

THE EMERGENCE OF THE HYBRID DELIVERY APPROACH: UTILIZATION OF A SIX STEP INSTRUCTIONAL MODEL FOR BUSINESS LAW CURRICULUM

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I. INTRODUCTION

A recent pedagogical trend in higher education is the utilization of the hybrid course. The hybrid course is an instructional innovation which combines the conventional learning environment, most commonly referred to as face-to-face course instruction, with the virtual classroom utilizing a course management system to facilitate the communication of information online. The pedagogical rationale behind the creation of the hybrid course is to maximize student learning by utilizing the strengths of both the face-to-face instructional technique and the virtual online classroom. In order to remain competitive in terms of enrollments and retention, academic administrations will be strongly encouraging faculty to employ the hybrid curriculum format. The emergence of the hybrid course is discussed, followed by an explanation of a six step process for the creation and implementation of such a course. At this time given the current higher education landscape, it appears that the hybrid course will continue to be an important model for curriculum delivery.

II. TRADITIONAL EDUCATION MODEL

Historically, the classroom environment in higher education has utilized the traditional style of learning whereby lecture is used as the primary educational technique¹ to achieve the goal of communicating and exchanging information.² This classroom model not only provides a forum for faculty to deliver lectures, but it also facilitates vital and spontaneous interaction between faculty and students.³ As a result, the faculty have an opportunity to focus students' attention and elevate interest in the subject matter.⁴ In addition, it provides an opportunity for the professor to ascertain the effectiveness of the lecture by interpreting the visual feedback from the student. Another benefit of this teaching model is that it increases the level of student commitment, not only towards the course itself, but also to the social connectivity that the classroom setting facilitates.⁵

¹ See Joseph B. Mosca et al., *A Comprehensive Student-Based Analysis of Hybrid Courses: Student Preferences and Design Criteria For Success*, 8 J. BUS. & ECON. RES. 7 (2010). The authors suggest that students are experienced with this type of "direct instruction" because this is the style that is used in the K-12 classroom environment.

² Mike Allen, Edward Marby, Michelle Mattrey, John Bourhis, et al., *Evaluating the Effectiveness of Distance Learning: A Comparison Using Meta-Analysis*, 54 (3) J. COMMUNICATION. 402 (2004).

³ Qiuyun Lin, *Student Views of Hybrid Learning: A One-Year Exploratory Study*, 25 JOURNAL OF COMPUTING IN TEACHER EDUCATION 57 (2008).

⁴ William Colucci & Nicole Koppel, *Impact of the Placement and Quality of Face-To-Face Meetings In a Hybrid Distance Learning Course*, 3 AM. J. BUS. EDUC. 119 (2010).

⁵ *Id.*

III. EMERGENCE OF THE VIRTUAL CLASSROOM AS AN ALTERNATIVE DELIVERY MODALITY

Despite the effectiveness, efficacy, and popularity of the traditional instructional model, certain drawbacks have been acknowledged. One disadvantage is the limitation regarding the quantity of time that is required for a student to attend such a course. Some students are not able to make that commitment due to work obligations, family involvement, or other scheduling conflicts.⁶ Another problem of the face-to-face method arises for those students who live in rural areas that do not have easy accessibility to the course due to the physical location constraints.⁷ Other disadvantages of the face-to-face technique are due to the utilization of lectures as the predominant tool for instruction. Authors of one study suggest that "lectures (despite the prospect that lectures might be both efficient and elegant) are often not an appealing mode of instruction" for students.⁸ This notion is exemplified by recognizing that faculty possess varying degrees of skill, creativity, and enthusiasm for preparing and delivering current, engaging and relevant lectures. Yet another limitation of the traditional method includes facility resources on campus, such as sufficient classroom space and parking.⁹

The recognition of these shortcomings, coupled with major advances in technology, prompted academic institutions to reexamine the traditional learning paradigm and search for new pedagogical techniques that would expand instructional opportunities and possibilities in higher education. The result was an innovative pedagogical structure, which utilizes internet capabilities to produce a virtual classroom¹⁰

The concept of distance education has actually been in existence for many years in the form of correspondence courses, where all communication between faculty and student is accomplished with the use of the postal system.¹¹ These courses were developed to provide educational opportunity for those students who were precluded from attending class due to geographical limitations and time

⁶John (Jack) Johnson, *Reflections On Teaching A Large Enrollment Course Using A Hybrid Format*, 8 TEACHING WITH TECHNOLOGY TODAY (2002).

⁷Jane E. Cole & Jeffrey B. Kritzer, *Strategies For Success: Teaching an Online Course*, 28(4) RURAL SPECIAL EDUC. Q. 36 (2009).

⁸Steven Krawiec, Diane Salter, Edwin J. Kay, *A "Hybrid" Bacteriology Course: The Professor's Design and Expectations; The Students' Performance and Assessment*, 6 MICROBIOLOGY EDUC. 8 (May 2005).

⁹James Carson, Cassandra R. Cole, Kevin Gatzlaff, Patrick F. Maroney, Kathleen A. McCullough, *A Hybrid Course In Risk Management and Insurance*, 13 RISK MGMT. & INS. REV. 303 (Fall 2010).

¹⁰Steven Campbell, Adam Tyma, Randall Rose, Neal Topp, *Communication Students' Perceptions of Hybrid Courses In Higher Education* (2010) (unpublished M.A. Thesis, University of Nebraska at Omaha. Retrieved December 16, 2010, from Dissertations & Theses: Full Text. (Publication No. AAT 1478922).

¹¹Jon Baggaley, *Where Did Distance Education Go Wrong?*, 29 DISTANCE EDUC. 1, 39 (2008).

constraints.¹² The evolutionary development of distance education continued, as online courses were introduced in the 1990's.¹³ Online courses have been described as a form of curriculum delivery where "the learner is geographically separated from the teacher".¹⁴ This geographic separation is often coupled with a time discrepancy, which requires the online course to utilize an asynchronous methodology.¹⁵ Furthermore, in order to communicate and make course materials accessible to the students, online professors typically utilize a course management system, such as Web Ct, Blackboard or Desire2Learn, to create a virtual classroom.¹⁶ Such a tool is password protected and typically includes components such as a discussion board to facilitate interaction, online quizzes and exams, a grade book, a calendar, a content outline, and an assignment drop box.¹⁷ Often, professors will supplement the course content with weekly video messages and voice over power point slides.¹⁸ The use of the virtual classroom requires that students either have or acquire the requisite technology and computer skills.¹⁹

Although this teaching technique has certain advantages for students, faculty, and institutions, the disadvantages are numerous and significant. In contrast to the traditional pedagogical method, online learning requires a higher level of individual motivation and self-directedness on the part of the students due to the increased level of responsibility placed upon them.²⁰ In addition, a comparison of the two formats reveals that students in online courses have less collaborative opportunities and are engaged in more independent learning.²¹ Even though some students prefer this type of format because of its inherent convenience and flexibility,²² it is clear that others prefer, to at least to some degree, face-to-face interactivity both with the professor and other students.²³ Studies have shown that students participating in online courses have higher dropout rates, as compared to the students enrolled in a traditional educational setting.²⁴ According to one report, the

¹² Campbell, *supra* note 10.

¹³ Linda Thor, *The Right Mix*, 81 COMMUNITY COLLEGE JOURNAL 38 (2010).

¹⁴ Mosca, *supra* note 1 at 10.

¹⁵ Maria Victoria Perez Cereijo, *Attitude As Predictor Of Success In Online Training*, 5 INT'L. J. E-LEARNING 623 (2006).

¹⁶ Carson, *supra* note 9.

¹⁷ Pamela F. Paine, *An Outline For Designing A Hybrid First Year Language Course With WebCT*, <http://www.eric.gov/PDFS/ED479812.pdf> (last visited February 2, 2011).

¹⁸ Jane E. Cole & Jeffrey B. Kritzer, *Strategies For Success: Teaching an Online Course*, 28(4) RURAL SPECIAL EDUC. Q. 36 (2009).

¹⁹ Elizabeth Blakesley Lindsay, *The Best of Both Worlds*, 8 ACAD. EXCHANGE Q. (2004).

²⁰ Qiuyun Lin, *Student Views of Hybrid Learning: A One-Year Exploratory Study* 25 JOURNAL OF COMPUTING IN TEACHER EDUCATION 57 (2008).

²¹ Cole, *supra* note 18.

²² Sandra Poirier, *A Hybrid Course Design: The Best of Both Educational Worlds*, 85 TECHNIQUES 28 (2010).

²³ J. Mark Pullen & Charles Snow, *Integrating Synchronous and Asynchronous Internet Distributed Education For Maximum Effectiveness*, 12 EDUC. INFO. TECH. 137 (2007).

²⁴ Randi Priluck, *Web-Assisted Course For Business Education: An Examination Of Two Sections Of Principles Of Marketing*, 26 J. MARKETING EDUC. 161 (2004).

percentage of students who withdrew from an online class as compared to those in a face-to-face class was 10-15 percentage points higher.²⁵ Another study, conducted at Lansing Community College, also found that the students taking the online version of a developmental writing class had a significantly higher dropout rate than those students enrolled in the face-to-face section, thus concluding that the delivery mode for the course was a “strong predictor of retention, with face-to-face students being significantly more likely than online students to finish the course”.²⁶ This is problematic as retention rates at institutions of higher education are continuously being scrutinized.

Research has also indicated the effectiveness of learning in an online course could be compromised as reflected in performance indicators, including lower exam scores and course grades.²⁷ Some studies have reported that online courses may result in lower levels of student satisfaction and learning.²⁸ However, other studies have concluded that when comparing the online course with the face-to-face courses, there does not appear to be any significant difference in the outcomes.²⁹ Online teaching also requires that both faculty and students have a certain level of technological skills in order to be successful.³⁰ The lack of the requisite technology skills could negatively impact both the experience and the outcomes associated with the course. In addition, some faculty are thrust into teaching online, even though the institution lacks the vital training programs and necessary resources for successful implementation and continued maintenance of the course.³¹ However, even though there are a host of disadvantages associated with this pedagogical technique, it continues to have its place in higher education as one of the predominant course delivery approaches. Online course offerings and student enrollments have been continuously growing in recent years, with 6.1 million students enrolled in at least

²⁵ Shanna Smith Jagers, *Online Learning: Does it Help Low-Income and Underprepared students*, at <http://ccrc.tc.columbia.edu> (last visited Jan. 11, 2012).

²⁶ Trudy G. Carpenter, William L. Brown, & Randall C. Hickman, *Influences of Online Delivery on Developmental Writing Outcomes*, 28(1) JOURNAL OF DEVELOPMENTAL EDUCATION 14-16 (2004). The researchers controlled for a variety of student characteristics such as credit load, gender, ethnicity and age.

²⁷ Donna E. Davis, *Best Of Both Worlds: Do Hybrid Courses Have Better Outcomes Than Distance Only Courses In The North Carolina Community College System?* (2007) (unpublished Ed.D. dissertation, North Carolina State University). Retrieved December 16, 2010, from Dissertations & Theses: Full Text.(Publication No. AAT 3279320).

²⁸ Perez Cereijo, *supra* note 15.

²⁹ See A.Frank Mayadas, John Bourne, and Paul Bacsich, *Online Education Today*, 13(2) JOURNAL OF ASYNCHRONOUS LEARNING NETWORKS 51 (2009), Linda Cooper, *Online and Traditional Computer Applications Classes*, 28 TECHNOLOGICAL HORIZONS IN EDUCATION 56 (2001), Julio C. Rivera and Margaret L. Rice, *A Comparison of Student Outcomes & Satisfaction Between Traditional & Web-Based Course Offerings*, 5(3) ONLINE JOURNAL OF DISTANCE AND LEARNING ADMINISTRATION 4 (2002). See also <http://www.nosignificantdifference.org> for several articles supporting this position.

³⁰ Priluck, *supra* note 24.

³¹ Cole, *supra* note 18.

one online course in the fall of 2010.³² This number is expected to increase to 22 million students by 2014.³³ Furthermore, the number of academic institutions of higher education that offer web based courses is increasing as well.³⁴

IV. THE HYBRID COURSE SOLUTION: DESCRIPTION

In recognition of the numerous drawbacks of both the online course delivery modality as well as the conventional lecture format, a new learning paradigm was created offered an innovative alternative. This new instructional method, designated as the hybrid course, combined the strengths of the two delivery modalities to attain the "best of both worlds".³⁵ The hybrid course theoretically incorporates a beneficial component of a face-to-face course, by using lecture as a primary instructional tool. It also provides a forum for interactive dialogue between faculty and student. These features are the major advantages of the traditional format because of their effectiveness and familiarity. In recognizing the significance of face-to-face interaction, one author states that the "student and faculty contact is the most important principle for student motivation, involvement, intellectual growth and commitment, and personal development".³⁶ In a hybrid landscape, the face-to-face component is merged with the virtual classroom, capitalizing on the convenience and flexibility of the online environment.³⁷ The end result is the creation of a "blended" course.³⁸ By combining the two delivery methods, the professor is "using the Web for what it does best and using class time for what it does best".³⁹ According to one author, the student who chooses the hybrid instructional curriculum model will realize a more significant educational experience⁴⁰ The blended, or hybrid course format significantly reduces the amount of time spent in a physical classroom and replaces that reduction of time with online requirements and activities. One particular academic institution defines hybrid pedagogy as "courses in which significant portions of the learning activities have

³² Elaine Allen & Jeff Seaman, *Going the Distance: Online Education in the United States, 2011*, The Sloan Consortium®, available at <http://www.onlinelearningsurvey.com/reports/goingthedistance.pdf> (last visited May 14, 2012).

³³ Campbell, *supra* note 10.

³⁴ James Carson, Cassandra R. Cole, Kevin Gatzlaff, Patrick F. Maroney, Kathleen A. McCullough, *A Hybrid Course In Risk Management and Insurance*, 13 RISK MGMT. & INS. REV. 303 (2010).

³⁵ Minsun Shin & Yoon-Joo Lee, *Changing The Landscape Of Teacher Education Via Online Teaching And Learning* TECHNIQUES 33 (2009). *But see* Mary Jo Jackson & Marilyn M. Hicks, *Student Perceptions Of Hybrid Courses: Measuring And Interpreting Quality*, 84 J. EDUC. BUS. 7 (2008).

³⁶ A. W. Chickering & Z.F. Gamson, "Applying The Seven Principles For Good Practice In Undergraduate Education", 47 NEW DIRECTIONS TEACHING & LEARNING 1, 18 (1999).

³⁷ Carson, *supra* note 35.

³⁸ Bassou El Mansour & Davison M. Mupinga, *Students' Positive And Negative Experiences In Hybrid And Online Classes*, 41 COLLEGE STUDENT JOURNAL 242 (2007).

³⁹ Russell T. Osguthorpe & Charles R. Graham, *Blended Learning Environments: Definitions and Directions*, 4(3) QUARTERLY REVIEW OF DISTANCE EDUCATION 227 (2003).

⁴⁰ Margie Martyn, *The Hybrid Online Model: Good Practice*, 26(1) EDUCAUSE QUARTERLY 22 (2003) <http://net.educause.edu> (last visited May 16, 2012).

been moved online".⁴¹ The exact proportion of each component has not been universally defined, as multiple options have emerged.⁴² For example, one format that exists requires that 50% of the course incorporates face-to-face contact time and the other 50% comprises the online portion. In a course that originally is scheduled to meet two days each week, this is accomplished by meeting face-to-face on one day of the week, while the other day is reserved for online activities.⁴³ Another variation is when each face-to-face session is reduced by 30 minutes and replaced with an online activity.⁴⁴ Other formats have emerged where less than 50% face-to-face time is incorporated.⁴⁵ In contrast, some blended courses have emerged where there is more than 50% face-to-face time.⁴⁶ Typically, the amount devoted to each component is defined by the institution or professor, and furthermore, some institutions permit flexibility in the schedule throughout the semester. As some literature indicates, the structural placement of the face-to-face portion throughout the course schedule is pivotal to its success and effectiveness, and should be strategically used at the beginning of the semester.⁴⁷ Even though the precise quantity and placement of each component used varies among hybrid course offerings, collectively the common thread with these courses is the blending of the two features in some capacity.⁴⁸ Each of these schedule variations embodies the broad concept of a hybrid course.⁴⁹

V. THE HYBRID COURSE SOLUTION: PEDAGOGICAL STRENGTHS

There are a multitude of advantages to incorporating the hybrid course for educational institutions for students and faculty alike. Academic institutions have been positively impacted by the implementation of the hybrid delivery format, and

⁴¹ Judy Baker, *What Is A "Hybrid"?*, 81 COMMUNITY COLLEGE JOURNAL 41 (2010).

⁴² Helen C. Wittmann, Faculty Perceptions, Conceptions and Misconceptions, Of Factors Contributing To The Adoption Of Hybrid Education At Independent Institutions Of Higher Education In New York (2006) (unpublished Ed.D. dissertation, Dowling College. Retrieved December 16, 2010, from Dissertations & Theses: Full Text.(Publication No. AAT 3215283).

⁴³ David E. Kumrow, *Evidence-Based Strategies Of Graduate Students To Achieve Success In A Hybrid Web-Based Course*, 46 J. NURSING EDUC. 140 (2007); Colucci, *supra* note 4; Mosca, *supra* note 1.

⁴⁴ Baker, *supra* note 43.

⁴⁵ Gordon Hensley, *Creating A Hybrid College Course: Instructional Design Notes and Recommendations For Beginners*, 1 J. ONLINE LEARNING & TEACHING (2005). The professor only met a limited number of times for his Introduction to Theatre class. *See also* Joyce D. Brotton, *The Evolution of a Hybrid Course*, 10 INQUIRY 14 (Spring 2005). The professor taught English 115 – Technical Writing as the hybrid course. She chose to meet the first and last three weeks of the semester.

⁴⁶ Lorrie Willey & Debra D. Burke, *A Constructionist Approach to Business Ethics: Developing a Student Code of Professional Conduct*, 28 J. LEGAL STUD. EDUC. 1 (Winter/Spring 2011). This particular course was structured in a such a way that the class would meet face-to-face on Mondays and Wednesdays and, in lieu of meeting on Fridays, the professor designated this time for the online portion of the class.

⁴⁷ William Colucci & Nicole Koppel, *Impact of the Placement and Quality of Face-To-Face Meetings In a Hybrid Distance Learning Course*, 3 AM. J. BUS. EDUC. 119 (2010).

⁴⁸ Davis, *supra* note 27.

⁴⁹ Wittmann, *supra* note 44 at 4. The author suggests that there is no "perfect formula" for the quantity of each component of the hybrid format.

have achieved a competitive edge.⁵⁰ One major advantage that has emerged as a result of adopting the hybrid course is an increase in enrollments.⁵¹ Another benefit of the hybrid format is that it provides a solution, in part, to the demands placed on the campus facilities. Because the hybrid course typically reduces the amount of time that the students actually meet on campus, classroom availability is increased and there is less demand for parking space.⁵² Research examining the efficacy of the hybrid course reveals additional benefit to the hybrid format. One study measured the educational outcomes in regard to a social work administration course.⁵³ The author concluded that the effectiveness of the hybrid course was similar to that of the face-to-face course.⁵⁴ Other research has determined that the hybrid mode may be more effective and have “stronger learning outcomes”, as compared to face-to-face instruction.⁵⁵ In recognizing these key advantages, many educational institutions have aggressively integrated the hybrid format into the curriculum offerings.

The hybrid course has also proven to exhibit several benefits for students. This format has been a popular choice for students due to its convenience and time flexibility.⁵⁶ Another noted benefit is increased student satisfaction. From the existing literature, researchers suggest that students appear to be generally satisfied with the hybrid format.⁵⁷ In reporting the results of a student survey, one researcher indicated that the students enjoyed the blended course and it was the most preferred format of course delivery.⁵⁸ Similarly, in another study, students reported a higher level of satisfaction with the blended course as compared to the traditional format.⁵⁹ Another benefit of the hybrid course, as one author acknowledged, is that this type of

⁵⁰ Mosca, *supra* note 1.

⁵¹ Poirier, *supra* note 22. See also David E. Kumrow, *Evidence-Based Strategies Of Graduate Students To Achieve Success In A Hybrid Web-Based Course*, 46 J. NURSING EDUC. 140 (2007).

⁵² James Carson, Cassandra R. Cole, Kevin Gatzlaff, Patrick F. Maroney, Kathleen A. McCullough, *A Hybrid Course In Risk Management and Insurance*, 13 RISK MGMT. & INS. REV. 303 (Fall 2010).

⁵³ Reginald O. York, *Comparing Three Modes of Instruction in a Graduate Social Work Program*, 44(2) JOURNAL OF SOCIAL WORK EDUCATION 157 (2008).

⁵⁴ *Id.* The author compared the online course to the other delivery methods and found no significant differences in the outcomes. See also Mike Odell, Jason Abbitt, Doug Amos & John Davis, *Developing Online Courses: A Comparison of Web-based Instruction with Traditional Instruction*, Proceedings of Society for Information Technology & Teacher Education International Conference (1999) <http://www.editlib.org/p/7250> (last visited May 16, 2012).

⁵⁵ Alan Aycocock, Carla Garnham and Robert Kaleta, *Lessons Learned from the Hybrid Course Project*, 8(6) TEACHING WITH TECHNOLOGY TODAY (2002)

<http://www.uwsa.edu/ttt/articles/garnham2.htm>. See also Barbara Means, Yukie Toyama, Robert Murphy, Marianne Bakia & Karla Jones (2010, September). *Evaluation of Evidence-Based Practices in Online Learning: A Meta-Analysis and Review of Online Learning Studies*. U.S. Department of Education.

⁵⁶ Carla Garnham & Robert Kaleta, *Introduction to Hybrid Courses*, 8 TEACHING WITH TECH. (2002).

⁵⁷ Avi Carmel & Stuart S. Gold, *The Effects of Course Delivery Modality on Student Satisfaction and Retention and GPA in On-Site vs. Hybrid Courses*, <http://www.eric.ed.gov/PDFS/ED496527.pdf> (last visited January 15, 2011).

⁵⁸ Campbell, *supra* note 10.

⁵⁹ Jean Benoit, M'hammed Abdous, Therese Laferriere, *The Emerging Contribution of Online Resources and Tools to Classroom Learning and Teaching*, <http://www.tact.fse.ulaval.ca/ang/html/partie3.html> (last visited December 21, 2010).

pedagogy gives the students the opportunity for “student empowerment”.⁶⁰ Professors at the University of Wisconsin-Milwaukee conducted research comparing a traditional classroom environment to a hybrid class experience.⁶¹ In recognizing the beneficial outcomes of the hybrid course, one professor stated that the biggest difference was the “heightened level of enthusiasm” of the students.⁶² In another study, a professor reported that the blended format kept the students more engaged in the course because of the “variation in learning formats” implemented in the hybrid delivery.⁶³

Faculty have also described many benefits of teaching a hybrid course. Hybrid courses reduce the actual classroom faculty commitment for a course, allowing additional time to prepare for lectures and engage in research activities.⁶⁴ Another pedagogical strength of the hybrid model is that it “maximizes learning” by incorporating interactive components from “both within and outside the traditional classroom”.⁶⁵ For example, one professor implemented an instructional technique referred to as an “inverted classroom”.⁶⁶ This technique “takes events normally done inside the classroom and allows them to happen outside the classroom”.⁶⁷ The hybrid format provides a mechanism by which faculty can utilize these various innovations. The blended format allows faculty to increase the quality of the actual face-to-face contact time. One author suggests that “too many students are bored with class time, but still need the socialization that comes with it.”⁶⁸ To this end, the hybrid format aims to decrease the boredom, but yet offers the social environment that students prefer.

Further, research indicates that faculty report high levels of satisfaction in using the hybrid curriculum model. For example, one author believes that the hybrid, as compared to the face-to-face structure, leads to increased success as, in her experience,⁶⁹ in a traditional course, students “never quite managed to develop the

⁶⁰ Paine, *supra* note 17.

⁶¹ Carla Garnham & Robert Kaleta, *Introduction to Hybrid Courses*, 8 TEACHING WITH TECH. (2002).

⁶² *Id.*

⁶³ James Carson, Cassandra R. Cole, Kevin Gatzlaff, Patrick F. Maroney, Kathleen A. McCullough, *A Hybrid Course In Risk Management and Insurance*, 13 RISK MGMT. & INS. REV. 303 (Fall 2010).

⁶⁴ *Id.*

⁶⁵ Dana Kay Moore Gray, *Uses and Perceptions of Online Learning Components in Hybrid Courses by Full-time Business Instructors at Comprehensive and Regional Public Universities in Oklahoma* (2008) (unpublished Ph.D. dissertation, Oklahoma State University) Retrieved December 18, 2010, from Dissertations & Theses: Full Text.(Publication No. AAT 3297504); see http://en.wikibooks.org/wiki/Instructional_Technology/Hybrid_Format_Courses (last visited December 21, 2010).

⁶⁶ John (Jack) Johnson, *Reflections On Teaching A Large Enrollment Course Using A Hybrid Format*, 8 TEACHING TECH. TODAY (2002).

⁶⁷ *Id.*

⁶⁸ Wittmann, *supra* note 44.

⁶⁹ Rachel Spilka, *Approximately “Real World” Learning with the Hybrid Model*, 8 TEACHING WITH TECH. (2002); See also Lucille M. Ponte, *The Case of the Unhappy Sports Fan: Embracing Student-*

level of maturity or responsibility or the kind of complex thinking and decision making" skills due to the structure and monitoring done by the professor in a face-to-face classroom.⁷⁰ Another noted benefit is improved attendance in a hybrid course as compared to teaching the class completely face-to-face.⁷¹

VI. THE HYBRID COURSE SOLUTION: CHALLENGES

Along with these articulated benefits, the hybrid course not surprisingly has exhibited a variety of challenges as well. One possible difficulty is the degree of faculty commitment to the course transformation. Some academic institutions have requested that faculty include the hybrid format in their course offerings. It is imperative for the institution to overcome the obstacle of faculty resistance by employing measures to ensure willingness and commitment. Such measures would include providing education and training for faculty. Faculty engaged in teaching hybrid courses seem to agree that the role of the professor is paramount for effective hybrid course implementation and delivery. The level of commitment on the part of the faculty member is crucial to the course's success.⁷²

Another challenge is that faculty must accept that their role in a hybrid course is different as compared to the role that they serve in other course modalities. This type of instructional method is more of a "student-centered" paradigm,⁷³ requiring an increased level of student responsibility.⁷⁴ For some students, this approach, coupled with its additional responsibility, could lead to an unsuccessful experience and outcome. The role of the faculty is to educate the student about the differences between the traditional format and the hybrid and to prepare them for these differences.⁷⁵ The faculty must also convey to the students that they have a greater responsibility for their own learning in a hybrid course.⁷⁶

Centered Learning and Promoting Upper-Level Cognitive Skills Through an Online Dispute Resolution Simulation, 23 J. LEGAL STUD. EDUC. 169, 191 (Summer/Fall 2006).

⁷⁰ *Id.*

⁷¹ Joyce D. Brotton, *The Evolution of a Hybrid Course*, 10 INQUIRY 14 (Spring 2005).

⁷² Steven Krawiec, Diane Salter, Edwin J. Kay, *A "Hybrid" Bacteriology Course: The Professor's Design and Expectations; The Students' Performance and Assessment*, 6 MICROBIOLOGY EDUC. 8 (May 2005); John (Jack) Johnson, *Reflections On Teaching A Large Enrollment Course Using A Hybrid Format*, 8 TEACHING TECH. TODAY (2002).

⁷³ Perez Cereijo, *supra* note 15.

⁷⁴ Lisa Schweitzer & Max Stephenson, *Charting the Challenges and Paradoxes of Constructivism: A View from Professional Education*, 13 TEACHING HIGHER EDUC. 583, 585 (2008).

⁷⁵ Krawiec, *supra* note 77.

⁷⁶ John (Jack) Johnson, *Reflections On Teaching: A Large Enrollment Course Using A Hybrid Format*, 8 TEACHING TECH. TODAY (2002).

VII. A PEDAGOGICAL MODEL FOR A HYBRID COURSE

As a professor of business law for 13 years, I have taught face-to-face courses, online courses, and correspondence courses. Although not required to do so, when presented with an opportunity to create a new type of course using an innovative pedagogical technique, I was more than eager to do so. In the last year, I participated in the conversion of three different face-to-face business law courses to hybrid courses.⁷⁷ Based upon my experiences, I have formulated a pedagogical model which identifies six steps for successful hybrid course design and development. When faced with the challenge of transforming face-to-face courses into hybrid courses, the primary goal was to maximize student learning, including subject mastery. With this in mind, the following instructional model was developed.

STEP 1: STRUCTURE OF THE COURSE

The first step in developing a hybrid course is to conceptualize the structure of the course.⁷⁸ Although the examples in this paper refer to undergraduate courses, the format could be adapted for graduate level courses, where increased independence, higher order thinking, and corresponding performance levels would be required. One technique that could be used to begin structuring the course is the use of a diagram.⁷⁹ Diagramming discloses the key components of the course in the appropriate sequence.⁸⁰ Consequently, the scope of the components can be refined and omissions and redundancies can be easily identified.⁸¹ In addition, diagramming can assure effective organization of the course components,⁸² which will be used to systematically create the course schedule. My hybrid courses were scheduled in such a way that we would meet face-to-face for one 75 minute class period each week. In lieu of the second 75 minute class period each week, an online portion of the class was designated on the schedule. At this point, the semester was divided into 16 weeks and the content from my current course syllabus was overlaid on the new course schedule. (Refer to Appendix A, there is an example of a diagram for Legal Environment of Business that identifies the topics included for each week.) For example, the content for week 12 has been converted from face-to-face instruction to a hybrid format for the corresponding week. Thus, chapters 14 and 15, both examining defenses for contract law, thus become the assigned topics.

⁷⁷ The three business courses that I converted into hybrid courses were Legal Environment of Business, Business Law, and Employment Law and Policy.

⁷⁸ Robert M. Diamond, *Designing and Assessing Courses and Curricula: A Practical Guide* (3rd ed. 2008).

⁷⁹ *Id.* The author provides an example using a flow chart to demonstrate the specific components of the course.

⁸⁰ *Id.* By utilizing this technique, the designer will expedite the process.

⁸¹ *Id.*

⁸² Ralph W. Tyler, *Basic Principles of Curriculum and Instruction*, (The University of Chicago Press 1969). The author provides a thorough discussion on the criteria for effective organization.

STEP 2: LECTURE SELECTION

Step two in this process involves analyzing and evaluating each lecture that has been prepared and delivered in the face-to-face courses. During this aspect of the schedule development process, my goal was to include comparable material for each week while maintaining the quality of the course. Next appropriate utilization of class time must be determined. My goal is to make more effective use of the lecture component. This is accomplished by identifying the parts of the lecture that are to be incorporate into the class. My criteria for this determination includes(1) the content areas that seem to be more difficult for students to master on their own, (2) topics that students appear to particularly enjoy discussing, and (3) areas that are important in reaching the goals and objectives of the course. For example, during week 12 in the face-to-face class, the lecture included the defenses of mistake, fraud, voluntary consent and the Statute of Frauds. As can be seen in Appendix A, in selecting lectures to accommodate the hybrid schedule, the only lecture chosen was the Statute of Frauds because historically students in my classes had experienced difficulty with this concept. In addition, it was my perception that the students enjoyed this lecture because of the incorporation of South Dakota case law. Developing their knowledge and skills as it pertained to the Statute of Frauds accomplished the course objective (Appendix B) of being able to make decisions within legal parameters. Overall, throughout the process of designating which lectures to include, the result was that some weeks would completely omit lectures on entire chapters and during other weeks, merely chapter highlights were incorporated. Often the most difficult step is creating the lecture section.. There is a temptation to incorporate too much lecture material, as well as a reluctance to omit topics. In order to address this tendency, I looked at this exercise as an opportunity to ensure that every minute of lecture was instrumental in adding value to the course. My goal for each face-to-face meeting was to produce 75 minutes that were effective in maximizing student learning. In order to enhance lectures, fewer in-class activities were included in the face-to-face component.

STEP 3: ONLINE REQUIREMENTS

Step three in the process is to develop the online portion of the course. Each week, the lecture component is delivered first, and then the students engage in the online portion. This is a great opportunity to incorporate diverse learning strategies into the course by implementing active learning course requirements that have been identified as key characteristics of “good teaching practices”.⁸³

Course designers should pay particular attention to the intended results from the tasks and activities.⁸⁴ Curriculum experts Grant Wiggins and Jay McTighe

⁸³ Diamond, *supra* note 83. The author discusses “good teaching practices”.

⁸⁴ Grant Wiggins & Jay McTighe, *Understanding by Design* (2nd ed. 2005).

caution designers about the “twin sins of traditional design”.⁸⁵ They perceive curriculum as weak if the activities lack purpose.⁸⁶ More specifically, if the activities are “hands-on without being minds-on” the resulting experience lacks educational value.⁸⁷ The second sin that can be prevalent in a course activity is referred to as coverage.⁸⁸ According to the authors, coverage is the technique of requiring students to cover as much factual information during the time allotted, but with “no guiding intellectual purpose or clear priority”.⁸⁹ In order to combat the twin sins and ensure that the learning activities throughout the course are purposeful, the authors prescribe a design technique known as “backward design”.⁹⁰

This three-step design approach includes identifying the desired results, defining successful proficiency measures, and creating the specific tasks and learning activities.⁹¹ For example, in my Business Law course, common forms of business organizations are examined.⁹² These include various legal structures running the gamut from a sole proprietorship to a Low-income Limited Liability company, commonly referred to as a L3C. In addition to the lecture component, I employed the “backward design” technique in order to devise a performance task which would complement the lecture. In accomplishing step one, the desired result is to ensure that student acquire the skills to select an organizational structure, locate and obtain the requisite legal forms, and operate the business. In addition, the student must be able to identify a myriad of legal issues and make prudent decisions with respect to registering the corporate name, obtaining licenses, identifying taxation procedures, environmental and zoning issues, business insurance purchases, and obtaining any applicable trademark, patent or copyright protection.

Step two of the process is ascertaining the evidence necessary to demonstrate student proficiency, including documentation which represents the decisions made in the process. If student decisions are logical and prudent, as it relates to their specific business, successful proficiency will have been demonstrated.

Considering the identified results and the evidence of proficiency, step three in the design approach is developing the instructional experiences that will allow students to attain the desired outcomes. The processes and procedures were identified first and then those skills were incorporated into the activity attached as Appendix C. The process includes navigating the website to retrieve certain forms and information regarding business organizations on the Secretary of State’s webpage. The activity includes obtaining documentation regarding the selected

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.* The authors provide a useful design template for each stage of the backward design technique.

⁹¹ *Id.*

⁹² This course is BADM 351: Business Law which is a sequential course to Legal Environment of Business.

organizational forms, the business registration information, and applicable information relating to taxes, zoning, insurance, and intellectual property.

Returning to Appendix A, each week requires student participation in either an online quiz or an assignment. The multiple choice online quizzes are timed and assess the topics assigned for that particular week based on textbook and lecture content. During the weeks that a quiz is not assigned, an assignment is required to be submitted in the online dropbox by the specified due date. In designing the online portion of the class, many of the activities that had been incorporated in the lecture component were moved to the day designated for Desire2Learn (online component) requirements. For example, to supplement the Statute of Frauds lecture, a small group activity is incorporated where students are assigned a case that examines the one-year rule.⁹³ Within each group some students are assigned to represent the plaintiff's position, some students are to argue for the defense, and one student act as the judge and renders a decision in the case. For the hybrid format, during week 12, this activity is assigned to be completed online utilizing a group discussion tool. The major difference between the classroom activity and the online activity is that the professor plays the role of judge and renders a decision in the case for each group. An additional activity that was moved from in-class to on-line is a Statute of Frauds exercise, where students answer questions regarding several hypothetical situations (Appendix D).⁹⁴

Assignment types vary, including activities such as "webquests".⁹⁵ Webquests are defined as "a teaching activity that involves a guided navigation throughout the internet to obtain a specific educational goal through a search procedure".⁹⁶ This pedagogical technique requires that the activity is structured so that the student is not merely searching for information online, but more importantly acquiring the skills to utilize such knowledge.⁹⁷ The objectives of webquests are for the student to understand, summarize, and evaluate the information.⁹⁸ An example of a webquest that I designed (Appendix E) is referenced in week 3 in the course diagram (Appendix A). This activity requires students to go to the website for the

⁹³ *Trovese v. O'Meara*, 493 N.W.2d 221 (S.D. 1992). Employee sued former employer for breach of contract. The parties had a verbal agreement that the plaintiff had one year to "turn the operation around" from the date she started her employment. The court applied the one year rule to the case.

⁹⁴ To create this interactive exercise I received assistance from an instructional designer. I provided him with the content of the activity which included hypotheticals involving the one-year rule. As the student progresses through the exercises, when the student answers the question incorrectly, a screen providing assistance appears.

⁹⁵ Jose Luis Rodriguez Illera & Anna Escofet, *A Learner-Centered Approach With The Student As A Producer of Digital Materials For Hybrid Courses*, 5 (1) INTERNATIONAL JOURNAL OF EDUCATION IN DEVELOPMENT USING INFORMATION AND COMMUNICATION TECHNOLOGY 46 (2009).

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

South Dakota Unified Judicial System.⁹⁹ The student must search for and retrieve certain information regarding small claims court, apply that knowledge to a given hypothetical situation, and evaluate the information so as to solve the given query.

In addition to webquests, another type of online assignment involves a case brief that requires the use of Westlaw.¹⁰⁰ Other activities include engaging in an interactive task on Desire2Learn where students are guided through a series of questions (for an example see previous discussion regarding the one-year rule under the Statute of Frauds),¹⁰¹ apply knowledge by answering designated chapter end questions,¹⁰² and website exploration. For an example of the latter, in an employment law course, one assignment requires the students to go to the U.S. Department of Labor website and explore the available information pertaining to FLSA.¹⁰³ The students are assigned several questions to answer about the information that is provided (Appendix F). A similar assignment requires the student go to the Equal Employment Opportunity Commission's website and retrieve requested statistics about discrimination.¹⁰⁴ Whatever type of learning activity is utilized, it is recommended that the student be an active and engaged participant for optimal results.¹⁰⁵

STEP 4: SITE DESIGN FOR COURSE DELIVERY

The fourth step involves setting up the site design for delivery of the course. The course management tool that our institution utilizes is Desire2Learn. Desire2Learn offers a set template that integrates several different features, as seen below.¹⁰⁶

- ▶ Course Home
- ▶ Content
- ▶ Discuss
- ▶ Dropbox
- ▶ Quizzes

⁹⁹ www.ujs.sd.gov (last visited May 30, 2012).

¹⁰⁰ For example, in week 7 on the diagram in Appendix A, one of the assignments is to have the student go to Westlaw available at the university's website and search for a South Dakota negligence case. Once they retrieve the case they must submit a one page brief.

¹⁰¹ S.D. CODIFIED LAWS §53-8-2 (1985).

¹⁰² For example, in week 10 on the diagram in Appendix A, one component of the D2L assignment requires students to answer questions from the introductory contract chapter. These questions give the students the opportunity to apply the knowledge gained from the lecture component. Such topics include implied contracts, unilateral contracts, quasi contracts, contract enforceability, the objective theory of contracts.

¹⁰³ www.dol.gov (last visited May 30, 2012).

¹⁰⁴ See www.eeoc.gov (last visited January 12, 2011).

¹⁰⁵ Tyler *supra* note 87 at 64. The author specifically states, "Learning takes place through active behavior of the student". This active behavior incorporates interactions and experiences between the student and the external conditions which are present in the environment.

¹⁰⁶ For those who are unfamiliar with the course management system available, I would recommend seeking assistance from an instructional designer on campus.

- ▶ Classlist
- ▶ Grades
- ▶ Checklist

I recommend starting with the content area where an outline is displayed that lists all of the weeks during the semester. When the desired week is selected, a new page emerges that contains all of the requirements for the week. It provides the schedule for the face-to-face meetings and assignments for the online portion, along with the due dates for each assignment. Appendix G illustrates the Desire2Learn content screen and Appendix H specifically focuses on the requirements for week 12.

The grade book, another feature, allows students to see grades for quizzes, assignments and exams, enabling them to calculate their grade at any point during the semester. The discussion board is used primarily for announcements that need to be communicated to the group which can not wait until the next class period, such as class cancellations or current events. The use of a dropbox for assignment submissions serves as an accurate record of times and dates that student work has been turned in. It also allows a professor to provide individual feedback on each assignment submitted.

STEP 5: COURSE OPERATION AND MAINTENANCE

At this point, the course site has been constructed and the schedule fully developed. The fifth step involves the course operation and maintenance. On the first day of the face-to-face class, a detailed explanation and orientation to the hybrid nature of the course is in order. I spend the entire first face-to-face meeting going over course objectives, goals and expectations. This is also my opportunity to instill motivation and commitment in the students. Hybrid courses are a recent delivery offering at my institution. As such, students are not familiar with the structure. It is imperative that the students understand the increased responsibility placed upon them. The orientation also provides an opportunity to clarify, explain, and demonstrate the Desire2Learn tool and the course structure to the students. This orientation period is pivotal to the success of the course and student satisfaction with the course. In addition to conducting a course orientation on the first day of class, ongoing course adjustments are crucial, incorporating continual student feedback which is very beneficial. I consistently ask my students during the semester for input on their views of the hybrid course strategy and ask for suggestions on how to improve it. Feedback is solicited on assignments, quizzes and the utility of lectures.

STEP6: COURSE EVALUATION

The final step in the process is focused on course evaluation. Course evaluation is necessary, because it assesses the effectiveness of the course and provides an opportunity to modify certain areas of the course content that have been

identified as needing revision and enhancement.¹⁰⁷ In implementing this strategy in my course, the students are surveyed about their experiences using the hybrid structure. In my case,, sixty-two students from three courses took the survey. When questioned about their satisfaction level with the course, the overwhelming majority of students indicated that they were highly satisfied, motivated and were eager to take another hybrid course. The surveys indicated that convenience and flexibility were the main reasons for taking such a course. In comparing the hybrid course to the online and face-to-face structure, the students overwhelmingly indicated that they preferred the hybrid and face-to-face deliveries to that of the online course. In ranking the preference for a hybrid course or a face-to-face, the results were equally divided. For Legal Environment of Business, I compared grade distributions earned in the most recently taught face-to-face sections to that of the hybrid counterpart. Utilizing a four point grading scale, the average grade for 115 students for the face-to-face sections was a 2.9565, as compared to the 101 hybrid students whose average grade was 2.9505. Statistical analysis indicated no significant difference between the grades. (See table below)

Group Statistics

Type of Delivery	N	Mean	Std. Deviation	Std. Error Mean
Score Hybrid	101	2.9505	.87608	.08717
Face-to-face	115	2.9565	.95872	.08940

Independent Samples Test

		Levene's Test for Equality of Variances		t-test for Equality of Means						
Score		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
Score	Equal variances assumed	.082	.774	-.048	214	.962	-.00603	.12560	-.25360	.24155
	Equal variances not assumed			-.048	213.653	.962	-.00603	.12487	-.25216	.24010

¹⁰⁷ Tyler *supra* note 87 at 105.

VI. SUMMARY

The technology revolution has modified the traditional education model and redefined instructional opportunities and possibilities in higher education. Most recently, the hybrid course has emerged and has proven to capitalize on the benefits of both the face-to-face and the online course delivery modalities. Although multiple formats now exist, I advocate the hybrid course as a solution for satisfying the needs and demands of students and faculty alike. The model proposed reflects my pedagogical journey and, hopefully, will assist other professors in their own hybrid course ventures.

APPENDIX A: COURSE DIAGRAM FOR LEGAL ENVIRONMENT OF BUSINESS HYBRID

Lecture	Desire2Learn Requirements
Week 1: Orientation	
Course Syllabus, Westlaw Orientation, and Desire2Learn Demonstration	Read Chapter 1: Introduction to Law and Legal Reasoning
Week 2: Chapters 1 and 2	
<u>Chapter 1:</u> Introduction to Law Lecture Components: Sources of Law, Common Law Tradition, Classifications of Law, Reading Case Law <u>Chapter 2:</u> Courts and ADR Lecture Components: Basic Judicial Requirements, State and Federal Court Systems	Watch two videos on D2L - The U.S. Supreme Court - Alternative Dispute Resolution
Week 3: Chapter 3	
<u>Chapter 3:</u> Court Procedures Lecture Components: Procedural Rules, Pretrial Procedures, Trial, The Appeal	Requirements for Assignment #1 <u>Webquest:</u> Require students to go to www.ujs.sd.gov and explore S.D. Supreme Court Justices, S.D. small claims court requirements, S.D. circuit courts <u>Textbook Assignments:</u> Apply knowledge gained from lecture to assigned questions
Week 4: Chapter 4	
<u>Chapter 4:</u> Constitutional Authority to Regulate Business Lecture Components: Bill of Rights, Due Process, Equal Protection	Quiz Requirements for Assignment #2 <u>Textbook Assignments:</u> Apply knowledge gained from lecture to assigned questions

Week 5: Evaluation	
Exam over Chapters 1 - 4	Read Chapter 6: Intentional Torts and Strict Liability
Week 6: Chapter 6	
<u>Chapter 6</u> : Intentional Torts and Strict Liability Lecture Components: Basis of Tort Law, Intentional Torts Against Persons, Business Torts	Quiz
Week 7: Chapter 7	
<u>Chapter 7</u> : Negligence and Strict Liability Lecture Components: Negligence, Defenses, Negligence Doctrines and Statutes, Strict Liability	Requirements for Assignment #3 <u>Group Activity</u> : Each student is assigned a group on D2L. Students must prepare arguments to a products liability case and post on the discussion board. <u>Westlaw Activity</u> : Students must retrieve and brief a S.D. negligence case.
Week 8: Chapters 8 and 9	
<u>Chapter 8</u> : Intellectual Property Lecture Component: Trademarks, Copyrights, Patents <u>Chapter 9</u> : Criminal Law Lecture Components: Criminal Law Comparison to Civil Law, Defenses	Quiz Watch Copyright Infringement Video
Week 9: Evaluation	
Exam over Chapters 6 - 9	Read Chapter 10: Contracts
Week 10: Chapters 10 and 11	
<u>Chapter 10</u> : Contracts-Terminology Lecture Components: Elements, Types <u>Chapter 11</u> : Agreement Lecture Components: Requirements for Offer and Acceptance	Requirements <u>Interactive Exercise on D2L</u> : Students engage in an exercise where they must answer several questions regarding the Mirror Image Rule
Week 11: Chapters 12 and 13	
<u>Chapter 12</u> : Consideration Lecture Components: Elements, Agreements that Lack <u>Chapter 13</u> : Capacity and Legality Lecture Components: Minors, Intoxication, Mental Incompetence, Legality	Quiz
Week 12: Chapters 14 and 15	
<u>Chapter 14</u> : Mistake and Fraud Lecture Components: None <u>Chapter 15</u> : Statute of Frauds	Requirements for Assignment #4 <u>Interactive Exercise</u> : Students engage in an exercise where they must answer

Lecture Components: Origins, Types of Contracts	several questions regarding the one-year rule <u>Group Activity:</u> Each student is assigned a group on D2L. Students must prepare the arguments based on case where Statute of Frauds is at issue. Post the arguments on the discussion board.
Week 13: Evaluation	
Exam over Chapters 10 - 15	Thanksgiving Holiday
Week 14: Chapters 19 and 20	
<u>Chapter 19:</u> Sales and Lease Contracts Lecture Components: UCC, Scope, Formation <u>Chapter 20:</u> Title, Risk and Insurable Interest Lecture Components: When Title Passes, Risk of Loss	Requirements for Assignment #5 <u>Internet Activity:</u> Require students to go to www.sd.sos.gov to see the Secretary of State's webpage. Answer questions regarding the UCC. <u>Westlaw Activity:</u> Students must retrieve and brief a case based on the UCC entrustment rule.
Week 15: Chapter 24	
<u>Chapter 24:</u> Function and Creation of Negotiable Instruments Lecture Components: Types, Requirements for Negotiability	Quiz
Week 16: Final Evaluation on D2L	

APPENDIX B
Black Hills State University
Legal Environment of Business and Contracts
BADM 350
Course Syllabus - Hybrid

I. Course:

BADM 350 - Legal Environment of Business and Contracts
 Three (3) semester hours
 Meets on campus on Tuesdays and Desire-2-Learn on Thursdays

II. Instructor:

Office - Meier Hall, Room 304
 Office hours: Monday, Tuesday, Thursday 8:30 – 9:30
 Wednesday ONLINE 8:30 – 9:30

III. Course Description:

This is a study of legal topics as they apply to the business environment. Topics include an introduction to the law, the U.S. Court system, legal process, government regulation, and criminal, tort, and contract issues. This course supports the College of Education's conceptual framework, Preparing Professionals for the 21st Century by presenting to students the knowledge base for the content they will eventually be teaching. Mastery of the content in this course supports Standard One: Knowledge of Content and Pedagogy. This course also partially fulfills content requirements for the 7-12 Business Education Endorsement Program as per ARSD 24:16:08:24. Specifically, this course requires students to demonstrate their knowledge of the following standard: *Standard 3: The program shall require coursework sufficient to constitute a major, with at least 50 percent in upper division coursework, which includes the study of business law, management, marketing, entrepreneurship education, and interrelationships of business functions.* Students demonstrate these competencies through examination questions and a legal research projects.

IV. Course Objectives:

The primary goal of this course is for the student to develop a general understanding of legal issues in a business environment. This general understanding includes:

1. acquiring knowledge of the basic principles of business law, as demonstrated by examination scores;
2. developing skills in order to make decisions within legal parameters, as demonstrated by examination, quiz and assignment scores, and;
3. developing a legal vocabulary as demonstrated by examination, quiz and assignment scores.

V. Textbook:

West's Business Law, Alternate Edition, 12th Ed.

ISBN: 10:1-111-53059-9

By Roger LeRoy Miller and Frank B. Cross

Study Guide to Accompany West's Business Law Alternate Edition, 12th Ed.

By Roger LeRoy Miller and Frank B. Cross

Workbook is highly recommended but not mandatory

VI. Evaluation:

Your grade will be based on the percentage of the total points that the student has earned throughout the course.

four exams	100 points each	400 points
five on-line quizzes	8 points each	40 points
five assignments	10 points each	50 points
TOTAL		490 points

Grades will be based on the following system:

A	=	90 -100%
B	=	80 - 89
C	=	70 - 79
D	=	60 - 69
F	=	59 and below

VIII. Policies:**Assignments**

All assignments that are applicable for each week must be submitted to the dropbox in D2L by the corresponding due date. Any assignments submitted after this time will receive no credit. A response will be returned by the instructor to the student no later than Thursday of the following week. You may find the assignments by clicking on the “content” link on the navigational tool bar. For each week the corresponding assignments are listed. The due dates for the assignments are listed below.

		<i>Due Date</i>
Assignment	1	September 20
Assignment	2	October 11
Assignment	3	November 1
Assignment	4	November 15
Assignment	5	November 29

Quizzes

All quizzes may be located by selecting the “quizzes” link on the navigational tool bar. You may then click on the desired quiz. All of the quizzes have the same format. Each quiz consists of four multiple choice questions worth two points each. The student will have 10 minutes to complete the quiz so plan accordingly. Read the instructions very carefully before you begin and if you have any questions before you begin be sure to ask the instructor. After you submit the answers to the quiz, you should receive your grade immediately.

	<i>Coverage</i>	<i>Availability</i>	<i>Due Date</i>
Quiz 1	Chapter 2	September 6 – 13	September 13
Quiz 2	Chapter 6	September 27 – October 4	October 4
Quiz 3	Chapter 9	October 11 – 18	October 18
Quiz 4	Chapter 13	November 1 – 8	November 8
Quiz 5	Chapter 24	November 29 – December 6	December 6

Exams

The first three exams will be taken in class. The final exam will be taken on D2L. You may access the final exam by going to the quiz link and selecting the exam. The student will have 75 minutes to complete the on-line final exam so please plan accordingly. Read the instructions very carefully before you begin. After you submit your answers for the exam you should receive your grade immediately. If you have any questions please let me know BEFORE you begin your exam.

			<i>Coverage</i>
Exam #1	Taken in class	Tuesday, September 25	Chapter 1: Introduction to Law and Legal Reasoning Chapter 2: Courts and Alternative Dispute Resolution Chapter 3: Court Procedures Chapter 4: Constitutional Authority to Regulate Business

Exam #2	Taken in class	Tuesday, October 23	Chapter 6: Intentional Torts Chapter 7: Negligence and Strict Liability Chapter 8: Intellectual Property and Internet Law Chapter 9: Criminal Law and Cyber Crime
Exam #3	Taken in class	Tuesday, November 20	Chapter 10: Nature and Terminology Chapter 11: Agreement Chapter 12: Consideration Chapter 13: Capacity and Legality Chapter 14: Mistakes, Fraud and Voluntary Consent Chapter 15: The Statute of Frauds
Exam #4	Available on D2L December 6 - 13	Due Date: Thursday, December 13	Chapter 19: The Formation of Sales and Lease Contracts Chapter 20: Title, Risk, and Insurable Interest Chapter 24: The Function and Creation of Negotiable Instruments

Time Zone: Please note that all of the times on D2L reflect the Central Time Zone.

Communication Tools:

On the home page you will find a link for the discussion tool. You may also send the instructor a private message. Once you have selected mail link, click on "compose message", select browse to find the person you want to send your message to, and select send. Be sure to check both communication tools frequently for any important updates regarding the class.

Academic dishonesty will not be tolerated. If you get caught cheating you will, at the discretion of the instructor, receive a reduced or failing grade on that exam or project.

Reasonable accommodations, as arranged through the disabilities coordinator, will be provided for the students with documented disabilities. Contact the BHSU Disabilities Coordinator at 605-642-6099. Further information may be found in the BHSU academic catalog.

The instructor reserves the right to make additions, deletions, and/or corrections to this syllabus.

- 25 Classroom: **Exam #1** over chapters 1, 2, 3, and 4
 27 D2L: read Chapter 6: Intentional Torts and Privacy
- Week 6**
October
- 2 Classroom: Lecture Chapter 6
 4 D2L: **Quiz #2** over chapter 6 due
- Week 7**
- 9 Classroom: Lecture Chapter 7: Negligence and Strict Liability
 11 D2L: **Assignment #2** due
Requirements:
1. Each student has been assigned a group for the Products Liability lawsuit. The facts of the case can be found by selecting the link under week 7. Debate each topic listed. Each student must actively participate in the debate by posting at least five times to the board. Please see the specific requirements listed in the course content.
 2. Go to Westlaw via the library website. Search for a South Dakota negligence lawsuit decided in the last five years. Brief the case according to the standards outlined in appendix A in the textbook. Submit the brief to the dropbox.
- Week 8**
- 16 Classroom: Lecture Chapter 8: Intellectual Property and Internet Law
 Chapter 9: Criminal Law and Review for Exam #2
 18 D2L: **Quiz #3** over chapter 9 due
- Week 9**
- 23 Classroom: **Exam #2** over chapters 6, 7, 8, and 9
 25 D2L: Read Chapter 10: Contracts- Nature and Terminology
- Week 10**
- 30 Classroom: Lecture Chapter 10 and 11
November 1 D2L: **Assignment #3** due
Requirements:
1. Go to the “agreement” link found under week 10 for an interactive exercise.
 2. On page 219 in the textbook you will find “Questions and Case Problems”. Answer questions 1 – 8.
- Week 11**
- 6 Classroom: Lecture Chapter 12: Consideration
 Chapter 13: Capacity and Legality
 8 D2L: **Quiz #4** over chapter 13 due
- Week 12**
- 13 Classroom: Lecture Chapter: 14: Mistakes, Fraud and Voluntary Consent
 Chapter: 15 Statute of Frauds and Review for Exam #3
 15 D2L: **Assignment #4**
Requirements:

1. Go to the “Statute of Frauds” link found under week 12 for an interactive exercise.
2. Go to the “Group Activity: Statute of Frauds Case” link found under week 12 and read the case. Prepare and post your designated argument (either plaintiff or defendant) under the group that you have been assigned to on D2L.

Week 13

20 Classroom: **Exam #3** over chapters 10 - 15

22 **Thanksgiving**

Week 14

27 Classroom: Lecture Chapter 19: The Formation of Sales and Lease Contracts

Chapter 20: Title, Risk, and Insurable Interest

29 D2L: **Assignment #5** due

Requirements:

1. Go to Westlaw via the library website. Search for a case based on the UCC entrustment rule that was decided in the last five years. Brief the case according to the standards outlined in appendix A in the textbook. Submit the brief to the dropbox.
2. Internet Activity: go to www.sd.sos.gov for the Secretary of State webpage. Answer the questions on the activity sheet which can be found on D2L under the week 14 link.

Week 15

4 Classroom: Chapter 24: The Function and Creation of Negotiable Instruments

Review for Final exam

6 D2L: **Quiz #5** over chapter 24 due

Week 16

13 **Final Exam** available on D2L

Chapters 19, 20, and 24

Due **Thursday, December 13**

APPENDIX C

Assignment: Go to www.sd.gov and select “operate a business”. Then select the “start a business” link. Answer the following questions.

1. Download the “New Business Checklist”. Go through each step and make the appropriate decision for your business. In your answer make sure to include the rationale behind your decision.
 - a. Business Formation: Sole proprietorship, partnership, LLP, LLC, C corporation, S corporation, or L3C corporation. (If choosing the L3C, remember that South Dakota law does not recognize form yet). Explain why you made such a selection. What forms will you be required to submit?
 - b. Business Name Registration:
 - * What entities are required by law to be registered?
 - * Where are you required to register?
 - * Select the appropriate business form and complete it.
 - c. Special Licenses, Permits and Registration: Will your business be required to obtain a special license or permit? If so, describe the process.
 - d. Federal Taxes: State the tax implications for your business. If you need to obtain an employer identification number, state the process and locate the required IRS form.
 - e. Employer Responsibilities: State specific rights and responsibilities of employers and employees. Use the checklist for guidance.
 - f. Environmental and Zoning Issues: State any applicable issues.
 - g. Business Insurance: After identifying any liability risks for your business, state the type of insurance you will be purchasing.
 - h. Trademarks, Patents, and Copyrights: Do you have any logos, symbols, or ideas that will need registration? If so state them and what is the procedure for registration?
2. Select the Business/Corporation Search link.

Search for Pamida.

 - a. Which state did Pamida incorporate in?
 - b. Is Pamida a domestic or foreign corporation?
 - c. Locate the most recently filed annual report. List the registered agent.

Search for Roundhouse Restaurant LLC.

 - a. Is this a foreign or domestic corporation?
 - b. When were the articles of organization filed?
 - c. List the registered agent.

APPENDIX D: STATUTE OF FRAUDS INTERACTIVE ACTIVITY ON DESIRE2LEARN

Home

Statute of Frauds: One year rule

Scenario 1

I verbally hire Gavin Degraw to perform at my birthday party on May 19, 2014.
The contract formation date is December 5, 2012.

I agree to pay him \$10,000 for his services. Does this contract have to be in writing in order to be enforceable?

Go! Yes

Go! No

Home

For example, if the student chose the wrong answer (No) this is the feedback generated.

Home

Statute of Frauds: One year rule

Scenario 1 Incorrect

The one year time frame is 12-5-12 to 12-5-13. Because Gavin Degraw will not perform the terms of the contract until 5-19-2014, it is not possible to complete the terms within this one year time frame.

Therefore, this contract is under the Statute of Frauds and needs to be in writing in order to be enforceable.

Go! Next Scenario

Home

APPENDIX E

Webquest

Introduction: Small claims court in an informal court that provides a low cost process for people to sue for relatively small amounts of money. The procedure is fairly informal and simple so the hiring an attorney is not necessary.

Situation: You are the owner of Jack's Cleaning which provides commercial customers with office cleaning services. One such client, National Bank, has employed Jack's Cleaning to render cleaning services twice a week. A service

contract for one-year was agreed upon by both parties. After six months, National Bank terminates the contract. You would like to recover damages of \$6,000 from National Bank due to the breach of contract.

Specific Task: You need to obtain information regarding the South Dakota small claims court to see if this is an available option for the lawsuit. Go to the South Dakota Unified Judicial System website at www.ujis.sd.gov. Select “Court Information” on the navigational tool bar. Then, from the dropdown menu select “Small Claims” to locate the following information:

1. What is the dollar limit, according to SDCL 16-12C-13, for a small claims action?
2. What would be the fee and court costs for this particular lawsuit?
3. How would you commence this lawsuit?
4. Provide a brief overview as to the trial process.
5. If you should win a \$6,000 judgment, how might you enforce collection?

Summarize Findings: Delineate the pros and cons of filing your lawsuit in this court.

Evaluate the Information: Based on the information obtained and the knowledge acquired, state why you would or would not proceed with your lawsuit in small claims court.

APPENDIX F

Fair Labor Standards Act Worksheet: Go to www.DOL.gov

HRM 456: Employment Law

1. Currently, what is the federal minimum wage?
2. Ben is the owner of a clothing store downtown called, the Fit. He employs 6 full time employees and 6 part time employees.
 - a. Is this employer covered under the FLSA?
 - b. One of Ben’s full time employees is Mandy, who is 18 years old. What is the minimum wage that she must be paid under the FLSA?
 - c. Are there any limitations on the hours that Mandy can work according to the FLSA?
3. Lana hires Dani, a 16 year old, to come clean her house every Saturday morning for three hours.
Are there any FLSA’s child restriction laws that Lana should be aware of before she hires Dani?
4. Alice has been Carol and Mike’s housekeeper for several years. Alice actually lives with the family.
Periodically, Alice will be required to work 50 hours a week.
 - a. Does the FLSA require Alice to be paid a minimum wage?
 - b. Does the FLSA require Alice to be paid overtime for those weeks that she works 50 hours?

5. Kim is a new mother who recently returned to work. She requests that her employer allow her to take a 15 minute break in the morning and one in the afternoon to express breast milk. She also is not comfortable pumping in the women's bathroom and would like a more private space to be provided. According to the FLSA, is this covered and if so, what must the employer specifically provide for Kim?
6. List four items that an employer is required to keep records of according to the FLSA.
7. USA Bank hired Josh as a Vice President. Does the FLSA require USA Bank to pay Josh a minimum wage and overtime pay?
8. Tom is a waiter at Ruby Tuesdays restaurant. He is paid an hourly wage of \$2.00/hour and collects an average of \$150 in tips for a six hour shift. Is the employer in compliance with the minimum wage law under the FLSA?
9. Natalie is a hostess for Applebees Restaurant and receives \$20/month in tips. She is paid an hourly wage of \$7.15/hour. She works approximately 100 hours every month. Is the employer in compliance with the FLSA minimum wage laws?
10. Mike recently discovered that his employer, Kmart, failed to pay him overtime for the last three months. How long does Mike have to file a suit against Kmart if they fail to pay him?

APPENDIX G

BADM-350-B001-2012SP Legal Environment of Business-Dana

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APPENDIX H: WEEK 12 LINK ON DESIRE2LEARN

Week 12: Chapter 14 and Chapter 15
Tuesday, November 13 Lecture: Meet in Meier Hall 206 (9:30 – 10:45)
<u>Chapter 14</u> : Mistakes, Fraud, and Voluntary Consent <i>Lecture</i> : Students are responsible for reading this chapter and understanding the specific defenses examined as there will be no lecture on these topics. <u>Chapter 15</u> : Statute of Frauds <i>Lecture</i> : The topics will be <ul style="list-style-type: none"> * Origins of the Statute of Frauds * Types of Contracts that fall within * South Dakota Statute of Frauds * Exceptions <p>Make sure you download the powerpoint slides before you come to class.</p>
Thursday, November 15 Desire2Learn Requirements
Requirements for Assignment #4 : Due date: Thursday, November 15
<u>1. Interactive Activity</u> : Select the Interactive Activity: Statute of Frauds link found under week 12. Proceed through the four scenarios and answer the questions posed for each. If you answer incorrectly I have provided you with

some guidance.

This part of the assignment is worth 4 points.

2. Group Activity: Each student will receive an email in D2L which indicates your group and assigned role in that group (plaintiff or defendant). The email will contain an attachment which contains the rubric for which grading will be based on. Click on the Group Activity link under week 12. The facts of a case, based on the Statute of Frauds, is provided. Prepare your assigned argument and post it on the group discussion board. The student who is assigned to represent the plaintiff will post first, followed by the defendant. This part of the assignment is worth 6 points.