reported to Registrar's office. This is used to facilitate transcript preparation when, for extenuating circumstances, it has not been possible for the faculty member to report grades.

VI. **SPECIAL NOTES:**

Special Needs:

If you are a student with special needs (e.g. physical limitations, visual impairments, hearing impairments, or learning disabilities), you are encouraged to discuss required accommodations with your instructor and/or the Special Needs office. Visit Room E1204 or call Extension 493, 717, or 491 so that support services can be arranged for you.

Retention of course outlines:

It is the responsibility of the student to retain all course outlines for possible future use in acquiring advanced standing at other postsecondary institutions.

Plagiarism:

Students should refer to the definition of “academic dishonesty” in *Student Rights and Responsibilities*. Students who engage in “academic dishonesty” will receive an automatic failure for that submission and/or such other penalty, up to and including expulsion from the course/program, as may be decided by the professor/dean. In order to protect students from inadvertent plagiarism, to protect the copyright of the material referenced, and to credit the author of the material, it is the policy of the department to employ a documentation format for referencing source material.

Course outline amendments:

The Professor reserves the right to change the information contained in this course outline depending on the needs of the learner and the availability of resources.

Substitute course information is available in the Registrar's office.

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 that may be unique to each situation.

Students are cautioned about taking the course material and applying it directly to issues which they may face. Individuals tend to see only one side of the issue in which they are involved. The course is intended to make students generally aware of the law, its administration and legal rights and responsibilities of individuals. It is not intended to be, or serve as, a remedy for specific legal 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 students should not use such discussion as a solution to their specific problems. Students are directed to seek appropriate professional assistance to remedy their specific or general legal concerns and problems.

Missed Tests/Exam:

If a student is not able to write a test/exam as scheduled, for medical reasons or some other emergency, that student is asked to contact the professor **prior** to the test/exam and provide an explanation which is acceptable to the professor. (Medical certificates or other appropriate proof **may** be required.) Following the student's return to the college, he/she must request, in writing, to write a makeup for the missed test/exam. This request will be in proper letter form (typed), hard copy, (no e-mail) and must outline the reasons for requesting special consideration. Making such a request does not guarantee that the student will receive permission to make up for the missed test/exam. Such requests must be made within one week of the student's return to the college.

The professor will consider the request, and if permission is granted, the test/exam will be given at the end of the semester, or at some other time at the professor's convenience. This will allow time for the student to prepare for the test without missing important work and to provide time for the professor to prepare a new test.

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 and participation in class, completion of other tests, quizzes, and assignments as scheduled and the professor's judgment as to the student's potential success.

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

THERE WILL BE NO SUPPLEMENTARY TESTS!!

Attendance:

Students are expected to attend all scheduled classes. Attendance will be taken for each class on a sign in basis starting shortly after the semester begins. Students will be advised when the process is to begin. **Students must sign only themselves in!!** Signing for another student, whether the other student is present or not, will be tantamount to academic dishonesty. Students are advised to read the Students' Rights and Responsibilities for the consequences of academic dishonesty. While students are expected to attend all classes, it is understood that circumstances beyond their control may prevent them from doing so. Students who find themselves in this category should treat the classes as a job and take action accordingly.

In all cases, attendance of less than 80% of the scheduled classes is not acceptable.

The professor will use attendance in considering student requests for special consideration in writing missed tests, submitting late assignments, etc.

Submitting Assigned Work:

All assignments, projects, questions, etc. must be submitted to the professor at the beginning of class on the due date. Once the class starts, any assignment, etc. which has not been submitted will be considered late. If no class is scheduled on the due date, students are required to deliver the assignments, etc. to the professor's office, by the deadline time. Assignments, etc. may be submitted in advance; normally assignments, etc. will not be accepted after the stated deadline. If a student wishes consideration for a late submission, he/she must make this request in a formal typed letter, (hard copy) providing an explanation. If the assignment is accepted late, a penalty will be assessed. Assignments, etc. will not be accepted late once those which have been submitted on time have been graded and returned to students.

It is the student's responsibility to ensure that the professor gets his/her completed assignment, etc.

Return of Students' Work:

Tests, quizzes, assignments, 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 of that class. Tests, etc. not picked up within the three weeks will be discarded. End of semester tests, etc. will be held for three weeks following the end of the semester. If they have not been picked up within that three-week period, they will be discarded.

Tests, etc. will be returned only to the 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 in a formal letter (hard copy) to the professor requesting that the test, etc. be given to a particular individual.

Assistance is Always Available:

IT WILL BE TO THE STUDENTS' ADVANTAGE TO HAVE QUESTIONS, CONCERNS, OR PROBLEMS RELATED TO THIS COURSE RESOLVED AS SOON AS POSSIBLE. IF YOU REQUIRE ASSISTANCE, HAVE PROBLEMS OR CONCERNS, 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 may be held during the week or on the weekends. These review classes and tutorials are not to be used as an opportunity to miss regularly scheduled classes.

Students are urged to ask questions and to participate in, and contribute to, the class discussion. Students are also encouraged to read newspapers, magazines, etc. and to tune in to radio and television newscasts for legal and business news. This will make the subject more understandable, interesting, and practical. It will provide students the opportunity to better apply the theory and to enhance his/her opportunity for success in this course.

PLEASE KEEP IN MIND THAT STUDENTS WILL ONLY GET OUT OF THIS COURSE WHAT THEY PUT INTO IT.

Classroom Decorum:

Students will respect the diversity and the dignity of those in the classroom. Students will respect the professor's right and duty to teach and students' right to learn without interference. Students who cause any interference with the objectives of the class will be given a verbal warning on the first occasion. If such behaviour continues, the student will be asked to leave the classroom and will not be permitted to return until he/she commits in writing, typed, (a formal letter) that he/she will conduct themselves appropriately in the classroom. This letter will be addressed to the professor

If a student is asked to leave the classroom a second time, he/she must make an appointment with the Dean who will decide if the student will be permitted to return to class. At that time a copy of the above letter will be submitted to the Dean.

In the event that a student is asked to leave the classroom a third time, he/she will not be permitted back to the classroom for the rest of the semester. The Dean will also decide if any other action needs to be taken.

Students attending this class do so to study Business Law. Therefore, no other activity will be permitted. Student's who wish to engage in other activities will be asked to leave the classroom, as described above.

Students will also be asked to leave the classroom, as described above if they are sleeping, or appear to be sleeping, and for putting their feet up on the furniture.

It is the professor's intention to maintain proper classroom decorum at all times in order to provide the best possible learning and teaching environment.

VII. PRIOR LEARNING ASSESSMENT:

Students who wish to apply for advanced credit in the course should consult the professor. Credit for prior learning will be given upon successful completion of a challenge exam or portfolio.

VIII. DIRECT CREDIT TRANSFERS:

Students who wish to apply for direct credit transfer (advanced standing) should obtain a direct credit transfer form from the Dean's secretary. Students will be required to provide a transcript and course outline related to the course in question.

IX. GENERAL EDUCATION REQUIREMENTS

This course meets the general education requirements 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, employer, and/or 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 focusing on the late 19th century and on. 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 material may be covered in a variety of methods including readings, lectures, discussions, case studies, and group work, if appropriate. Evaluation may 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 understanding 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 often an instrument for social change, addresses social problems, it outlines the roles of individuals in private and business life, it is used to resolve conflict, etc.

Broad Context:

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.