ADMINISTRATIVE LAW PADM 5308-001

Course Description

This course will focus on the where administrative law fits within the constitutional and legal system in the United States. Administrative law exists as a result of those sections of federal and state law that authorize the rulemaking and adjudicatory functions of executive branch and regulatory agencies. As such it is largely technical, dealing primarily with the procedural requirements which agencies must fulfill in order to promulgate regulations, adjudicate disputes, enforce sanctions, or grant licenses. Public managers, non profit executives, and ordinary citizens must be aware of these procedures so that they may influence policy decision making and implementation.

Administrative law can also be understood as an excising area of dispute within constitutional and democratic theory. Our readings and discussions will therefore go beyond a simple description of legal process employed by administrative agencies, and will attempt to explain the functions of such institutions in both historical terms and according to their place in a constitutional democracy. Unlike those institutions provided for in the Constitution, administrative agencies must constantly justify their powers, and even their very existence, by reference to the statutes which provide them with their powers and to the procedural rules by which they must act. We will also review the rights of public employees and the rules regarding legal liability that affect states, agencies, public officials, and public employees.

STUDENT LEARNING OUTCOMES

On completion of this course students will be able

1. To value the importance of administrative law and the rule of law for the success of democratic process through course readings and case briefs of historical cases.

2. To explain the origins and operation of the administrative rule-making process through class discussions and written assignments.
3. To analyze the relationships among the courts, agencies, the legislature, and other actors in the policy process through class discussions and written assignment

4. To describe the complexity of policy issues and the context in which public decisions are made and policies are implemented.

**Course Format**

Class and classroom discussions are based on a presumed familiarity with the text: therefore, it is required that reading be done beforehand. Active learning will be a primary benefit of the course. The class is part of the American Democracy Project, which seeks to enhance student engagement in political debates as well as involvement in the community. One goal of the learning community is to develop student skills, specifically those related to language communication, and rhetoric. The refining of these skills will allow students to become more effective participants in whatever communities they choose.

**Course Requirements**

Grading will be done on a conventional scale (90-80-70-60). There will be two exams over the course of the semester and each will be worth 100 points. In addition, there will be several opportunities for class writing and assignments.

Summary:

exams @ 100 points each
class writing …100 points
class participation including attendance…200 points

**Attendance, make up exams and plagiarism**

Regular attendance will be necessary. Given the class assignments, as well as the important role that discussion will play, it will be very important for you to be in class prepared and ready to discuss. Make up exams must be arranged with the instructor. They must be taken within one week of the assigned date. If you must be away when an exam is scheduled, it is best to take it early. I encourage you to work together in preparing for exams. Group efforts can help performance and is a good way to discover
new study strategies as well as sharing information. Finally, cheating or plagiarism on an assignment, or on a test, will result in a zero grade for the assignment. Further actions may be taken in accordance with university rules.

Grade Appeals

As stated in University Rule 13.02.99.C2, Student Grade Appeals, a student who believes that he or she has not been held to appropriate academic standards as outlined in the class syllabus, equitable evaluation procedures, or appropriate grading, may appeal the final grade given in the courses. The burden of proof is upon the student to demonstrate the appropriateness of the appeal. A student with a complaint about a grade is encouraged to first discuss the matter with the instructor. For complete detail, including the responsibilities of the parties involved in the process and the number of days allowed for completing the steps in the process, see University Rule 1302.99.C2, Student grade appeals and University Procedure 13.02.99.C2.01, Student Grade Appeal Procedures. These documents are assessable through the University Rules Web site at http://www.tamucc.edu/provost/university.rules/index.html. For assistance and/or guidance in the grade appeal process, students may contact the Office of Student Affairs.

Class discussion and the classroom environment

Often students feel shy about asking questions or having points clarified. Remember that if you did not understand something, it may be because I did not explain it clearly the first time. If you have a question, chances are ten others have the same one. One of the greatest difficulties in class is talking while the lecture is proceeding, or talking while other students are talking. Please be considerate and respectful of others. It only takes away from the learning experience when you do not. Keep in mind that there will not always be consensus on a point and that we all need to be respectful of the opinion of others. Please make sure that you are in the room and ready to go when class is scheduled to begin. If you know that you are going to be more than 20 minutes late think about getting lecture notes from a fellow student. Please turn off all electronic communication devices before you enter the classroom. Please do not bring things to eat into the classroom, drinks are OK. Take your trash with you when you leave the classroom. Students who are unable to abide by these rules of academic etiquette and normal civility will be asked to leave the class.

Special Needs-Students with special needs are required to file their paperwork with the Special Populations Office (Driftwood 101). Students in this course who have paperwork on file with Special Populations and have needs that may prevent them from fully demonstrating their abilities, should inform me as soon as possible.
Electronics—Please turn off all cell phones, and please do not spend time text messaging during class. Use laptops for legitimate academic purposes. No electronic devices will be permitted during exams.

**Accommodations**

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides a comprehensive civil protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring accommodation, please call or visit Disability Services at 825-5816 in Driftwood 101. If you are a returning veteran and are experiencing cognitive and or physical access issues in the classroom or on campus, please contact the Disability Services office for assistance at 825-5816.

**Advising**

If you are majoring or planning to major in a field taught in the College of Liberal Arts, and if you have not yet obtained a signed degree plan, you should see your Academic Advisor immediately who will set up a degree plan, which must be signed by the student, a faculty mentor, and the department chair. The College’s Academic Advising Center is located in Driftwood 203E and can be reached at 825-3466.

**Required Text**

*ADMINISTRATIVE LAW IN THE POLITICAL SYSTEM*…Fifth Edition…Kenneth f. Warren, Ph.D.

**Class Schedule**

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<tr>
<th>September</th>
<th>9</th>
<th>Administrative Law: An introduction and history…Ch. 1</th>
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<td>16</td>
<td>The growth of administrative power and its impact on the American system…Ch 2</td>
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<td>23</td>
<td>con’t</td>
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<td>30</td>
<td>Legislative attempts to achieve democratic accountability in the administrative process…Ch. 3</td>
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October

7    Protecting administrators from undue interference and harassment…Ch. 4
14   Rulemaking: Agencies as legislative bodies…Ch. 5
21   con't/Midterm Exam
28   The public policy-making tug-of-war between rulemaking and order making…Ch. 6

November

4    Administering public policies: Discretionary agency actions…Ch. 8
11   Judicial review of agency behavior…Ch. 9
18   con’t
25   Suing the government and its administrators…Ch. 10

December

2    Balancing societal and individual rights when conducting administrative searches and seizures…Ch. 11
9    Review/research paper due

Final exam to be announced