

**Commerce 4SD3
Commercial Law
Winter 2024 Course Outline**

**Strategic Management
DeGroote School of Business
McMaster University**

COURSE OBJECTIVE

The law forms an integral part of the business world. This course is designed and intended to introduce students to a broad range of legal topics typically encountered by business professionals. With the use of case studies, students will then learn to identify legal issues and suggest best practices and legal strategies to manage legal risks.

INSTRUCTOR AND CONTACT INFORMATION

Date/Time:

Section C01: Mondays 2:30 p.m.
- 5:30 p.m.

Section C02: Mondays 7:00 p.m.-
10:00 p.m.

Instructor:

Konstantine Ketsetzis
ketsetzk@mcmaster.ca

Office Hours: By Appointment

oneilc13@mcmaster.ca

Teaching Assistant:
Cameron O'Neill

Course website: <http://avenue.mcmaster.ca>

COURSE ELEMENTS

Credit Value: 3	Leadership: Yes	IT skills: No	Global view: Yes
Avenue: Yes	Ethics: Yes	Numeracy: No	Written skills: Yes
Participation: Yes	Innovation: Yes	Group work: No	Oral skills: Yes
Evidence-based: Yes	Experiential: No	Final Exam: No	Guest speaker(s): No

COURSE DESCRIPTION

This course provides an analysis of substantive law relevant to Canadian business. Topics include business structures and organizations, contracts, the sale of goods, debtor-creditor transactions, negligence, and tort law. Emphasis is placed on the primary sources of law: statutes and cases. The course is taught primarily through assigned readings, lectures, case studies, and class discussion.

Each week, students will be assigned reading from the textbook, will be given PowerPoint slides (with audio) which will be posted on Avenue to Learn, and will be assigned questions and/or case studies to consider prior to class.

Lectures will include a summary/review of the assigned reading, including addressing any student questions. A large component of the class will focus on discussion and analysis of the assigned case studies.

Students are also welcome to email questions prior to class for discussion during classes.

LEARNING OUTCOMES

Upon successful completion of this course, students will be able to complete the following key tasks:

- Have an understanding of basic legal principles applicable to business
- Identify legal issues, concerns and opportunities that can be encountered by a business
- Suggest specific legal strategies and practices to protect and enhance a business and its stakeholders

COURSE MATERIALS AND READINGS

Avenue registration for course content, readings, and case materials	\$ FREE
<ul style="list-style-type: none"> • http://avenue.mcmaster.ca 	
Smyth and Soberman, <i>The Law and Business Administration in Canada</i> , 15 th Edition, Pearson Canada Inc., North York, Ontario with MyLab and E-text; or	\$ 155.00
Smyth and Soberman, <i>The Law and Business Administration in Canada</i> , 15 th Edition, Pearson Canada Inc., North York, Ontario, 12 Month E-text only	\$ 84.95

COURSE OVERVIEW AND ASSESSMENTS

ACTIVITY	DELIVERY	DESCRIPTION	TOOL(S)
Readings	Asynchronous Completed in advance of class	Readings for each class are taken from the course textbook. Cover course content and include case studies.	Textbook Purchased through the bookstore or publisher
Content Summary Slides	Asynchronous Completed in advance of class	Class content summary. Should be viewed in tandem with assigned readings. PowerPoint slides with instructor recorded audio.	Available in PowerPoint PowerPoint files and links available in Avenue to Learn
Lecture	Synchronous	Lecture class sessions with instructor. Summary and elaboration on course content, including student questions. Review, discussion, and analysis of assigned case studies. Students are expected to be in attendance for class each week, having completed the assigned readings and review of the accompanying PowerPoint Slides. Students are expected to participate in class discussions.	In Person Class sessions will be run in-person at DSB. PowerPoint Slides PowerPoint files available in Avenue to Learn Note: Attendance at each class is considered mandatory. Recordings will not be made available.

Course Deliverables

All work will be evaluated on an individual basis. No group work or assignments for course credit other than the below will be given.

Missed tests/exams will receive a grade of zero unless the student has submitted and been approved for a Notification of Absence or MSAF. Late assignments will be penalized 5% for each day they are late.

Your final grade will be calculated as follows:

Note: Attendance and participation are both considered mandatory for the course.

Participation

Throughout the course, we will be reviewing and discussing case studies and questions arising from the readings and lectures weekly. In addition, there will be a number of online discussion posts posted in Avenue to Learn, which will require students to respond to substantively at first instance and reply to other students to create a conversation. All responses and replies must remain cordial and respectful at all times.

GRADE COMPONENT	WEIGHT	DESCRIPTION
Participation	10%	Comprised of online discussion posts, in class attendance and participation in discussions
Midterm	25%	Scheduled during regular class time - check the Detailed Course Schedule for dates; Delivered via Avenue to Learn
Case Study Assignment	25%	Take home; Submitted via Avenue to Learn
Final	40%	Take home; Submitted via Avenue to Learn

Midterm

The Midterm will cover material from each week preceding the exam, including content from assigned textbook readings, summary slides, and in-person classes. The midterm will be comprised of two (2) sections. Section 1 will consist of various multiple choice and true-false questions. Section 2 will include various case studies with accompanying application-based multiple choice questions. The exam will be written during regular class time and delivered via the Quiz tool in Avenue to Learn. See the **Detailed Course Schedule** for specific dates.

Case Study Assignment

There will be one (1) mid-semester take home written assignment. The assignment will be comprised of a case analysis where students review a hypothetical fact situation and are asked to identify and explain the legal issues arising from the fact situation, explain the legal options available, recommend the preferred course of action and explain their reasoning. Students are required to submit the written assignment in Avenue to Learn – submissions will be subject to review through Turnitin.

Final

The Final will cover material from each week preceding the exam, including content from assigned textbook readings, summary slides, and in-person classes. The Final Exam will be comprised of various case studies with accompanying application-based multiple choice questions. The exam will be written during regular class time and delivered via the Quiz tool in Avenue to Learn. See the **Detailed Course Schedule** for specific dates.

Please Note: This course *may* use proctoring software (TBD) for tests/exams. This software may require you to turn on your video camera, present identification, monitor and record your computer activities, and lockdown your browser during the exam. This software may be required to be installed

before the exam begins. If you have questions about whether this software will be used, or concerns about the use of this software, please contact your instructor.

Grade Conversion

At the end of the course your overall percentage grade will be converted to your letter grade in accordance with the following conversion scheme.

Letter Grade	Percent	Points	Letter Grade	Percent	Points
A+	90-100	12	C+	67-69	6
A	85-89	11	C	63-66	5
A-	80-84	10	C-	60-62	4
B+	77-79	9	D+	57-59	3
B	73-76	8	D	53-56	2
B-	70-72	7	D-	50-52	1
			F	0-49	0

COMMUNICATION AND FEEDBACK

Students who wish to correspond with instructors or TAs directly via email must send messages that originate from their official McMaster University email account. This protects the confidentiality and sensitivity of information as well as confirms the identity of the student. Emails regarding course issues should NOT be sent to the Area Administrative Assistants. All students must receive feedback regarding their progress prior to the final date by which a student may cancel the course without failure by default.

Instructors may solicit feedback via an informal course review with students by Week 4 to allow time for modifications in curriculum delivery.

REQUESTING RELIEF FOR MISSED ACADEMIC WORK

In the event of an absence for medical or other reasons, students should review and follow the Academic Regulation in the Undergraduate Calendar [“Requests for Relief for Missed Academic Term Work”](#) and the link below;

<http://ug.degroote.mcmaster.ca/forms-and-resources/missed-course-work-policy/>

ACADEMIC INTEGRITY

You are expected to exhibit honesty and use ethical behaviour in all aspects of the learning process. Academic credentials you earn are rooted in principles of honesty and academic integrity. The use of Chat GPT for any discussion posts, assignments, quizzes, or exams will result in an automatic mark of

zero for the component, and a referral to the Academic Integrity Office and Faculty for review and further discipline.

Academic dishonesty is to knowingly act or fail to act in a way that results or could result in unearned academic credit or advantage. This behaviour can result in serious consequences, e.g. the grade of zero on an assignment, loss of credit with a notation on the transcript (notation reads: “Grade of F assigned for academic dishonesty”), and/or suspension or expulsion from the university.

It is your responsibility to understand what constitutes academic dishonesty. For information on the various types of academic dishonesty please refer to the *Academic Integrity Policy*, located at:

www.mcmaster.ca/academicintegrity

The following illustrates only three forms of academic dishonesty:

1. Plagiarism, e.g. the submission of work that is not one’s own or for which other credit has been obtained.
2. Improper collaboration in group work.
3. Copying or using unauthorized aids in tests and examinations

In submitting work, you certify that the work represents solely your own and independent efforts. You confirm the expectation to exhibit honesty and use ethical behaviours in all aspects of the learning process. You confirm that it is your responsibility to understand what constitutes academic dishonesty under the [Academic Integrity Policy](#).

AUTHENTICITY/PLAGIARISM DETECTION

In this course we will be using a web-based service (Turnitin.com) to ensure authenticity and ownership of student submitted work. Students will be expected to submit their work electronically either directly to Turnitin.com or via Avenue to Learn (A2L) plagiarism detection (a service supported by Turnitin.com) so it can be checked for academic dishonesty. Students who do not wish to submit their work through A2L and/or Turnitin.com must still submit an electronic and/or hardcopy to the instructor. No penalty will be assigned to a student who does not submit work to Turnitin.com or A2L. All submitted work is subject to normal verification that standards of academic integrity have been upheld (e.g., on-line search, other software, etc.). To see the Turnitin.com Policy, please go to;

www.mcmaster.ca/academicintegrity

ONLINE COURSE COMPONENTS

In this course, we will be using Avenue to Learn for the submission and completion of **all** assessments, as well as to share course materials and communicate important course information. We may also on occasion use Zoom to conduct virtual classes (***only if necessitated by mandate of the University***).

Important Notes on the Use of Zoom:

- Students are encouraged to download the desktop application for Zoom and login using their Mac ID. If using a webpage, Google Chrome is the recommended browser.
- Students are required to use an easily identifiable username (i.e., first name and last name as they appear on the class list).
- Students are required to actively participate in virtual classes
- Zoom meetings may be recorded. Recordings will **not** be shared

Students should be aware that when they access the electronic components of this course, private information such as first and last names, usernames for the McMaster e-mail accounts, and program affiliation may become apparent to all other students in the same course. The available information is dependent on the technology used. Continuation in this course will be deemed consent to this disclosure.

Students who access authorized recorded lectures in a course may use these recordings only for personal or group study and should not reproduce, share, or upload the recording to any publicly accessible web environment. Similarly, notes, slides, evaluations, and tests are for personal use and should not be shared with others outside of the course.

McMaster is committed to an inclusive and respectful community. These principles and expectations extend to online activities including electronic chat groups, video calls and other learning platforms. If you are concerned about your virtual classroom experiences, the [Equity and Inclusion Office \(EIO\)](#) is available to advise and assist students who may be experiencing any equity, accessibility, inclusion, harassment, discrimination or sexual violence concerns. You can reach the EIO at equity@mcmaster.ca. Thank you for joining us in ensuring that our McMaster online communities are spaces where no one feels excluded and everyone is able to enjoy learning together. <https://equity.mcmaster.ca/contact-us>

If you have any questions or concerns about the expectations and conduct associated with online course components, please discuss this with the course instructor.

For online learning support, please see the Student Success Centre <https://studentsuccess.mcmaster.ca/academic-skills/online-learning/>

CONDUCT EXPECTATIONS

As a McMaster student, you have the right to experience, and the responsibility to demonstrate, respectful and dignified interactions within all of our living, learning and working communities. These expectations are described in the [Code of Student Rights & Responsibilities](#) (the “Code”). All students share the responsibility of maintaining a positive environment for the academic and personal growth of all McMaster community members, **whether in person or online**.

It is essential that students be mindful of their interactions online, as the Code remains in effect in virtual learning environments. The Code applies to any interactions that adversely affect, disrupt, or interfere with reasonable participation in University activities. Student disruptions or behaviours that interfere with university functions on online platforms (e.g., use of Avenue to Learn or Zoom for delivery), will be

taken very seriously and will be investigated. Outcomes may include restriction or removal of the involved students' access to these platforms.

REQUESTING RELIEF FOR MISSED ACADEMIC WORK

Students may request relief from a regularly scheduled midterm, test, assignment or other course components. Please refer to the policy and procedure on the DeGroote website at the link below.

In the event that a student misses an assessment for a legitimate reason (as determined by the Student Experience – Academic Office), the weight of the assessment will be redistributed as determined by your instructor. Missed quizzes will be redistributed to additional course quizzes. Any other missed work will be redistributed to the **final exam**. There will be no opportunity for rewrites or make-up assessments.

<http://ug.degroote.mcmaster.ca/forms-and-resources/misled-course-work-policy/>

STUDENT ACCESSIBILITY SERVICES

Students who require academic accommodation must contact Student Accessibility Services (SAS) to make arrangements with a Program Coordinator. Academic accommodations must be arranged for each term of study. Student Accessibility Services can be contacted by phone 905-525-9140 ext. 28652 or e-mail sas@mcmaster.ca.

For further information, consult McMaster University's Policy for Academic Accommodation of Students with Disabilities:

<http://www.mcmaster.ca/policy/Students-AcademicStudies/AcademicAccommodation-StudentsWithDisabilities.pdf>

ACADEMIC ACCOMMODATION FOR RELIGIOUS, INDIGENOUS OR SPIRITUAL OBSERVANCES (RISO)

Students requiring academic accommodation based on religious, indigenous or spiritual observances should follow the procedures set out in the RISO policy. Students requiring a RISO accommodation should submit their request, including the dates/times needing to be accommodated and the courses which will be impacted, to their Faculty Office normally within 10 days of the beginning of term or to the Registrar's Office prior to their examinations. Students should also contact their instructors as soon as possible to make alternative arrangements for classes, assignments, and tests.

<https://multifaith.mcmaster.ca/riso>

COPYRIGHT AND RECORDING

Students are advised that lectures, demonstrations, performances, and any other course material provided by an instructor include copyright protected works. The Copyright Act and copyright law protect every original literary, dramatic, musical and artistic work, **including lectures** by University instructors.

The recording of lectures, tutorials, or other methods of instruction may occur during a course. Recording may be done by either the instructor for the purpose of authorized distribution, or by a student for the purpose of personal study. Students should be aware that their voice and/or image may be recorded by others during the class. Please speak with the instructor if this is a concern for you.

EXTREME CIRCUMSTANCES

The University reserves the right to change the dates and deadlines for any or all courses in extreme circumstances (e.g., severe weather, labour disruptions, etc.). Changes will be communicated through regular McMaster communication channels, such as McMaster Daily News, Avenue, and/or McMaster email.

POTENTIAL MODIFICATION TO THE COURSE

The instructor reserves the right to modify elements of the course during the term. There may be changes to the dates and deadlines for any or all courses in extreme circumstances. If either type of modification becomes necessary, reasonable notice and communication with the students will be given with explanation and the opportunity to comment on changes. It is the responsibility of the student to check their McMaster email and course websites weekly during the term and to note any changes.

RESEARCH USING HUMAN SUBJECTS

All researchers conducting research that involves human participants, their records or their biological material are required to receive approval from one of McMaster's Research Ethics Boards before (a) they can recruit participants and (b) collect or access their data. Failure to comply with relevant policies is a research misconduct matter. Contact these boards for further information about your requirements and the application process.

McMaster Research Ethics Board (General board): <https://reo.mcmaster.ca/>

Hamilton Integrated Research Ethics Board (Medical board): <http://www.hireb.ca/>

ACKNOWLEDGEMENT OF COURSE POLICIES

Your enrolment in Commerce 4SD3 will be considered to be an implicit acknowledgement of the course policies outlined above, or of any other that may be announced during lecture and/or on Avenue. **It is your responsibility to read this course outline, to familiarize yourself with the course policies and to act accordingly.**

Lack of awareness of the course policies **cannot be invoked** at any point during this course for failure to meet them. It is your responsibility to ask for clarification on any policies that you do not understand.

Detailed Course Schedule

Commerce 4SD3

Classes Begin: Mon. January 8, 2024 | **Classes End:** Mon. April 10, 2024 | All times Eastern Standard

Class/Date	Topic Overview	Readings	Dates and Deadlines
Class 1: Mon. Jan. 8	Course Introduction Introduction of Law in Business The Two Legal Systems The Court System	Chapter 1 pp. 2-19 Chapter 2 pp. 22-45 No Case Studies	
Class 2: Mon. Jan. 15	Government Regulation of Business Torts and Negligence Professional Liability General Remedies for Tort Case Studies – Class Discussion	Chapter 3 pp. 48-72 Case Study 3, p. 73 Chapter 4 pp. 76-98 Case Study 1, p. 99	
Class 3: Mon. Jan. 22	Contracts (1) Formation of Contract Case Studies – Class Discussion	Chapter 6 pp. 125-140 Case Study 2, p. 141 Case Study 6, p. 142 Case Study 8, p. 144 Chapter 7 pp. 146-159 Case Studies 1, 2, 3, p. 160	
Class 4: Mon. Jan. 29	Contracts (2) Contract Issues Capacity, Legality, Mistake, Misrepresentation etc. Case Studies – Class Discussion	Chapter 8 pp. 164-183 Case Study 1, p. 184 Case Study 5, p. 186 Chapter 9 pp. 189-203 Question 6, p. 203 Question 8, p. 204 Case Study 1, p. 204 Case Study 6, p. 206 Chapter 10 pp. 208-227	

Class 5: Mon. Feb. 5	Contracts (3) Privity of Contract Discharge of Contract Breach of Contract and Remedies Case Studies – Class Discussion	Chapter 11 pp. 233-251 Question 8, p. 251 Case Study 5, p. 252 Chapter 12 pp. 255-268 Case Study 1, p. 269 Case Study 2, p. 270 Chapter 13 pp. 275-295 Case Study 1, p. 296 Case Study 4, p. 297	
Class 6: Mon. Feb. 12	Special Types of Contracts (1) Sale of Goods and Consumer Protection Leasing Case Studies – Class Discussion	Chapter 14 pp. 299-322 Case Study 6, p. 325 Case Study 8, p. 325 Chapter 15 pp. 328-340 Case Study 5, p. 347	Midterm Available on Avenue on Tuesday, Feb. 13 @ 8:00 a.m. Open for 3 days, 3 hour limit for completion
Week 7: Mon. Feb. 19	MIDTERM RECESS - NO LECTURE		Case Study Assignment Available on Avenue Mon. Feb. 19 @ 8:00 a.m.
Class 8: Mon. Feb. 26	Special Types of Contracts (2) Franchising and Agency Employment Contracts Case Studies – Class Discussion	Chapter 17 pp. 369-371, 381-389 Question 2, p. 389 Question 3, p. 389 Chapter 18 pp. 394-417 Question 4, p. 418 Case Study 1, p. 418	
Class 9: Mon. Mar. 4	Property Intellectual Property, Leasehold Property, Real Estate Case Studies – Class Discussion	Chapter 20 pp. 448-479 Case Study 3, p. 481 Case Study 6, p. 482 Chapter 21 pp. 491-493, 499-503 Question 15, p. 505 Chapter 22, pp. 511-525 Question 8, p. 531	

		Questions 15, 18, p. 532 Case Studies 2, 4, p. 533 Chapter 23 pp. 537-542	
Class 10: Mon. Mar. 11	Business Organizations Sole Proprietorships, Partnerships (general, limited and limited liability) and Corporations Case Studies – Class Discussion	Chapter 24 pp. 564-577, 580-585 Case Study 4, p. 586 Chapter 25 pp. 589-608 Case Study 1, p. 608 Case Study 2, p. 609	
Class 11: Mon. Mar. 18	Corporate Governance Shareholder Agreements Liability of Directors Case Studies – Class Discussion	Chapter 26 p. 612-640 Case Study 1, p. 641 Case Study 3, p. 642 Chapter 27 pp. 646-666 Case Study 1, p. 667 Case Study 4, p. 668	Case Study Assignment Due Sun. Mar. 17 th by 11:59 p.m.
Class 12: Mon. Mar. 25 Last Lecture	Debtor/Creditor Relations Case Studies – Class Discussion	Chapter 28 pp. 671-688 Case Study 1, p. 689 Case Study 4, p. 690 Chapter 29 pp. 693-714 Case Study 1, p. 716 Case Study 6, p. 717	
Class 13: Mon. Apr. 1 Final Class – Course Ends	FINAL TEST OPEN FOR ENTIRE WEEK ONLINE VIA AVENUE TO LEARN NO LECTURE		