

LEAD 7830-IA
Law and Policy in Higher Education
Course Syllabus Summer Semester 2013
3 Semester Hours

Dewar College of Education
Valdosta State University
Department of Curriculum, Leadership, and Technology

Conceptual Framework: Guiding Principles

Dispositions Principle: Productive dispositions positively affect learners, professional growth, and the learning environment.

Equity Principle: All learners deserve high expectations and support.

Process Principle: Learning is a lifelong process of development and growth.

Ownership Principle: Professionals are committed to, and assume responsibility for, the future of their disciplines.

Support Principle: Successful engagement in the process of learning requires collaboration among multiple partners.

Impact Principle: Effective practice yields evidence of learning.

Technology Principle: Technology facilitates teaching, learning, community-building, and resource acquisition.

Standards Principle: Evidence-based standards systematically guide professional preparation and development.

Positively Impacting Learning through Evidence-Based Practices

Required Textbook

Kaplin, W. A. & Lee, B. A. (2007). *The law of higher education* (4th ed. Student Version). San Francisco: Jossey-Bass. ISBN: 0787970956

Supplemental Learning Resources

Several .pdf readings are posted in the readings areas within Units for this course. In most cases, these are legal issues briefs, completed by previous law students, used as guest modules with permission. These are not required readings, but will help clarify difficult issues. The professor also expects students to find additional materials that contribute to their own learning and online discussions.

Course Description

This course is intended to familiarize students with statutory and case law that have implications for higher education administrators and policy makers with particular emphasis on such areas as employment, including affirmative action, dismissal, contracts, tenure, civil rights, due process, and student rights.

Course Purpose

The purpose of this course is to study, analyze, and clarify the law of higher education and how it affects staff, students, and faculty in higher education settings.

Course Format

This course utilizes an online delivery format. Students will meet the objectives of this course through a combination of assigned readings, online discussions, and written assignments.

An important aspect of this course is the active learning that takes place in the online classroom environment. The instructor expects students to participate in all course modules, log into the BlazeVIEW D2L course site on at least a weekly basis, and constructively comment on the posts of others in the class. Students can access the BlazeVIEW D2L online course environment from the VSU homepage (www.valdosta.edu) or at the following address:
<http://www.valdosta.edu/academics/elearning/blazeview-d2l.php>

Professor

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Office Hours:

Office hours have been specially set for this course: Mondays 1pm to 3pm. I can be contacted by email at jgarchibald@valdosta.edu. Please email me to set up telephone appointments or Skype appointments: Archibald_LPC.

College of Education Conceptual Framework Standards (CFS)

The educational leader will:

1. Facilitate the development, articulation, implementation, and stewardship of vision of learning that is shared and supported by the school community.
2. Advocate, nurture, and sustain a school culture and instructional program conducive to student learning and staff professional growth.
3. Ensure management of the organization, operations, and resources for a safe, efficient, and effective learning environment.
4. Collaborate with families and community members, responding to diverse community interests and needs, and mobilizing community resources.
5. Act with integrity, fairness, and in an ethical manner.
6. Understand, respond to, and influence the larger political, social, economic, legal, and cultural context.
7. Synthesize and apply knowledge and skills learned in standards 1-6 in real settings under the guidance of university supervisors and school personnel.

Specific Student Learning Outcomes for Higher Education Track Graduates

- Describe processes of educational leadership and relate them to programs in higher education
- Interact effectively with internal and external audiences.

Specific Student Learning Outcomes for Student Affairs Track Graduates

- Recognize and support civic engagement, public service, and social justice learning opportunities.

Universal Student Learning Outcomes for VSU Higher Education Program Graduates

- **Subpart 5b.4: Organization and Administration of Student Affairs:** 7) Apply knowledge of leadership, organizational functions, and management practices. 9) Explain statutory case law and higher education policies and relate understanding to decision-making.
- **Part 6: Practical/Professional Competencies:** 12) Develop and/or improve skills in the following areas: a) Collaborative Work; b) Critical Thinking; c) conflict mediation, d) Effective Verbal and Written Communication; e) Informed Decision-Making; f) Leadership for Change

Course Objectives

The student will:

1. Define legal terms as used by courts in rendering decisions.
2. Identify the sources of law that affect educational institutions of higher education in the United States.
3. Identify landmark court decisions that establish policy for colleges and universities in the United States.
4. Understand that law involves concepts of equity and justice for all populations with a diverse educational setting.
5. Understand the meaning of rights for students, instructors and staff as provided by the United States Constitution, and federal and state statutes.
6. Interpret legal decisions as handed down by federal and state courts when applied to institutions of higher education.
7. Apply rulings and court decisions to local situations in college and universities.

Assessments and Activities

Alignment. All assessments and activities follow the instructional materials and are aligned with course and unit objectives listed on the course calendar.

Discussions (30 points)

Description. Students will participate in unit discussions in the BlazeVIEW D2L Discussion area. Students will complete discussions for each individual unit. See course calendar for due dates for course units.

Discussions will be monitored by the professor.

The order for completing each discussion is as follows:

1. Read all assigned instructional materials.
2. Locate the Discussion area.
3. Post a response of approximately 250 words to the discussion question for the unit by the due date specified on the course calendar.
4. Once the due date has passed (to ensure all initial posts have been completed), comment on the responses of at least two other classmates. Your responses to other's posts should provide constructive feedback and/or ideas and not simply state that you "like their post" or "agree" with them.

Journal Legal Terms & Concepts (not graded)

Description. Students are encouraged to maintain a Journal Legal Terms. This activity is not graded; however, the terms and legal concepts listed in each unit will be on the midterm and final exam. Students should locate the appropriate terms in the course text, define the terms in two three sentences, and then list a page number and contextual citation (e.g, where the terms come from such as a specific court case, statute, or other source).

Midterm Exam (20 points)

Description. Students will take a final exam in BlazeVIEW D2L. Content for the exam will include instructional materials from the course.

Case Brief (20 points)

Description. Students will write a brief of a court case pertaining to higher education. The court case must have occurred after 1960. An example of how to write a brief is located at the end of the syllabus. Writing the brief will give you practice in reading judicial cases and synthesizing the information. Case briefs should be kept brief. Many judicial cases can be found using the LexisNexis database. Please contact a librarian at the Odum Library if you need assistance in locating information 229-333-7149 or visit www.valdosta.edu/library/. The case brief should be entirely single-spaced. The page requirement for this assignment is a minimum of 1 page but not to exceed 2 pages. See further instructions for completing a case brief at the end of the syllabus.

Final Exam (20 points)

Description. Students will take a final exam in BlazeVIEW D2L. Content for the exam will include instructional materials from the course.

Course Evaluation

The total number of assessments and activities points for this course is 100 points.

Discussions 30 (6x5pts)

Learning Brief Exercise 10

Case Brief 20

Midterm Exam 20

Final Exam 20

Grading Policy and Scale

Quality is expected in all products and performances. Grades will be assigned accordingly: >93 points = A 85-92 points = B 77-84 points = C 69-76 points = D <69 = F

The professor typically awards an “A” for work that is excellent—very strong in every sense. It represents thoughtful, detailed, creative, and critical work, shows complex thinking and insight, and is well written and free of errors (typographical, grammatical, APA, etc.). A “B” represents good work. It has some weaknesses in one of more of these areas but displays good work overall. A “B” is a perfectly reasonable grade in graduate school. Lower grades are given to assignments with more significant weaknesses in the areas noted above. While many students in this class can expect to earn “A”s, please do not expect to earn an “A” for work that meets expectations without being in some way outstanding.

Spelling and grammar are evaluated for every assignment submitted for this course. All written work including discussions should use correct spelling, grammar, and syntax. Most importantly, it should be proofread. One point will be deducted for each mistake.

Policy on Late Assignments, Incompletes, and Extra Credit

Late assignments are not accepted. All due dates for all assignments have been posted and were made available the first day of class. It is the student’s responsibility to plan accordingly for the expected and the unexpected. Additionally, no incompletes will be given in this course. No extra credit assignments will be offered in this course.

Course Considerations and Civility Statement

It is the professor’s expectation that students will enter the online class environment on a consistent basis (several times each week) and thoughtfully and actively participate in all online discussions. In order to maximize your graduate school experience, you must read and study all assigned learning resources, noting questions or issues you would like to raise.

Students are expected to prepare fully for each course unit, which means you will have read and reflected upon the assigned material and subsequently developed meaningful comments and questions. The professor also expects that you will be respectful in online discussions, which means actively debating with classmates when you do not agree with their view, but not being adversarial or demeaning to them. You should also allow others the opportunity and space to express their own views and opinions.

When communicating with the professor or peers through e-mail, students should use the email function in our BlazeVIEW D2L course. In addition, students should be polite and tactful and maintain an appropriate degree of professionalism. The professor will respond to student emails as soon as possible. However, students should allow up to 48 hours to receive a response especially over the weekend. Students should recognize that email failures sometimes occur and are asked to be patient or resend an e-mail if several days pass with no response.

Computer Usage and Technical Support

Students will require the use of electronic resources to complete course requirements and to access the BlazeVIEW D2L course site. If a student is unsure of how to access these resources, please notify the instructor immediately so we can ensure that you are able to complete all aspects of the current course.

Students who require technical support regarding the use of any hardware or software required to complete any requirements of the course should contact the VSU Helpdesk at <http://www.valdosta.edu/helpdesk/> or by phone at 229.245.HELP (229.245.4357).

Policy Statement on Plagiarism (Dewar College of Education)

Below is information directly quoted from the Academic Honesty Policies and Procedures:

Academic integrity is the responsibility of all VSU faculty and students. Faculty members should promote academic integrity by including clear instruction on the components of academic integrity and clearly defining the penalties for cheating and plagiarism in their course syllabi. Students are responsible for knowing and abiding by the Academic Integrity Policy as set forth in the Student Code of Conduct and the faculty members' syllabi. All students are expected to do their own work and to uphold a high standard of academic ethics.

The full text of Academic Honesty Policies and Procedures is available in the on the Academic Affairs website

(<http://www.valdosta.edu/academic/AcademicHonestyatVSU.shtml>).

The consequences for acts of academic dishonesty in the Dewar College of Education are:

FIRST OFFENSE:

1. The faculty member will administer an academic response (e.g. resubmit / retake assignment, failure of the assignment, failure of the course).
2. The faculty member will complete a Level Two Dewar College of Education Concern form (<http://www.valdosta.edu/coe/studentsinfo.shtml>).
3. The faculty member will complete a Valdosta State University Report of Academic Dishonesty (<http://www.valdosta.edu/academic/AcademicHonestyatVSU.shtml>).

SECOND OFFENSE:

1. The faculty member will administer an academic response (e.g. resubmit / retake assignment, failure of the assignment, failure of the course).
2. The faculty member will complete a Level Two Dewar College of Education Concern form (<http://www.valdosta.edu/coe/studentsinfo.shtml>). According to the Dewar College of Education Concern Form Policy, “a second level two concern form will result in the student being dismissed from his/her program of study. This dismissal will result in an automatic review by the COE Undergraduate Policies Committee.”
3. The faculty member will complete a Valdosta State University Report of Academic Dishonesty (<http://www.valdosta.edu/academic/AcademicHonestyatVSU.shtml>). According to the Academic Honesty Policies and Procedures document, “after a second (or subsequent) Report of Academic Dishonesty has been submitted to the Student Conduct Office in the Dean of Students Office, official charges will be drawn up and the disciplinary matter will be referred to the Valdosta State University Judicial Committee.”

Note: Because this is a graduate course, students are held to a high expectation in regards to academic integrity. Therefore, if a student engages in academic dishonesty or misconduct, the student will automatically receive a failing grade for the entire course. Because plagiarism is the most common form of academic misconduct, students should become familiar with properly citing others’ work. If you do not understand how to do so after attempting to find out, please ask the professor for clarification.

ACCESSIBILITY STATEMENT

Valdosta State University is an equal opportunity educational institution. It is not the intent of the institution to discriminate against any applicant for admission or any student or employee of the institution based on the age, sex, race, religion, color, national origin, disability, or sexual orientation of the individual. It is the intent of the institution to comply with the Civil Rights Act of 1964 and subsequent Executive Orders as well as Title IX, Equal Pay Act of 1963, Vietnam Era Veterans Readjustment Assistance Act of 1974, Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

Students with disabilities who are experiencing barriers in this course may contact the Access Office for assistance in determining and implementing reasonable accommodations. The Access Office is located in Farber Hall. The phone numbers are 229-245-2498 (V), 229-375-5871 (VP) and 229-219-1348 (TTY). For more information, please visit <http://www.valdosta.edu/access> or email: access@valdosta.edu.

E-mail/Communication from the Professor

The professor will communicate with students individually and/or as a group via email. Students are expected to check their D2L email account and official Valdosta email account regularly in order to obtain information regarding our class. When emailing the professor, please allow up to 48 hours for a requested response before resending. Professional development is a major component of the Higher Education Leadership program. All emails sent to the professor should begin with some form of formal salutation (example: Hello Dr. Archibald, Good Morning Dr. Archibald, etc.).

**Course
Calendar**

LEAD 7830 Law and Policy Course Assignments and Due Dates Outline, Summer 2012				
Unit	Day	Date	Topic and Readings	All Assignments Due (by 9:00pm/EST)
	Day 1	6/5/12	Law and Higher Education Kaplin & Lee: 1.1 – 1.5; Appendix A, B, C	
1	Day 2	6/6/12		Post Answer to Unit 1 Discussion
	Day 3	6/7/12		Respond to Two Student Posts in Unit 1 Discussion
	Day 4	6/8/12		Complete Unit 1 Legal Terms & Concepts
2	Day 5	6/9/12	College and Government Kaplin & Lee: 10.1 – 10.5; FERPA (.pdf); ADA (.pdf); Affirmative Action (.pdf)	Post Answer to Unit 2 Discussion
	Day 6	6/10/12		Respond to Two Student Posts in Unit 2 Discussion
	Day 7	6/11/12		Complete Unit 2 Legal Terms & Concepts
3	Day 8	6/12/12	Legal Status of Faculty Kaplin & Lee : 5.1 – 5.2; 5.6 – 5.7; Faculty Handbook (.pdf)	Post Answer to Unit 3 Discussion Post Unit 3 Legal Terms & Concepts
	Day 9	6/13/12		Respond to Two Student Posts in Unit 3 Discussion
	Day 10	6/14/12	Case Brief	Case Brief is Due, Submit by Deadline
4	Day 11	6/15/12	Legal Status of Students and Student Orgs Kaplin & Lee: 7.1; 7.4, 9.1, 9.2, 9.4; Student Orgs (.pdf); Title VI (.pdf); Housing (.pdf)	Post Answer to Unit 4 Discussion Complete Unit 4 Legal Terms & Concepts
	Day 12	6/16/12		Respond to Two Student Posts in Unit 4 Discussion
Midterm	Day 13	6/17/12		Midterm Exam (1 hour to complete)

Course
Calendar

LEAD 7830 Law and Policy Course Assignment Dates Outline, Summer 2012				
Unit	Day	Date	Topic and Readings	Assignment Due (by 9:00pm/EST)
5	Day 14	6/18/12	Student and Faculty Academic Rights Kaplin & Lee: 6.2; 8.3; Copyright (.pdf)	Post Answer to Unit 5 Discussion Complete Unit 5 Legal Terms & Concepts
	Day 15	6/19/12		Respond to Two Student Posts in Unit 5 Discussion
	Day 16	6/20/12	Learning Brief	Learning Brief is Due, Submit by Deadline
6	Day 17	6/21/12	Student Conduct and Discipline Kaplin & Lee; 8.1 – 8.2; 8.4; Student Handbook (link); Disciplinary Process (.pdf); Due Process (.pdf)	Complete Unit 6 Legal Terms & Concepts
	Day 18	6/22/12		
	Day 19	6/23/12	Review Readings in Unit 6	
7	Day 20	6/24/12	Student and Faculty Freedom of Expression Kaplin & Lee; 6.1; 8.5 – 8.6; Student Expression (.pdf); Student Press (.pdf)	Post Answer to Unit 7 Discussion Post Unit 7 Legal Terms & Concepts
	Day 21	6/25/12		Respond to Two Student Posts in Unit 7 Discussion
8	Day 22	6/26/12	Institutional Tort and Employee Liability Kaplin & Lee; 3.2; 4.4	Review for final exam
	Day 23	6/27/12	Final Exam	Final Exam
Final				

All instruction and assignments for this course are designed to meet the course objectives. For each unit, the course assignments and activities are aligned with specific course objectives.

Unit	Unit Theme	Unit Objectives	Course Objectives
Unit 1	Law in Higher Education	1. Study legal origins of law and policy in Higher education (Readings). 2. Analyze and clarify sources of law (Discussion).	1, 2, 3
Unit 2	College and Government	1. Study local, state, federal regulation and compliance (Readings). 2. Analyze and clarify regulation and compliance in work settings (Discussion).	1, 2, 3, 5, 6
Unit 3	Legal Status of Faculty	1. Study legal status of faculty (Readings). 2. Analyze and clarify the essential aspects of tenure and due process (Discussion).	1, 3, 4, 5
Unit 4	Legal Status of Students and Student Organizations	1. Study legal status of Students (Readings). 2. Analyze and clarify the legal aspects of student involvement (Discussion).	1, 3, 4, 5, 7
Exam	Unit 1-4 Assessment	Demonstrate mastery of Unit 1-4	1, 3

Unit 5	Student and Faculty Academic Rights	1. Study faculty and student academic rights (Readings). 2. Analyze and clarify academic grievance and sanctions (Discussion).	1, 3, 4, 5
Unit 6	Student Conduct and Discipline	1. Study student codes of conduct (Readings). 2. Analyze and clarify the use of the student handbook (Discussion).	1, 3, 4, 5, 7
Unit 7	Student and Faculty Freedom of Speech	1. Study faculty and student freedom of expression (Readings). 2. Analyze and clarify speech codes using legal precedent (Discussion).	1, 3, 4, 5, 7
Unit 8	Institutional Tort and Employee Liability	1. Study institutional and employee liability (Readings). 2. Analyze and clarify institutional and employee liability in work settings (Discussion).	1, 2, 3, 5
Final Exam	Unit 5-8 Assessment	Demonstrate mastery of Unit 5-8 (Exam).	1, 3

How to do a Case Brief

Case briefing is one of the first things a student learns when they enter law school or when they start other types of legal training/learning. In short, a case brief is a summary that highlights certain important aspects of a case. This syllabus contains an outline of the following: an overview of a brief, the components of a case brief, and some briefing tips.

Overview

You may have heard the term "brief" used in connection with court proceedings. Lawyers often file "briefs" with the court when making motions before a trial or when filing an appeal. The judge or judges then use these briefs when making their decisions. This type of brief is often referred to as a Legal Brief or Court Brief.

A case brief is more or less a summary of a single case, highlighting its important aspects. It is mainly used to help students learn a case and to provide a study tool for future reference. Since this is not a law course that is synonymous with one that is designed for an accredited law school, the format of the case brief has been slightly modified to serve the purposes of this course.

Components

The case brief should be entirely single-spaced. The page requirement for this assignment is a minimum of 1 page but not to exceed 2 pages. A brief is composed of a number of sections that help summarize and outline the important issues in a case. They are:

- Title/Citation
- Facts
- Issue(s)
- Holding(s)
- Reasoning/Analysis of the Court
- Importance to Higher Education

Title/Citation

At the top-center of the page should have three things: 1) The title of the case, 2) the citation number (i.e., 5 U.S. 137,3) the court where the case took place (i.e., United States Supreme Court, United States Court of Appeals for the Second Circuit, etc.).

Facts

Provide a brief summary of the facts of the case. Try to limit your facts section only to those facts that are necessary to the main issues case (not all facts are). When reading a case, the facts are usually discussed near the beginning the opinion.

Issues

This is perhaps the most important and difficult part of the brief. The purpose of a brief is to synthesize the information so that it is easy to understand in summation. The Issues Section of a brief is to sift out the fundamental question of law in the particular case and to phrase it in one concise question, such as, "Does the exclusion of students from a public school solely on the basis of race amount to a denial of 'equal protection of the laws'?" or "Can the defendant's murder conviction be sustained where there is no evidence of premeditation?"

With rare exceptions, the outcome of a case will turn on the meaning of a provision of the Constitution, a law, or a judicial doctrine. As you are reading a case, make sure to keep an eye out for these central issues (sometimes there are more than one). Sometimes, the judge will explicitly state the issue in his/her opinion, and other times the issue is difficult to discern.

Also, some cases will discuss a number of different issues or the judge writing the opinion will spend the majority of his/her opinion discussing something that is not related to the main legal question decided in the case (something that can be seen in Marshall's opinion in *Marbury v. Madison*). Your task is to cut through all of this and find that central question(s).

Holding(s)

The holding is the answer to the question or questions posed in the Issues Section. It should simply be a "Yes" or "No." Make sure you state the question(s).

Reasoning/Analysis

Here you should provide a summary of the rationale the court used in making its' decision. Often, the court will outline their rationale as a series of steps, or make reference to several factors that influenced the decision.

Importance to Higher Education

In this section, provide your thoughts as to how this case impacts higher education generally, the operation of a college or university, or the activities of a higher education administrator.

Case Brief Tips

It is imperative that you read and understand the case you choose. It is important that you read the case as many times as it takes to understand what the court is trying to say. Sometimes it may take reading a whole case or a certain section of a case multiple times in order to gain a good understanding. This is very important to do. It is next to impossible to write a decent brief if you have not gained a basic understanding of the case.

One of the best ways to help yourself in understanding the cases and to assist you in keeping track of the different elements for your brief is to highlight important parts of the case as you read. Highlight passages in the case that you feel are important as you

read. As you highlight, write labels in the margins to indicate that certain passages relate to things you want to cover in your brief. For example, write labels such as "Facts,", "Holding," or "Reasoning" in the margins so you can refer back to them quickly.