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Office Hours: by private appointment,
as well as before class, 5:30 PM Mon. & Wed.
and after class Monday & Wednesday
 (before & after class office hours in classroom)

Legal, Ethical, and Social Environment

Summer 2004

BSAD 8010-301 # 10119 **Monday & Wednesday 6:00 - 9:30 PM RH 214****COURSE DESCRIPTION:**

3 credit hours. "Focus upon law and ethics. Business law, legal processes, and regulation 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: Completion of MBA foundation requirements and BSAD 8060 (BSAD 8060 prior to or concurrent); or admission to the MAcc program. Students with an undergraduate major or a graduate degree in law may not include this course in a plan of study for the MBA degree. Not open to nondegree students.*"

GRADED EVENTS:

A course letter grade of "A" is earned with a total course percentage of 90.0%; an "A-" is earned with 87.0%; a "B+" is earned with 83.0%; a "B" is earned with 80.0%; a "C+" is earned with 73.0%; a "C" is earned with 70.0%; a "D" is earned with 60.0%; and an "F" is earned with less than 60.0%. For graduate classes,
the instructor does not use the course grades of "B-", "C-", "D+", or "D-".

60% EXAMS**10%** Memorization Exam**20%** *Natural Capitalism* Exam**30%** Comprehensive Final Exam**10% BUSINESS CASE ANALYSIS**

Context, Legal, Ethical, Social, and physical Environment pages

30% ESSAY

Student selects and uses 50 items from the Vocabulary List in an essay

EXTRA CREDIT**4%** Chapter Outline: 2% per chapter, one per book**MINUS CREDIT POP QUIZZES**

-?% If **three consecutive** called-upon **students fail to answer** promptly and correctly a question of **previously covered memorization material** (e.g., elements of a contract), then, solely at the **instructor's election**, a **Pop Quiz** over that material may be administered, and it will be graded **Pass = 0.1** and **Fail = -1.0** of the course grade.

TEXTS:

1. Hawken, Lovins, & Lovins. *Natural Capitalism*. 2003.
2. O'Hara. *Introduction to Legal and Economic Analysis*. 2004.

INTRODUCTION:

Prior to the first day of class, all students are expected to have read the following three documents, which are hereby incorporated by reference within this syllabus.

Reasonable Expectations

<http://cba.unomaha.edu/faculty/mohara/web/ReasonableExpectations2.pdf>;

Critical Thinking

<http://cba.unomaha.edu/faculty/mohara/web/CriticalThinking2.pdf>; and

Memorization

<http://cba.unomaha.edu/faculty/mohara/web/MemorizationTechniques2.pdf>.

Because RH 214 is a locked high technology classroom that requires a teacher to unlock it, I will hold public Office Hours prior to class in the classroom, starting at 5:30 PM. Class will have a break of about 15 minutes around 7:30 PM. Class will end at 9:30 PM (including on the first night of class). Public office hours also will be held after class, again in the classroom. See also OFFICE HOURS.

A house built on sand can not long stand. Accordingly, every class will start with the professor's inquiry: "Any questions?". The previously covered material is critical to understanding subsequent material. Each student should make sure that that student personally has obtained actual knowledge and understanding of that prior material. A wise student will understand that all students are ignorant¹ and that ignorance often is shared with respect to fields of ignorance. Thus, if one student has a question, then it is quite likely that most other students have the same question. Daring to talk about the elephant on the sofa is one indicia of leadership.

Lectures assume the student read and thought about the assigned readings prior to attending the lecture. The goal of this course is to develop each student's ability to engage in critical thinking. Mostly, this course is about asking questions. The most important questions are multipart questions, with each part a critical component. Many of the most important questions are embedded in the **Key Slides**. The first exam tests memorization of selected Key Slides. Those Key Slide are hereby incorporated by reference within this syllabus.

<http://cba.unomaha.edu/faculty/mohara/web/LEu4KeySlides.pdf>

OFFICE HOURS:

Office hours are held for private purposes and for public purposes. Public purposes are far more frequent than private purposes. The vast majority of questions from a student are public in nature (*e.g., question about the subject matter, syllabus interpretation*). A few questions are private in nature (*e.g., grades earned, sufficient reason for Make Up Work*).

The fraction of the professor's tasks that includes out of class tutoring is accomplished during public office hours. **Public office hours** are held in the classroom both before and after the class meetings.

Public office hours are held for several logistical reasons. First, the classroom is a locked high technology classroom that the professor must unlock. Second, experience teaches that the professor receives more questions from more students in the pre-class public office hours of one course than the professor ever received from three courses when sitting in his office. Third, every public question is a question that more than one student has (*and typically, nearly all students*

¹ Prior to any reader taking any offense at this statement (which only lacks accuracy for its under inclusiveness), the author strongly suggests that reader finish reading the three documents previously incorporated by reference. *See Introduction.*

have), and by answering those public questions in a public forum, the efficiency of both learning and teaching increased substantially.

At the student's election, private questions may be handled by an appointment for **private office hours** in the professor's office or can be handled discretely outside of or inside the classroom.

Any student with a private question will find the professor to be very flexible in setting up appointments outside of the times of pre-class and post-class office hours as well as for appointments in a location other than the classroom. The professor will first suggest his RH 502 office and will first suggest either 4:30 PM or 5:00 PM on the day of a class meeting as an appointment place and time. However, those are not the only time and place the professor will agree to take appointments, with good cause shown. Since private questions often involve elevated emotions, phone appointments are not recommended, but are feasible.

EMAIL QUESTIONS:

Over the last 6 years, the professor has answered many student questions via email. Recent semesters have had an ordinary workweek for the professor as including at least 10 hours of keyboard time crafting answers to such questions and sending same to -all- enrolled students. The number of email questions per semester started out in the range of 20, but recently the routine semester included in excess of 100 email questions.

Each teaching style offers advantages and disadvantages. At first blush, [a] the asynchronous nature of email Q&A; [b] the ability to provide all students identical answers to common questions via group emails; and [c] the written format (which improved the student's framing of a question as well as created a durable form of the professor's answers) all appeared to offer more and larger advantages than disadvantages. At first blush, email Q&A appeared to be profit maximizing.

Experience, however, teaches that the disadvantages of email Q&A routinely exceeded the advantages both in number and magnitude. It is the collective opinion of students over many semesters that the disadvantages exceed the advantages. *Accordingly, the professor refuses to engage in email Q&A.* The professor will not respond in any way to questions of a public nature (e.g., *question about the subject matter, syllabus interpretation*) either via voice mail or via email. Instead, the professor will insist that all public Q&A move into the classroom, either during public office hours or during class.

However, during summer sessions, the professor understands the press of time requires some adjustments. Accordingly, while most questions of a public nature will be asked during the pre-class or the post-class Office Hours, the professor will accept digital questions, but only will accept those posted in the BlackBoard Discussion Board Forums.

Questions of a confidential nature (e.g., *explanation of grade*) are appropriate for private office hours and private email. However, the instructor's response to those aspects of a confidential request that are public in nature either will be ignored or will receive a reply via a posting by the instructor that is posted to BlackBoard.

When grades are posted or when other ministerial notices are sent, the professor shall do so using BlackBoard's "email to all" feature. So that you may timely recover all notices from UoN, you should set BlackBoard's Personal Information to point towards your preferred email account and then check your BlackBoard email address regularly. *This feature exists because lawyers know that your receipt of notice exists the instant BlackBoard confirms delivery to your email system.*

EXAMS:

There are three exams: a Memorization Exam, a *Natural Capitalism* Exam, and a Comprehensive Final Exam. The Memorization Exam is worth 10% of the course grade and is on **July 7**. The *Natural Capitalism* Exam is worth 20% of the course grade and is on **July 12**. The Comprehensive Final Exam is worth 30% of the course grade and is at the Regent's scheduled final exam time of **August 4**.

Both the Memorization Exam and the *Natural Capitalism* Exam will have 35 questions in the true-false format² and each is graded as if there are 33 questions. The **Memorization Exam** will focus on memorization of the contents of the Key Slides. The ***Natural Capitalism* Exam** will be based, primary upon that textbook, but also reflect the interaction of that textbook, the Key Slides, and the classroom discussion. The **Comprehensive Final Exam** will have a mixture of question types (e.g., T-F, matching, essay). Many questions from both earlier exams will reappear (typically in an altered form) on the Comprehensive Final Exam. The *Introduction to Legal and Economic Analysis* text will be the focal point of the Comprehensive Final Exam, although the interaction of both textbooks, the Key Slides, and the classroom discussions will show up on the Comprehensive Final Exam.

ESSAY:

The Essay is worth 30% of the course grade and is due **July 26**. No later than the end of public Office Hours on **July 14**, the student must submit a typed Essay Approval Document.

The Essay Approval Document (EAD) must be typed on one page, may be single-spaced, and must contain four sections. See *TYPING REQUIREMENTS*. The EAD requests the instructor's written approval of the student's: [a] one-sentence description of the essay topic; [b] suggested 15 vocabulary items directly related to the *Natural Capitalism*; [c] suggested 35 vocabulary items not directly related to the *Natural Capitalism* text (the initial 5 items must be the due process items); and [d] suggested 10 non-duplicate potential substitute vocabulary items from which the instructor may choose to replace any of the other 50 vocabulary items. All vocabulary items must quote from the Vocabulary List that appears as an appendix of the *Introduction to Legal and Economic Analysis* text.

The Essay must be typed double-spaced, and must leave the second page and must not exit the seventh page. See *TYPING REQUIREMENTS*. In the Essay, every use of every vocabulary item approved on the EAD must use a **bold typeface**. The Essay must *not contain any definitions* of the vocabulary items. Instead, the Essay must demonstrate the student author's actual knowledge of that definition via the student author's adroit use of the vocabulary item. The Essay is a thought piece; thus, the expected number of and the desired number of footnotes is zero.

The student's essay may address any topic, subject to instructor's approval of the EAD.

BUSINESS CASE ANALYSIS:

In total, the Business Case Analysis (BCA) is worth 10% of the course grade. The BCA is graded on a truncated scale of 40%, 60%, 80%, and 100%. *The median BCA grade and the mode BCA grade are expected to be a grade of 80%*. A grade of 80% is earned with an

² Be sure to consult Professor O'Hara's web site for copies of old exams. To correctly answer these True-False questions will require the student to poses actual knowledge and to use attentive and thoughtful reading.

objectively detectable merchant's good faith level of performance. The BCA is an exercise to help prepare you for BSAD 8800 and your graduation requirement. The BCA is due **July 28**.

The Context page *may* be typed single-spaced or *may* be typed double-spaced. The Legal, Ethical, Social, and Environment pages **must** be typed double-spaced. Each of these five pages shall use an appropriate header identifying each separate page. *See TYPING REQUIREMENTS*.

The expected number of and the desired number of question marks is zero. *Any sentence used by a student author that poses a question must answer that question cogently.*

MBA students whose initial enrollment is after Spring 2001 must author a Business Case as a graduation requirement. A detailed description³ of this task is distributed in BSAD 8060, also in that course a student selects⁴ the firm to be analyzed. That BSBA 8800 Business Case must analyze a discrete business decision from, at a minimum, the perspective of each of the MBA core courses. This BSBA 8010 BCA is much narrower.

Two of the three requirements for a BCA firm apply to all BSAD 8010 students. Post-Spring 2001 MBA 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 MBA students and non-MBA students need only satisfy [1] and [2].

The detailed instructions below will confine your BSAD 8010 BCA. This should help you. Without such focus, you will find it quite difficult to accomplish your analysis in the available space. Unlike your graduation requirement Business Case you will author in BSBA 8800 (*where you will assume your reader is a generally knowledgeable reader*), for this BSAD 8010 BCA assume your reader is Professor O'Hara. Recall, your task is to prepare the reader (occupying the position of your selected human decision maker) to make a decision.⁵ Therefore, write using the past tense for items that occur just prior to the decision that reader must make.

The BCA assignment in BSAD 8010 has five parts: Context, Legal, Ethical, Social, and physical Environment. Each part is a one-page essay that starts at the top of a new page and starts with a specific paragraph of a single sentence. The Context page reflects research on your firm, but the other four pages are thought pieces.

CONTEXT PAGE The Context page starts with five paragraphs, each paragraph consisting of a single sentence. In sequence, those five paragraphs are:

- [Context] the decision your firm faces and your human decision maker will influence;
- [Legal] a legal cause of action related to your firm's decision;
- [Ethical] an ethical facet *of that* legal cause of action;
- [Social] a social facet *of that* legal cause of action; and
- [Environment] a physical environment facet *of that* legal cause of action.

³ A [out of date?] version of that detailed description is in the Course Materials section of O'Hara's web site. <http://cba.unomaha.edu/faculty/mohara/web/MBACase.pdf>

⁴ Students may make a selection at any time or change a selection at any time using the following web page. <https://cba.unomaha.edu/mba/mbacomp/>
Note that the "Selected Companies" and the "Help" items in the upper left are hyperlinks.

⁵ 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 BSAD 8010BCA the decision may or may not have been made.

None of these five sentences may be in the form of a question. The second through fifth paragraphs on the Context page must appear, in turn, as the first paragraph on the second through fifth pages of the BCA.

Experience teaches that MBA students have the most difficulty framing the [Social] facet and with the [Environment] facet. Make sure, very early in the semester, that you have obtained actual knowledge of what is required.

On the Context page, the sixth paragraph starts with the name of the human decision maker, followed by that human's position within the firm. That human is the human who will influence the firm's decision that triggers the legal cause of action. If that human holds multiple positions within your firm (e.g., CEO and Chair of the Board of Directors), then you must identify only one of those positions (e.g., CEO). The remainder of the sixth paragraph on the shall provide (largely in sequence): [a] the name of your firm, [b] its ticker symbol, [c] the symbol of the largest stock market upon which its SEC registered shares trade, [d] the NAICS code of the decision;⁶ and [e] the NAICS code of you current employment.⁷

Lastly, on the Context page, the seventh and subsequent paragraphs shall provide the reader with whatever other information the author thinks will assist the reader to place the decision in context.

LEGAL PAGE: The first paragraph is the [Legal] sentence above. Focus on a single cause of action and use its legal name (e.g., *breach of contract*). A single cause of action may surface a host of issues: *intensely* prioritize your treatment. Do not use laundry lists (e.g., *contracts have six elements: agreement, consideration, capacity, reality of assent, form, and legal subject matter*); instead focus on a component (e.g., *capacity*) that is critical to the analysis of the human decision maker's influence of your firm's decision.

The **Ethical** facet, the **Social** facet, and the **Environment** facet each **MUST SPRING DIRECTLY FROM** that **legal cause of action**. *Failure to do this is the swiftest path to a grade of 40%*. A wise student would seek to be even narrower. A wise student would make sure the Ethical, the Social, and the Environment facets each spring directly from the same component (e.g., *capacity*) of the legal cause of action.

ETHICAL PAGE: The first paragraph is the [Ethical] sentence above. The second paragraph must: [a] start with the symbol E>M or with the symbol M>E;⁸ and then [b] unambiguously identify your preferred criteria for measuring "ethical" behavior (e.g., *efficiency as ethics, natural law*) as well as its prime components. The third paragraph on the Ethical page must unambiguously identify the human decision maker's ethical concern *and* who else is "participating" in making that human's decision. In paragraph four and subsequent paragraphs, present your ethical analysis from *that* human decision maker's point of view. Focus is especially beneficial for the ethics assignment.

⁶ This may or may not be the same NAICS code (<http://www.census.gov/epcd/www/naics.html>) as used for the firm as a whole (e.g., product extension merger).

⁷ If these two NAICS numbers do not match at least at the four-digit level, then you should ask yourself "Why?".

⁸ E>M = ends justify the means.
M>E = means justify the ends.

SOCIAL PAGE: The first paragraph is the [Social] sentence above. A [Social] facet is external to the firm. The [Social] facet is not "management". However, the [Social] facet often constrains the scope of management discretion. Only if a manager would be considered foolish for attempting to "manage" an issue, is that issue a candidate for being a [Social] facet. Relationships with employees, shareholders, and customers never surface a [Social] facet. A manager is expected to manage those relationships. However, an employee's children, or a shareholder's fellow church members, or a customer's pet might be candidates for a [Social] facet. A [Social] facet actively involves a "person" other than the decision maker.

Typically, business students have the greatest difficulty with framing the [Social] facet because a businessperson's whole training tends to ignore externalities. Accordingly, if you have any doubt about whether your social issue satisfies the requirements for a [Social] facet, then ask during public office hours.

ENVIRONMENT PAGE: The first paragraph is the [Environment] sentence above. The [Environment] facet must address a physical environment issue (e.g., *muda*). Your search will be most fruitful when you search for spillover costs and/or spillover benefits of the [Context] decision and its [Legal] transaction. Social issues are not part of the physical environment: except rarely. You will need prior, written instructor approval to use a social issue as a physical environment issue. You will waste your valuable learning time if you fail to think critically about your [Environment] facet (e.g., merely essay on a change in letterhead as the physical environment issue of a merger).

EXTRA CREDIT CHAPTER OUTLINE:

Each student may earn 2% of the course grade via an Extra Credit Chapter Outline (ECCO). Each student may complete two ECCOs and thus earn a total of 4% extra credit. The ECCOs are graded Pass - Fail. A Pass is earned with an objectively detectable merchant's good faith level of performance. Each student who desires to earn extra credit **must commit in writing** to each ECCO *no earlier* than after break on June 28 and *no later* than the start of break on **July 7**. The first round of ECCO commitments shall be by reverse alphabetical order, and subsequent commitments shall be on a first come first served basis. The ECCOs are due no later than **July 28**.

The *Natural Capitalism* text has 15 chapters and the *Introduction to Legal and Economic Analysis* text has 10 chapters. All chapters from both books shall have approximately equal numbers of commitments. A student committing to complete two ECCOs must select one chapter from each of the two texts. Each ECCO must be two pages long. ECCOs may be single-spaced and must be in outline format. See *TYPING REQUIREMENTS*.

Submission of an ECCO must be made in two forms. First, the student must deliver to the instructor a paper copy. Second, the student must post the student's ECCO to the Digital Drop Box in BlackBoard. Submission has not occurred until both forms of submission have been achieved.

Posting a file infected with a computer virus is one form of academic dishonesty. It is the student's duty to obtain technical help and thus avoid posting a file infected with a computer virus.

MAKE-UP WORK:

Make-up work is strongly discouraged. There are two **prerequisites** for make-up work.

1. 24 hour **prior notice** of your intended absence,⁹ unless for sufficient reason (e.g., *death of an immediate family member*);

AND

2. timely, **written verification** by an impartial third party (e.g., *from the mortician, on letterhead*).

TYPING REQUIREMENTS:

If there is any conflict between these TYPING REQUIREMENTS and the instructions in an assignment, then the assignment instructions are controlling.

DO NOT USE A COVER SHEET, instead **use a left justified, single line header** (e.g., *see top of this page*) on each page identifying, from left to right: [a] the student author, [b] the assignment, [c] and the page of page number [e.g., *Michael J. O'Hara, OPPD, Legal, page 2 of 5*]. Grammar, punctuation, and spelling do influence your grade. All of your typed assignments shall use a **#12 font Tahoma**¹⁰ typeface, shall use one-inch margins on all four sides of a page, and shall be typed on 8 1/2" x 11" white paper. Assignments with multiple sheets of paper **must be stapled** together in the upper left hand corner. Some assignment must be typed double-spaced, other may be typed single-spaced: check the assignment instructions. However, all footnotes (e.g., bibliographic citations) must use #12 font Times Roman typeface and be typed single-spaced. The expected number of and the desired number of footnotes is zero. *Endnotes are prohibited.*

EACH FAILURE to comply with the typing requirements (e.g., *incorrect header or not using a staple*) **will cause an AUTOMATIC LOSS OF 5% from your earned assignment grade.** If you merely open an MS Word document in its default setting, then you will violate these rules in *at least two* ways.

You have been charged a \$5 *per credit hour* technology fee for the ENRON Computer Lab in RH 403 and the campus computing rooms in EAB 009; MBSC 1st Floor, Elmwood Room; DSC 104; and PKI 158 all of which have word processing and PowerPoint software and provide computer support for you. You also have paid for a UNO Lotus Notes email account.¹¹ CBA will, *upon your timely request*, give you a print card for use in the ENRON lab and worth \$5. Black and white copies are less than a nickel a page, but color copies much more expensive.

ACADEMIC DISHONESTY:

Any form of academic dishonesty (e.g., *plagiarism*) may earn a course grade of "F."

⁹ Some international students, as a condition for entry into the USA, are required to purchase return flight airline tickets with extreme limits on the return flight dates. A student must present such a ticket to the professor prior to the end of the second class meeting (i.e., **June 30**) and discuss with the professor any flight restrictions, or such flight restrictions can not be sufficient reason for Make Up Work. This footnote does not imply that all such flight restrictions are sufficient reason.

¹⁰ Mac users may use #12 font Geneva typeface.

¹¹ See, <http://mail.unomaha.edu> where you use your first and last name as your username and your social security number as your password. UNO sends all official notices to this email account. See also http://myuno.unomaha.edu/webapps/portal/frameset.jsp?tab_id= 9_1

MONDAY & WEDNESDAY		
<u>DATE</u>	<u>Nat. Cap. &/or IL&EA Chapters</u>	<u>Due Dates</u>
	drop dates¹²	
	100% June 30 by 11:59 PM on EBRUNO	
	75% July 4 (??) by 4:29 PM in person	
	50% July 11 by 4:29 PM in person	
	25% July 18 by 4:29 PM in person	
	July 23 last day to drop	
June 28	<i>Natural Capitalism</i> Chapters 1 - 5 (110 p)	
June 30	<i>Natural Capitalism</i> Chapters 6 - 11 (123 p)	
July 5	<i>no class: July 4th Independence Day holiday</i>	
July 7	6:00 - 8:00 <i>Natural Capitalism</i> Chapters 12 - 15 (87 p) ECCO commit 8:00 - 8:30 study break 8:30 - 9:30 Memorization Exam	
July 12	6:00 - 6:30 review 6:30 - 7:30 <i>Natural Capitalism Exam</i> 7:30 - 9:30 <i>Introduction to Legal & Economic Analysis</i> Chapters 1 & 2	
July 14	IL&EA Chapters 1 - 4	EAD due
July 19	IL&EA Chapters 5 & 6	
July 21	IL&EA Chapters 5 - 7	
July 26	IL&EA Chapters 5 - 8	Essay due
July 28	IL&EA Chapters 9 & 10	BCA due ECCO due
August 2	<i>Natural Capitalism</i> Chapters 1 - 15 <i>Introduction to Legal & Economic Analysis</i> Chapters 1 -10	
August 4	6:00 - 7:00 review 7:00 - 9:30 Comprehensive Final Exam	

¹² <http://www.ses.unomaha.edu/cash/refunds.html>