ADMINISTRATIVE LAW

Course Description

This course will focus on where Administrative Law fits within the constitutional and legal system in the United States and the state of Texas. Administrative law exists as a result of those sections of federal and state law that authorize the rulemaking and adjudicatory (order making) functions of executive branch and their regulatory agencies. As such it is largely technical, dealing primarily with the procedural requirements which agencies must follow in order to promulgate regulations, adjudicate disputes, enforce sanctions or grant licenses. Public managers, nonprofit 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 existing area of dispute within constitutional and democratic theory. Our readings and discussions will go beyond a simple description of legal process employed by administrative agencies (often referred to as the fourth branch of government) and will 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.

Learning Objectives

1. To value the importance of administrative law and the rule of law for the success of democratic process through course readings and review.
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.
4. To describe the complexity of policy issues and the context in which public decisions are made and policies are implemented.
Major Course Requirements

Grading will be on a conventional scale (100-90-80 etc.). There will be three exams over the course of the semester and each will be worth 100 points. In addition, there will be a paper worth 100 points. Class participation including attendance are important and can affect your grade.

Required Reading

1. The Federal Administrative Procedure Act
2. The Patriot Act
3. The Fourth Amendment
4. The Fifth Amendment

Textbook

ADMINISTRATIVE LAW IN THE POLITICAL SYSTEM...Fifth Edition...Kenneth F. Warren, Ph.D.

Required Study of Video

PROHIBITION by Ken Burns, 3 part series...obtained through Netflix

Course Policies

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. 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, make arrangements with the instructor. I encourage you to work together in preparing for exams or assigned projects or papers. Group efforts can help performance and is a good way to discover new study strategies as well as sharing information. Laptops and Tablets are encouraged. Please turn off cell phones and do not text during class. It will wait.

Academic Integrity/Plagiarism.

University students are expected to conduct themselves in accordance with the highest standards of academic honesty. Academic misconduct for which a student is subject to penalty includes all forms of cheating, such as illicit possession of examinations or examination materials, falsification, forgery, complicity or plagiarism. (Plagiarism is the presentation of the work of another as one’s own work.) In this class, academic misconduct or complicity in an act of academic misconduct on an assignment or test will result in a zero for that assignment.
Dropping a Class

I hope that you never find it necessary to drop this or any other class. However, events can sometimes occur that make dropping a course necessary or wise. Please consult with me before you decide to drop to be sure it is the best thing to do. Should dropping the course be the best course of action, you must initiate the process to drop the course by going to the Student Services Center and filling out a course drop form. Just stopping attendance and participation WILL NOT automatically result in your being dropped from the class. November 15th is the last day to drop a class with an automatic grade of “W” this term.

Classroom/professional behavior

Texas A&M University-Corpus Christi, as an academic community, requires that each individual respect the need of others to study and learn in a peaceful atmosphere. Under Article III of the Student Code of Conduct, classroom behavior that interferes with either (a) the instructor’s ability to conduct the class or (b) the ability of other students to profit from the instructional program may be considered a breach of the peace and is subject of disciplinary sanction outlined in article VII of the Student Code of Conduct. Students engaging in unacceptable behavior may be instructed to leave the classroom. This prohibition applies to all instructional forums, including classrooms, electronic classrooms, labs, discussion groups, field trips, etc.

Grade Appeals Process

As stated in University Procedure 13.02.99 C2.01, Student Grade Appeal Procedures, 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 course. 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 details, including the responsibilities of the parties in the process and the number of days allowed for completing the steps, in the process, see University Procedure 13.02.99.C2.01, Student Grade Appeal Procedures, (available at  http://academicaffairs.tamucc.edu/rules procedures/assets/13.02.99.C201 student grade appeal jprocedure.pdf). For complete details on the process of submitting a formal grade appeal please visit the College of Liberal Arts website, http://cla.tamucc.edu/about/student-resorces.html) For assistance and/or guidance in the grade appeal process, students may contact the Associate Dean’s Office.

Disabilities Services
The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights 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 an accommodation, please call or visit Disability Services at (361) 825-5816 in Corpus Christi Hall 116.

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 (361) 825-5816.

Statement of Academic Continuity

In the event of an unforeseen adverse event, such as a major hurricane and classes could not be held on the campus of Texas A&M University-Corpus Christi: this course would continue through the use of Blackboard and/or email. In addition, the syllabus and class activities may be modified to allow continuation of the course. Ideally, University facilities (i.e., emails, web sites and Blackboard) will be operational within two days of the closing of the physical campus. However, students need to make certain that the course instructor has a primary and secondary means of contacting each student.

Academic Advising

The College of Liberal Arts requires that students meet with an Academic Advisor as soon as they are ready to declare a major. Degree plans are prepared in the CLA Academic Advising Center. The University uses an online Degree Audit system. Any amendment must be approved by the Department Chair and the Office of the Dean. All courses and requirements specified in the final degree plan audit must be completed before a degree will be granted. The CLA Academic Advising Office is located in Driftwood # 203. For more information please call (361) 825-3466.

Class Schedule

August 29, 2016 Administrative Law: An introduction to and History...Chapter 1, Growth of administrative power and its impact on the American system...Chapter 2.

September 5, 2016 Legislative attempts to achieve democratic accountability in the administrative process...Chapter 3, combine with Chapter 9 Judicial review of agency behavior

September 12, 2016 Protecting administrators form undue interference and harassment...Chapter 4

September 19, 2016 First Exam...Rule making...Chapter 5
September 26, 2016  Con’t Rule making ....Chapter 5 Agencies as legislative bodies

October 3, 2016  Tug-of-war between rulemaking and order making...Chapter 6

October 10, 2016  First part of video Prohibition, study of application of ideology that gets confused (Professor absent)

October 17, 2016  Second part of video Prohibition, enforcement of ideology...you cannot legislate morality

October 24, 2016  Second Exam ...Third part of video Prohibition

October 31, 2016  Administering Public Policies: Discretionary agency actions... Chapter 8 (Chapter 7 will be discussed only briefly)

November 7, 2016  Suing the government and its administrators...Chapter 10

November 14, 2016  Third Exam...Patriot Act

November 21, 2016  Balancing social and individual rights when conducting administrative searches and seizures...Chapter 11

November 28, 2016  Application of Fourth and Fifth amendments...

December 6, 2016  Debate...Last day of class...Dissolution of an Agency