



COURSE OUTLINE

Course Number HOS 208	Course Title HOSPITALITY LAW	Credits 3
Hours: Lecture/Lab/Other 3/0/0	Co- and/or Pre-requisites None	Implementation Semester & Year Spring 2022

Catalog description:

Introduction to hospitality law, its effect on hospitality management, and legal principles that govern the hospitality industry.

General Education Category:
Not GenEd

Course coordinator:
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Required Texts & Other Materials:

None

Course Student Learning Outcomes (SLO):

Upon successful completion of course students will be able to:

1. Appreciate the promises set forth in the U.S. Constitution towards citizens of the United States, persons visiting the United States, and persons under jurisdiction of federal, state, and/or local government(s). (**Supports ILGs 1, 5, 7, 8, 9, 11; PLOs 4**)
2. Provide comprehensive definition of, and (b) value the importance of, citizen enfranchisement toward representative, and popular, government. (**Supports ILGs 1, 5, 7, 8, 9, 11; PLOs 4, 5, 8**)
3. Recognize what constitutes discrimination toward both customers and employees. (**Supports ILGs 1, 5, 7, 8, 9, 11; PLOs 4, 5, 8**)
4. Explain how laws affect the hospitality industry and why it is necessary to know these laws. (**Supports ILGs 1, 5, 7, 8, 9, 11; PLOs 1, 4, 5, 8**)
5. Identify and describe roles of the federal government, state government(s), and local government(s) in the regulation of the hospitality industry. (**Supports ILGs 1, 5, 7, 8, 9, 11; PLOs 1, 4, 5, 8**)
6. Distinguish historical conditions that gave rise to the creation of a common law tradition under which the hospitality industry still operates today. (**Supports ILGs 1, 5, 7, 8, 9, 11; PLOs 4**)
7. Develop understanding of international law as it applies to travel, the hospitality industry, the global economy, and as part of our multi-cultural world. (**Supports ILGs 1, 5, 7, 8, 9, 11; PLOs 4, 5, 8**)

8. Assess potential liabilities, as owners, operators, and managers of hospitality operations for: (a) failing to comply with the law; (b) failing to act as reasonable persons of ordinary prudence toward patrons' and employees' health and safety; and (c) failing to use good management principles to promote organizational effectiveness. (**Supports ILGs 1, 5, 7, 8, 9, 11; PLOs 1, 4, 5, 8**)

Course-specific Institutional Learning Goals (ILG):

Institutional Learning Goal 1 – Written and Oral Communication in English – Students will communicate effectively in both speech and writing.

Institutional Learning Goal 5 – Social Science – Students will use social science theories and concepts to analyze human behavior and social and political institutions and to act as responsible citizens.

Institutional Learning Goal 7 – History – Students will understand historical events and movements in World, Western, non-Western, or American societies and assess their subsequent significance

Institutional Learning Goal 8 - Diversity and Global Perspective – Students will understand the importance of a global perspective and culturally diverse peoples.

Institutional Learning Goal 9 – Ethical Reasoning and Action – Students will understand ethical framework, issues, and situations.

Institutional Learning Goal 11 – Critical Thinking – Students will use critical thinking skills to understand, analyze, or apply information or solve problems.

Program Learning Outcomes for Hotel, Restaurant, and Institutional Management (PLO)

1. Apply safe and sanitary practices within any food production department compliant with laws and safety regulations
4. Develop professional written and verbal communication and computational skills related specifically to hospitality.
5. Develop principles of effective human resource management in supervision of employees
8. Identify and interpret skills required in supervisory positions in various segments of hospitality.

Units of study in detail – Unit Student Learning Outcomes:

Unit I [Unit I Introduction to Hospitality Law] [Supports Course SLO 1, 2, 4-7]

Learning Objectives

The students will be able to:

- Assess what laws are and why humans create laws.
- Identify the Hammurabic Code as the oldest known written code of conduct—listing offenses and corresponding punishments.
- Cite the origin of hospitality law as occurring in the Dark- and Middle-Ages of Western European (specifically English) tradition—the law of innkeepers.
- Cite the specific origin of restaurants as a stand-alone concept (one separated from lodging) in China.
- Distinguish sources of law: (a) constitutional law; (b) administrative law; (c) statutory law; and (d) common law.
- Recognize the U.S. Constitution as the highest law in the United States.
- Describe how the U.S. Constitution divides the federal government into three separate branches: (a) executive; (b) legislative; and (c)

judicial.

- Define the term delegated powers and recognize that the United States has a two-tiered system of government—the federal government and the governments of the several states.
- Differentiate criminal and civil laws/litigation.
- Appreciate the differences in the burdens of proof in criminal law—guilt beyond a reasonable doubt—and in civil law—by the preponderance of the evidence.
- Distinguish compensatory damages from punitive damages.
- Compare and contrast commercial and non-commercial hospitality operations.
- Identify the five (05) important legal obligations for hospitality owners, operators, and managers: (a) Provide wholesome food and beverages to patrons; (b) Provide safe premises; (c) Conduct business legally; (d) Keep patrons and employees secure from crime and danger; and (e) Obey consumer, civil rights, and employment laws.

**Unit II [Unit II Hospitality Operations and Government Regulations]
[Supports Course SLO 1-8]**

Learning Objectives

The students will be able to:

- Appreciate how Upton Sinclair's landmark book, *The Jungle*, was instrumental in reforming food inspection.
- Differentiate the terms inspection and grading.
- Identify and explain how federal agencies regulate sales of food and beverages and non-food areas of the hospitality industry.
- Discuss how state and local governments additionally regulate the hospitality industry.
- Formulate house rules in keeping with federal, state, and local civil rights and antidiscrimination legislation.
- Use legal terminology to identify and describe key aspects of domestic and international travel.
- Identify treaties as the primary laws governing international travel.
- Demonstrate understanding for the rights of air travelers.
- Demonstrate understanding for the rights and responsibilities of air carriers.
- Recognize, with specificity given to casinos and gambling, special hospitality issues such as: (a) debt; (b) compulsive gamblers; (c) alcohol usage; (d) waterborne casinos; and the Indian Gaming Regulatory Act.

**Unit III [Unit III Civil Rights Implications of Admission Policies] [Supports
Course SLO 1-8]**

Learning Objectives

The students will be able to:

- Evaluate the differences between the common law requirements for innkeepers not to refuse guests lodging as opposed to the right of foodservice operators to refuse guests service.
- Enumerate protections given citizens by the 1st Amendment of the U.S. Constitution.

- Appreciate how requirements given in the 14th Amendment of the U.S. Constitution extend the same protections given citizens by the Bill of Rights from the federal government to state and local governments.
- Analyze the requirements of Title II of the 1964 Civil Rights Act as they pertain to the hospitality industry.
- Assess forms of discrimination not covered by Title II of the 1964 Civil Rights Act that have since been addressed by other federal, state, and/or local legislation.
- Define the terms tort and negligence.
- Distinguish the varying legal requirements of responsibility given to different classification of prospective plaintiffs: (a) invitees; (b) licensees; and (c) trespassers.
- Define the term respondeat superior.
- Differentiate transient and residential hotels.
- Differentiate commercial and noncommercial foodservice operations and enumerate same.

Unit IV [Unit IV Sales of Food and Beverages] [Supports Course SLO 4-6, 8]

Learning Objectives

The students will be able to:

- Define the following legal terms: (a) liability; (b) existence of a duty to act reasonably; (c) proximate cause; and (d) injury.
- Explain the three theories of liability for foodservice: (a) negligence; (b) breach of warranty; and (c) strict liability.
- Assess the importance of the Uniform Commercial Code (UCC) in foodservice litigation.
- Explain the following defenses against foodservice liability claims: (a) privity of contract; (b) proximate cause; (c) assumption of risk; and (d) contributory/comparative negligence.

Unit V [Unit V Foodservice Liability for the Safety of Patrons and their Property] [Supports Course SLO 1-8]

Learning Objectives

The students will be able to:

- Differentiate personal and property intentional torts.
- Define and differentiate assault from battery.
- Define and differentiate the two forms of defamation: (a) slander; and (b) libel.
- Explain the following legal intentional torts: (a) false imprisonment; (b) mental distress; (c) misrepresentation; (d) invasion of privacy; (e) trespass; (f) conversion; and (g) interference with another's contractual relations.
- Assess the relationship between children and the attractive nuisance doctrine.
- Discuss the following legal terms: (a) negligence per se doctrine; (b) res ipsa loquitur; and (c) bailment.
- Distinguish when there is and/or is not a legal duty to aid a person in distress.
- Explain the purpose of "Good Samaritan Legislation."
- Compare the types of insurance important to hospitality operations: (a)

fire; (b) casualty; (c) liability; and (d) dramshop liability.

**Unit VI [Unit VI Hotel Liability for the Safety of Guests and their Property]
[Supports Course SLO 1-8]**

Learning Objectives

The students will be able to:

- Assess innkeepers' responsibilities for their guests: (a) provide safe premises; (b) police the conduct of guests, employees, and third parties; (c) warn of concealed risks; and (d) safeguard guests' property.
- Enumerate the elements that create an innkeeper-guest relationship: (a) An intention to become a guest; (b) Communication of that intention to an innkeeper; and (c) Acceptance of the guest by an innkeeper.
- Identify conditions that terminate an innkeeper-guest relationship: (a) The contracted time for a room has elapsed and has not been extended; (b) The bill has not been paid when due; (c) Due legal notice is given to vacate a hotel; and (d) The bill is paid.
- Explain why it is easier to evict a guest than a tenant.

Unit VII [Unit VII Maintaining Security] [Supports Course SLO 1-8]

Learning Objectives

The students will be able to:

- Identify thefts of service commonly encountered in hospitality operations.
- Explain, as it pertains to lodging operations, the absolute liability rule, its exceptions, and legislative limits.
- Differentiate legal and illegal reasons for entering guests' rooms.
- Define what constitutes an illegal search of guest property.
- Analyze criteria that may constitute probable cause for police to search a hospitality operation's premises or may lead to a search warrant being issued.
- Define, as it pertains to illegal searches, the exclusionary rule.
- Assess criteria offering good cause to refuse guests lodging.
- Assess criteria offering good cause for guest eviction.

Unit VIII [Unit VIII Staff Selection and Supervision] [Supports Course SLO 1-8]

Learning Objectives

The students will be able to:

- Identify court-imposed remedies for violations of civil rights legislation.
- Assess federal civil rights legislation passed during, and since, the 1960s: (a) the Equal Pay Act of 1963; (b) the Civil Rights Act of 1964; (c) Executive Order 11246 (1965); (d) the Age Discrimination Act of 1967; (e) the Vocational Rehabilitation Act of 1973; (f) the Air Carrier Access Act of 1986; (g) and the Americans with Disabilities Act of 1991.
- Discuss, with particular attention paid toward historical and endemic gender biases within the hospitality industry, the concept of comparable worth.

Unit IX [Unit IX Employer-Employee Administrative Issues] [Supports Course SLO 1-8]

Learning Objectives

The students will be able to:

- Enumerate and describe employer responsibilities under the Occupational Safety and Health Act.
- As per the requirements given in the Fair Labor Standards Act of 1938, assess minimum wage requirements and exceptions thereof.
- Assess validity, and therefore implementation thereof, for the concept of equal pay for equal work.
- Explain restrictions on child labor.
- Define, and recognize instances of, retaliatory discharge.
- Assess common violations of the Fair Labor Standards Act of 1938.

Unit X [Unit X Foodservice and Hotel Contracts] [Supports Course SLO 4-8]

Learning Objectives

The students will be able to:

- Explain what a contract is.
- Recognize common types of contracts found, and routinely used, in the hospitality industry.
- Enumerate and explain the five essential elements of contracts: (a) Capacity of contracting parties; (b) Agreement; (c) Legality; (d) Consideration; and (e) Genuineness of Assent.
- Distinguish, as per the Statute of Frauds, which contracts must be in writing.
- Analyze criteria for contract classification.
- Explain breach of contract, instances thereof, and remedies of.

Unit XI [Unit XI Property Rights] [Supports Course SLO 1-8]

Learning Objectives

The students will be able to:

- Distinguish tangible from intangible property.
- Distinguish real from personal property.
- Discuss the use of registered trademarks and servicemarks.
- Explain what is meant by the term infringement.
- Discuss and differentiate the use of patents and copyrights.
- Assess the term public domain.
- Analyze criteria by which ownership is established.

Unit XII [Unit XII Forms of Business Organization and Franchising] [Supports Course SLO 1, 2, 4-8]

Learning Objectives

The students will be able to:

- Assess factors, personal and otherwise, in choosing forms of business organization.
- Discuss legal requirements and liabilities of: (a) sole proprietorships; (b) partnerships; (c) corporations; (d) limited liability companies; (e) joint ventures; and (f) franchising.
- Differentiate various forms of partnership: (a) general (full) partner; (b) silent partner; (c) secret partner; (d) dormant partner; (e) nominal

- partner; and (f) limited partner.
- Explain essential features and officers of corporations.
- Analyze various forms of corporation: (a) public; (b) closely held; (c) private; (d) nonprofit and not-for-profit; and (e) subchapter “S.”
- Assess the use of franchising within the hospitality industry.

Unit XIII [Unit XIII Bankruptcy and Reorganization] [Supports Course SLO 1, 2, 4-8]

Learning Objectives

The students will be able to:

- Assess the costs, merits, and problems associated with bankruptcy and reorganization.
- Distinguish the three forms of bankruptcy: (a) Chapter 7; Chapter 11; and Chapter 13.
- Explain surviving obligations under bankruptcy protection.
- Cite property exempt from court disposition during bankruptcy.

Unit XIV [Unit XIV Choosing and Managing Your Attorney and the Court System and Out-of-Court Settlement] [Supports Course SLO 1-8]

Learning Objectives

The students will be able to:

- Assess various forms of legal fee arrangements: (a) hourly, plus expenses; (b) per diem for courtroom work; (c) contingency fee basis; and (d) retainer agreements.
- Explain advantages/disadvantages of out-of-court settlement.
- Differentiate capitulation from compromise and mediation from arbitration.
- Assess the features, advantages, and disadvantages of small claims courts.

Evaluation of Student Learning:

• Student Introduction	1%
• Test 1: Units 1 – 3	19%
• Test 2: Units 4 – 6	20%
• Test 3: Units 7 – 9	20%
• Test 4: Units 10 – 11	20%
• Test 5: Units 12 – 14	20%

Grade Scale:

100%	- 93%	= A
92%	- 90%	= A-
89%	- 87%	= B+
86%	- 83%	= B
82%	- 80%	= B-
79%	- 77%	= C+
76%	- 70%	= C
69%	- 60%	= D
59%	- 0%	= F