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Legal, Ethical, and Social Environment

Spring 2004

| | | | |
|-----------------------|------------------|-----------------------|---------------|
| BSAD 8010-001 # 10466 | Wednesday | 6:00 - 8:40 PM | RH 214 |
| BSAD 8010-002 # 10467 | Thursday | 6:00 - 8:40 PM | RH 214 |

COURSE DESCRIPTION:

3 credit hours. "Focus upon law and ethics. Business law, legal processes, and regulations will be the subject matter focus. Business ethics will be a recurring focus of analysis. Analysis of the social environment will include public policy. Both subject matter and analysis will be integrated to build the student's critical thinking skills. Prereq.: MBA Foundation courses."

GRADED EVENTS:

The course letter grade of "A" is earned with a total course percentage of 90.0%; the "A-" is earned with 87.0%; the "B+" is earned with 83.0%; the "B" is earned with 80.0%; the "C+" is earned with 75.0%; the "C" is earned with 70.0%; the "D" is earned with 60.0%, and the "F" is earned with less than 60.0%. In graduate classes, **the instructor does NOT use the course grades of "B-", "C-", "D+", or "D-".**

On the first night of class, the Wednesday night class and the Thursday night class, separately, and the instructor agreed to an array of graded events in addition to the Business Case Analysis and an Essay Final Exam. These additional assignments came both from the Cafeteria of Graded Events and student suggestions. Class agreement was manifested by consensus rather than by unanimous written secret ballot vote. Descriptions of those Graded Events have been added to and follow the course calendar, starting on page 5. The Graded Events are:

30% Timeline**40% G8****10% Business Case Analysis****20% Essay Final Exam****4% (max) Extra Credit**

Wednesday (Musical @ 2% and/or Religious @ 2%)

Thursday (Unified Vocabulary List, two pages, each @ 2%)

TEXTS:

- Hawken, Lovins, and Lovins. *Natural Capitalism*. 2003.
- O'Hara. *Course Pack* (four BarCharts and *Vocabulary List*).
O'Hara does not receive royalties on this sale.
- via BlackBoard: O'Hara. *ERRATA Vocabulary List*. 2004.
- via BlackBoard: O'Hara. *Introduction to Legal and Economic Analysis*. 2004.
- OPTIONAL:** Clarkson, et al. *West's Business Law*. 2003. Ninth edition.

BUSINESS CASE ANALYSIS:

MBA students whose initial enrollment is after Spring 2001 must author a Business Case prior to graduation. A detailed description¹ of this task is distributed in BSAD 8060, also in that course a student selects² the firm to be analyzed. The Business Case must analyze a discrete business decision from, at a minimum, the perspective of each of the MBA core courses.

Two of the three requirements for selecting a firm apply to all LESE students. Post-Spring 2001 students **must** select a firm that: [1] is registered with the SEC; [2] is not your employer; and [3] no other MBA student is using. Pre-Spring 2001 students need only satisfy requirements [1] and [2].

The LESE Business Case Analysis is worth 10% of the course grade and graded on the truncated scale of 40% or 60% or 80% or 100%. The LESE Business Case Analysis assignment is made up of five pages with each page addressing a different facet of the analysis. The five pages are the Context page, the Legal page, the Ethical page, Social page, and the Environment page. The LESE Business Case Analysis is due **April 21/22**.

Unlike the graduation requirement Business Case you will author (where you will assume your reader is a generally knowledgeable reader), for this LESE assignment assume your reader is Professor O'Hara. Recall, your task is to prepare the reader to make a decision.³ Therefore, write using the past tense for items that occur just prior to the decision that reader must make.

The Context page shall start with five paragraphs each comprised of a single sentence. Those five sentences, in order, are: [1] your firm's decision, [2] the legal issue, [3] the ethical issue, [4] the social issue, and [5] the physical environment issue. The Context page shall contain your firm's name and ticker symbol as well as a named human decision maker within your firm and that person's position within the firm. If that person holds multiple positions (e.g., CEO and Chair of the Board of Directors), then you shall identify and focus on only one of those positions. Your LESE Business Case Analysis is in effect, five assignments of one page each.

The Legal page, the Ethical page, the Social page, and the Environment page each shall start at the top of a page and each shall start with their respective one-sentence paragraphs from the Context page. The Legal page shall focus on a single cause of action. **Springing directly from** that cause of action **must** be the ethical issue, the social issue, and the environment issue. Failure to do this is the swiftest path to a grade of F. Please note that **a laundry list is not analysis**. You may pose questions in your analysis only if you answer your questions. Otherwise, write in the form of declaratory statements.

¹ A [out of date?] version of that detailed description is in the Course Materials section of my web site. <http://cba.unomaha.edu/faculty/mohara/web/MBACase.pdf> See also the Frequently Asked Questions page on the UNO CBA MBA web site. <https://cba.unomaha.edu/mba/mbacomp/faq.cfm>

² Students may make a selection of a firm at any time or change a selection at any time using the following web page. <https://cba.unomaha.edu/mba/mbacomp/>

³ Your graduation requirement includes analysis of a decision that has been made *prior* to the date of your graduation. However, as of the date of your LESE Business Case Analysis the decision may or may not have been made.

ESSAY FINAL EXAM:

The Essay Final Exam is worth 20% of the course grade and graded using the traditional percentage scale. The Essay Final Exam is on at the Regent's scheduled final exam time of **May 5/6**. The Essay Final Exam will be conducted in **RH 406**, thus each student shall have a personal computer.

At the beginning of the Essay Final Exam, the instructor will give each a student a unique list of words from the *Vocabulary List* and the *ERRATA Vocabulary List*. A student may, within 15 minutes of receiving that student's list of words, exchange that list for a different list. The student, working alone and working in silence, shall author a typed essay on any topic of the student's choosing. In that essay, the student shall use every word on that student's list. If a word has multiple meanings (e.g., construction), then the student **must** use that word in every one of that word's meanings. In the essay, the student shall **bold** each use of each word on the list. The student shall use four margins of 1" and shall use the Tahoma 12 font face.

I regret to inform you that the Essay Final Exam is open book and open web.

ACADEMIC DISHONESTY:

Any form of academic dishonesty will earn the course grade of "F."

CELL PHONES:

Prior to the start of each class meeting, turn off all your cell phone and/or pager. If a student's cell phone or pager "rings" during class, then the instructor, at the instructor's election, may either answer the phone in the fashion of his choice or may reduce the student's earned course grade by 1%.

Students who provide the instructor with satisfactory documentation that the student is part of an emergency response team may allow a phone to ring during class. However, such students shall exit the classroom prior to answering the phone.

DISABILITIES:

Pursuant to federal law, neither the student nor the faculty member is empowered to decide: [1] that a student "disabled"; nor [2] that a reasonable accommodation is warranted; nor [3] the specific accommodation that is the legally required as the reasonable accommodation. To obtain these three decisions initiate contact with the Services for Students with disabilities in EAB 117 or 554-2872, TTY 554-3799.

EMAIL QUESTIONS:

In prior semesters the instructor has encouraged email questions from students. For a wide variety of reasons (each repeatedly demonstrated in multiple semesters), the educational benefits of email questions consistently were substantially less than the significant costs on both the students and the instructor. Accordingly, the instructor will not accept email questions about course content. All questions about course content outside of class must be asked during Office Hours. Recall, private office hours are for questions of a confidential nature.

NC # = *Natural Capitalism* chapter

IL&EA # = *Introduction to Legal and Economic Analysis* chapter

WEDNESDAY & THURSDAY

| <u>DATE</u> | <u>TASKS</u> | |
|---------------------------|---|--|
| Jan 14 - 15 | introduction and negotiate additional graded events | |
| Jan 21 - 22 | IL&EA 1 and NC 1 & 2 (47p) (NOTE: <i>January 19 is Martin Luther King Day: no classes on that day.</i>) (NOTE: <i>Wednesday Extra Credit may be earned, with an appointment, between Jan 22 and April 14 (and Thursday, March 4)</i>) | |
| Jan 28 - 29 | IL&EA 2, 3, & 4 | |
| Feb 4 - 5 | NC 3, 4, & 5 (63p) (NOTE: <i>MBA Leadership Series Feb 3 @ 5:30 PM in RH 010A</i>) | |
| <i>Feb 11 - 12</i> | <i>no class</i> | |
| Feb 18 - 19 | IL&EA 5 | Wednesday Timeline due |
| Feb 25 - 26 | NC 6, 7, & 8 (59p) | |
| March 3 - 4 | IL&EA 6 & 7 | <i>MBA Leadership Series March 3 @ 5:30 PM in RH 010A</i> class starts afterward spare ExC day for Wednesday |
| March 10 - 11 | IL&EA 8 & 9 | Thursday Timeline due |
| <i>March 17 - 18</i> | <i>Spring Break: no classes</i> | |
| March 24 - 25 | NC 9, 10, & 11 (64p) | |
| <i>March 31 - April 1</i> | <i>no class</i> | |
| April 7 - 8 | review IL&EA 1 - 9 | W & Th G8 poster sessions due |
| April 14 - 15 | NC 12, 13, & 14 (73p) | Thursday Extra Credit ULV due |
| April 21 - 22 | NC 15 (14p) and IL&EA 10 | Business Case Analysis due <i>no Poster Sessions allowed</i> |
| April 28 - 29 | review entire class | <i>no Poster Sessions allowed</i> |
| May 5 - 6 | 6:00 - 8:40 | Essay Final Exam in Roskens Hall 406 computer classroom |

Wednesday's added & Thursday's added GRADED EVENTS

The Timeline and the G8 Report will be graded using a truncated scale with 10% increments (i.e., 50%, 60%, 70%, 80%, 90%, and 100%). Both the Wednesday and Thursday classes assigned 30% of the course grade to the Timeline and 40% of the course grade to the G8 Report. The timeline is a solo Graded Event and the G8 Report is a group Graded Event.

Wednesday made February 18 the due date for the Timeline, while **Thursday made March 11** the due date for the Timeline. Both Wednesday and Thursday made the week of **April 7/8** the due date for the G8 Report.

All Extra Credit assignments are solo Grade Events and all are graded pass-fail and are worth 2% of the course grade.

TIMELINE both Wednesday and Thursday

At the class meeting of the student's choosing, in consultation with the instructor to accommodate the logistics of multiple POSTER SESSIONS, each student prepares a Timeline POSTER SESSION from the student's birth through to the month and year of the student's probable death.⁴

Each student shall place his/her own life on a timeline with critical points identified. At a minimum, the critical points shall include birth, graduate from high school, earn first college degree, two other personally relevant dates, and the month and year of probable death.

Also on that timeline identify *Time's* Man of the Year for: [A] the year of your birth; your birthdays divisible by 5 (e.g., 5, 10, 15); and [C] the year(s) of your two other personally relevant dates. For each Man of Year include a paragraph of between 20 and 50 words describing why that person was the Man of the Year.

Also on that timeline identify the most important technology introduced in each whole decade of you life (e.g., ages 0-9; 10-19; 20-29; etc.), and include a paragraph of between 20 and 50 words describing why that technology was the most important. *No student may select as the most important technology the computer, the personal computer, or the web.* The student shall forecast two new technologies: the first is for the next full decade of your life yet to be lived and the second is for the last full decade containing your probable death. In a paragraph of between 40 and 100 words for each forecasted technology, describe the inventive impetus and the technology.

⁴ There are many different life calculators. Here is but one from the web:
<http://gosset.wharton.upenn.edu/~foster/mortality/>

NOTE: Poster Sessions: both Wednesday and Thursday

Regardless of graded event, all POSTER SESSIONS have common features. All of these features are incorporated by reference by the use of the phrase "POSTER SESSION".

FIRST, the poster shall contain a minimum of four sheets of 8.5" x 11" paper mounted on a standard poster board (i.e., 22" x 28").

SECOND, the poster as a whole will address one issue, but each sheet shall address a discrete facet of that issue.

THIRD, the first sheet shall identify the one issue in the form a problem and the last sheet shall identify a solution to that problem.

FOURTH, at least one sheet must be devoted exclusively to text and across the other sheets there must be a minimum of two graphs and one photograph.

FIFTH, each photograph and each graph must be accompanied by between 5 and 50 words of text placing it in context; also each photograph and graph must be printed on the sheets rather than mounted on the sheets.

SIXTH, the poster is displayed in a public place with the author present, but in a reactive mode.

SEVENTH, after a period for audience viewing and questions from audience members, the author makes an oral presentation of the poster to the audience.

EIGHTH, on days with multiple Added Event poster presentations, all poster presentations will be displayed for review by class members in RH 214 from 5:30 PM until 6:00 PM; from those posters the instructor will select one or more to be presented to the entire class.

NINTH, if over the range of class meetings a student has more than one POSTER SESSION, then that student's poster will be selected at least once, possibly more often.

G8 REPORT both Wednesday and Thursday

The world economy is controlled, largely, by the Group of Eight, or as it is commonly known: G8. Each member of the G8 has a top ten set of trading partners⁵ as measured by exports, imports, and total trade (i.e., a minimum of 10 and a maximum of 30 trading partners).

The instructor will divide the class members into groups. There will be seven relatively equally sized groups, with each group assigned to a G8 member other than the USA. Students with non-English language skills may elect to petition the instructor to assign that student to an

⁵ For your download, the instructor has placed on BlackBoard an Excel workbook that identifies the top ten trading partners for each member of the G8.

appropriate G8 Group (e.g., speak French and seek Canada or France). Within a G8 Group, each student shall select one trading partner for analysis. Within a G8 Group, no two students shall work on the same trading partner. Only students who are not citizens of the USA may select the USA as their G8 trading partner. Trading partners will be selected by students in reverse alphabetical order of student's last name. But non-USA citizens who choose the USA will choose first and students with a non-English language skill who select a country using that language will choose second, and all other students will choose third.

One class meeting will be "G8 day". On G8 Day each G8 Group will make a PowerPoint presentation to the class on the legal, ethical, and social environment of that G8 member. Within that PowerPoint presentation each student shall author and shall present one slide. Also, on G8 day, each student shall author and present a POSTER SESSION on the legal, ethical, and social environment of the trading relationship between the G8 member and the student's trading partner county.

EXTRA CREDIT

While the Wednesday and the Thursday classes independently selected the same Graded Events (i.e., Timeline and G8 Report) for the core of the course and selected the same percentage weights (with slightly different due dates), the two classes diverged significantly on the issue of Extra Credit. Both classes identified two assignments, each assignment worth 2% of the course grade, with a maximum of 4% of the course grade in Extra Credit, and each assignment graded pass-fail.

The Wednesday class selected Religious Instruction and Musical Collage.

The Thursday class created an assignment of authoring definitions for a "page" of the Unified Vocabulary List, that could be done twice.

Because the Thursday Extra Credit assignment is easier to describe (e.g., a single due date), the Thursday Extra Credit assignment will be listed first.

Thursday EXTRA CREDIT

Thursday Unified Vocabulary List (ULV)

These requirements control the Thursday Extra Credit assignments.

[1] The due date for all Thursday Extra Credit assignments is **April 15**.

[2] ***No later than February 5***, either

[2a] the class as a whole will allocate unique pages to each student, or

[2b] the instructor shall allocate unique pages to those students electing to complete one or electing to complete two Extra Credit assignments.

[3] If [2a] is used, then the class shall present the instructor with a table with the following columns:

[3a] listed alphabetically, each student's name typed twice (e.g., A, A, B, B, C, C, etc.);

[3b] adjacent to the student's name in each line, either the word "NONE" or a unique page numeral;

[3c] each student's signature.

[4] Since the ULV has 39 pages (i.e., page 1 and 40 count as "one" page), and since the Thursday class enrollment is less than 18 students, every Thursday student has the option of earning 4% Extra Credit.

[5] Since an enrolled student can drop after February 5, and/or can unilaterally forfeit the right to complete one or two of the voluntary Extra Credit assignments, and since there probably will be spare pages available, students may "trade" pages with the instructor from the instructor's reservoir of unallocated pages.

Recall the (revised) BlackBoard Announcement concerning Academic Dishonesty and authoring definitions. The student's learning is far greater if the definition is in the student's own words. However, the usefulness of the definition to other students is likely less if the definition is in the student's own words. Copy/paste definitions are academically inferior, but are acceptable, as long as each copy/paste definition has an appropriate bibliographic citation. O'Hara recommends you NOT use copy/paste definitions; but if you do, then focus your efforts on the *Introduction to Legal and Economic Analysis*, the *Natural Capitalism* textbook, and the optional *West's Business Law* textbook. A generalist's dictionary definition does not serve well a jargon user's use of jargon.

Wednesday EXTRA CREDIT

The Wednesday class choose to have students make appointments for Extra Credit due dates, which generated the complex rules at bottom and created the high probability that fewer than 100% of the Wednesday students would be eligible to earn Extra Credit.

Wednesday RELIGIOUS INSTRUCTION

A student working alone prepares one PowerPoint slide with a quote of between 50 and 150 *consecutive* words from a religious text (e.g., *Vedas*) that the student asserts provides guidance on how to conduct business. The student will explain that guidance and place that guidance in three contexts: [a] the source religion, [b] the religious text, and [c] conducting business today. Ideally, but not necessarily, this guidance also will be exemplary of natural law. No two students may use quotes that overlap unless the students have previously proved to the instructor that the students dramatically disagree on [c].

Wednesday MUSICAL COLLAGE

Play a musical piece with words that plays for more than 120 seconds and less than 300 seconds. Simultaneously present a slide show of at least 5 pictures⁶ per 60 seconds of music, with

⁶ "Picture" has two meaning for two different contexts. In the context of the **speed** of presentation, one "picture" means a single PowerPoint slide. That single slide must contain at least one image; but may contain more than one image, either because the single slide is a whole with multiple images or because the slide has multiple sections, with each section containing one or more images. It is permissible to use "blank" transition slides to serve the artistic requirements of the musical collage, however such blank transition slides do not count as "pictures" in either the context of speed or the context of an image. In the context of an **image**, "picture" means: [A] film or digital photograph; [B] 2D artwork; [C] may contain text, and if the text is rendered in sufficiently elaborate fashion,

no more than 1 picture per second of music. PowerPoint set to a timed, automatic transition is one preferred presentation mode.

The music, lyrics, and pictures shall portray a theme from the presenter's life or aspirations.

Prior to the presentation, the presenter shall provide all other students and the instructor with the lyrics of the song in printed format. After the presentation, the presenter shall answer questions from the audience.

In addition to the requirements identified in the *Cafeteria of Graded Events* document (listed above), **these requirements control the Wednesday Extra Credit assignments.**

[1] The due dates, if any, for both Extra Credit assignments are selected by the individual student.

[2] After January 21, a due date is selected on a first-come-first-served basis.

[3] A due date is selected in consultation with the instructor while the instructor is in the classroom.

[4] The first time that the instructor will accept Extra Credit due date selections is at 6:00 PM on Wednesday, January 21.

[5] Due to logistical limitations, a maximum of 4 students may select the same Extra Credit due date. There may be:

4 Religious Instructions on a given due date, OR

4 Musical Collages, OR

any combination that sums to a maximum of 4 assignments.

[6] The earliest due date is January 21 and the latest is April 14, yielding a total of 9 class meetings (i.e., none on February 11, March 3, March 17, nor March 31). Thus, there are a maximum of 36 Extra Credit opportunities. If no one selects January 21 as a due date, then the maximum is 32.

[7] The class enrollment is greater than 16 students, thus it is not feasible that 100% of the students earn 4% Extra Credit on Wednesday.

[8] Late requesters shall forfeit via latches the right to submit Extra Credit assignments.

[9] On January 21, students who prefer a due date in January will select first, then February, then March, and finally April. On January 21, if more than 4 students simultaneously request the same due date, then the presenters for that date will be selected randomly.

[10] On January 21, students attempting to select a single due date for a single Extra Credit assignment shall be guaranteed of obtaining -a- due date, but will not be guaranteed the due date of their first choice. No one will be compelled to select January 21 in order to have -a- due date.

[11] If past experience is a good guide, then 32 due dates should prove adequate for the demand on January 21. However, if the demand for due dates exceeds those available on Wednesdays, then Wednesday students may select a Thursday due date. When selecting a Thursday due date, the initial 6 Wednesday students must select Thursday, March 4; after that, each Thursday shall have a maximum of 1 Wednesday presenter.

then text may be the primary focus of the "image"; but [D] "picture" does **not include** mere Microsoft Word's Word Art output.