



**MGT 301 - The Legal Environment of Business**  
**COURSE SYLLABUS: SUMMER I**

**INSTRUCTOR INFORMATION**

**Instructor:** EDGAR J. GARRETT, JR., J.D.  
**Office Location:** BA-225  
**Office Hours:** Tuesday and Thursday 8 am to 11 am and by appointment  
**Office Phone:** 903-886-5539  
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**Preferred Form of Communication:** email  
**Communication Response Time:** ASAP within 24 hours

**COURSE INFORMATION**

**Materials – Textbooks, Readings, Supplementary Readings**

**Textbook(s) Required:** Roger Miller, *Business Law Today*, Eleventh Edition, (South-Western, Cengage Learning 2017) Comprehensive Edition ISBN 978-1-305-57501-1  
**Software Required:** None  
**Optional Texts and/or Materials:** None at outset; may be indicated as course unfolds.

**Course Description**

- A. COURSE DESCRIPTION:** This course is a study of the legal environment of business including elements of tort and contract law, product liability, employment law and discrimination, consumer law, and the basics of the legal system, including ethics and foreign and international law.
- B. COURSE MISSION**
1. To provide an overview of the basics of the legal system, both nationally and internationally.

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2. To develop skills in working with legal materials and understanding the language of the law.
3. To provide a general understanding of the major legal issues that impact the business environment, both nationally and internationally.
4. To provide knowledge of specific basic laws which affect business structure and finance.

## Student Learning Outcomes

### EXPECTED STUDENT COMPETENCIES TO BE ACHIEVED IN THIS COURSE.

These are set out in the following statements:

- a. Demonstrate knowledge of the legal environment of business by an understanding of the role, nature and sources of law; the courts and alternatives for dispute resolution; international law; and the differentiation of civil and criminal law.
- b. Demonstrate an understanding of federal and state regulatory laws affecting business including administrative law; the commerce clause of the Constitution; intellectual property laws; consumer protection laws; employment laws; environmental laws; business competition laws; and discrimination laws.
- c. Demonstrate an understanding of the elements of contracts, breach of performance and remedies, and E-Commerce issues.
- d. Demonstrate the ability to define tort law; understand common torts; and explain liabilities and remedies for the breach thereof.
- e. Demonstrate the process of legal research and preparing a case brief.

Student understanding of the foregoing concepts will be tested throughout the course, viz.:

a. *Demonstrate knowledge of the legal environment of business by an understanding of the role, nature and sources of law; the courts and alternatives for dispute resolution; international law; and the differentiation of civil and criminal law.*

1. What are the major legal philosophies that have influenced the American legal system?
2. Define the doctrine of *stare decisis*.
3. Understand basic ethical systems, how they differ, and how they impact the law.
4. Understand the process of negotiation, mediation and arbitration.
5. Compare and contrast the function of trial courts and appellate courts.
6. What is the doctrine of sovereign immunity?
7. What are the most common risks of criminal liability faced by business people.

b. *Demonstrate an understanding of federal and state regulatory laws affecting business including administrative law; the commerce clause of the Constitution; intellectual property laws; consumer protection laws; employment laws; environmental laws; business competition laws; and discrimination laws.*

1. Explain the federal government's authority to regulate interstate commerce.
2. Know the major laws that protect employees in the workplace.

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3. Know the protected categories under Title VII.
4. Understand the types of sexual harassment and how an organization can bring itself into compliance with the law.
5. Know an organization's obligations to the disabled under the ADA.
6. Name three unfair and deceptive practices that violate Section 5 of the Federal Trade Commission Act.

c. *Demonstrate an understanding of the elements of contracts, breach of performance and remedies, and E-Commerce issues.*

1. Know the four essential elements to make a contract enforceable.
2. Know the difference between compensatory, consequential, punitive and nominal damages.

d. *Demonstrate the ability to define tort law; understand common torts; and explain liabilities and remedies for the breach thereof.*

1. Know the essential factors necessary for a valid negligence claim.
2. Name and describe the two types of defamation.
3. Understand the concept and practice of strict liability

e. *Student understanding of the process of legal research and preparing a case brief will be assessed by the case brief assignment.*

## **COURSE REQUIREMENTS**

### **Minimal Technical Skills Needed**

Students must be proficient with basic computer skills and with a word processor, presentation software and use of library database for legal research.

### **Instructional Methods**

This course will use the D2L platform for dissemination of materials, lecture notes, presentations, class discussions, quizzes, exams and course assignments. The E sections will have classroom lectures.

### **Student Responsibilities or Tips for Success in the Course**

To succeed in this course, consider the following suggestions:

- Read carefully the entire Syllabus, making sure that all aspects of the course are clear to you and that you have all the materials required for the course.
- Familiarize yourself with the D2L learning system environment—how to navigate it and what the various course areas contain. If you know what to expect as you navigate the course, you can better pace yourself and complete the work on time.

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- If you are not familiar with Web-based learning be sure to review the processes for posting responses online and submitting assignments.
- To stay on track throughout the course, begin each week by consulting the Syllabus. The Syllabus provides an overview of the course and indicates due dates for submitting assignments, posting discussions, and taking quizzes and examinations.
- Check Announcements regularly for new course information.

## GRADING

Final grades in this course will be based on the following scale:

A = 90%-100%

B = 80%-89%

C = 70%-79%

D = 60%-69%

F = 59% or Below

## Assessments

1. Readings as assigned.
2. Chapter quizzes (20% of grade)
3. Three examinations and a final (50% of grade). The final will not be comprehensive. Normally there will be no make-up exams. Exams will be graded on the following scale. 90-100=A; 80-89=B; 70-79=C; 60-69=D; Below 60=F.
4. One written case brief is due on or before **July 1st**. I will provide instructions on how to write a brief to you via email at the appropriate time. Cases will be found on the second floor of the library, in the Southwestern Reports, the Federal Supplement, and the Federal Reports. The can also be found under the Westlaw or Lexis-Nexis databases for the library. Cases will be provided by the instructor upon your email request. Students must report on different cases. The brief should be neatly typed (20% of grade). This course is designed to train you in the skill of critical legal thinking. As such it is imperative that you do all the reading (particularly the cases), quizzes and discussion postings. Jumping ahead would frustrate the process. The study of law is unlike any other college courses. At the outset of the course you could not yet prepare a proper case brief as you have not been seasoned with the study. Further instructions on the process will be forthcoming. Though you may request your case early on, the case brief should not be attempted until after exam 2. See the Grading Rubric in eCollege for further elucidation.

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5. Class participation is required (10% of grade). Each student is required to make at least one thoughtful discussion post for each required chapter of study along with three postings in challenge or support of the postings of other students or in rebuttal or defense of your own. Posts for readings associated with text chapters are required no later than the end of the week during which the chapter is assigned. This is the class participation component of the grade. See the Grading Rubric for discussions in eCollege for further elucidation. As a general guideline, your grade on this portion will be a function of the quality, quantity, timeliness and consistency of your posts (including your original posts and your replies to other posts) on the bulletin board. Please note the deadline for bulletin board participation in the daily schedule. Please also note that heavy activity during the last few days cannot compensate for a lack of participation during the term. Plan to participate throughout the course.

## **TECHNOLOGY REQUIREMENTS**

### **Browser support**

D2L is committed to performing key application testing when new browser versions are released. New and updated functionality is also tested against the latest version of supported browsers. However, due to the frequency of some browser releases, D2L cannot guarantee that each browser version will perform as expected. If you encounter any issues with any of the browser versions listed in the tables below, contact D2L Support, who will determine the best course of action for resolution. Reported issues are prioritized by supported browsers and then maintenance browsers.

Supported browsers are the latest or most recent browser versions that are tested against new versions of D2L products. Customers can report problems and receive support for issues. For an optimal experience, D2L recommends using supported browsers with D2L products.

Maintenance browsers are older browser versions that are not tested extensively against new versions of D2L products. Customers can still report problems and receive support for critical issues; however, D2L does not guarantee all issues will be addressed. A maintenance browser becomes officially unsupported after one year.

Note the following:

- Ensure that your browser has JavaScript and Cookies enabled.
- For desktop systems, you must have Adobe Flash Player 10.1 or greater.
- The Brightspace Support features are now optimized for production environments when using the Google Chrome browser, Apple Safari browser, Microsoft Edge browser, Microsoft Internet Explorer browser, and Mozilla Firefox browsers.

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### Desktop Support

Browser	Supported Browser Version(s)	Maintenance Browser Version(s)
Microsoft® Edge	Latest	N/A
Microsoft® Internet Explorer®	N/A	11
Mozilla® Firefox®	Latest, ESR	N/A
Google® Chrome™	Latest	N/A
Apple® Safari®	Latest	N/A

### Tablet and Mobile Support

Device	Operating System	Browser	Supported Browser Version(s)
Android™	Android 4.4+	Chrome	Latest
Apple	iOS®	Safari, Chrome	<p>The current major version of iOS (the latest minor or <b>point</b> release of that major version) and the previous major version of iOS (the latest minor or <b>point</b> release of that major version). For example, as of June 7, 2017, D2L supports iOS 10.3.2 and iOS 9.3.5, but not iOS 10.2.1, 9.0.2, or any other version.</p> <p>Chrome: Latest version for the iOS browser.</p>
Windows	Windows 10	Edge, Chrome, Firefox	Latest of all browsers, and Firefox ESR.

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- You will need regular access to a computer with a broadband Internet connection. The minimum computer requirements are:
  - 512 MB of RAM, 1 GB or more preferred
  - Broadband connection required courses are heavily video intensive
  - Video display capable of high-color 16-bit display 1024 x 768 or higher resolution
- You must have a:
  - Sound card, which is usually integrated into your desktop or laptop computer
  - Speakers or headphones.
  - \*For courses utilizing video-conferencing tools and/or an online proctoring solution, a webcam and microphone are required.
- Both versions of Java (32 bit and 64 bit) must be installed and up to date on your machine. At a minimum Java 7, update 51, is required to support the learning management system. The most current version of Java can be downloaded at: [JAVA web site http://www.java.com/en/download/manual.jsp](http://www.java.com/en/download/manual.jsp)
- Current anti-virus software must be installed and kept up to date.

Running the browser check will ensure your internet browser is supported.

Pop-ups are allowed.

JavaScript is enabled.

Cookies are enabled.

- You will need some additional free software (plug-ins) for enhanced web browsing. Ensure that you download the free versions of the following software:
  - [Adobe Reader https://get.adobe.com/reader/](https://get.adobe.com/reader/)
  - [Adobe Flash Player \(version 17 or later\) https://get.adobe.com/flashplayer/](https://get.adobe.com/flashplayer/)
  - [Adobe Shockwave Player https://get.adobe.com/shockwave/](https://get.adobe.com/shockwave/)
  - [Apple Quick Time http://www.apple.com/quicktime/download/](http://www.apple.com/quicktime/download/)
- At a minimum, you must have Microsoft Office 2013, 2010, 2007 or Open Office. Microsoft Office is the standard office productivity software utilized by faculty, students, and staff. Microsoft Word is the standard word processing software, Microsoft Excel is the standard spreadsheet software, and Microsoft PowerPoint is the standard presentation software. Copying and pasting, along with attaching/uploading documents for assignment submission, will also be required. If you do not have Microsoft Office, you can check with the bookstore to see if they have any student copies.

## **ACCESS AND NAVIGATION**

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You will need your campus-wide ID (CWID) and password to log into the course. If you do not know your CWID or have forgotten your password, contact the Center for IT Excellence (CITE) at 903.468.6000 or [helpdesk@tamuc.edu](mailto:helpdesk@tamuc.edu).

**Note:** Personal computer and internet connection problems do not excuse the requirement to complete all course work in a timely and satisfactory manner. Each student needs to have a backup method to deal with these inevitable problems. These methods might include the availability of a backup PC at home or work, the temporary use of a computer at a friend's home, the local library, office service companies, Starbucks, a TAMUC campus open computer lab, etc.

## **COMMUNICATION AND SUPPORT**

### **Brightspace Support**

#### **Need Help?**

#### **Student Support**

If you have any questions or are having difficulties with the course material, please contact your Instructor.

#### **Technical Support**

If you are having technical difficulty with any part of Brightspace, please contact Brightspace Technical Support at 1-877-325-7778 or click on the **Live Chat** or click on the words “[click here](#)” to submit an issue via email.



#### **System Maintenance**

D2L runs monthly updates during the last week of the month, usually on Wednesday. The system should remain up during this time unless otherwise specified in an announcement. You may experience minimal impacts to performance and/or look and feel of the environment.

#### **Interaction with Instructor Statement**

As your professor I am committed to providing a user friendly learning environment and am available for you. I will send a welcome to the course email with further details on contacting me. If you call, text or email and I am not then able to respond I shall endeavor to do so at the earliest practical time and within 24 hours. If I have not responded then I probably am not aware of your attempt to contact me. At times technology is fraught with glitches which frustrate our efforts.

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# **COURSE AND UNIVERSITY PROCEDURES/POLICIES**

## **Course Specific Procedures/Policies**

### **Syllabus Change Policy**

The syllabus is a guide. Circumstances and events, such as student progress, may make it necessary for the instructor to modify the syllabus during the semester. Any changes made to the syllabus will be announced in advance.

## **University Specific Procedures**

### **Student Conduct**

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. The Code of Student Conduct is described in detail in the [Student Guidebook](http://www.tamuc.edu/Admissions/oneStopShop/undergraduateAdmissions/studentGuidebook.aspx).

<http://www.tamuc.edu/Admissions/oneStopShop/undergraduateAdmissions/studentGuidebook.aspx>

Students should also consult the Rules of Netiquette for more information regarding how to interact with students in an online forum: [Netiquette](http://www.albion.com/netiquette/corerules.html)

<http://www.albion.com/netiquette/corerules.html>

### **TAMUC Attendance**

For more information about the attendance policy please visit the [Attendance](http://www.tamuc.edu/admissions/registrar/generalInformation/attendance.aspx) webpage and [Procedure 13.99.99.R0.01](http://www.tamuc.edu/admissions/registrar/generalInformation/attendance.aspx).

<http://www.tamuc.edu/admissions/registrar/generalInformation/attendance.aspx>

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/13students/academic/13.99.99.R0.01.pdf>

### **Academic Integrity**

Students at Texas A&M University-Commerce are expected to maintain high standards of integrity and honesty in all of their scholastic work. For more details and the definition of academic dishonesty see the following procedures:

[Undergraduate Academic Dishonesty 13.99.99.R0.03](http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/13students/undergraduates/13.99.99.R0.03UndergraduateAcademicDishonesty.pdf)

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/13students/undergraduates/13.99.99.R0.03UndergraduateAcademicDishonesty.pdf>

[Graduate Student Academic Dishonesty 13.99.99.R0.10](http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/13students/graduate/13.99.99.R0.10GraduateStudentAcademicDishonesty.pdf)

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<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/13students/graduate/13.99.99.R0.10GraduateStudentAcademicDishonesty.pdf>

## **ADA Statement**

### **Students with Disabilities**

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring an accommodation, please contact:

### **Office of Student Disability Resources and Services**

Texas A&M University-Commerce

Gee Library- Room 162

Phone (903) 886-5150 or (903) 886-5835

Fax (903) 468-8148

Email: [studentdisabilityservices@tamuc.edu](mailto:studentdisabilityservices@tamuc.edu)

Website: [Office of Student Disability Resources and Services](#)

<http://www.tamuc.edu/campusLife/campusServices/studentDisabilityResourcesAndServices/>

### **Nondiscrimination Notice**

Texas A&M University-Commerce will comply in the classroom, and in online courses, with all federal and state laws prohibiting discrimination and related retaliation on the basis of race, color, religion, sex, national origin, disability, age, genetic information or veteran status. Further, an environment free from discrimination on the basis of sexual orientation, gender identity, or gender expression will be maintained.

### **Campus Concealed Carry Statement**

Texas Senate Bill - 11 (Government Code 411.2031, et al.) authorizes the carrying of a concealed handgun in Texas A&M University-Commerce buildings only by persons who have been issued and are in possession of a Texas License to Carry a Handgun. Qualified law enforcement officers or those who are otherwise authorized to carry a concealed handgun in the State of Texas are also permitted to do so. Pursuant to Penal Code (PC) 46.035 and A&M-Commerce Rule 34.06.02.R1, license holders may not carry a concealed handgun in restricted locations.

For a list of locations, please refer to the [Carrying Concealed Handguns On Campus](#) document and/or consult your event organizer.

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Web url:

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/34SafetyOfEmployeesAndStudents/34.06.02.R1.pdf>

Pursuant to PC 46.035, the open carrying of handguns is prohibited on all A&M-Commerce campuses. Report violations to the University Police Department at 903-886-5868 or 9-1-1.

## **COURSE OUTLINE / CALENDAR**

**OUTLINE OF COURSE.** This outline as to dates and assignments is tentative. It assumes the material will be covered at maximum speed. Exams, however, will be given as scheduled, and will cover material that has been covered in the text, in class, in discussions, in lecture notes and in power point presentations preceding each exam.

<b>Date Open/Close</b>	<b>Subject</b>	<b>Assignment</b>
Jun 1 / Jun 5	Introduction to law and the course, The Legal Environment of Business	Chapter 1 Discussion and Quiz
Jun 3 / Jun 5	Constitutional Law	Chapter 2 Discussion and Quiz
Jun 4 / Jun 6	Business Ethics	Chapter 9 Discussion and Quiz
Jun 5 / Jun 6	Courts and Alternative Dispute Resolution	Chapter 3 Discussion and Quiz
Jun 6 / Jun 7	Administrative Law	Chapter 37 Discussion and Quiz
Jun 8 / Jun 10	Exam I (Chapters 1, 2, 3, 9 and 37)	
Jun 11 / Jun 12	International Law in a Global Economy	Chapter 19 Discussion and Quiz
Jun 12 / Jun 13	Tort Law	Chapter 4 Discussion and Quiz
Jun 13 / Jun 14	Antitrust Law and Promoting Competition	Chapter 38 Discussion and Quiz
Jun 14 / Jun 15	Internet Law, Social Media and Privacy	Chapter 7 Discussion and Quiz
Jun 15 / Jun 16	Criminal Law and Cyber Crime	Chapter 8 Discussion and Quiz
Jun 17 / Jun 18	Exam II (Chapters 4, 7, 8, 19 and 38)	

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Jun 19 / Jun 20	Contracts – Nature and Classification	Chapter 10 Discussion and Quiz
Jun 20 / Jun 21	Contracts - Agreement	Chapter 11 Discussion and Quiz
Jun 21 / Jun 23	Contracts - Breach and Remedies	Chapter 17 Discussion and Quiz
Jun 22 / Jun 24	Intellectual Property Rights	Chapter 6 Discussion and Quiz
Jun 24 / Jun 25	Exam III (Chapters 6, 10, 11 and 17)	
Jun 26 / Jun 27	Employment, Immigration and Labor Law	Chapter 28 Discussion and Quiz
Jun 27 / Jun 29	Employment Discrimination	Chapter 29 Discussion and Quiz
Jul 1	Case Brief	Due in Drop Box
Jul 1 / Jul 2	Consumer and Environmental Law	Chapter 39 Discussion and Quiz
Jul 2 / Jul 3	<b>FINAL EXAM</b> (Chapters 28,29 and 39)	

All students enrolled at the university shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment (see Student's Guide Book, Policies and Procedures, conduct).

### **Protocol and Grading Rubric for Discussion Posts.**

Discussion postings must demonstrate an observable understanding of the cases being discussed. The understanding will be at the critical legal thinking level. Discussion postings should be a minimum of one short paragraph and a maximum of two paragraphs. Postings should be evenly made during the discussion period (not concentrated all on one day or at the beginning and/or end of the period) with 4 postings being the target. Avoid postings that are limited to "I agree" or "great idea" or "Judges were spot on in the mule skinning case", etc. If you agree (or disagree) with the case or a posting of another student please expound as to why you agree or disagree supporting your assertion with concepts from the case or chapter or by bringing in a related example or experience. Try to use quotes from the cases or the chapter to support your posting using page numbers to cite your quotes. Build on the postings of others to create threads. Bring in related prior knowledge (work experience, readings, family experiences, etc.) Use proper etiquette (language, typing, etc.)

### **Grading Rubric for Discussion Posts**

<b>Criteria</b>	<b>3 (Exceeds Expectations)</b>	<b>2 (Meets Expectations)</b>	<b>1 (Does Not Meet Expectations)</b>
<b>Initial Posting</b>	Posting is well developed that fully	Posting is adequately	No posting; or copies the post of

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	addresses and develops all aspects and concepts of the case	developed and addresses most aspects of the case; lacks full development of concepts of the case	another; or does not demonstrate an understanding of the case
<b>Frequency</b>	Participates 4 or more times throughout the week	Participates 2-3 times throughout the week	Participates not at all; or copies the post of another
<b>Follow-Up Posting</b>	Demonstrates analysis of other's postings; extends meaningful discussion by building on previous postings	Elaborates on an existing posting without further comment or observation or does not enrich discussion	Posts no follow-up responses to others; or copies the post of another; or merely agrees or disagrees
<b>Content Contribution</b>	Posts factually correct, reflective and substantive contribution; invites and advances discussion	Repeats facts of case; lacks full development of concept or thought; or does not add substantive information to discussion	No post or posts information that is off-topic, incorrect, or irrelevant to discussion; or copies the post of another
<b>Clarity &amp; Mechanics</b>	Contributes to discussion with clear, concise comments formatted in an easy to read style that is free of grammatical or spelling errors	Contributes information to discussion with minor clarity or mechanics errors	No post or posts long, unorganized or rude content that may contain multiple errors or may be inappropriate; or copies the post of another

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## Case Brief Instructions and Grading Rubric

Please note that, unlike the case you have been assigned, the cases in the text have been stripped down to a fundamental legal issue related to the chapter of study and do not contain much of the procedural aspects you may find in your case.

**DECIDE ON A FORMAT AND STICK TO IT:** Structure is essential to a good brief. It enables you to arrange systematically the related parts that are scattered throughout most cases, thus making manageable and understandable what

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might otherwise seem to be an endless and unfathomable sea of information. There are, of course, an unlimited number of formats that can be utilized. However, it is best to find one that suits your needs and stick to it. Consistency breeds both efficiency and the security that when called upon you will know where to look in your brief for the information you are asked to give. Be mindful that the operative word is "brief"; ideally the case brief should be about one page in length and never over two pages.

Nevertheless, it is important that a brief contain the following:

**TITLE AND VENUE:** Identify the case name and citation in the correct format.

**RULE OF LAW:** A statement of the general principle of law that the case illustrates in the form of a statement.

Determining the rule of law of a case is a procedure similar to determining the issue of the case. Avoid being fooled by red herrings; there may be a few rules of law mentioned in the case excerpt, but usually only one is the rule with which the judges are most concerned. The techniques used to locate the issue, described below, may also be utilized to find the rule of law.

**FACTS:** A synopsis of only the essential relevant facts of the case, i.e. those bearing upon or leading up to the issue. The facts entry should be a short statement of the events that led one party to initiate legal proceedings against another in the first place. While some cases conveniently state the salient facts at the beginning of the decision, in other instances they will have to be culled from hiding places throughout the text, even from concurring and dissenting opinions. Some of the "facts" will often be in dispute and should be so noted. Conflicting evidence may be briefly pointed up. It is impossible to tell what is relevant until the entire case is read, as the ultimate determination of the rights and liabilities of the parties may turn on something buried deep in the opinion. The facts entry should seldom be longer than five sentences.

**ISSUE:** A statement of the general legal question answered by or illustrated in the case (Do not attempt to delve into procedural issues; just focus on the substantive legal issue). For clarity, the issue is best put in the form of a question capable of a yes or no answer. In reality, the issue is simply the Concise Rule of Law put in the form of a question.

The major problem presented in discerning what is the issue in the case is that an opinion usually purports to raise and answer several questions. However, except for rare cases, only one such question is really the issue in the case. Collateral issues not necessary to the resolution of the matter in controversy are handled by the court by language known as obiter dictum or merely dictum. While dicta may be included later in the brief, it has no place under the issue heading.

To find the issue, the student again asks who wants what and then goes on to ask why did that party succeed or fail in getting it. Once this is determined, the "why" should be turned into a question.

Since many issues are resolved by a court in coming to a final disposition of a case, you should focus on the portion of the opinion containing the issue or issues most relevant to the area of law under scrutiny. A noted law professor gave this advice: "Look at the case key or head notes". It is also most important to remember to read the key or head notes at the beginning of a case to determine what the editors of the case reporter have gleaned from it.

**OPINION AND DECISION:** This section should succinctly explain the rationale of the court in arriving at its decision. In capsulizing the reasoning of the court, it should always include an application of the general rule or rules of law to the specific facts of the case. Hidden justifications come to light in this entry; the reasons for the state of the law, the public policies, the biases and prejudices, those considerations that influence the justices' thinking and, ultimately, the outcome of the case. At the end, there should be a short indication of the disposition or procedural resolution of the case. You may wish to put this portion of the brief in outline form.

**USE OF PRECEDENT:** You should relate how the rule of law discernible from this case compares with that derived from earlier and later cases. Where does this case fit in the series of cases which has shaped the relevant portion of the law?

**EFFECT ON BUSINESS AND SOCIETY:** You should briefly summarize the impact and effect that the ruling in the case will have on business and society.

**REMEMBER THAT THE OPERATIVE WORD IS "BRIEF".**

For further elucidation, check these links out:

<http://www.lib.jjay.cuny.edu/research/brief.html>

<http://www.ucs.louisiana.edu/~ras2777/civlib/casebrief.html>

<http://www.lawnerds.com/guide/briefing.html>

<http://www.ucs.louisiana.edu/~ras2777/adminlaw/casebrief.html>

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## **Grading Rubric for Case Brief**

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<b>Written Case Brief</b>	<b>3 (Exceeds Expectations)</b>	<b>2 (Meets Expectations)</b>	<b>1 (Does Not Meet Expectations)</b>
<b>Identification – Heading</b>	Identifies case name and citation in correct format	Identifies case name and citation incorrectly	Incomplete/Not provided; or incorrect
<b>Issue/Legal Question</b>	Issue correctly identified and is stated in the form of a question	Issue is not completely identified	Incomplete/Not provided; or incorrect
<b>Rule/Relevant Law</b>	Rule is correctly identified and is in the form of a statement	Rule is not completely identified	Incomplete/Not provided; or incorrect
<b>Facts</b>	Includes all relevant facts and the reasoning logically connects the facts to the rule in accord with the opinion.	Does not include all key facts and reasoning; or incoherent; or is not in accord with the opinion.	Incomplete/Not provided; or incorrect
<b>Effect on Business and Society</b>	Summation of the effect of the ruling in the case on business and society	Summation incompletely or incorrectly addresses the effect and ruling.	Incomplete/Not provided; or incorrect
<b>Opinion and Decision</b>	Properly identified the vote of the court and official opinion of the court and relevant information in formulation of opinion, and summation of concurring or dissenting opinions.	Identified the official opinion of the court, incomplete mention of concurring or dissenting opinions	Incomplete/Not provided; or incorrect
<b>Use of Precedent</b>	Properly identified the cases used as precedent along with explanation of how case shapes the relevant law.	Identified some of the cases used as precedent, no explanation on shaping relevant law.	Incomplete/Not provided; or incorrect

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## **COURSE GRADING RUBRIC**

*The syllabus/schedule are subject to change.*



<b>Criteria (Course Objectives)</b>	<b>3 (Exceeds Expectations)</b>	<b>2 (Meets Expectations)</b>	<b>1 (Does Not Meet Expectations)</b>
Demonstrate knowledge of legal environment of business by an understanding of the role, nature and sources of law; courts and alternatives for dispute resolution; international law; and the differentiation of civil and criminal law.	Student demonstrates mastery in knowledge and understanding of all aspects.	Student demonstrates knowledge of and understanding of most aspects.	Student does not demonstrate any knowledge or understanding.
Demonstrate an understanding of federal and state regulatory laws affecting business including administrative law, the commerce clause of the Constitution, intellectual property laws, consumer protection laws, employment laws, environmental laws, business completion laws and discrimination laws.	Student demonstrates mastery in knowledge and understanding of all aspects.	Student demonstrates knowledge of and understanding of most aspects.	Student does not demonstrate any knowledge or understanding.
Demonstrate an understanding of the elements of contracts, breach of performance and remedies and E-Commerce issues.	Student demonstrates mastery in knowledge and understanding of all aspects.	Student demonstrates knowledge of and understanding of most aspects.	Student does not demonstrate any knowledge or understanding.
Demonstrate the ability to define tort law and understand common torts and explain liabilities and remedies.	Student demonstrates mastery in knowledge and understanding of all aspects.	Student demonstrates knowledge of and understanding of most aspects.	Student does not demonstrate any knowledge or understanding.
Demonstrate the process of researching and preparing a case brief	Student demonstrates mastery in knowledge and understanding of all aspects of the process.	Student demonstrates knowledge of and understanding of most aspects of the process.	Student does not demonstrate any knowledge or understanding of the process.

**Texas A&M University-Commerce**  
**College of Business**  
**Academic Dishonesty Policy**

**Statement of Ethical and Professional Conduct:**

The College of Business at Texas A&M University-Commerce faculty, staff and students will follow the highest level of ethical and professional behavior. We will strive to be recognized as a community with legal, ethical and moral principles and to teach and practice professionalism in all that we do.

*The syllabus/schedule are subject to change.*

In an academic environment we will endeavor to not only teach these values but also to live them in our daily lives and work. Faculty and staff will be held to the same standards and expectations as our students.

The Academic Dishonesty Policy of the Accounting Department is governed by the following university procedures: 13.99.99.R0.03 Undergraduate Academic Dishonesty and 13.99.99.R0.10 Graduate Student Academic Dishonesty. You may read the procedure in its entirety from the University's website.

Failure to abide by these principles will result in sanctions up to and including dismissal.

**Actionable Conduct:**

**CHEATING:** Intentionally using or attempting to use unauthorized materials, information, notes, study aids or other devices or materials in any academic exercise. Unauthorized materials may include anything or anyone that gives a student assistance, and has not been specifically approved in advance by the instructor.

**COMPLICITY:** Intentionally or knowingly helping, or attempting to help, another to commit an act of academic dishonesty.

**ABUSE AND MISUSE OF ACCESS AND UNAUTHORIZED ACCESS:** Students may not abuse or misuse computer access or gain unauthorized access to information in any academic exercise.

**FABRICATION:** Making up data or results, and recording or reporting them; submitting fabricated documents.

**FALSIFICATION:** Manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

**FORGERY:** Making a fictitious document, or altering an existing document, with the intent to deceive or gain advantage.

**MULTIPLE SUBMISSIONS:** Submitting substantial portions of the same work (including oral reports) for credit more than once without authorization from the instructor of the class for which the student submits the work.

**PLAGIARISM:** The appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

**SPECIAL NOTE REGARDING GROUP PROJECTS:** If someone in a group commits academic misconduct, the entire group could be held responsible for it as well. It is important to document clearly who contributes what parts to the joint project, to know what group members are doing, and how they are acquiring the material they provide.

**VIOLATION OF DEPARTMENTAL OR COLLEGE RULES:** Students may not violate any departmental or college rule relating to academic matters.

**Sanctions:**

*The syllabus/schedule are subject to change.*

If a student is accused of academic dishonesty, the faculty or staff member making the allegation will use Texas A&M University-Commerce and/or Texas A&M University System Policy and Procedures as appropriate to guide sanctions.

First Offenses:

- The most common penalty imposed by a faculty member for a first violation is an “*F*” in the course. Less severe penalties may be imposed if the circumstances warrant. Examples of lesser penalties include:
- A grade reduction for the course;
- A zero on the assignment;
- A requirement to participate in extra requirements or training;
- Some combination of these.

A second offense may result in separation (suspension or expulsion) from the University.

### **Procedures:**

Once a charge of academic dishonesty has been made, the student may not drop the class until the academic dishonesty process has been completed. If a student withdraws from the University while a charge of academic dishonesty is pending, he/she will be blocked from re-enrolling until the matter is resolved using this procedure.

If the Dean of Graduate Studies or Provost Office informs the faculty or staff member that the incident is a first offense, and the student accepts responsibility for the charge, and the student and faculty or staff member agree on the penalty, assessment of the penalty concludes the disciplinary action.

If the student disagrees with the charge or any of the above penalties for a first offense, he/she is entitled to appeal in writing to the Department Head/Director, and then to the Academic Dean/Director of School. The decision of the Academic Dean/Director of School regarding the student’s appeal of a first offense is final.

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*The syllabus/schedule are subject to change.*

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I have read and understand the Academic Dishonesty Policy.

Print Name \_\_\_\_\_ Signed \_\_\_\_\_ Date \_\_\_\_\_

**Texas A&M University-Commerce**

**College of Business & Technology**

**Student Appeal of Course Grade**

(Refer to TAMU-C Procedure: 13.99.99.R0.05)

**TEXAS A&M UNIVERSITY-COMMERCE PROCEDURE**

**13.99.99. R0.05 Student's Appeal of Instructor's Evaluation** Effective September 1, 1996 Revised December 15, 1999 Revised February 8, 2007 Supplements System Policy 13.02

1. The final grades awarded by faculty members are their expert judgment concerning student performance. Students challenging a final grade must show that the instructor's judgment was unfair based on: a) some basis other than performance, or b) standards different from those applied to other students in the same course section, or c) a substantial, unreasonable, and unannounced departure from previously articulated standards or the syllabus.

2. Students who believe their grade to be unfair ***must first discuss the matter with the instructor.***

3. ***If no satisfactory resolution is reached with the instructor, or if the instructor is unavailable, the student shall appeal to the Department Head.*** A grade appeal must be initiated in writing with the Department Head (or Dean if the Department Head is the instructor) within six (6) months of the last day of the semester in which the grade was

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awarded. The Department Head will examine the student's appeal to determine whether the student has established an apparent case of unfair academic evaluation as described in section 1. If the student has not established a case that appears to have merit, the Department Head will so inform the student and the instructor without delay.

4. If the case has merit, the Department Head will secure, from all parties, written statements and other such information as he or she deems helpful and will issue his or her findings and remedies, if any. In so doing, the Department Head will be guided by the principle ***the burden of proof lies with the student.***

5. The instructor or the student may appeal the Department Head's decision (with respect to findings and remedies) to the Dean of the College in which the course is offered within 30 days of the date on which the Department Head offered his or her judgment.

6. Upon receipt of an appeal, the Dean will appoint a three-person advisory committee of faculty to hear the case. The chair of the committee will be from a department other than the one offering the course in question. The two remaining committee members will be from the department offering the course. One of these faculty members may be suggested by the author of the appeal. The instructor and the student may file additional statements. The committee will review all written materials and may seek other information, as they deem appropriate. After reviewing all information, the committee will communicate their findings and suggested remedies, if any, to the Dean.

7. The Dean is the final authority on issues of fairness in course evaluation. He or she will consider the recommendations of the committee but has wide latitude in resolving the matter.

The Dean too will be guided by the principle that the student must show the evaluation to have been unfair as identified in Section 1.

8. The Dean is responsible for notifying the Office of the Registrar of any decision requiring a change in records.

References: Prior ETSU Policies V C 1.1 and B-32 approved October 7, 1977; revised September 1, 1979, January 19, 1990, July 30, 1998, and December 15, 1999; Procedure A13.06

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CONTACT FOR INTERPRETATION: Provost and Vice President for Academic Affairs