

**CENTRAL TEXAS COLLEGE
SYLLABUS FOR HAMG 1340
HOSPITALITY LEGAL ISSUES**

Semester Hours Credit: 3

INSTRUCTOR: _____

OFFICE HOURS: _____

I. INTRODUCTION

- A. Hospitality managers play a critical role in influencing the legal position of their operations. Every day, decisions are made based on their interpretation of the law. Those decisions may ultimately determine whether lawyers, fees, trials, and potential settlements may become necessary. Therefore, a hospitality manager's greatest need is to understand how they can act in ways to ensure they are managing legally within the hospitality industry.
- B. HAMG 1340 is a required course for an Associate in Applied Science degree in Restaurant and Culinary Management, Hotel Management Specialization, and Food and Beverage Management Specialization. This course is also required for certificates of completion in Restaurant Operations, Property Management and Rooms Division.
- C. Prerequisites: None
- D. Alphanumeric coding used throughout this syllabus denotes integration of the Secretary's Commission on Achieving Necessary Skills (**SCANS**) occupational competencies (**CA, C1, 2, B, etc.**) and foundation skills (**B, C1, 2, FA, etc.**) for this course. The instructor will ensure the designated **SCANS** competencies and skills are addressed in the course. A detailed description of each competency/skill is contained in "A **SCANS** Report for America 2000," Executive Summary, furnished.

II. LEARNING OUTCOMES

Upon successful completion of this course, Hospitality Legal Issues, the student will be able to:

- A. Explain how laws apply to hospitality operators and operations, and why you need to know these laws.
- B. Describe the kinds of foodservice and hotel establishments the law governs.
- C. List and describe the federal agencies regulating the sale of food and beverages, employment practices, and safety.

- D. Identify federal laws that act as models for state laws.
- E. Outline the rights of operators to admit or refuse guest or patrons and their duties to avoid unlawful discrimination.
- F. Define areas of liability created by sales of food and beverage.
- G. Explain potential operator liability caused by unsafe conditions that lead to patron injury, of loss or damage to property.
- H. Explain unique aspects of innkeeper liability caused by unsafe conditions that lead to guest injury, or loss or damage to guest property.
- I. Describe various crimes against foodservice operators committed by invitees (guest or patrons), trespassers, and employees.
- J. Explain the legal rights and duties of employers and employees with regard too civil rights laws, wage and hour laws, employee screening and surveillance, safety requirements, and union-management relations.
- K. Discuss insurance options and requirements.
- L. Define the elements of a contract.
- M. Define various kinds of property and the legal rights and responsibilities created by each.
- N. Describe the basic forms of business organizations in hospitality industry.
- O. Define a franchise and explain its legal significance.
- P. Explain the purpose of bankruptcy.
- Q. Discuss common ways lawyers are paid by clients: by the hour, by the day (per diem), contingent fee or by retainer agreement.
- R. Explain the use of judicial review.
- S. The following **SCANS** competencies and foundation skills will be covered in this course:

- 1. Foundation Skills
 - a. Basic Skills
 - (1) Reading (**FA1**)
 - (2) Listening (**FA2**)
 - b. Thinking Skills
 - (1) How to Learn (**FB1**)
 - c. Personal Qualities
 - (1) Responsibility (**FC1**)
 - (2) Self-Esteem (**FC2**)
 - (3) Sociability (**FC3**)
 - (4) Self-Management (**FC4**)
 - (5) Integrity/Honesty (**FC5**)
- 2. Competencies
 - a. Resources
 - (1) Time (**CA1**)
 - (2) Human Resources (**CA2**)
 - b. Interpersonal Skills
 - (1) Teaches Others (**CB1**)

- (2) Serves Customers (**CB2**)
- (3) Negotiates (**CB3**)
- (4) Works with Diversity (**CB4**)
- c. Information
 - (1) Acquires/Uses (**CC1**)
 - (2) Organizes/Maintains (**CC2**)
 - (3) Interprets/Communicates (**CC3**)
- d. Systems
 - (1) Understands (**CD1**)
 - (2) Monitors/Controls (**CD2**)
 - (3) Improves/Designs (**CD3**)

III. INSTRUCTIONAL MATERIALS

- A. The instructional materials identified for this course are viewable through www.ctcd.edu/books

IV. COURSE REQUIREMENTS

- A. Reading Assignments: Read text assignments prior to class and be prepared to discuss the text material, answering instructor questions orally with well-organized thoughts and ideas. (**FA1, FA5, CC3**)
- B. Class Attendance: (Refer to CTC Catalog, Page 54, for detailed policy). You are expected to attend each class period, be on time and stay the full class period or be counted absent. You are responsible for all course material missed due to absence. The instructor does not provide class notes for classes missed. (**FC1, FC4**)

V. IMPORTANT NOTE REGARDING FEEDBACK AND RESPONSIBILITY FOR LEARNING

- A. **FEEDBACK**: Feedback is the return of data/information about the result of a process and is an important part of the learning process. Feedback in the course will be provided via test scores, graded assignments, and/or instructor evaluation of the students' progress. You are encouraged to take advantage of the many avenues for feedback available to you. For example, office hours are established primarily to provide the student access to the instructor to discuss academic guidance. I am also generally available before and after class to meet with you. E-mail is another easily available medium to obtain feedback. Additional feedback may be provided at the discretion of the instructor or on your request.

B. RESPONSIBILITY FOR LEARNING:

1. INSTRUCTOR:

As your instructor I will organize and present the course material in a manner designed to facilitate the learning process. I will evaluate your progress periodically via writing assignments, and presentation, and exams and provide feedback on your performance via exam and mores, exam critiques, and critique of your writing assignments, etc. I am also available before and after each class period and during office hours to discuss your performance and answer questions.

2. STUDENT:

As the student you are ultimately responsible for what you learn and for your success in this course.

It is your responsibility to attend class regularly, prepare for class by reading assigned text material, participate in class discussions, ask questions when required to improve your understanding, prepare for and complete exams, and complete all other assignments.

VI. EXAMINATIONS

- A. There will be two examinations.
- B. Students without excused absences will be given a zero for the exam missed.
- C. Examination Schedule: The instructor will publish specific examination dates and the nature and type of test questions to be given.

VII. SEMESTER GRADE COMPUTATIONS

See attached Course Outline

VIII. NOTES AND ADDITIONAL INSTRUCTIONS FROM COURSE INSTRUCTOR

- A. Course Withdrawal: It is the student's responsibility to officially withdraw from a class if circumstances prevent attendance. Any student who desires to, or must, officially withdraw from a course after the first scheduled class meeting must file a Central Texas College Application for Withdrawal (CTC Form 59). The withdrawal form must be signed by the student.

CTC Form 59 will be accepted at any time prior to Friday, the 12th week of classes during the 16-week fall and spring semesters. The deadline for sessions of other lengths is:

10-week session	Friday of the 8th week
8-week session	Friday of the 6th week

5-week session

Friday of the 4th week

The equivalent date (75% of the semester) will be used for sessions of other lengths. The specific last day to withdraw is published each semester in the Schedule Bulletin.

A student who officially withdraws will be awarded the grade of "W", provided the student's attendance and academic performance are satisfactory at the time of official withdrawal. Students must file a withdrawal application with the College before they may be considered for withdrawal.

A student may not withdraw from a class for which the instructor has previously issued the student a grade of "F" or "FN" for nonattendance.

- B. Administrative Withdrawal: An administrative withdrawal may be initiated when the student fails to meet College attendance requirements. The instructor will assign the appropriate grade on CTC Form 59 for submission to the registrar.
- C. Incomplete Grade: The College catalog states, "An incomplete grade may be given in those cases where the student has completed the majority of the course work but, because of personal illness, death in the immediate family, or military orders, the student is unable to complete the requirements for a course..." Prior approval from the instructor is required before the grade of "I" is recorded. A student who merely fails to show for the final examination will receive a zero for the final and an "F" for the course.
- D. Cellular Phones and Electronic Devices: Cellular phones and electronic devices will be turned off while the student is in the classroom or laboratory. The use of laptops must be approved by the instructor.
- E. Disability Support Services Program: Disability Support Services provide services to students who have appropriate documentation of a disability. Students requiring accommodations for class, lecture and/or Distance Learning are responsible for contacting the Office of Disability Support Services (DSS) located on the central campus. This service is available to all students, regardless of locations. Explore the website at www.ctcd.edu/disability-support for further information. Reasonable accommodations will be given in accordance with the federal and state laws through the DSS office.
- F. Instructor Discretion: The instructor reserves the right of final decision in course requirements.
- G. Civility: (FC3) Individuals are expected to be cognizant of what a constructive educational experience is and respectful of those participating in a learning environment. Failure to do so can result in disciplinary action up to and including expulsion.

H. **Honesty and Integrity: (FC5)** All students are required and expected to maintain the highest standards of scholastic honesty in the preparation of all course work and during examinations. The following will be considered examples of scholastic dishonesty:

1. *Plagiarism*: The taking of passages from writing of others without giving proper credit to the sources.
2. *Collusion*: Using another's work as one's own; or working together with another person in the preparation of work, unless joint preparation is specifically approved in advance by the instructor.
3. *Cheating*: Giving or receiving information on examinations.

Students guilty of scholastic dishonesty will be administratively dropped from the course with a grade of "F" and will be subject to disciplinary action.

IX. COURSE OUTLINE

A. **Chapter 1: Prevention Philosophy**

(1) Chapter Objectives: Upon successful completion of this unit, the student will learn:

- a. Why the study of laws related to hospitality is important.
- b. The historical origins of the law and its evolutionary nature.
- c. A philosophical framework to help prevent legal difficulties before they begin.
- d. How to evaluate management actions on an ethical basis.

(2) Learning Activities:

- a. Classroom lectures/discussions (**FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1**)
- b. Reading assignment (**FA1**)
- c. Homework and other assignments designated by the instructor (**FB1, FC4, CB4, CC1, CD1**)

B. **Chapter 2: Government Agencies that Impact the Hospitality Industry**

(1) Chapter Objectives: Upon successful completion of this unit, the student will learn:

- a. How federal governmental agencies are involved in regulating the hospitality industry.

- b. How to analyze the various roles of state governmental agencies that regulate the hospitality industry.
- c. How to identify local governmental agencies involved in regulating the hospitality industry.
- d. How to recognize those national and international agencies and departments charged with monitoring and regulating the travel industry.
- e. How to manage conflicting regulation.
- f. How to properly respond to an official inquiry or complaint from a regulatory entity.
- g. How to keep abreast of regulatory changes.

(2) Learning Activities:

- a. Classroom lectures/discussions (**FA2, FB1, CA1, CB4, CC1, CC3, CD1**)
- b. Reading Assignments (**FA1**)
- c. Homework and other assignments designated by the instructor (**FB1, FC4, CB4, CC1, CD1**)

C. Chapter 3: Hospitality Business Structures

(1) Chapter Objectives: Upon successful completion to this unit, the student will learn:

- a. The importance of selecting the proper organizational and operational structures for a hospitality business.
- b. The various organizational business structures used in the hospitality industry.
- c. The most common operational business structures used in the hospitality industry.
- d. The responsibilities and obligations created by an agency relationship.

(2) Learning Activities:

- a. Classroom lectures/discussions (**FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1**)
- b. Reading assignments (**FA1**)
- c. Homework and other assignments designated by the instructor (**FB1, FC4, CB4, CC1, CD1**)

D. Chapter 4: Contract Basics

(1) Chapter Objectives: Upon successful completion of this unit, the student will learn:

- a. The two basic types of valid business contracts.
- b. The four essential components that must be present to create a valid contract.
- c. The purpose of the Uniform Commercial Code (UCC).
- d. The consequences of breaching an enforceable contract.
- e. How to avoid legal difficulties related to contracts before they arise.

(2) Learning Activities:

- a. Classroom lecture/discussion (**FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1**)
- b. Reading assignments (**FA1**)
- c. Homework and other assignments designated by the instructor (**FB1, FC4, CB4, CC1, CD1**)

E. Chapter 5: Significant Hospitality Contracts

(1) Chapter Objectives: Upon successful completion of this unit, the student will learn:

- a. Contract clauses commonly utilized in hospitality contracts.
- b. The purpose of a franchise contract (franchise agreement).
- c. The purpose of a management contract.
- d. Important forms of meeting space contracts used in lodging operations.
- e. Important forms of group rooms contracts used in lodging operations.

(2) Learning Activities:

- a. Classroom lectures/discussions (**FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1**)
- b. Reading assignments (**FA1**)
- c. Homework and other assignments designated by the instructor (**FB1, FC4, CB4, CC1, CD1**)

F. Chapter 6: Legally Managing Property

(1) Chapter Objectives: Upon successful completion of this unit, the student will learn:

- a. The difference between real property and personal property.
- b. The function of the Uniform Commercial Code when buying property.
- c. The role of liens and financing statements in protecting rights of buyers and sellers in purchasing property.
- d. How to evaluate the purchase-versus-lease decision from a legal perspective.
- e. How to avoid infringement of trademark, patent, copyright, and concept rights.

(2) Learning Activities:

- a. Classroom lecture/discussion (**FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1**)
- b. Reading assignments (**FA1**)
- c. Homework and other assignments designated by the instructor (**FB1, FC4, CB4, CC1, CD1**)

G. Chapter 7: Legally Selecting Employees

(1) Chapter Objectives: Upon successful completion of this chapter, the student will learn:

- a. How to utilize job descriptions, qualifications, and other tools for legally selecting employees.
- b. How to avoid charges of discrimination by knowing the classes of workers that are protected under the law.
- c. How to understand the procedure for verifying the work eligibility of potential employees before offering them employment.
- d. How to distinguish the rights of both employers and employees under the At-Will Employment doctrine.
- e. How to understand the concept of collective bargaining and the legal obligations when interacting with labor unions.

(2) Learning Activities:

- a. Classroom lectures/discussions (**FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1**)
- b. Reading assignments (**FA1**)

- c. Homework and other assignments designated by the instructor **(FB1, FC4, CB4, CC1, CD1)**

H. Chapter 8: Legally Managing Employees

(1) Chapter Objectives: Upon successful completion of this chapter, the student will learn:

- a. To differentiate between an employment agreement and an employee manual.
- b. To establish a nondiscriminatory work environment.
- c. To implement a procedure designed to eliminate sexual harassment and minimize the risk of penalties resulting from charges of unlawful harassment.
- d. To legally manage the complex areas of employee leave, compensation and performance.
- e. To respond appropriately to unemployment claims.
- f. To summarize and list the employment records that must be maintained to meet legal requirements.

(2) Learning Activities:

- a. Classroom lectures/discussions **(FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1)**
- b. Reading assignments **(FA1)**
- c. Homework and other assignments designated by the instructor **(FB1, FC4, CB4, CC1, CD1)**

I. Chapter 9: Your Responsibilities as a Hospitality Operator

(1) Chapter Objectives: Upon successful completion of this chapter, the student will learn:

- a. To differentiate between the types of legal duties required of a hospitality operator, and the consequences of the failure to exercise reasonable care in fulfilling these duties.
- b. To evaluate operational activities in light of their impact on guest safety and potential legal damages.
- c. To understand how a lawsuit is initiated and moves through the U.S. court system.
- d. To create a checklist of the steps that should be initiated immediately following an accident.

- (2) Learning Activities:
- a. Classroom lectures/discussions (**FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1**)
 - b. Reading assignments (**FA1**)
 - c. Homework and other assignments designated by the instructor (**FB1, FC4, CB4, CC1, CD1**)

J. Chapter 10: Your Responsibilities as a Hospitality Operator to Guests

- (1) Chapter Objectives: Upon successful completion of this chapter, the student will learn:
- a. To understand your legal responsibility to admit guests and the circumstances when such admission can be denied.
 - b. To protect the guest's right to privacy.
 - c. To operate and maintain a facility in a way that maximizes the safety of guests and compliance with the law, including Title III of the Americans with Disabilities Act (ADA).
 - d. To differentiate among various types of nonguests and understand your obligations toward them.
 - e. To generate the procedures required to safely and legally remove guests from a property.

- (2) Learning Activities:
- a. Classroom lectures/discussions (**FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1**)
 - b. Reading assignments (**FA1**)
 - c. Homework and other assignments designated by the instructor (**FB1, FC4, CB4, CC1, CD1**)

K. Chapter 11: Your Responsibilities for Guests' Property

- (1) Chapter Objectives: Upon successful completion of this chapter, the student will learn:
- a. To understand fully the responsibility hospitality managers have to safeguard the personal property of their guests.
 - b. To carry out the procedures needed to limit potential liability for the loss of guest property.

- c. To assess the theories of bailment so as to be able to implement policies that limit potential legal liability.
- d. To create the procedures required to legally dispose of personal property whose ownership status is in question.

(2) Learning Activities:

- a. Classroom lectures/discussions (**FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1**)
- b. Reading assignments (**FA1**)
- c. Homework and other assignments designated by the instructor (**FB1, FC4, CB4, CC1, CD1**)

L. Chapter 12: Your Responsibilities when Serving Food and Beverages

(1) Chapter Objectives: Upon successful completion of this chapter, the student will learn:

- a. A foodservice establishment's responsibilities, under the UCC and other laws, to serve wholesome food and beverages.
- b. To apply "Truth in Menu" concepts to the service of food and beverage products.
- c. To assess the current legal risks associated with serving alcohol.
- d. To implement training programs that result in the responsible service of alcohol.

(2) Learning Activities:

- a. Classroom lectures/discussions (**FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1**)
- b. Reading assignments (**FA1**)
- c. Homework and other assignments designated by the instructor (**FB1, FC4, CB4, CC1, CD1**)

M. Chapter 13: Legal Characteristics of Travel and Tourism

(1) Chapter Objectives: Upon successful completion of this chapter, the student will learn:

- a. To identify the components of the travel industry, how they interact, and the complex legal issues that surround this huge industry.

- b. To understand fully the roles and potential liabilities of travel agents and tour operators as each group fulfills its unique role in marketing and providing travel services.
- c. To identify those common carriers typically utilized by the travel industry, as well as the recurrent areas of potential liability inherent in each of them.
- d. To evaluate tourism as it relates to gaming, resorts, and time-shares, and theme park operations based in part on the unique liability issues and managerial responsibilities inherent in each of these growing areas.
- e. How, from a legal perspective, the unique characteristics of the Internet can impact restaurant and hotel managers' efforts to integrate the power of the Internet into their own operations.

(2) Learning Activities:

- a. Classroom lectures/discussions (**FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1**)
- b. Reading assignments (**FA1**)
- c. Homework and other assignments designated by the instructor (**FB1, FC4, CB4, CC1, CD1**)

N. Chapter 14: Safety and Security Issues

(1) Chapter Objectives: Upon successful completion of this chapter, the student will learn:

- a. To recognize the responsibility hospitality managers have to protect the safety and security of guests and employees in hospitality operations.
- b. To carry out the procedures needed to limit the potential liability of safety and security risks.
- c. To minimize the risk of crimes against your own business operation.
- d. To recognize the need for and benefit of implementing an effective crisis management plan.

(2) Learning Activities:

- a. Classroom lectures/discussions (**FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1**)
- b. Reading assignments (**FA1**)

- c. Homework and other assignments designated by the instructor
(FB1, FC4, CB4, CC1, CD1)

O. Chapter 15: Managing Insurance

- (1) Chapter Objectives: Upon successful completion of this chapter, the student will learn:

- a. To understand the value of insurance in protecting a business from financial loss.
- b. To become familiar with the different types of insurance required of hospitality operations.
- c. To understand the role of workers' compensation and the requirements of an employer.
- d. To critically evaluate the financial rating of an insurance company and other information to help you select an insurance carrier.
- e. To distinguish between the terms "primary" and "umbrella" insurance coverage, and determine appropriate amounts of coverage.
- f. To analyze an insurance policy and determine what types of claims will be covered and what types of claims will not be covered.

- (2) Learning Activities:

- a. Classroom lectures/discussions **(FA2, FB1, FC1, CA1, CB4, CC1, CC3, CD1)**
- b. Reading assignments **(FA1)**
- c. Homework and other assignments designated by the instructor
(FB1, FC4, CB4, CC1, CD1)