HRMA3358

Hospitality Industry Law
Fall 2006 Syllabus

Catalog Description: Hospitality Industry Law: A study and application of law to the hospitality industry, emphasizing the practical aspects of compliance and liability avoidance from the perspective of hotel management.

HYBRID COURSE

This course is a hybrid course consisting of both in-class and out-of-class components. Half of the course is taught in a traditional classroom setting, while the other half is taught via WebCT Vista. You should expect to spend as much time studying for this course as any other non-hybrid course. The one and one-half hour that we do not meet is allocated to self-study or online activities.

The out-of-class component requires students to self-study with required textbooks; internet articles; on-line discussions; hypotheticals; case studies and assignments. A discussion board will be available for students to discuss cases, hypotheticals, etc. Assignments will be due by Midnight on the Sunday following the Tuesday classroom session.

The on-line component consists of in-class activities that are designed to enhance student understanding of the materials studied outside of class. All readings for the week should be completed prior to the class meeting. A typical class will include a brief lecture/discussion on key portions of the law, followed by either individual or group activities designed to solidify the concepts studied outside of class.

Instructor:

JeAnna Abbott, JD, LLM
713.743-2413

Class email: Use Vista email

External email jabbott@uh.edu

Office Hours

TBA

Class Meeting Time and Location

Tuesdays 1:00-2:30

Room S131
Course Objectives

1. To gain an understanding of the nature of law and how it is created and enforced.
2. To gain an understanding of the various legal areas, such as real property, torts and contracts, and how they can impact hotel operations.
3. To develop a working knowledge of key federal, state and other laws that directly impact hotel operations.
4. To learn critical analytical skills that allow the student to identify when a situation in a hotel environment could raise potential legal issues.
5. To identify courses of action that can help hotel management to eliminate or reduce potential civil or criminal liability.

Required Texts

Barth, S. Hospitality Law 2d

The book is available on the web at the Culinary and Hospitality Industry Publications Services (C.H.I.P.S.) website, the UH bookstore and amazon.com

Academic Honesty

The University and its students can best function and accomplish their educational goals in an atmosphere of high ethical standards. Each student should become familiar with the Academic Honesty Policy. The policy is contained in the Student Handbook beginning at page 8. All students are expected to adhere fully to it, both as to its letter and its spirit. In fairness to all of the students in the class, academic dishonesty will not be tolerated. You may be tested on content and application of the policy during any class or exam period.

In taking a course by distance, the impetus for learning is upon each student. Certainly collaborative study is encouraged through use of hyper-groups or other methods. Each student, however, is expected to complete and submit his or her own work and not to represent the work of others as one's own.

Assistance for Students with Disabilities

Any student who has an impairment and who may require special arrangements in meeting course requirements should contact the instructor to make necessary accommodations. Any student who requests reasonable and necessary accommodations for this course should contact the instructor as soon as possible, and prior to any exam, deadline or other requirement.

Instructional Methods

Class may be conducted by using a combination of instructional techniques, including lecture, discussion, computer application, case studies, participant exercises, and reports.

Computer Use and Application

Each student enrolled in this course must have a currently active and usable email account assigned by the University, or by another reputable provider. Those who do not already have such
an account may be issued such an account without additional charge by the university, and will be expected to learn how to make effective use of it. It will be each student’s responsibility to gain such knowledge; class time will not be taken for such activity. If you cannot communicate with the instructor and other classmates by email on a daily basis, you may not take this course.

Assignments will be made electronically and submitted electronically, where indicated. Some assignments will be submitted by postal mail, refer to the instruction in your syllabus. Class notes, chat, or outlines may be made available, and discussion groups may be created. The Internet may be used to conduct research, and to gain access to learning materials.

*Electronic submission of assignments is required.*

**Grading Criteria**

Grades for this course will be based upon the following major elements:

<table>
<thead>
<tr>
<th>Component</th>
<th>Weight</th>
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<tbody>
<tr>
<td>Case and Statute Summaries (Computer/Written Assignments)</td>
<td>10</td>
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<tr>
<td>Periodically, students will be requested to review, analyze and summarize legal cases and statutes.</td>
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<td>Class Participation</td>
<td>10</td>
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<td>Position Papers (4 each x 5%)</td>
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<td>500-2500 written discussion on a topic provided by the instructor</td>
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<td>Discussion Moderation</td>
<td>30</td>
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<td>Each student must prepare for and has the responsibility to moderate a discussion session, which will be assigned by the Professor during the first week of class, based on application of the law to a particular set of facts provided by the instructor.</td>
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<td>Several students per week will be expected to act as discussion moderators. Moderators should work as a team.</td>
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<td>Final Examination</td>
<td>30</td>
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<td>An essay examination in-class</td>
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<td>Total Points</td>
<td>100</td>
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**Discussion/Comment/Problem Evaluation Criteria**

The quality of the threaded discussion responses will be evaluated according to the following criteria:

- 25% Spelling, grammar, usage, clarity, flow, meaningfulness (reflects proofreading)
- 25% Analysis, reflection, thoughtfulness
- 25% Provided relevant support for arguments
- 25% Demonstrates command of topical area, reflects reading and study
Grades

A grading schedule has been established for this course, and may be subject to adjustment by the instructor. It is anticipated that the following numerical scores will result in the corresponding letter grade:

- 90-and above A
- 80-89 B
- 70-79 C
- 60-69 D
- 59 and below F

Grade Adjustment, or Curve

The grade structure has been established to encourage and recognize student achievement and expression in several different areas. Each student effort will be graded and recorded separately and independently.

Each student will be responsible for assuring that all class materials and tests are completed in a timely manner. Late penalties will be assessed. If necessary, and only at the end of the semester, all grades may be adjusted or "curved." Your instructor will not "estimate" or project interim grades to be assigned for the semester's work.

Reading Assignments

Weekly reading assignments are generally matched to the planned subject for the week. You should do the reading in advance of class and be prepared to discuss the material.

Required Reading

Course Text, case law, statutes and other materials to be provided online from time to time.

Discussion Moderator

Each group will have an opportunity to lead and moderate online discussions relating to the topic of the week. The reading assignments reflect the text chapters to be covered. Discussion moderators may also suggest or post additional readings for discussion and understanding.

Course Schedule

Class begins on Monday and ends the following Sunday. All submitted materials (assignment, discussions, etc.) are due before midnight Sunday of the week they are assigned, unless otherwise specified. Materials submitted after this time will be considered late and are subject to penalty.
HRMA3358 Semester Calendar

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<thead>
<tr>
<th>Week</th>
<th>Begins</th>
<th>Ends</th>
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<tbody>
<tr>
<td>UH First Day</td>
<td>Aug 21</td>
<td>Aug 27</td>
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<tr>
<td>Week 1</td>
<td>Aug 21</td>
<td>Aug 27</td>
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<td>Week 2</td>
<td>Aug 28</td>
<td>Sep 03</td>
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<td>Week 3</td>
<td>Sep 04</td>
<td>Sep 10</td>
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<td>Week 4</td>
<td>Sep 11</td>
<td>Sep 17</td>
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<td>Week 5</td>
<td>Sep 18</td>
<td>Sep 24</td>
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<td>Week 6</td>
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<td>Oct 01</td>
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<td>Week 7</td>
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<td>Week 8</td>
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<td>Week 9</td>
<td>Oct 23</td>
<td>Oct 29</td>
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<td>Week 10</td>
<td>Oct 30</td>
<td>Nov 05</td>
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<td>Week 11</td>
<td>Nov 06</td>
<td>Nov 12</td>
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<td>Week 12</td>
<td>Nov 13</td>
<td>Nov 19</td>
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<tr>
<td>Week 7 &amp; Week 8</td>
<td>Oct 22</td>
<td>Oct 29</td>
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<tr>
<td>Week 9 &amp; Week 10</td>
<td>Nov 05</td>
<td>Nov 19</td>
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<td>Thanksgiving Break</td>
<td>Dec 02</td>
<td>Dec 14</td>
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<tr>
<td>Finals</td>
<td>Dec 06</td>
<td>Dec 14</td>
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UH Academic Calendar

It is each student’s responsibility to report problems or errors with online submissions immediately to the instructor. Contact information for technical assistance is available on the UH WebCT website.

Check Web CT regularly for announcements, changes, and other matters of interest or importance.
Weekly Assignment

Week 1:

Student and Instructor Bios

Week 2:

Topic: Contemporary Hospitality Law

- What are the sources of Law?
- What is common law?
- Who creates common law?
- What common law applies to me?
- What is statutory law?
- Who creates statutory law?
- What are administrative rules?
- How are administrative rules created?
- How are laws enforced? Private v. public rights of action?
- How do you find and read cases?

REQUIRED READING: Chapter 1 Barth

WEEK 3:

Topic: Legal Procedures: The Civil Court Case.

- Who are the parties of a lawsuit?
- Where can a lawsuit be brought?
- How is a lawsuit initiated?
- What are pretrial procedures?
- Trial.
- Damages and other remedies.
- Appellate rights.

REQUIRED READING: Reading Materials in WebCT

Research Links

- Anatomy of a Lawsuit
- Findlaw.com
- Appealslaw.com
WEEK 4:

Topic: Contracts

What are the elements of a contract?

· Do contracts have to be in writing?
· How are contracts enforced?
· When are contracts unenforceable?
· Practical ways to stay out of contract trouble

REQUIRED READING: Chapter 2 Barth

WEEK 5:

Topic: Torts

What is a tort?

· What is negligence?
· What are duties owed to hotel guests?

REQUIRED READING: Chapter 9, Barth

WEEK 6:

Topic: Legal Entities: Some Basics

What are the advantages of Incorporating?

· What are the types of Corporations?
· Limited Liability Corporations
· C Corporations
· S Corporations
· What is the difference between a general and limited Partnership?
· What is a Joint Venture?
· How are these entities formed?
· What are the advantages and disadvantages of each?

REQUIRED READING: Chapter 3, Barth
WEEKS 7 & 8:

Topic: Hotel €“ Guest Relationship

· Does a hotel have a duty to receive guests?
· What are common law responsibilities?
· What are statutory responsibilities?
· Guest reservations
· Can you legally overbook?
· What is permissible to say or showing in advertising?
· Convention contracts
· Rights of Privacy
· Evictions
· Americans with Disability Act

REQUIRED READING: Chapter 10, 11 Barth

WEEK 9:

Topic: Food And Beverage Services

· Can you be sued for serving bad food?
· What are the standards in a lawsuit over food quality?
· What needs to be disclosed on a menu?
· What laws apply to the sale of alcoholic beverages?
· Why are liquor licenses called “privileged licenses”?
· What liabilities exists for serving alcohol to intoxicated persons?

REQUIRED READING: Chapter 12, Barth

WEEK 10

Topic: Civil Rights in the Hospitality Industry

REQUIRED READING: Additional Reading Materials

WEEKS 11 & 12:

Topic: Employment Law

· What Federal statutes apply?
· What is the Fair Labor Standards Act?
· What constitutes illegal job discrimination?
· How does the Americans with Disability Act impact hotel operations?
· What are your responsibilities to do background checks on prospective employees?
· What are your duties and liabilities in providing references to others on current or past employees?

REQUIRED READING: Chapter 7, 8 Barth

WEEK 13:

Topic: Federal, Local And State Laws Impacting Hotel Operations

· Licensing?
· Fire safety?
· Besides state and local laws, what federal laws apply?
· Public health and safety/Consumer protection laws
· Guest registers
· credit reporting
· credit cards
· posting of rates
· smoking laws
· Taxes OSHA
· Copyright laws regarding movies and music
· Anti-trust laws

REQUIRED READING: Chapter 5, Barth

Several suggestions for electronic research materials are available. You are strongly encouraged to visit a business-oriented library, and to use both electronic and hard copy research resources. A list of Hospitality Industry sources is provided in the course under the Hospitality Industry Links icon.

Submitting Assignments

IMPORTANT!

All assignments must be submitted using WebCT/VISTA submissions tools. It is your responsibility to immediately report any problems with submissions to the instructor. You may also report WebCT/VISTA problems directly to technical support. Please visit the WebCT/VISTA page for information about resolving technical issues.

All attached assignments must be submitted in either Microsoft Word or Microsoft Excel formats.