

Policy and Legal Dimensions of Higher Education

EDH 7405

EDU150

Tuesdays 2pm-4:45pm

Class Syllabus

Instructor: Dr. Thomas Miller
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Office Hours: Wednesdays 1pm-5pm or by appointment

Course Description:

This course will focus on the legal context and issues likely to be involved with the duties of the higher education professional. Emphasis will be placed on an understanding of constitutional, statutory, and contract law with application of issues including, but not limited to, organizational and personal liability, academic freedom, FERPA, dispute resolution, freedom of expression, discrimination, employment issues, the ADA, and handbooks/catalogues.

Course Goals and Objectives:

The place of law in our society has grown increasingly important to the understanding of the higher education administrator, requiring an understanding of both the meaning of the law itself and the dynamic interaction of social, political, economic and educational phenomena. As our society and its educational organizations become more complex, the law has assumed a greater role in establishing patterns, modes of conduct, and equitable procedures in an attempt to assure the rights and responsibilities of administrators, faculty members, staff, and students in the institutional context. The objectives of this course are to introduce students to key legal principles that affect professional practice in higher education and to help students discuss and write about legal issues in the field with clarity and confidence.

The principle outcomes of this course will be that students will:

- 1) Study, research, understand and be able to apply the legal principles discussed in the operation of higher educational institutions;
- 2) Understand the ways in which the law affects the relationships of faculty, staff, and students with the institutions where they work or study and know the major policy and legal issues affecting administration in higher education;
- 3) Become familiar with regulatory issues in higher education and how they affect institutions and the practices of higher education administrators; and
- 4) Become familiar with how the rights of administrators, faculty members and students are defined and protected by the law and know how those rights affect administrative practice.

The College of Education is dedicated to the ideals of *C*ollaboration, *A*cademic *E*xcellence, *R*esearch, and *E*thics/*D*iversity. These are key tenets in the Conceptual Framework of the College of Education. Competence in these ideals will provide candidates in educator preparation programs with skills, knowledge, and dispositions to be successful in the schools of today and tomorrow. For more information on the Conceptual Framework, visit: www.coedu.usf.edu/main/qualityassurance/ncate_visit_info_materials.html

Textbook and Readings:

Kaplin, W. & Lee, B. (2007) *The Law of Higher Education – Student Version* San Francisco: Jossey-Bass.

The Chronicle of Higher Education

<http://www.insidehighered.com/>

<http://www.clhe.org/clhe/>

The Pavela Report

Course Plan

May 13 – Course Introduction, U.S. Constitution, Contract Law

May 20 – Understanding legal research and resources
Post-secondary education law
Sources of law
Public/private distinctions

K&L: General Introduction and Ch. 1

May 27 – Liability – negligence, defamation, torts
Dispute Resolution

K&L: Ch. 2 and Ch. 3

June 10 – Employment
Affirmative Action
Employment/labor law
Collective Bargaining
Discrimination
Sexual harassment

K&L: Ch. 4

June 24 – Academic policies and Faculty Employment
Degrees, academic freedom, tenure
Disability Issues (employees and students) – ADA, HB 504

K&L: Ch. 5 and Ch. 6

July 1 – The Institutional Relationship with Students – Contract Law and Constitutional Law
Freedom of Expression
Demonstrations
Hate Speech
FERPA

K&L: Ch. 7 and Ch. 8

Course Plan (cont.)

- July 8** – Student organizations
Student government
Student Press
Clubs and organizations
Sororities and fraternities
Intercollegiate Athletics

K&L: Ch.9

- July 15** – Public Policy, Government Regulation, and External Entities
Campus Crime Legislation
Drug Free Schools
Financial Aid
Environmental law
Health law
Cyber Law

K&L: Ch. 10 and Ch. 11

Assignments and Evaluation of Student Outcomes:

- 1) Students will assume responsibility for facilitating electronic discussion associated with one of three specific sources: electronic periodicals provided to the class, specific cases presented for analysis, and assigned problems related to course content. Discussion facilitation: 30% of final course grade.
- 2) Students will read a combination of primary and secondary sources in order to gain a fundamental grounding and an awareness of current legal topics. Students will participate fully in electronic discussion on facilitated material and they will come to class prepared to discuss the reading assigned for the week and to follow up electronic discussion. Class attendance, participation in electronic discussion and classroom discussion: 40% of final course grade.
- 3) Students will choose a topic for a substantial research/analysis paper associated with law and policy in higher education. The paper on the approved topic will be submitted electronically in APA format on July 8. Analysis paper: 30% of final course grade.

Grading summary:

Electronic discussion leadership	30%
Analysis paper (topic approved June 10, paper due on July 8)	30%
<u>Class attendance and participation in classroom and electronic discussion</u>	<u>40%</u>
	100%

Grading Criteria: Plus and minus grading will not be used. No grade below “C” will be accepted toward a graduate degree.

Grade

- A Superior performance and demonstrated excellence in understanding the integration of course materials and independent analysis in the application of legal parameters to practice.
- B Mastered performance and demonstrated ability to understand and integrate course materials in the application of legal parameters to practice.
- C Unsatisfactory performance and the inability to demonstrate a basic understanding of course materials in the application of legal parameters to practice.
- F Failure to demonstrate understanding of rudimentary course materials

Academic Dishonesty:

Plagiarism is defined as “literary theft” and consists of the unattributed quotation of the exact words of a published text, or the unattributed borrowing of original ideas by paraphrase from a published text. On written papers for which the student employs information gathered from books, articles, or oral sources, each direct quotation, as well as ideas and facts that are not generally know to the public at large must be attributed to its author by means of the appropriate citation procedure. Citations may be made in footnotes or within the body of the text. Plagiarism also consists of passing off as one's own, segments or the total of another person's work.

Punishment for academic dishonesty will depend on the seriousness of the offense and may include receipt of an “F” with a numerical value of zero on the item submitted, and the “F” shall be used to determine the final course grade. It is the option of the instructor to assign the student a grade of F or FF (the latter indicating dishonesty) in the course.

Detection of Plagiarism

The University of South Florida has an account with an automated plagiarism detection service which allows instructors to submit student assignments to be checked for plagiarism. I reserve the right to 1) request that assignments be submitted to me as electronic files and 2) electronically submit assignments to Turnitin.com. Assignments are compared automatically with a huge database of journal articles, web articles, and previously submitted papers. The instructor receives a report showing exactly how a student's paper was plagiarized. For more information, go to www.turnitin.com and <http://www.ugs.usf.edu/catalogs/0304/adadap.htm#plagiarism>.

Accommodation of Disability: Any student with a disability is encouraged to meet with the instructor privately during the first week of class to discuss accommodations. To receive any accommodation the student must bring a current Memorandum of Accommodations from the Office of Academic Support and Accommodation for Students with Disabilities. All course documents are available in alternate format if requested in the student’s Memorandum of Accommodations.