

PUBLIC POLICY IN THE MARKETING CURRICULUM:  
THE LEGAL, POLITICAL, SOCIAL ENVIRONMENT OF MARKETING

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ABSTRACT

Introduction

The combination of increasing enrollments in business schools and increasing budget constraints in colleges and universities nationally make it increasingly important to ensure department curricula are relevant for students. In such an environment, Marketing Departments are under new pressures to provide more than the "bare bones" of an education in marketing. The availability of interesting, meaningful and useful elective courses can make a program more attractive to students and potentially increase the Marketing Department's relative share of business students. The Marketing Department can also effectively use its elective courses as a drawing card for students who might otherwise have little or no exposure to the marketing curriculum. Another advantage to adding electives to the curriculum is the opportunity for faculty to develop specialized courses drawing from their areas of expertise and/or research interests. This can provide extra incentive for faculty to keep current in their specialized areas and can revitalize interest in teaching which may tend to dwindle when faculty are repeatedly scheduled to teach the core marketing courses.

A course which can fill the bill in all of these respects is one dealing with the legal environment within which marketers must perform. The purpose of this paper is to discuss different ways of organizing and positioning a course in Legal Aspects of Marketing appropriate for both undergraduate and MBA programs.

Justification for the Course

There are two very different but equally important reasons for offering a course dealing with the legal environment of marketing.

Undergraduates are likely to be interested in such a course as a result of their own experiences as consumers and their sensitivity to social criticisms of business, and particularly marketing, practices. Students as consumers have invariably had, or know someone who has had, a frustrating experience with non-performance of warranty promises, unsafe or poor quality products, unavailability of information prior to purchase, retailers out of stock of an advertised special, etc., etc., etc. Media coverage of incidents involving alleged violations of a myriad of regulations by well-known firms also makes identification with the topics covered in a

course of this sort easy for students. Undergraduate business students have often developed a strong belief in the advantages of a free market economy. In its extreme, this means a market free of government intervention. Thus, business students tend to be very critical of regulation of business practices. Conversely, students outside the business school who find this type of course appealing often come from liberal arts programs like Consumer Studies, Political Science, Communications, etc. These students tend to be very critical of business practices. This counterpoint of orientations among students creates a very dynamic discussion environment which is extremely motivational for students. To respond to the demands of these different student orientations, the professor must walk a tight rope between advocacy (consumer or business) and factual presentation. The course must be continually updated to ensure accuracy of factual material as well as relevance of the topics covered. This presents both a challenge and an obstacle for the professor. However, if the professor is successful, students can be taught both their rights and responsibilities as consumers as well as an appreciation of the need for regulation and the ethical and legal responsibilities of business people in dealing with consumers.

Graduate students have a very practical reason for taking a course of this sort. As business trainees they need to understand the legal environment within which they will be operating. MBA students have little opportunity to accumulate more than basic knowledge of a wide variety of aspects of business operations. The basic courses they take have little flexibility to incorporate issues peripheral to the central topics. Thus, the legal, social and political environment of business are often treated only very superficially in survey courses or briefly in cap-stone policy courses. However, these aspects of the business environment are extremely important to the success of a firm. Managers unaware of the legal, political and social ramifications of their decisions may make some serious blunders. Exposure to the variety of laws which govern business practices can be invaluable to managers in avoiding legal complications.

To be useful in alerting students to the legal constraints on business decision-making, a course should introduce students to laws dealing with each component of the marketing mix -- pricing, distribution, promotion, product quality, safety and warranty obligations. To be helpful in educating students about the legal support provided for consumers, a course should cover all aspects of the buyer-seller relationship -- both pre-and post-purchase rights and responsibilities to the parties to the sales transaction. This paper will discuss several different ways of organizing a course designed to give the student an appreciation of the legal environment within which both consumers and marketers operate. It will suggest course outlines and relevant reading materials as well as offer background material useful in preparing lectures.