

American College Dublin

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MIB501 INTERNATIONAL REGULATORY ENVIRONMENT **MBA 501 LEGAL, ETHICAL AND SOCIAL ISSUES IN BUSINESS**

Credits:	6 ECTS/ 3 MSCHE
Credit level:	Stage award
Prerequisite:	Law module at Level 8 or equivalent.
Mandatory:	Yes
Academic Year:	2020 – 2021
Semester:	1
Lecturer:	Lily Casey

MODULE DESCRIPTION

A study of legal, ethical and social issues in international business as they pertain to national and multinational enterprises, with particular emphasis on regulation, dispute settlement, intellectual property, ethics, social enterprise and corporate social responsibility.

INTENDED LEARNING OUTCOMES

On successful completion of the module the student will have attained the following learning outcomes:

1. A critical awareness of business ethics and social responsibility in a global business environment.
2. An understanding of the legal and ethical considerations that should be considered at the strategic planning stages of business activities.
3. A systematic understanding of the international regulatory environment in which the multinational enterprise operates.
4. The ability to appraise the evolving international regulatory environment in order to update corporate policies.
5. The ability to self-evaluate and take responsibility for continuing academic/professional development throughout the course of the module.
6. The ability to comprehend and critically analyse legal concepts and decisions.

TEACHING & LEARNING METHODOLOGY

Teaching will consist of weekly lectures on key theories, followed by robust discussion of pertinent legal decisions and relevant articles.

Learning will consist of weekly reading of pertinent chapters, articles and case studies prior to lectures and active class participation. The module places considerable emphasis on self-directed learning and independent critical thought; students are required to take responsibility for initiating research and developing strategies for the analysis of problems.

MODULE REQUIREMENTS

Learning outcomes map

Learning Outcomes	Content	Delivery	Assessment
1.	All sections	Lectures, readings, class discussion.	Mid-term exam, final exam and participation.
2.	All sections	Lectures, readings, class discussion	Mid-term exam, final exam and participation.
3.	All sections	Lectures, readings, class discussion	Mid-term exam, final exam and participation.
4.	All sections	Lectures, readings and class discussion.	Mid-term exam, final exam and participation.
5.	All sections	Lectures, readings and class discussion.	Mid-term exam, final exam and participation.
6.	All sections	Lectures, readings and class discussion.	Mid-term exam, final exam and participation.

MODULE OUTLINE

WEIGHTING

1. Introduction to International and Comparative Law

15%

- What is international law?
- The making of international law
- Sources of international law
- The scope of international law in actual practice
- Comparison of municipal legal systems

2. Introduction to Business Ethics and Social Responsibility in the International Business Environment

15%

- Ethics
 - What is Business Ethics?
 - Why is it important?
 - Public Policy, Law and Ethics
 - Categories of Ethical Behaviour
 - Resolving Ethical Dilemmas
- Social Issues in Business
 - Social Enterprise
 - Community Involvement
 - Environmental Sustainability
 - Discrimination and Harassment

3. **State Responsibility** **20%**
State responsibility
- Doctrine of imputability
- Nonimputable acts
- Fault and causation
Standard of care
- National standard
- International standard
- Expropriation
- Denial of justice
Objections which states may raise
- Lack of standing
- Lack of nationality
- Lack of a genuine link
- Failure to exhaust remedies
- Laches and Dirty Hands
4. **Dispute Resolution and Arbitration** **20%**
Settlement of disputes through diplomacy
Settlement of disputes in international tribunals
- International Court of Justice
- International Criminal Court
- WTO Dispute settlement procedures
- International Centre for the Settlement of Investment Disputes
Settlement of international disputes in domestic courts
- Jurisdiction in criminal cases
- Jurisdiction in civil cases
Choosing the governing law
Refusal to exercise jurisdiction
5. **Regulation of Multinational Enterprises** **15%**
Strategies for Doing Business Globally
The multinational organisation
- Parent company
- Subordinate company structure
Home state regulation of multinational enterprises
- Unfair Competition law
- Product liability law
Host state regulation of multinational enterprises
- Consent to Jurisdiction
- Common enterprise liability
- Piercing the corporate veil
6. **Intellectual Property** **15%**
Creation of intellectual property rights

Copyright
Patents
Trademarks

READINGS

Main text:

August, R.A. *International Business Law*, (6th ed., Pearson Prentice Hall 2013) or (5th ed., Pearson Prentice Hall, 2009)

Supplementary reading:

Binchy, William, *Irish conflict of law* (2nd ed., Butterworth Ireland, 2006)

Born, Gary, *International Arbitration: Law and Practice* (Walters Kluwer, 2012)

Craig and de Burca, *EU Law: Text, cases and materials* (5th ed., Oxford University Press, 2011)

Nagle, Eva, *Intellectual Property Law*, (Round Hall, 2012)

Poudret, Jean Francois, *Comparative law of international arbitration* (2nd ed., Thomson Sweet & Maxwell, 2007).

Wallace, Rebecca, *International law* (5th ed., Sweet & Maxwell, 2005)

Journals:

International Company & Commercial Law Review (Sweet and Maxwell)

European Journal of International Law

Journal of International Arbitration

ASSESSMENT

The following must be completed satisfactorily by any student undertaking the standard assessment of the course.

Assessment will take the form of:

Participation	20%
Mid-term presentation & report	30%
Final Exam	<u>50%</u>
	100%

Participation:

Each lecture will commence with an overview of the material covered in the previous lecture. Students will be expected to discuss and answer questions on the material. At the end of each lecture, the class will be assigned reading from the textbook to prepare for the next lecture. The following week, students will be called on at random to discuss and answer questions on the material. Students will be assessed on their knowledge of the issues, ability to apply theory, level of analysis and presentation skills.

Mid-term: The mid-term presentation will require students to present on an assigned topic. Students will also be required to furnish a supplemental report (1000 words) on their assigned topic. Students will be assessed on their awareness and understanding of the issues, case study analysis, level of investigation and presentation skills.

Exam: The end of semester examination will be three hours long, with students asked to answer three essay style questions out of a choice of four.

Grading

Each component of the course will be assessed separately. Students will be graded according to the grading system as outlined in the HETAC Marks and Standards 2009, available at:

http://www.hetac.ie/docs/Assessment_and_Standards_2009.pdf (page 23).

ATTENDANCE

Class attendance is necessary for the achievement of intended learning outcomes. In the case of illness it is the student's responsibility to telephone the College office to notify the lecturer (see *Academic Policies and Procedures* in the ACD Catalogue and the QA Manual).

ACADEMIC DISCIPLINE

Refer to the subsection on Academic Discipline in the current ACD Catalogue and the QA Manual.