

## HOSPITALITY INDUSTRY LAW A Global Learning Course



**HFT 3603 SECTION \_\_\_\_**  
**FALL 2014**

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### **OBJECTIVES & STUDENT LEARNING OUTCOMES**

This is an introductory course in hotel and restaurant law with an emphasis on risk management and security. The student is introduced to the fundamental laws, rules and regulations applicable to the hospitality industry, both in the U.S. and internationally. The case study approach is used to develop an awareness and understanding of the legal problems confronting the manager and executive in policy and decision making.

#### *Course learning outcomes*

Upon completion of the course, the student will:

- Identify legal issues arising in contracts and through negligence and governmental regulations as occurring in the hospitality industry, both in the U.S. and in other jurisdictions.

- Apply appropriate legal standards for identified legal issues in case studies in the hospitality industry.
- Formulate management plans to anticipate and control legal issues for beneficial resolution.
- Identify hospitality industry standards which vary in state, national and international jurisdictions outside our local area.
- Identify changing hospitality industry standards which may result in changing laws.

### ***Global learning course outcomes***

Upon completion of this course, the student will:

- Be able to identify potential legal problems in international or intercultural hospitality settings and be willing to act preventatively. (Global Engagement)
- Be able to analyze a multinational hospitality law problem from multiple legal and cultural perspectives. (Global Perspective)
- Be able to identify the interaction between a country's laws and the cultural, political, and ethical influences that impact a problem and its resolution. (Global Awareness)

### **COURSE PREREQUISITES**

None.

### **TEXTBOOK -**

#### **HOTEL, RESTAURANT AND TRAVEL LAW**

Seventh Edition, 2007

Norman G. Cournoyer, Anthony G. Marshall and Karen L Morris

Thomson/ Delmar Learning

ISBN#: 1418051918

(In the syllabus this textbook is referred to as "Hotel, Restaurant and Travel Law")

Other required readings will be identified in the course outline and will be available on line and are referred to in the weekly schedule below.

### **Class Participation / Attendance**

Class attendance is mandatory. Attendance and participation in class discussion will count 10% of grade. Excused absences from class and failure to participate in class

discussion must be individually discussed with Instructor, in person or by e-mail. Unexcused absences and/ or failure to participate will result in a lower grade.

### **Make-Up Examinations/Assignments Policies**

Examinations and assignments may be made up only for good cause and with the consent of the Instructor.

**Turnitin.com** Written assignments will be checked on turnitin.com

### **ACTIVE LEARNING STRATEGIES AND GRADING**

The course will engage students through lectures, assigned readings, written homework assignments, preparation of a case brief and mock trials. Students research from sources of law including constitutions, statutes, administrative codes, cases and legal publications. Class discussion is a critical component of the course in learning to recognize and analyze legal issues. The details follow:

- Attendance (10%) – Students are expected to attend all sessions, complete all required readings and participate in class discussions.
- Homework Assignments (30%) - After each class the students are assigned a short (1-2 pages) written assignment requiring an analysis and recommendation on a topic discussed in the class.
- Case Brief (10% each) - Each student is assigned a published case for the semester. The student gives a short oral summary of the issues of the case and outcome during the class when the case's topic is discussed. Also, at the end of the semester, the student submits a case brief on the decision following a standard format.
- Exams (10% each) - Three multiple choice exams are given during the course which seek to test an understanding of the principles behind the materials being taught. Answers are discussed during the same class.
- Mock trial (10%) A current case is selected on an important issue. Teams are created to advocate for each side of the issue and a discussion follows.

**Note: Lateness and unexcused absences will result in a lower grade.**

Numerical grades translate into letter grades in the following standard fashion:

A	100- 94	B	86-84	C	76-74	D	66-64
A-	93-90	B-	83-80	C-	73-70	D-	63-60
B+	89-87	C+	79-77	D+	69-67	F	59 - 0

## LIBRARY SUPPORT

The FIU library provides a number of services to distance learning students. Such as:

- Students can request detailed instructions on how to access library resources.
- One-on-One assistance from the Distance Learning Librarian.

Don't struggle through your library research alone! Help is available. For further information; contact Sarah Hammill, Distance Learning Librarian, via email at [Sarah.Hammill@fiu.edu](mailto:Sarah.Hammill@fiu.edu) or call 305-919-5604.

You can visit the FIU Library at: <http://library.fiu.edu>

## FIU/ HTM POLICIES

The FIU Academic Pledge

As a student of this university:

- *I will be honest in my academic endeavors.*
- *I will not represent someone else's work as my own.*
- *I will not cheat, nor will I aid another's cheating.*

## Intellectual Honesty Statement

Florida International University is a community dedicated to generating and imparting knowledge through excellent teaching and research, the rigorous and respectful exchange of ideas and community service. All students should respect the right of others to have an equitable opportunity to learn and honestly to demonstrate the quality of their learning. Therefore, all students are expected to adhere to a standard of academic conduct, which demonstrates respect for themselves, their fellow students,

and the educational mission of the University. All students are deemed by the University to understand that if they are found responsible for academic misconduct, they will be subject to the Academic Misconduct procedures and sanctions, as outlined in the Student Handbook.

**Misconduct includes:**

**Cheating** — The unauthorized use of books, notes, aids, electronic sources; or assistance from another person with respect to examinations, course assignments, field service reports, class recitations; or the unauthorized possession of examination papers or course materials, whether originally authorized or not.

**Plagiarism** — The use and appropriation of another's work without any indication of the source and the representation of such work as the student's own. Any student who fails to give credit for ideas, expressions or materials taken from another source, including internet sources, is responsible for plagiarism.

**Cell Phones** - Cell phones and beepers are prohibited during class.

DO NOT COPY

## HFT 3603 - HOSPITALITY INDUSTRY LAW IN THE GLOBAL ARENA

Class Schedule – Subject to Change

The following is the class schedule with the appropriate assignments. To benefit the most out of our sessions together, it is imperative for you to complete the assignment *before* we meet. Assignments are listed in the Class Schedule on the day they will be discussed, in other words, the time by which your preparation must have been completed.

### Week 1 – Course Introduction and Syllabus

Sources of law; common law; civil law; civil cases and criminal cases; lawsuits; jurisdiction; venue

#### Read before Class:

Hotel, Restaurant and Travel Law -Chapter 1, Chapter 2

Dr. Vivienne O'Connor, PRACTITIONER'S GUIDE: Common Law and Civil Law Traditions (March\_ 2012 INPROL)

[http://inprol.org/sites/default/files/publications/2012/common\\_law\\_civil\\_law\\_pg\\_final.pdf](http://inprol.org/sites/default/files/publications/2012/common_law_civil_law_pg_final.pdf)

#### Optional readings and references

Hamid Khan, Esq., *Islamic Law Guide* (2013, International Network to Promote the Rule of Law) Available on line: <http://www.inprol.org/publications/islamic-law-guide>

### Week 2 - Contracts– Fundamentals

Contract fundamentals

#### Read before Class:

Hotel, Restaurant and Travel Law Chapter 4

#### Optional readings and references

<http://www.law.cornell.edu/ucc> (Article 2 - Law of Sales)

## Week 3 - Contracts– In the Global Arena

Principles for international commercial contracts; Battle of the Forms Issues; *Lex mercatoria*; forum selection clauses; Precontractual Liability; Negotiation strategies

### Read before Class:

UNIDROIT PRINCIPLES of International Commercial Contracts (2010) Read the following pages: 9-10 (Article 1.2); 18.22 (Article 1.7); 52-53 (Article 2.1.12); 66-73; (Articles 2.1.19 – 2.1.22)

<http://www.unidroit.org/english/principles/contracts/principles2010/integralversionprinciples2010-e.pdf>

### Optional readings and references

*United Nations Convention on Contracts for the International Sale of Goods* (CISG)

[http://www.uncitral.org/uncitral/en/uncitral\\_texts/sale\\_goods/1980CISG.html](http://www.uncitral.org/uncitral/en/uncitral_texts/sale_goods/1980CISG.html)

*Incoterms* 2010 ICC Guide to Incoterms® 2010

Roy Goode (1997). *Usage and its Reception in Transnational Commercial Law*. *International and Comparative Law Quarterly*, 46.

*Carnival Cruise Lines, Inc. v. Shute*, 499 U.S. 585 (1991) (Courts will enforce forum selection clauses so long as the clause is not unreasonably burdensome to the party seeking to escape it.)

## Week 4 – Principles of Negligence

### Read before Class:

Hotel, Restaurant and Travel Law - Chapter 5

Optional readings and references TBA

## Week 5 - Negligence in the Hospitality Industry

### Read before class:

Hotel, Restaurant and Travel Law - Chapter 6

**Optional Readings and References:** TBA

## **Week 6 – Exam and Follow-up Discussion**

## **Week 7 - Civil rights and Anti-Discrimination Issues in Employment, Application of U.S. Law to Overseas Practices**

**Read before class:** Hotel, Restaurant and Travel Law, Chapter 3; Chapter 14

**Optional Readings and References:**

*Spector v. Norwegian Cruise Line Ltd.*, 545 U.S. 119 (2005) (Americans with Disabilities Act (ADA) applies to foreign cruise ships in American waters.)

[http://europa.eu/legislation\\_summaries/other/114157\\_en.htm](http://europa.eu/legislation_summaries/other/114157_en.htm) (Equality and non-discrimination in the EU)

## **Week 8 - Business organizations; Operational Regulations (Federal, state and local); Approaches for Doing Business Overseas – joint ventures and agency relationships;**

**Read before class:**

Hotel, Restaurant and Travel Law Chapter 15; Online Materials

**Optional Readings and References:**

TBA

## **Week 9 - Guests and visitors and their property; Innkeepers' rights; Unique Global Issues**

**Read before class:**

Hotel, Restaurant and Travel Law Chapters 7, 8, 9 and 10.

**Optional Readings and References:**

TBA

## **Week 10 Exam and Follow-up Discussion**



## **Week 11 - Intellectual Property**

Trademarks and unfair competition; International Reach of U.S. Law; TRIPS; Franchising – Domestic and International; Copyrights and Patents; Trade Secrets; Covenants Not to Compete

**Read before class:** Hotel, Restaurant and Travel Law Chapter 15

### **Optional Readings and References:**

THE ICC INTELLECTUAL PROPERTY ROADMAP, Current and emerging issues for business and policymakers (11th Edition 2012 International Chamber of Commerce)

TRIPS – Trade Related Aspects of Intellectual Property Rights  
[http://www.wto.org/english/docs\\_e/legal\\_e/27-trips\\_01\\_e.htm](http://www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm)

## **Week 12 - Food - Responsibilities and Liability**

Liability and the Sale of Food; Transportation of Food; Proposed FDA Rules concerning the Sanitary Transportation of Human and Animal Food and Foreign Supplier Verification Programs for Importers of Food

**Read before class:**  
Hotel, Restaurant and Travel Law, Chapter 11

### **Optional Readings and References:**

<http://www.fda.gov/Food/NewsEvents/ConstituentUpdates/ucm383900.htm>  
(Sanitary Transportation of Human and Animal Food)

<http://www.fda.gov/Food/ResourcesForYou/Industry/ucm366356.htm>  
(Importation of Food, including prior notice for importations)

Other Federal Regulations and Comments - TBA

## **Week 13 - Alcoholic Beverages –**

Prohibitions, Regulations and Liabilities

### **Read before class:**

Hotel, Restaurant and Travel Law, Chapter 12

### **Optional Readings and References:**

TBA

## **Week 14 Other Topics**

Cruise Ships, Casinos, Spas, Theme Parks

### **Read before class:**

Hotel, Restaurant and Travel Law, Chapter 16

### **Optional Readings and References:**

TBA

## **Week 15 - Mock Trial**

Teams present both sides of a topical issue – class discussion follows

### **Optional Readings and References:**

TBA

## **Week 16 - Exam and Follow-up Discussion**