BUS 508 SYLLABUS - ETHICS AND LAW - Fall 2023

REQUIRED TEXT: Joshua Greene - Moral Tribes: Emotion, Reason, and the Gap between Us and Them (2013)

RECOMMENDED TEXT: Brian Klaas – <u>Corruptible: Who Gets Power and How it Changes Us</u> (2021)

CLASS MEETS: Wednesday, 6:30–9:30 p.m.; 8/23 through 12/6

INSTRUCTOR: Panda Kroll, Esq., panda.kroll@csuci.edu; 805-551-0773

OFFIC HOURS: 5pm Wednesday, or by appointment

DATE	TOPICS TO COVER IN CLASS	READING & HOMEWORK DUE BEFORE CLASS BEGINS
	NO CLASS MEETING	Before Class: (All Assignments on Canvas)
	MODULE I – WHY HAVE LAWS AT ALL?	ANSWER Short Survey
	I. The Legal Environment in Which We Live Sex and Drugs @Work	Multi-Media Assignment: WATCH Feature Length Documentary: The Inventor: Out for Blood In Silicon Valley (2 hrs)
8/23 Week One	When Is an Act Legal/Illegal? What is the "Age of Consent?" Is Selling Cannabis Legal? Is Porn Legal?	RESPOND TO Graded Discussion Prompts: Pronounce Your Name Reaction to The Inventor documentary Reaction to two short news articles - "Ventura County police raid alleged marijuana-delivery service"\ - "Judge quits after massive porn cache is found on work computer" COMPLETE Worksheet: CANVAS #1 Extra Credit Respond to Discussion Prompt on Laws Regulating Sex and Drugs
	"Truthiness" v. Critical Thinking	Multi-Media Assignment:
	When was the last time you changed your mind?	WATCH, Respond to Discussion Prompt on one of the short videos on public speaking
8/30 Week Two	When Is an Act Legal/Illegal? (cont.) Is Cannabis "Discrimination" Illegal? Is Drug Testing Illegal? Video: Supreme Court oral arguments in Ross Sign up for informal presentation: Moral Tribes chapter State & Federally Protected Classes, e.g.: Disability * Gender & Race * Color * Nat'l Origin/Ancestry * Citizenship *Religion *Age (old) * Veteran Status *"Sex" - Title VII: Bostock v. Clayton County	Read Case Study posted in Canvas: Ross v. RagingWire (medical cannabis @work) COMPLETE Worksheet: CANVAS #2A TEXTBOOK READING (Published on Canvas): Jennings, Ch. 1 - Introduction to Law, Jennings, Ch. 5 - Business & the Constitution ✓ Read Ch. 1 pp 2-6, 11-14 (esp. private v. public law, criminal v. civil law) ✓ Study Exhibit ("Exh.") 1.2 ✓ Ch. 5 pp. 87-89, 92 (esp. "What is Police Power?") ✓ p. 96 (state v. federal regulation, "preemption") COMPLETE Worksheet: CANVAS #1B
		ALLOW 4-6 HOURS TO COMPLETE ASSIGNMENTS – this will be true each week, so plan accordingly!

9/6 Week Three	Statutes & Judicial Decisions When Is an Act Legal/Illegal? (cont.) Sex Laws: Were Romeo & Juliet guilty of sex crimes? Obscenity Laws: Is rap music obscene? What is "sexting," and is it child pornography? Video: Teen Sexting & Law Enforcement Teens Accused of Sexting Fight Back Sign up for Moral Tribes	Multi-Media Assignment: Podcast & Discussion Prompt, Brian Klaas on Power and the Temptation of Corruption (1h22m) Moral Tribes: Part 1-Moral Problems Intro + Chapter (Ch) 1: The Tragedy of the Commons
9/13 Week Four	Sources of Ethics: What If There Were No Laws? What If The Laws Are Unfair? Cyber-Crime & Punishment: Civil Liability and Criminal Guilt for Emails and Facebook Postings How to: Regulate "new" torts/crimes Distinguish criminal from civil law Manage your online reputation Video: MySpace Suicide: Witness Testimony	MORAL TRIBES Ch 3: Strife on the New Pastures (***66-104) Ch 4: Trolleyology (*105-132) UPLOAD Answers to CANVAS #4 Case: Garrity v Hancock Insurance (The Boss Who Didn't Appreciate E-Mail Top Ten Lists) COMPLETE Worksheets: Cyber Laws ✓ Privacy & Reputation on the Internet - CANVAS #4B ✓ Virtual Lives/Real Consequences - CANVAS #4C The MySpace Suicide Case
9/20 Week Five	MODULE II – "SEZ WHO?" Evidence in Litigation Litigation in Our Judicial System: How Does a Lawsuit Begin? Which Facts Matter? What is the Truth and Who Decides? What 2 Do When U Want 2 Sue and How 2 Prove Your Case How to: Write/respond to a "demand" letter Decide whether to litigate Avoid Evidence "Spoliation" Exercise: Litigation Flowchart	MORAL TRIBES: Part 2-Morality Fast & Slow Ch 5: Efficiency, Flexibility, & The Dual-Process Brain (*132-146) Ch. 6: A Splendid Idea (***147-175) TEXTBOOK READING: Jennings, Ch. 3: The Court System & Dispute Resolution COMPLETE Worksheet: CANVAS #5A UPLOAD Answers to CANVAS #5B Wal-Mart Stores v. Johnson "Reining Deer," pp. 73-74

	Constitutional Law	Multi Madia Assignment
	<u>Constitutional Law</u> Our Fundamental Rights	Multi-Media Assignment: Docudrama and Discussion, On the Basis of Sex
	Our Fundamental Rights	Docudi and Discussion, On the Basis of Sex
	CONSTITUTION TEST (open book)	MORAL TRIBES
	constitution (open cook)	Ch. 7: In Search of Common Currency (*175-190)
	Federal & State Constitutional Controversies	Part Four: Moral Convictions
	Which Laws Are "Fundamental?"	Ch. 8: Common Currency Found (*190-211)
	Bill of Rights/Equal Protection/Due Process	•
	 Declaration of Independence 	COMPLETE Worksheet: CANVAS #6A
9/27	 Racial Inequality in Land Ownership 	1) US Constitution Fill-In-The-Blanks
Week Six	Students' Rights/Equal Protection	COMPLETE Worksheet: CANVAS #6B
SIX	T-Shirt Wars	2) <u>Student Speech Controversies: T-Shirt Wars!</u>
	Bathroom Wars	✓ Morse (Juneau School Bd.) v. Frederick
		"BONG HiTS 4 JESUS" in SCOTUS
	How to:	✓ Nuxoll v. Indian Prairie School Dist.
	Use the 14 th Amendment offensively to protect	"Homosexuality is Shameful"
	individuals from discrimination based on	Harper v. Poway School Dist. "Be Happy Not Gay"
	membership in a protected class	T.A. v. McSwain Union Elementary School Dist.
	How to:	"Abortion Is Murder/Growing Growing Gone"
	Use the 1st Amendment offensively to protect	Abortion is with the following Growing Gone
	pro-drug/pro-choice/anti-gay messages	
	pro drug/pro enoice/anti gay messages	
	Constitutional Law, cont.:	MORAL TRIBES
	Do Corporations Have 1st Amendment Rights?	Ch. 9: Alarming Acts (****211-254)
	How to:	TEXTBOOK READING (in Canvas): Ch. 8 – Business Torts
	Use the 1st Amendment defensively to avoid	TEXTBOOK READING (in Canvas). Cir. 6 – Business Torts
	liability for controversial messages	COMPLETE Worksheet: Canvas #7A
	nationally for control control incoorages	1) McCollum v. CBS/Ozzy Osbourne
	MODULE III: The Law of Torts	(negligence: wrongful death/product liability)
	(intentional/Negligent)	
		2) UPLOAD Answers to CANVAS #7B
	Tort Law: Intro to Risk Allocation -	Randi W. v Muroc School Distict
10/4	Who Should Pay for Careless/Criminal Acts?	(negligence: fraud/concealment, duty to third parties)
Week		
Seven	Elements of Negligence	3) UPLOAD Answers to CANVAS #7C
Beven	• Duty	Graves v. Warner Bros
	Breach of Duty (Carelessness)	(Jenny Jones murder case – duty: premises liability)
	• "But For" Causation (Factual Cause)	4) <i>UPLOAD</i> Case Brief CANVAS #7D
	• Proximate Cause (Legal Cause)	Kubert v Best (Driving While Texting)
	 Damages 	Nucli v Desi (Dilving wine reading)
	How to:	
	Use the 1st Amendment defensively to avoid tort	
	liability for controversial messages	
	<i>How to</i> : Respond to requests for references	

Torts "Matching" Exercise

10/11 Week Eight	Tort Law, cont.: Are Laws Protecting Privacy & Reputations Consistent with The First Amendment? How to: Avoid exploitation and defamation claims Video: Eminem "Brain Damage" OUIZ on IP (Intellectual Property) Law Be sure you know and can apply the definitions: A. Copyright & Fair Use B. Trademark C. Patent D. Trade Secret E. DMCA "Safe Harbor" Defense Video: "Pretty Woman" PUBLISH STUDY GUIDE FOR TEST I	Multi-Media Assignment: Mockumentary & Discussion: Borat: Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan MORAL TRIBES: Ch. 10: Justice & Fairness (***254-289) TEXTBOOK READING (in Canvas): California Trade Secrets Law Ch.14 − Intellectual Property; Study Exh. 14.1 1) UPLOAD Answers to CANVAS Case #8A: Campbell v Acuff-Rose Music (2 Live Crew) 2) COMPLETE Worksheet: CANVAS #8B ✓ Bailey v. Mathers, III (a/k/a Eminem, Slim Shady) ✓ "Borat" complaint and pages of Panda's article 3) COMPLETE Worksheet: CANVAS #8C ✓ Trade Secrets − article explaining California law ✓ Viacom v. YouTube − article on \$1B lawsuit
10/18 Week Nine	TEST I Trademark and Fair Use Product Liability/False Advertising How to know: Know when advertising is "false" How to know: Know when coffee is	1) UPLOAD Answers to Canvas #9A: Stella Liebeck v McDonald's (Hot Coffee, Cold Truth) 2) COMPLETE Worksheet: Canvas #9B: Mattel v MCA Records (The Plastic Plaintiff) STUDY FOR TEST
	"too hot"? Video: "Barbie Girl" Video: "Borat" mockumentary presentation	
10/25 Week Ten	MODULE IV – The Law of Contracts Part I - Formation "Did I Agree to That?" Intro to Contracts – Contract Formation Sources of Contract Law: UCC – Common Law How to: Know when a contract has been formed How to: Know when a contract needs to be in writing (Statute of Frauds) Video: "Pepsi Stuff" Video Clip: "Some Kind of Monster"	MORAL TRIBES: Ch. 11: Deep Pragmatism (****289-347) 1) COMPLETE Worksheet: CANVAS #10A (Fill-in-Blanks) Common Law & UCC Contract Rules Read Jennings Ch. 10 p. 230-232, 236-242, 247-249 Exhibits 10.3, 10.5; definition of contract p. G-5 2) UPLOAD Answers to CANVAS #10B Case: Leonard v. PepsiCo (Does "Pepsi Stuff" Include a Harrier Jet?) 3) UPLOAD Answers to CANVAS #10C Case: Rosenfeld v Basquiat (The Artist, The Crayon, & The Contract) 4) UPLOAD Answers to CANVAS #10D Case: Reed v. King (The Haunted House)

11/1 Week Eleven	The Law of Contracts, continued Performance & Defenses "Battle of the Forms" What happens when businesses exchange competing forms with different terms? Defenses (Getting Out of A Bad Contract) Fraud/Misrepresentation/Lack of Capacity Unconscionable Contracts How to: Set aside/avoid/rescind a contract How to: Prevent contract "fraud" claims How to: avoid a warranty claim "Clickthrough" Agreements, Liability Limitations PUBLISH STUDY GUIDE FOR TEST II	MORAL TRIBES: Ch. 12: Beyond Point-And-Shoot Morality: Six Rules for Modern Herders (*347-353) Read Jennings pp. 254-263, 267-68 Defenses/Remedies Study Jennings Exhibit 12.2 - UCC Warranties 1) CANVAS #11A COMPLETE Worksheet: (Fill in Blank UCC Warranty Provisions) 2) CANVAS #11B: COMPLETE Worksheet: A.V. v. iParadigm (TurnItIn copyright case – first see "Consider" in the text, p. 255) 3) CANVAS #11C COMPLETE Worksheet: Mortenson Co v. Timberline Software The Two-Million-Dollar Bug
11/08 Week Twelve	Contracts – More Defenses: Fraud/Misrepresentation/Lack of Capacity How to: Set aside/avoid/rescind a contract How to: Prevent contract "fraud" claims TEST II (CONTRACTS) Exercises: GroupThink Challenger Disaster & Whistle-blowers	1) UPLOAD Answers to CANVAS #12A Case: Waters v Min, Ltd. (Young Drugged & Wealthy) When Defects Cost Lives: Whistle Blowers Read Ch. 15, p. 365 (Protection for Whistleblowers) 2) UPLOAD Answers to CANVAS #12B Case Study: The Challenger Disaster STUDY FOR TEST
11/15 Week Thirteen	MODULE V – Business Entities Corporations and Other Forms of Doing Business How to: Form a sole proprietorship Fall into a partnership (without really trying) Limit liability, fund a business How to: Fire someone and not get sued (hint: fire no-one/fire everyone): Agency	MODULE V – The Law of Corporations / Agency Read Jennings: Ch. 18, pp. 410-426, esp. Exhibit 18.1 1) UPLOAD Answers to CANVAS #13A
11/22	Day Before Thanksgiving NO CLASS MEETING	Multi-Media Assignment (for final project): TURN IN Pre-Film Worksheet WATCH Documentary and RESPOND to Discussion Prompt: Food Evolution OR Poverty, Inc. TURN IN Post-Film Worksheet Extra Credit: Documentary and Discussion: The Seeds of Vandana Shiva

11/29 Week Fourteen	MODULE VI – Employment Law Employment Law: Agency, cont. Employer & Employee Liability Employee Rights Wage & Hour Laws How to: Restrict post-employment conduct How to: Know if you owe/ are owed overtime pay Video: Simi Valley Jury Awards Vons Employee	FINAL PROJECT, PART ONE: TURN IN First Draft, Final Project Liability for Agent's Mistakes Reading on Agents and Principals 1) UPLOAD Answers to CANVAS #14A Case: Lange v Nabisco (Cookie Crazy) 2) UPLOAD Answers to CANVAS #14B Jennings Q's: p. 367, questions #4 and #5 Illegal Discrimination & Retaliation in the Workplace
	(Male) \$18M for Sexual Harassment	3) UPLOAD Answers to CANVAS #14C
		Burlington v Ellerth
	PEER REVIEW DRAFT FINAL PROJECT DURING CLASS	(the boorish supervisor-sex harassment)
		Religious and Gender Discrimination @ Work
		Read Jennings p. 399 (BFOQ), p.404-405 (ADA)
	("FINAL" – not cumulative)	Religious and Gender Discrimination @ Work
	TEST III	UPLOAD Answers to CANVAS #15A:
	7:00-9:00 p.m.	Buonanno v. AT&T
	T 1 4T 4	(Conservative Christian's right to disagree w/gay-friendly
	Employment Law: Agency, cont. Discrimination/Harassment/Retaliation	workplace policies)
	Equal Opportunity under Federal & State Laws	Read Jennings p. 399 (BFOQ), p.404-405 (ADA)
	Equal Opportunity under Pederal & State Laws	Read Jennings "Consider" 17.3 on pp. 397-98
12/06	How to: Tolerate Intolerance	("Church of Body Modification")
Week	Trow to. Polerate interestance	(Charen of Body Modification)
Fifteen	Students Give Short Oral Presentations	UPLOAD Answers to CANVAS #15B
	of Final Project	"Consider" Exercise: Church of Body Modification
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		STUDY FOR TEST
		PREPARE TO PRESENT A SHORT SUMMARY OF YOUR FINAL PAPER
		FINAL DRAFT OF FINAL PROJECT DUE AT 11:59 PM

BUS 508: OVERVIEW OF COURSE AND COURSE EXPECTATIONS

Course Format:

The best way to learn and to apply the law is to read about and discuss legal issues that affect us, applying critical thinking to find rational conclusions. For this reason, this is not a lecture-based class. Instead, this class requires substantial student preparation and participation. You will discuss your responses to assignments and apply what you have learned to both hypothetical and real situations. You are responsible for completing worksheets and other reading before class begins, and for checking your email/Canvas each week for announcements, changes, clarifications, and assignments.

Method of Student Evaluation:

Exam Score (best two out of three)	25%
Homework Score (Worksheets, Quizzes, Uploaded Assignments)	25%
Class Preparedness/Oral Presentations (Attendance, Opt In/Out of Discussions with ✓+ or -)	30%
Final Project:	20%

Cut-Offs for Final Grade:

94% = A; 90% = A-; 87% = B+; 84% = B, 80% = B-; 77% = C+, 74% = C, 70% = C-; 67% = D+, 64% = D. Below 64% = F

Exam Score:

Exam Score is evaluated on your best score on two out of three multiple-choice on-line tests, based on lecture, readings, assignments and/or any topics discussed during class. I will provide a study guide prior to each test. There will be no cumulative final, although tests may include material discussed throughout the semester. I will exclude your lowest-graded test from your score. Please note that I do not give make-up tests; which is why I count only two out of the three tests.

Homework Score: Homework Score is evaluated on homework uploads due *prior* to class and any in-class quizzes. If you upload the homework assignment to Canvas after class begins, you will not receive credit, i.e., no late homework).

Class Preparedness Score - Opt-In to "Plus/Check/Minus":

Class Preparedness Score is evaluated based on your participation. To prepare for class discussion of the articles and cases in Canvas and the textbooks, complete worksheets and upload assignments. You will also learn how to prepare and will be expected to respond to questions from a case brief for each assigned legal decision. Your Class Preparedness Score is based on questions from your brief and assigned materials. When I call roll at 6:00 pm, I will ask you to respond with "plus," "check," or "minus." I will randomly call on students who responded "plus," and will not call on students who respond "minus." A response of "check" has the result that I will not call on you unless I've gone through all the plusses and have more questions. You will need to respond with "plus" at least five times throughout the semester to earn full credit, and more than that if you have responded "minus" or been absent. If you arrive in class after roll is taken, I will mark you absent and as an "Opt-Out" unless and until you send a chat to me during class with your "plus," "check" or "minus" status so that I can update the roll.

Attendance: Students are expected to arrive at class on time. Only one undocumented absence will be allowed during the semester without consequence. Each additional undocumented absence will result in a 3% penalty deduction from a student's grade up to three undocumented absences (9%). Three late arrivals (15 mins or more) will count as one undocumented absence. Students who are absent four classes or more without proper documentation will not pass the class. For absences with extenuating circumstances related to a medical condition or disability for which you may require reasonable accommodation, please refer to the Disability Statement.

Three Oral Presentations:

- 1) You will prepare a summary on a chapter from *Moral Tribes* according to a rubric,
- 2) You will evaluate another student's *Moral Tribes* presentation (no preparation required)
- 3) You will participate in a smack-down in which you and another student(s) will argue different sides of an dispute, or present on a special topic that I will assign you.

Final Project: You will watch a film, write a paper (written component), participate in a discussion on the film, peer review another student's paper, and present your paper in class (oral component). See CANVAS for more details.

What is Critical Thinking?

This course focuses on applying **critical thinking** skills to solve ill-structured problems. To be successful in this course and in the job market, you will need to develop the capacity to evaluate skillfully and fairly the quality of evidence and detect **error**, **hypocrisy**, **manipulation**, **dissembling** (lies), and **bias** (prejudice). In other words, distinguish Truth from "Truthiness."

- Identifying issues and prioritizing which to address;
- Using evidence, experience, and values to analyze these issues;
- Managing uncertainty and risk; and
- Making rational decisions (i.e., finding the most productive solution that is sensitive to uncertainty & risk)

Course Objective:

An overview of the ethical environment for business operations, with a special emphasis on the legal environment. Explores decision-making frameworks for managers in addressing ethical and legal issues that confront modern business organizations. Provides students with practical knowledge of ethical and legal principles and issues that arise in business. Businesses are subject to employment and contract disputes, negligence claims, regulatory compliance, and other legal claims, yet many business owners and managers are ill-equipped to identify legal risks before they arise. Without legal sophistication, business cannot identify and implement strategies to prevent problems from occurring or, at least, from spiraling out of control. While litigation is an inevitable cost of doing business, it is controllable. Students will develop the ability to spot potential legal problems and manage risks, enhancing their marketability to the businesses that employ them, and increasing their effectiveness as entrepreneurs.

Program Learning Goals:

- 1. Demonstrate high proficiency in critical thinking, oral and written communication, personal ethical conduct and collaboration skills.
- 2. Demonstrate orally and in writing analytical and integrative skills in making business decisions.
- 3. Demonstrate an understanding of the global operating environment of business.
- 4. Produce written innovative and integrative business plans that adapt to uncertain and unpredictable environments.
- 5. Demonstrate an understanding of relevant disciplines.
- 6. Demonstrate leadership skills in a variety of situations and settings.

Student Learning Outcomes

At the completion of this course, students will be able to:

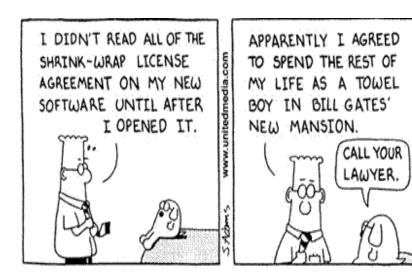
- 1. Read business cases and legal cases and describe orally and in writing the issues of the cases (1.5).
- 2. Describe in writing alternative ethical frameworks and their implications for managers (1,5).
- 3. Demonstrate in writing an understanding of the inter-relationships among the disciplines within business economics (1,3,4,5).
- 4. Identify orally and in writing key alternatives to business actions based on ethical and legal theory and justify recommended actions (1,3,4,5).

Use of AI Tools, Cheating, Plagiarism and Other Forms of Academic Dishonesty: Use of AI tools, including ChatGPT, is permitted in this course for students who wish to use them. To adhere to CSUCI's academic integrity scholarly values, students must cite any AI-generated material that informed their work (this includes in-text citations and/or use of quotations, and in your reference list). Using an AI tool to generate content without proper attribution qualifies as academic dishonesty. Don't copy another student's assignment or test and don't let another student copy your assignment or test. CSUCI characterizes its graduates as creative in developing imaginative self-expression and independent thinking and dedicated to maintaining principles of intellectual honesty. Academic dishonesty is incompatible with these characteristics. Accordingly, you are expected to complete your own work, and you will be subject to sanctions if you cheat or assist others in cheating. If a student is suspected of submitting work containing word-for-word or closely paraphrased language from another student's work, OR if a student is suspected of assisting another student in copying, both student(s) will receive no credit for any such suspected assignments//tests and will be reported to CSUCI's Judicial Affairs for adjudication / sanctions, up to and including a failing course grade. See http://www.csuci.edu/studentlife/student-conduct/academic-dishonesty.htm.

My Bio: I am a civil attorney with 20 years of litigation/trial experience. I have taught business law and biotechnology law at CSUCI for over 20 years. I currently preside over Ventura County's chapter of the American Inns of Court, a national organization that has a mission of inspiring the legal community to advance the rule of law by achieving the highest level of professionalism through example, education and mentoring.

Disability Statement: If you are a student with a disability requesting reasonable accommodations in this course, please visit Disability Accommodations and Support Services (DASS) located on the second floor of Arroyo Hall, call 805-437-3331 or email accommodations@csuci.edu. All requests for reasonable accommodations require registration with DASS in advance of needed services. Faculty, students, and DASS will work together regarding classroom accommodations. Please discuss approved accommodations with me ASAP.

My Office hours. I have office hours 5:00pm to 6:00pm on Zoom on Wednesdays. Please send an email if you'd like to schedule a time to meet. I encourage you to talk to me in person if you have any questions or concerns regarding this class.





"On the Internet, nobody knows you're a dog."