

University of Denver

From the Selected Works of Corey A Ciocchetti

Spring 2013

The Constitution and Business

Corey A Ciocchetti, *University of Denver*



Available at: https://works.bepress.com/corey_ciocchetti/8/

UNIVERSITY OF DENVER

DANIELS COLLEGE OF BUSINESS

THE CONSTITUTION & BUSINESS SPRING QUARTER – 2013

DANIELS COLLEGE OF BUSINESS UNIVERSITY OF DENVER	
Our Vision	A premier private business college globally recognized as a leader whose educational experiences, outreach, and knowledge creation transforms lives, organizations and communities.
Our Values	Excellence. Ethics. Community. We are committed to the values of excellence and ethics that serve to sustain a rich and dynamic learning community.
Our Mission	Ethical Practice. Thought Leadership. Global Impact. The Daniels College of Business is dedicated to educating ethical business leaders, advancing the theory and practice of business, and making a positive global impact.
Our Goals	<ul style="list-style-type: none"> • Market-relevant programs • Research-driven knowledge creation • Interdisciplinary collaboration • Community of choice • Financial and resource strength • Leading-edge infrastructure • Reputation
To read more: daniels.du.edu/aboutus/missionvisionvalues.html	

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DEPARTMENT The Department of Business Ethics and Legal Studies at the University of Denver (<http://www.daniels.du.edu/BusEthics.aspx>) offers an undergraduate minor in Legal Studies. Professionally relevant courses such as E-Commerce Law & Ethics, International Law, Employment Law & Ethics, The Constitution & Business and Business Ethics & Social Responsibility among others represent the essence of the Legal Studies minor. Please contact me if you find such a course of study appealing.

OFFICE HOURS Thursdays 5:00 – 6:00 pm / also by appointment / Professor C’s remaining office hours are reserved for scheduled student meetings via Professor C’s Google Calendar

COURSE LOGISTICS

Title → LGST 2560 – The Constitution & Business
Section → I / CRN 4862 / Tuesday & Thursday (12:00 - 1:50)
Section → II / CRN 4985 / Tuesday & Thursday (2:00 - 3:50)
Room → DCB _____

**REQUIRED
COURSE
MATERIALS AND
RESOURCES**

1. PRIMARY READING MATERIALS –
 - **This class has no materials to purchase from the DU Bookstore**
 - All readings are from primary sources and available online
2. SCOTUSBLOG.COM – You should become familiar with this blog. All of our reading assignments come from SCOTUSBlog.com
3. SUPPLEMENTAL READINGS – This course may utilize the *Wall Street Journal*, *New York Times*, the *Denver Post*, *USA Today* and other constitutional law resources to supplement our primary reading materials. I will instruct students when such reading is required.
4. BLACKBOARD ASSIGNMENTS – Particular class sessions may contain reading assignments detailed in the course schedule below. I post these assignments on the Blackboard course container for The Constitution and Business (Blackboard) (<http://www.du.edu/blackboard>) under the “Assignments” link.
5. DISCUSSION GROUPS AND RESOURCES – Periodically, I may post discussion forums and additional topic-specific resources on Blackboard to enhance student understanding of the materials.

**PURPOSES AND
GOALS**

The Constitution and Business is an upper-level, advanced workload, undergraduate course encouraging students to focus their attention on the pertinent issues of constitutional law arising in the 21st century business and legal environments in which they live and work. This course also focuses on ethical reasoning and strives to enhance each student’s ability to integrate these perspectives into the academic, business and personal lives. Beyond these overarching goals, the course will encourage students to:

- Acquire the analytical tools necessary to engage in legal and ethical analyses of constitutional problems and decisions;
- Apply basic constitutional frameworks to the communities within which they live;
- Appreciate the distinction between an ethical and a legal judgment and deduce useful methods of integrating such perspectives into everyday life decisions; and
- Attain a knowledge base that will prove invaluable in each individual’s course of study, professional career and personal endeavors.

**INSTRUCTIONAL
PHILOSOPHY
AND PEDAGOGY**

This is an all-oral class! The course is designed to function in a seminar format with the major focus on student-to-student interaction. In addition, course sessions will include elements of lecture, interactive student-to-professor discussions as well as student debates over current public policy and business issues. Class sessions will emphasize topic introductions, theoretical foundations and case and current issue analysis. Students will be encouraged to lead many discussions and to contribute regularly to the learning community. Throughout the quarter, a series of speakers may be invited to discuss pertinent issues arising in the public square. Students are encouraged to engage speakers both during and after each presentation.

Besides a comprehensive oral final examination, students will be required to engage class discussions. Due to the seminar nature of the course, student participation will carry a great deal of weight from a grading perspective. Students have one class period to contest or verify any grade from the date upon which such grade is posted. No exceptions will be made. If interest exists, review sessions may be held prior to the final examination. The professor will determine specific dates for such review sessions and each session is voluntary.

GRADING SCALE

<u>PERCENTAGE RANK</u>	<u>LETTER GRADE</u>	<u>GRADE POINTS</u>
93.0 - 100%	A	4.0
90.0 – 92.99%	A-	3.7
87.0 – 89.99%	B+	3.3
83.0 – 86.99%	B	3.0
80.0 – 82.99%	B-	2.7
77.0 – 79.99%	C+	2.3
73.0 – 76.99%	C	2.0
70.0 – 72.99%	C-	1.7
67.0 – 69.99%	D+	1.3
63.0 – 66.99%	D	1.0
60.0 – 62.99%	D-	0.7
0.0 – 59.99%	F	0.0

Grades will be based on the following distribution and weighting:

**GRADING AND
EVALUATION**

	<u>ENDEAVOR</u>	<u>DATE</u>	<u>WEIGHT</u>
1.	EXAMINATION	June _____, 2013 Professor C's office Examination is oral Ten minutes in length	50%
2.	PARTICIPATION	Based on meaningful & enthusiastic discussion	50%
3.	CASE BRIEFS	Failure to submit ten, one-page briefs immediately before your examination will result in a 50% decrease in your examination score	0%

**COURSE
EVALUATIONS**

Course evaluations will be distributed throughout the quarter. These brief surveys will gauge your feelings pertaining to issues such as course pace and structure, usefulness of source materials and overall satisfaction level. Because this is a course designed to be flexible, I will readily utilize your feedback to enhance the class format, materials and dynamics if necessary.

**MEET WITH
PROFESSOR C!**

Students enrolled in my courses are encouraged to meet with me at least once over the course of the quarter. These meetings are designed to allow students one-on-one time with their professor to discuss the course, their resume/cover letter format, their major and/or their future! These meetings are ten-minutes long and must be scheduled on my Google Calendar.

PARTICIPATION

Participation is 50% of your grade! Attendance is, of course, required for all classes. You will be assigned to a different group for each class period. Your group will be assigned a specific reading due before each class. For example, some of you will read the Petitioner's brief, others the Respondent's brief and others the lower court opinion. You will brief the class and I will call on members of your group throughout class for information. Since your team is the only group reading that part of the case, it is crucial for you to read, discuss and be accurate. Otherwise, the class will not be fully prepared on the case for the final examination. The goal is for everyone to contribute something meaningful to the discussion each class period. I will calculate each group's participation for the day at the end of each class. One group will receive 100% for the day -- this will be the most prepared team that offers the most meaningful responses. The other teams will receive lower grades based on their performance as compared to the best team of the day. I will add up these scores at the end of the quarter to determine your final participation grade.

All students are expected to abide by the University of Denver Honor Code. These expectations include the application of academic integrity and honesty in your class participation and assignments. The Honor Code can be viewed in its entirety: <http://www.du.edu/studentlife/studentconduct/index.html>. All members of the University of Denver are expected to uphold the values of Integrity, Respect, and Responsibility. These values embody the standards of conduct for students, faculty, staff, and administrators as members of the University community.

**ACADEMIC
INTEGRITY**

In order to foster an environment of ethical conduct in the University community, all community members are expected to take "constructive action," that is, any effort to discuss or report any behavior contrary to the Honor Code with a neutral party. Failure to do so constitutes a violation of the DU Honor Code. Specifically, plagiarism and cheating constitute academic misconduct and can result in both a grade penalty imposed by the instructor and disciplinary action including suspension or expulsion. As part of their responsibility to uphold the Honor Code, instructors reserve the right to have papers submitted through SafeAssign to check for plagiarism against a database of papers submitted previously at DU, a national database of papers, and the Internet.

**OFFICIAL
COMMUNICATIONS**

The standard method of communicating official information from the Daniels College of Business to its students is through email. Students are provided a DU account using the protocol of `firstname.lastname@du.edu`, but must set up a "preferred" off-campus email address. Emails sent to the DU account will be forwarded to the preferred email account. DU accounts do not store messages. More information at <http://www.du.edu/studentemail/>.

**STUDENTS WITH
DISABILITIES**

A student who qualifies for academic accommodations because of a disability must submit a Faculty Letter to the instructor from the DU Disability Services Program (DSP) in a timely manner, so that the needs of the student can be addressed. Accommodations will not be provided retroactively, e.g., following an exam or after the due date of a project. DSP determines eligibility for accommodations based on documented disabilities. DSP is located in Ruffatto Hall, 1999 E. Evans Ave. (303-871-2278). More information can be found here -- <http://www.du.edu/studentlife/disability/dsp/index.html>.

**PERFORMANCE
ASSESSMENT**

The Daniels College of Business may use assessment tools in this course and other courses for evaluation. Educational Assessment is defined as the systematic collection, interpretation, and use of information about student characteristics, educational environments, learning outcomes and client satisfaction to improve program effectiveness, student performance and professional success.

**AREAS OF
INTER-
DISCIPLINARY
STRENGTH**

In addition to the description of the specific content of this course, all courses in the Daniels College of Business integrate a range of topics that are embedded in our values about learning and contributing to the welfare of the various communities that we all serve. For these reasons, you may see one or more of the following topics discussed in this course: social, environmental, and ethical issues, public policy, corporate governance, community development, leadership, diversity/gender/culture, negotiations, social entrepreneurship, corporate social responsibility, sustainability/triple bottom line, globalization, innovation, and work/life balance.

**EMERGENCY
PROCEDURES &
CONFLICTS OF
INTEREST**

The College places great emphasis on the safety of its students. Please respect emergency instructions, including fire alarms. For more information, please go to <http://www.du.edu/emergency/whattodowhen/index.html>.

The University of Denver requires all employees to avoid real or perceived conflicts of interest.



DANIELS
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INTRODUCTION & HOT TOPICS IN CON LAW

CLASS ONE MARCH 26, 2013

1. INTRODUCTION	BLACKBOARD	READ SYLLABUS
2. HOT TOPICS IN CONSTITUTIONAL LAW	IN CLASS	LECTURE
3. CASE BRIEFING	IN CLASS	LECTURE
4. CASE #1: <u>LOZMAN V. CITY OF RIVIERA BEACH</u>	SCOTUSBLOG	READ CASE

CONSTITUTIONAL HISTORY & TEXT | FEDERALISM: HOW TO MAKE THE SUPREME COURT ANGRY

CLASS TWO MARCH 28, 2013

1. AMERICAN CONSTITUTIONAL HISTORY IS MORE INTERESTING THAN YOU MAY THINK	IN CLASS	LECTURE
2. THE CONSTITUTION OUT LOUD	IN CLASS	READ CONSTITUTION
3. CASE #2: <u>NITRO-LIFT TECHNOLOGIES V. HOWARD</u>	SCOTUSBLOG	READ & BRIEF CASE

ARTICLE I: HEALTH CARE, CONGRESS & COMMERCE

CLASS THREE APRIL 2, 2013

1. ARTICLE I POWERS: COMMERCE & TAXATION	IN CLASS	LECTURE
2. CONSTITUTIONAL TEXT	IN-CLASS	RE-READ ARTICLE I
3. CASE #3: <u>NAT'L. FED. OF IND. BUS. V. SEBELIUS</u>	SCOTUSBLOG	READ ASSIGNED BRIEFS & LISTEN TO ORAL ARGUMENT

CLASS FOUR APRIL 4, 2013

1. IS CONGRESS BROKEN CONSTITUTIONALLY?	IN CLASS	LECTURE
2. CASE #3: <u>NAT'L. FED. OF IND. BUS. V. SEBELIUS</u>	SCOTUSBLOG	READ CASE

ARTICLE II: THE PRESIDENT & IMMIGRATION

CLASS FIVE APRIL 9, 2013

1. ARTICLE II POWERS: FAITHFUL EXECUTION OF LAW	IN CLASS	LECTURE
2. CONSTITUTIONAL TEXT	IN-CLASS	RE-READ ARTICLE II
3. CASE #4: <u>ARIZONA V. UNITED STATES</u>	SCOTUSBLOG	READ ASSIGNED BRIEFS & LISTEN TO ORAL ARGUMENT

CLASS SIX APRIL 11, 2013

1. CASE BRIEFING WORKSHOP	IN CLASS	GROUP PROJECT
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CLASS SEVEN APRIL 16, 2013

1. THE EXECUTIVE AS THE MOST POWERFUL BRANCH	IN CLASS	LECTURE
2. CASE #4: <u>ARIZONA V. UNITED STATES</u>	SCOTUSBLOG	READ CASE

ARTICLE III: JUDGES, CASES & CONTROVERSIES

CLASS EIGHT APRIL 18, 2013

1. ARTICLE III POWERS: LEAST DANGEROUS BRANCH	IN CLASS	LECTURE
2. CONSTITUTIONAL TEXT	IN-CLASS	RE-READ ARTICLE III
3. CASE #5: <u>ALREADY V. NIKE</u>	SCOTUSBLOG	READ ASSIGNED BRIEFS & LISTEN TO ORAL ARGUMENT

CLASS NINE APRIL 23, 2013

1. WAS NIKE TOO SMART BY HALF?	IN CLASS	LECTURE
2. CASE #5: <u>ALREADY V. NIKE</u>	SCOTUSBLOG	READ CASE

**ARTICLE IV:
FULL FAITH & CREDIT ENCOUNTERS SAME SEX MARRIAGE**

**CLASS TEN
APRIL 25, 2013**

1. THE DEFENSE OF MARRIAGE ACT & BUSINESS	IN CLASS	LECTURE
2. CONSTITUTIONAL TEXT	IN-CLASS	RE-READ ARTICLE IV
3. CASE #6: <u>UNITED STATES V. WINDSOR</u>	SCOTUSBLOG	READ THE SECOND CIRCUIT OPINION

**THE FIRST AMENDMENT:
PROTESTING MILITARY FUNERALS**

**CLASS ELEVEN
APRIL 30, 2013**

1. FIRST AMENDMENT: FREEDOM OF SPEECH	IN CLASS	LECTURE
2. CONSTITUTIONAL TEXT	IN-CLASS	RE-READ ALL 27 AMENDMENTS
3. CASE #7: <u>SNYDER V. PHELPS</u>	SCOTUSBLOG	READ ASSIGNED BRIEFS & LISTEN TO ORAL ARGUMENT

**CLASS TWELVE
MAY 2, 2013**

1. RELIGION, PRESS, ASSEMBLY & PETITION	IN CLASS	LECTURE
2. CASE #7: <u>SNYDER V. PHELPS</u>	SCOTUSBLOG	READ CASE

THE SECOND AMENDMENT: YOUR RIGHT TO BEAR ARMS @ HOME

CLASS THIRTEEN MAY 7, 2013

1. GUNS, BUSINESS & CULTURE WARS	IN CLASS	LECTURE
2. CONSTITUTIONAL TEXT	IN-CLASS	RE-READ ALL 27 AMENDMENTS
3. CASE #8: <u>D.C. V. HELLER</u>	SCOTUSBLOG	READ ASSIGNED BRIEFS & LISTEN TO ORAL ARGUMENT

CLASS FOURTEEN MAY 9, 2013

1. THE ORIGINAL INTENT OF THE 2 ND AMENDMENT	IN CLASS	LECTURE
2. CASE #8: <u>D.C. V. HELLER</u>	SCOTUSBLOG	READ CASE

THE FOURTH AMENDMENT: DOG SNIFFS, PROBABLE CAUSE & A RIGHT TO PRIVACY

CLASS FIFTEEN MAY 14, 2013

1. PRIVACY & LAW ENFORCEMENT	IN CLASS	LECTURE
2. CONSTITUTIONAL TEXT	IN-CLASS	RE-READ ALL 27 AMENDMENTS
3. CASE #9: <u>FLORIDA V. HARRIS</u>	SCOTUSBLOG	READ ASSIGNED BRIEFS & LISTEN TO ORAL ARGUMENT

CLASS SIXTEEN MAY 16, 2013

1. REASONABLE EXPECTATIONS OF PRIVACY	IN CLASS	LECTURE
2. CASE #9: <u>FLORIDA V. HARRIS</u>	SCOTUSBLOG	READ CASE

THE FIFTH – EIGHTH AMENDMENTS: EMINENT DOMAIN & CRIMINAL RIGHTS/PUNISHMENT

CLASS SEVENTEEN MAY 12, 2013

1. FIFTH AMENDMENT TAKINGS	IN CLASS	LECTURE
2. CONSTITUTIONAL TEXT	IN-CLASS	RE-READ ALL 27 AMENDMENTS
3. CASE #10: <u>ARKANSAS GAME COMMISSION V. U.S.</u>	SCOTUSBLOG	READ ASSIGNED BRIEFS & LISTEN TO ORAL ARGUMENT

CLASS EIGHTEEN MAY 23, 2013

1. CONSTITUTIONALITY OF THE DEATH PENALTY	IN CLASS	LECTURE
2. CASE #10: <u>ARKANSAS GAME COMMISSION V. U.S.</u>	SCOTUSBLOG	READ CASE

THE 13TH - 15TH, 19TH & 27TH AMENDMENTS: RACE/ETHNICITY/GENDER IN VOTING & EDUCATION

CLASS NINETEEN MAY 28, 2013

1. AFFIRMATIVE ACTION	IN CLASS	LECTURE
2. CONSTITUTIONAL TEXT	IN-CLASS	RE-READ ALL 27 AMENDMENTS
3. CASE #11: <u>FISHER V. UNIVERSITY OF TEXAS</u>	SCOTUSBLOG	READ ASSIGNED BRIEFS & LISTEN TO ORAL ARGUMENT

CLASS TWENTY MAY 30, 2013

1. VOTING	IN CLASS	LECTURE
2. CASE #11: <u>FISHER V. UNIVERSITY OF TEXAS</u>	SCOTUSBLOG	READ CASE

EXAMINATION:
NO ABSENCES OR REQUESTS TO TAKE THE EXAMINATION
EARLY -- DCB POLICY

JUNE _____, 2013

PLEASE NOTE:

1. THE EXAMINATION IS ORAL.
2. EXAMINATIONS WILL TAKE PLACE DURING FINALS WEEK.
3. APPOINTMENTS WILL BE MADE IN CLASS THROUGHOUT THE QUARTER.
4. EXAMINATIONS ARE ONE-ON-ONE AND WILL TAKE PLACE IN PROFESSOR C'S OFFICE.
5. YOU HAVE TEN MINUTES TO ANSWER A SERIES OF QUESTIONS CONCERNING ONE CASE WE STUDIED. PROFESSOR C. WILL PRESENT YOU WITH TWO CASES CHOSEN RANDOMLY FROM THE QUARTER. YOU THEN CHOOSE ONE TO DISCUSS FOR A GRADE.
6. YOU ARE ALLOWED NO NOTES OR REFERENCE MATERIALS DURING THE EXAMINATION. YOU MUST USE YOUR BRAIN ALONE.
7. IMMEDIATELY BEFORE THE EXAMINATION YOU MUST SUBMIT TEN, ONE-PAGE CASE BRIEFS IN HARD COPY. THEY MUST BE YOUR OWN WORK COMPLETELY AND YOU MUST USE MY FORMAT. YOU MAY STUDY THE CASES TOGETHER, BUT YOU MUST DRAFT AND SUBMIT YOUR OWN BRIEFS. FAILURE TO SUBMIT THESE BRIEFS WILL RESULT IN A 50% PENALTY ON THE EXAMINATION.