Program Identity Statement: **Engaging the Culture; Elevating the Discipline**

**Alignment with Carnegie Project on the Education Doctorate (CPED):**

- Is framed around questions of equity, ethics, and social justice to bring about solutions to complex problems of practice.
- Provides field-based opportunities to analyze problems of practice and use multiple frames to develop meaningful solutions.
- Is grounded in and develops a professional knowledge base that integrates both practical and research knowledge, that links theory with systemic and systematic inquiry.
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**Higher Education and the Law**

**Course Description**

Study of basic legal issues as they relate to governance in higher education; including legal issues relating to trustees, administrators, staff, faculty and students; legal relationships with local, state and federal government. The course also addresses legal issues relating to accrediting, athletic and faculty associations. Legal relationships with the business/industrial community are also covered.

**Rationale**

Professor Kaplan writes: Educators and administrators need not learn to know the law like lawyers know the law, or to analyze problems like lawyers do, or to perform the functions that lawyers perform. In real-world settings, there are (or should be) lawyers available to perform these functions. Educators and administrators (and public policy-makers as well) have different roles to play – roles in which it is more critical to know about law than to know the law; more critical to know how to analyze problems from their own discipline’s perspective,
against the backdrop of law, than to analyze problems from the lawyer’s perspective; and more critical to know how to work with lawyers in performing their own functions, than to perform the lawyers’ functions for them. Kaplin, W. A., & Lee, B. A. (2007). *Cases, Problems, and Materials for use with The law of higher education* (4th ed.). (Student version).

**Course Objectives/Learning Objectives**

- Develop an understanding of how colleges and universities legally relate to states.
- Defend a legal position regarding faculty rights.
- Defend a legal position regarding student rights.
- Interpret how the law applies to college and university business and community liability and obligations.
- Justify how federal laws and regulations apply to employee protections.
- Interpret a college or university situation by utilizing appropriate legal concepts.

**Major Course Requirements**

1. **Readings:** The information and due dates are listed below in the section on *Course Schedule*.

2. **Participation:** Class discussion and participation is the most important part of the course. Each class will cover the topic assigned and activities will include discussions and analyses of scenarios involving legal concerns. Make sure you complete the reading prior to class as the material will directly apply to classroom activities. You will be expected to demonstrate your familiarity with the material through class discussions. Fifty percent of your grade will be determined by your class participation.

3. **Chronicle of Higher Education legal issues:** The *Chronicle of Higher Education* reports many of the legal issues facing colleges and universities today. For this assignment, you will access the *Chronicle* and briefly discuss a legal matter that interests you for each class. For each class you will: (a) look at the Legal section of the *Chronicle of Higher Education* (http://chronicle.com/section/Legal/23/); (b) select a legal article on a topic that interests you (or search for a legal article); and (c) make a brief report (5 minutes at most) to the class the legal issues of the article and your position. You effort will be graded as a part of your class participation.

4. **Problems:** There are 22 problems with questions related to the legal issues discussed related to specific topics covered by the course. The Problems will be located on Blackboard. You will write 1-3 paragraphs answering each question. Due dates for the Problems are listed on the schedule. These will be graded on a pass/fail basis and you may work with other students in the class, but each student must turn in their own answers. You will send them via email. Please include the number of the problem and the entire problem and question with your answers and include all your answers in one email at a time.
Problem Solving Exercises: At the end of the course, in lieu of a final exam, you will prepare two papers based upon large-scale exercises located in Blackboard. You will have nine scenarios to pick from. Please do your best articulate your positions and to turn in a high quality work product that adheres to professional standards. This should be your independent work. Your paper should be at least 3 pages in length with appropriate citations and references. Only scholarly and professional material should be used for support and examples. You should cite the assigned text where appropriate. You should cover the following questions in your reflections:

a) What are the legal issues presented by this problem? In what order should these issues be addressed? Which issues are most critical to the resolution of the problem, and why?

b) What are the policy issues (i.e., issues of educational policy, administrative policy, or public policy) presented by this problem? In what ways are these policy issues interrelated with the legal issues?

c) What are the professional responsibility or ethical issues presented by this problem for administrators and educators?

d) Will full resolution of this problem require that the institution involved proceed in a treatment law mode? A preventive law mode? Both? (See the Student Version Section 2.1.7.) What are the forums for dispute resolution to which the parties in this problem may resort? (See the Student Version Section 1.1, Section 2.2.1, and Section 2.2.3.) What should be the forum of first resort? What would be the preferred forum for each of the parties?

e) How might the legal, policy, or professional responsibility issues in this problem have differed had the institution involved been public [or private] rather than private [or public]? (See generally the Student Version Section 1.5.) If a private institution, how might these issues have differed had the institution involved been religiously affiliated [or secular] rather than secular [or religiously affiliated]? (See generally the Student Version Section 1.6.) Would the forums for dispute resolution have differed depending on whether the institution involved is public, private secular, or private religious?
Assignment Summary

<table>
<thead>
<tr>
<th>Assignments</th>
<th>Points</th>
<th>Due Date</th>
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<tbody>
<tr>
<td>2 Papers—Case Studies</td>
<td>250 points each for 500 points</td>
<td>See the schedule</td>
</tr>
<tr>
<td>22 Problems</td>
<td>Pass/Fail (20 point reduction for each problem not turned in)</td>
<td>See the schedule</td>
</tr>
<tr>
<td>Classroom Discussions and Chronicle of Higher Education articles —-no make-up assignments for missing a discussion</td>
<td>500 Points. Missing each discussion results in a 40 point reduction for each one missed.</td>
<td>Each meeting day</td>
</tr>
<tr>
<td>Total</td>
<td>1,000</td>
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Grading
90-100% = A; 80-89% = B; 70-79% = C; 60-69% = D; 50-59% = F

Reading Requirements

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February 2014, Jossey-Bass

William A. Kaplin, Barbara A. Lee, and With Neal Hutchens and Jacob Rooksby

Course Schedule

Required Reading & Meetings

<table>
<thead>
<tr>
<th>Date</th>
<th>Topics and Assignments</th>
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| 8.27  | (1) Review Syllabus; Introductions  
(2) The Law and the American Legal System  
Introduction, Chapter 1, Appendix B |
| 9.3   | Labor Day—No class |
| 9.10  | (1) Legal Planning and Dispute Resolution  
(2) The College’s Authority and Liability  
Chapters 2 and 3 |
| 9.17  | The College and its Employees  
a) Discrimination  
b) Sexual Harassment  
Chapter 4 |
| 9.24  | Legal Issues Concerning Faculty Employment – Tenure  
Chapter 5 |
| 10.1  | Academic Freedom and Faculty Expression  
Chapter 6 |
| 10.8  | No class. **Problems 1-8 Due.** |
| 10.15 | Student-Institution Relationship  
a) Admission  
b) Affirmative Action  
Chapter 7.1 – 7.3 |
| 10.22 | Student Services and Privacy  
Chapter 7.4-7.8 |
| 10.29 | Student Academic Issues and Due Process  
Chapter 8 and 9.1-9.3  
**Problems 9-15 due** |
| 11.5  | Student Speech  
Chapter 9.4-9.5 |
| 11.12 | Student Organizations  
Chapter 10 |
| 11.19 | College and Outside World  
Chapter 11 |
6

11.26 Special Topics and *Problems 16-22 due*

12.3 Special Topics and Individual Presentations

12.10 *Problem Solving Exercises due*

This schedule is subject to revision.

**State Adopted Proficiencies for Teachers and/or Administrators/Counselors** n/a

**TExES Competencies** n/a

**Course Policies**

*Attendance/tardiness:* It is expected that you attend every class session and are on time.

*Late work:* No late work is accepted except for extenuating circumstances approved by the instructor.

*Extra Credit:* No extra credit work is provided.

*Cell Phone/Electronic Device Usage:* Cell phones and other electronic devices are to be turned off during class time. Approved electronic devices include the use of a computer for note taking.

*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 an “F” for an assignment. Additional academic dishonesty and/or plagiarism will result in an “F” for the course.

*Required methods of scholarly citations:* APA 6th Edition

*Classroom/professional behavior*

It is expected that classroom, campus, and community behavior are exemplary of professionals and scholars in higher education. Although we can have a great deal of fun and should enjoy the educational experience, overall behavior should reflect dignity and respect for each other, the field of study, and the society we serve.
Statement of Civility

Texas A&M University-Corpus Christi has a diverse student population that represents the population of the state. Our goal is to provide you with a high quality educational experience that is free from repression. You are responsible for following the rules of the University, city, state and federal government. We expect that you will behave in a manner that is dignified, respectful and courteous to all people, regardless of sex, ethnic/racial origin, religious background, sexual orientation or disability. Behaviors that infringe on the rights of another individual will not be tolerated.

Grade Appeals*

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 involved 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. These documents are accessible through Academic Affairs at http://academicaffairs.tamucc.edu/rules_procedures/assets/13.02.99.C0.03_student_grade_appeals.pdf. For assistance and/or guidance in the grade appeal process, students may contact the Dean’s office in the college in which the course is taught or the Office of the Provost.

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 a secondary means of contacting each student.

Disabilities Accommodations

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, disability.services@tamucc.edu.

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.