



HIED 656:01W HIGHER EDUCATION AND THE LAW
COURSE SYLLABUS FALL 2016

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COURSE INFORMATION

Materials—Textbooks, Readings, Supplementary Readings:

Textbook Required:

Olivas, M. A., & Gajda, A. (2016). *The law and higher education: Cases and materials on colleges in court* (4th ed.). Durham, NC: Carolina Academic Press.

Optional and Supplementary resources:

Black, H., et al. (1992). *Black's law dictionary* (6th ed.). St Paul, MN: West Publishing.

Kaplin, W. A., & Lee, B. A. (2006). *The law of higher education* (4th ed.). San Francisco, CA: Jossey-Bass.

Westlaw Campus Research (accessed through the library databases) or hard copies of court reporters.

Course Description: Organic structure of the law, how to use legal resources, and significant issues and trends; past, present, and future; in higher education law.

Student Learning Outcomes:

Upon completion of this course, the student will be able to

1. Demonstrate an understanding of the basics of the legal system. Specifically, the student will be able to
 - 1.1 Identify and describe the sources of law in the United States.
 - 1.2 Describe the jurisdiction of each level in the judicial and legislative hierarchy, and their relationship to the U. S. Constitution.
2. Demonstrate skills in working with legal materials. Specifically, the student will be able to
 - 2.1 Identify and describe the Federal case reporters.
 - 2.2 Describe the meaning of each element in a case citation.
 - 2.3 Locate case reports and statutes using standard citations.
 - 2.4 Define commonly-used legal terminology.
 - 2.5 Read and understand case reports.
 - 2.6 Prepare briefs of case reports.
3. Demonstrate an understanding of the major legal issues that impact higher education, and the approach of agencies, legislatures, and courts to these issues. Specifically, the student will be able to
 - 3.1 Describe the legal governance of higher education.
 - 3.2 Define academic freedom and describe its applications and limitations.

- 3.3 Discuss the relationship of the law with college faculty.
- 3.4 Discuss the relationship of the law with college students.
- 3.5 Identify the legal constraints on discrimination, including harassment, and discuss the current role of affirmative action in higher education.

COURSE REQUIREMENTS

Instructional Methods/Activities/Assessments

Completion of a preliminary quiz over legal knowledge (to be completed online in Week 1).

Completion of an open-book proficiency test on the course syllabus and course introductory presentation and materials (to be completed prior to Week 4). [Note—this test cannot be repeated.]

Readings in the course text as assigned and in supplementary outside resources as necessary.

Participation in group discussion (per assigned groups) of reading assignments.

Participation in online threaded discussion over each text reading assignment. [Note—late participation will receive a lower grade—see below.]

Weekly tests over text reading assignments. [Note—these tests are intended to be completed **ONLY** after completion of each week's reading as well as group discussion and threaded discussion of the reading.]

A final exam.

All students must submit a paper comprised of five case briefs (cases described in text), as assigned by instructor (to be submitted by December 5). [**NOTE:** late submissions **WILL RECEIVE A REDUCED GRADE.**] Format for case brief paper located at end of syllabus.

STRONGLY RECOMMENDED FOR EACH READING ASSIGNMENT:

Preparation of case briefs (using the format required for the paper) for each case in the text. Although these briefs **will not** be submitted, they will serve as invaluable notes as you progress through the class as well as your career.

Grading

The following criteria will be utilized for student evaluation:

Legal knowledge quiz (maximum of 5 extra-credit pts.)

Proficiency Test (100 pts.)

Weekly threaded discussion (100 pts.—10 pts. maximum per assignment)

(Note—points will be deducted for posts made after Friday of each week.)

Weekly tests (200 pts.—20 pts. each)

Final exam (100 pts.)

Paper (50 pts.)

(Total possible—550 pts.)

The minimum number of points required for each grade is as follows:

A—500

B—450

C—400

(Please remember, no grade below a B may be applied to a doctoral degree.)

TECHNOLOGY REQUIREMENTS

This course will be using the eCollege platform for course delivery and for all student submissions and discussion. All direct communication with the class and the professor will be conducted in the appropriate week's threaded discussion session. Group discussions may utilize any technological link preferred by the individual group.

Access to the library's available databases via the student's MyLeo account will be required, unless the student prefers to use the library's holdings in person.

ACCESS AND NAVIGATION

To access the eCollege platform, students should type the following address into their internet browser: <https://leo.tamuc.edu/login.aspx>.

Students will need their CWID and password to log in to the course. Students who do not know their CWID or have forgotten their password should contact Technology Services at 903.468.6000 or helpdesk@tamuc.edu.

COURSE AND UNIVERSITY PROCEDURES/POLICIES

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment (Texas A&M University-Commerce Procedure A12.08—see Student Guidebook, Policies and Procedures, Conduct).

All graduate students are expected to maintain high standards of academic integrity and honesty. Academic dishonesty, as defined in Texas A&M University-Commerce Procedure 13.99.99.R0.10, will incur a penalty commensurate with the severity of the infraction, from failure on the applicable assignment to failure in the course. A report of each infraction also is submitted to the Graduate School for further action.

A&M-Commerce will comply in the classroom, and in online courses, with all federal and state laws prohibiting discrimination and related retaliation on the basis of race, color, religion, sex, national origin, disability, age, genetic information, or veteran status. Further, an environment free from discrimination on the basis of sexual orientation, gender identity, or gender expression will be maintained.

Texas Senate Bill 11 (Government Code 411.2031, et al.) authorizes the carrying of a concealed handgun in Texas A&M University-Commerce buildings only by persons who have been issued and are in possession of a Texas License to Carry a Handgun. Qualified law enforcement officers or those who are otherwise authorized to carry a concealed handgun in the State of Texas are also permitted to do so. Pursuant to Penal Code (PC) 46.035 and A&M-Commerce Rule 34.06.02.R1, license holders may not carry a concealed handgun in restricted locations. For a list of locations, please refer to (<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/34SafetyOfEmployeesAndStudents/34.06.02.R1.pdf>) and/or consult your event organizer). Pursuant to PC 46.035, the open carrying of handguns is prohibited on all A&M-Commerce campuses. Report violations to the University Police Department at 903-886-5868 or 9-1-1.

Students with Disabilities:

The Americans with Disabilities Act (ADA) is a federal antidiscrimination 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 have a disability requiring an

accommodation, please contact the **Office of Student Disability Resources and Services, Texas A&M University-Commerce, Gee Library, Room 132, Phone (903) 886-5150 or (903) 886-5835, Fax (903) 468-8148 (StudentDisabilityServices@tamuc.edu)**

COURSE OUTLINE:

(Note: Subject to change)

Topic	Text chapter
Legal quiz; Course expectations; Proficiency test	
Legal governance of higher education	1
Academic freedom	2
Academic freedom	2
Law & Faculty	3
Law & Faculty	3
Law & Faculty	3
Students & Law	4
Students & Law	4
Students & Law	4
Discrimination	5
Final exam	

Preparation of Case Brief Paper

(Maximum—one paragraph per case)

Case name

Inclusive page numbers in textbook (note—**case ends with the solid line**)

Explanation of each element in the case citation (if a citation does not follow a standard format as identified in the syllabus, do your best to explain what the citation means—no points will be removed for misinterpretation of nonstandard items). This information must be correct and precise (e.g., for U.S., United States Reporter is not correct—the reporter name is *United States Reports*)

Identification of level of court (must specify Federal or state as well as the specific level)

The action that prompted the case (a very brief summary—no more than three sentences)

The court's ruling—in favor of which party (be correct and precise—i.e., do not simply say, affirmed, or ruling for defendant)

Implication of the ruling for higher education—this is the most important information for you to remember, because the implications of our cases provide the rules of law that can guide you in your career.

[Important note—briefs of the first seven cases in the text are provided in Course Home to demonstrate how the case briefs should be prepared for the paper.]