



HIED, 656, 01W, The Law of Higher Education
COURSE SYLLABUS: Spring 2026

INSTRUCTOR INFORMATION

Instructor: David V. Tolliver, III, Ph.D.

Office Location: Virtual

Office Hours: Virtual (by appointment)

Office Phone: 903-886-5618 (use email for faster response)

University Email Address: david.tolliver@etamu.edu

Preferred Form of Communication: Email

Communication Response Time: Email is the best way to reach me as I check it daily. A reply will be sent within 24 - 48 hours (excluding weekends and holidays), depending upon the time your message was received.

COURSE INFORMATION

Materials – Textbooks, Readings, Supplementary Readings

Textbook(s) Required

American Psychological Association. (2020). *Publication Manual of the American Psychological Association* (7th ed.). Washington, DC: Author.

Kaplin, W.A., Lee, B.A., Hutchens, N.H., & Rooksby, J.H. (2024). *The Law of Higher Education: Essentials for Legal and Administrative Practice*. Jossey-Bass.

Resources Provided

Web links and pdf files of legal case studies

Software Required

Microsoft Word and an internet browser

Optional Texts and/or Materials

Additional course materials will be provided or found in the East Texas A&M library's online literature database or in the D2L course shell.

Course Description

This class explores the legal standards affecting higher education institutions and members of the campus community (e.g., faculty, students, and administrators). The class will address key legal issues arising in higher education, including: institutional legal obligations and responsibilities; student rights and responsibilities (e.g., speech rights, organizational rights, and student conduct); rights and responsibilities of faculty members; legal issues related to affirmative action; and legal distinctions between public and private colleges and universities.

Student Learning Outcomes

After completing this course, a student will be able to:

- Identify and analyze key legal issues arising in higher education
- Read published legal opinions
- Reflect on the intersections between legal standards arising in higher education and the implications for professional practice

Activities Outside of Regular Class Meetings

As an asynchronous course, there are no required course meetings. During the semester, I will be available for regular one-on-one check-ins to work with individuals on their assignments. These check-ins are not required but are greatly encouraged. For students who are physically present in Commerce all or part of the semester, I am also happy to meet in person if our schedules can align. These one-on-one check-ins provide a great opportunity for me to learn more about you and your interests and work. An asynchronous learning environment provides greater flexibility to meet learning needs, but I hope to connect with students during the semester to help them maximize what they can get out of the course. I suggest scheduling a check-in as often as needed to be helpful. I am also open to scheduling optional synchronous online meetings for multiple students, such as in response to a topic that comes up on our D2L discussion board or assignments. No matter what the medium, I encourage (welcome) students to be in contact with me throughout the semester as needed!

COURSE REQUIREMENTS

Minimal Technical Skills Needed

Utilization of Microsoft Word, D2L, and an internet browser.

Instructional Methods

Refer to the course syllabus.

Student Responsibilities or Tips for Success in the Course

GRADING

Final grades in this course will be based on the following scale:

A = 90%-100%

B = 80%-89%

C = 70%-79%

D = 60%-69%

F = 59% or Below

Total points corresponding to the final letter grades

A = 225- 250 Points

B = 200- 224 Points

C = 175- 199 Points

D = 150- 174 Points

F = 149 & < Points

Weights of the assessments in the calculation of the final letter grade.

Student Introduction	2%
Module Discussions	28%
Legal Case Reviews	56%
Final Exam	14%
TOTAL	100%

Assessments

Refer to the content section in D2L.

TECHNOLOGY REQUIREMENTS

LMS

All course sections offered by East Texas A&M University have a corresponding course shell in the myLeo Online Learning Management System (LMS). Below are technical requirements.

LMS Requirements:

<https://community.brightspace.com/s/article/Brightspace-Platform-Requirements>

LMS Browser Support:

https://documentation.brightspace.com/EN/brightspace/requirements/all/browser_support.htm

Zoom Video Conferencing Tool

https://inside.tamuc.edu/campuslife/CampusServices/CITESupportCenter/Zoom_Account.aspx?source=universalmenu

ACCESS AND NAVIGATION

You will need your campus-wide ID (CWID) and password to log into the course. If you do not know your CWID or have forgotten your password, contact the Center for IT Excellence (CITE) at 903.468.6000 or helpdesk@tamuc.edu.

Note: Personal computer and internet connection problems do not excuse the requirement to complete all course work in a timely and satisfactory manner. Each student needs to have a backup method to deal with these inevitable problems. These methods might include the availability of a backup PC at home or work, the temporary use of a computer at a friend's home, the local library, office service companies, Starbucks, a TAMUC campus open computer lab, etc.

COMMUNICATION AND SUPPORT

If you have any questions or are having difficulties with the course material, please contact your instructor.

Technical Support

If you are having technical difficulty with any part of Brightspace, please contact Brightspace Technical Support at 1-877-325-7778. Other support options can be found here:

<https://community.brightspace.com/support/s/contactsupport>

Interaction with Instructor Statement

Send an email to schedule a Zoom appointment.

COURSE AND UNIVERSITY PROCEDURES/POLICIES

Course Specific Procedures/Policies

Syllabus Change Policy

The syllabus is a guide. Circumstances and events, such as student progress, may make it necessary for the instructor to modify the syllabus during the semester. Any changes made to the syllabus will be announced in advance.

University Specific Procedures

Student Conduct

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. The Code of Student Conduct is described in detail in the Student Guidebook.

<https://inside.tamuc.edu/admissions/registrar/documents/studentGuidebook.pdf>.

Students should also consult the Rules of Netiquette for more information regarding how to interact with students in an online forum: <https://www.britannica.com/topic/netiquette>

TAMUC Attendance

For more information about the attendance policy please visit the [Attendance](#) webpage and [Procedures 13.99.99.R0.01](#)

<http://www.tamuc.edu/admissions/registrar/generalInformation/attendance.aspx>

Academic Integrity

Students at East Texas A&M University are expected to maintain high standards of integrity and honesty in all of their scholastic work. For more details and the definition of academic dishonesty see the following procedures:

[Undergraduate Academic Dishonesty 13.99.99.R0.03](#)

[Undergraduate Student Academic Dishonesty Form](#)

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/documents/13.99.99.R0.03UndergraduateStudentAcademicDishonestyForm.pdf>

Graduate Students Academic Integrity Policy and Form

[Graduate Student Academic Dishonesty Form](#)

<https://inside.tamuc.edu/aboutus/policiesProceduresStandardsStatements/rulesProcedures/13students/graduate/13.99.99.R0.10.pdf>

Students with Disabilities-- ADA Statement

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 have a disability requiring an accommodation, please contact:

Office of Student Disability Resources and Services

East Texas A&M University
Velma K. Waters Library Rm 162
Phone (903) 886-5150 or (903) 886-5835
Fax (903) 468-8148
Email: studentdisabilityservices@tamuc.edu

Website: [Student Disability Services](#)

<https://www.tamuc.edu/student-disability-services/>

Nondiscrimination Notice

East Texas A&M University 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.

Campus Concealed Carry Statement

Texas Senate Bill - 11 (Government Code 411.2031, et al.) authorizes the carrying of a concealed handgun in East Texas A&M University 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 East Texas A&M University Rule 34.06.02.R1, license holders may not carry a concealed handgun in restricted locations.

For a list of locations, please refer to the [Carrying Concealed Handguns On Campus](#) document and/or consult your event organizer.

Web url:

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/34SafetyOfEmployeesAndStudents/34.06.02.R1.pdf>

Pursuant to PC 46.035, the open carrying of handguns is prohibited on all East Texas A&M University campuses. Report violations to the University Police Department at 903-886-5868 or 9-1-1.

East Texas A&M University Supports Students' Mental Health

The Counseling Center at East Texas A&M University, located in the Halladay Building, Room 203, offers counseling services, educational programming, and connection to community resources for students. Students have 24/7 access to the Counseling Center's crisis assessment services by calling 903-886-5145. For more information regarding Counseling Center events and confidential services, please visit www.etamu.edu/counsel

Mental Health and Well-Being

The university aims to provide students with essential knowledge and tools to understand and support mental health. As part of our commitment to your well-being, we offer access to Telus Health, a service available 24/7/365 via chat, phone, or webinar. Scan the QR code to download the app and explore the resources available to you for guidance and support whenever you need it.



<http://telusproduction.com/app/5108.html>

AI use policy [Draft 2, May 25, 2023]

East Texas A&M University acknowledges that there are legitimate uses of Artificial Intelligence, ChatBots, or other software that has the capacity to generate text, or suggest replacements for text beyond individual words, as determined by the instructor of the course.

Any use of such software must be documented. Any undocumented use of such software constitutes an instance of academic dishonesty (plagiarism).

Individual instructors may disallow entirely the use of such software for individual assignments or for the entire course. Students should be aware of such requirements and follow their instructors' guidelines. If no instructions are provided the student should assume that the use of such software is disallowed.

In any case, students are fully responsible for the content of any assignment they submit, regardless of whether they used an AI, in any way. This specifically includes cases in which the AI plagiarized another text or misrepresented sources.

13.99.99.R0.03 Undergraduate Academic Dishonesty

13.99.99.R0.10 Graduate Student Academic Dishonesty

Department or Accrediting Agency Required Content

COURSE OUTLINE / CALENDAR

*Dates are provided in D2L

Course Activities and Assignments

The following are the assignments/activities for the semester. Additional details for the completion of assignments/activities will be provided elsewhere in the syllabus or during the semester. Note: depending on circumstances, the schedule, readings, and activities and assignments may be amended as needed.

Assignment/Activity	Points
Participation/Discussion in D2L Modules such as discussion postings or other assignments. We will use D2L for our module discussions. My hope is that these discussions are informative and interactive and provide a place for us to learn from one another. I don't use the discussion board as a place for "busy work," and I do not require lengthy posts or responses. Instead, I ask for students to provide responses that are thoughtful and reflect their deep engagement with readings/topics. I also ask that we are respectful of one another in how we interact with and respond to our peers in our online discussions. That, of course, doesn't mean that everyone has to share the same interpretation of a reading or topic covered in class.	40 (5 points each module)
I expect that everyone will be treated with Respect in this course.	
Class presentation on final paper in D2L	10

<p>Paper (or collection of papers) on topic of choice dealing with a legal issue arising in higher education. Also, I am very open to alternative assignments as they serve student learning needs and interests. Please reach out to me to help design a major learning assignment that aligns with your educational and professional goals. We will discuss the final assignment more during our discussion posts in D2L. Based on their paper, or one of their papers if writing a collection of papers, students will make a presentation to the class that will be posted in D2L for Module 8. While this is an asynchronous class, I am happy to welcome the opportunity to meet with students by Zoom or in person. You can schedule an appointment by email.</p>	50
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Tentative Course Schedule

Class	Topics	Readings/Audio-Visual Materials	Assignments and Activities
Module 1	<ul style="list-style-type: none"> • Introduction to course • Overview of major assignments • Discussion of how to read, brief cases • Higher education governance and organization from a legal perspective • Public versus Private higher education (importance of state action) • Overview of judicial/court systems 	<ul style="list-style-type: none"> • General Introduction and Overview of Higher Education Law (pages 1-57) from <i>The Law of Higher Education: Essentials for Legal and Administrative Practice</i>) • <i>Chaudhuri v. State of Tennessee, Tennessee State University</i> (D2L) 	<ul style="list-style-type: none"> • Review course syllabus in D2L • Introduce yourself in D2L to class/ask questions about the syllabus in D2L • Reflections/Questions on Module 1 readings • Module discussion • Schedule optional individual check-in as needed

Module 2	<ul style="list-style-type: none"> • Contract principles and the student/institutional relationship 	<ul style="list-style-type: none"> • The Student-Institutional Relationship (pages 409-439) from <i>The Law of Higher Education: Essentials for Legal and Administrative Practice</i>) • Al-Dabagh v. Case Western Reserve University (D2L) • <i>Harwood v. Johns Hopkins University</i> (link in D2L) (review) 	<ul style="list-style-type: none"> • Complete readings • Reflections/ Questions on Module 2 readings and case briefs • Module Discussion • Schedule optional individual check-in as needed
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Class	Topics	Readings/Audio-Visual Materials	Assignments and Activities
Module 3	<ul style="list-style-type: none"> • Potential tort liability of colleges and universities to students, including discussion of rise and fall (and partial resurgence) of the doctrine of <i>in loco parentis</i> 	<ul style="list-style-type: none"> • The College's Authority and Liability (pages 91-142) from <i>The Law of Higher Education: Essentials for Legal and Administrative Practice</i>) • Lewis v. St. Cloud University (D2L) • <i>Regents of University of California v. Superior Court</i> (link D2L) (review) • Watch oral arguments in <i>Regents of University of California v. Superior Court</i> (link D2L) 	<ul style="list-style-type: none"> • Complete readings • Reflections/Questions on Module 3 readings and case briefs • Module Discussion • Schedule optional individual check-in as needed

Module 4	<ul style="list-style-type: none"> • Student Due Process <ul style="list-style-type: none"> ▪ Student conduct and non-curricular context ▪ Academic decisions 	<ul style="list-style-type: none"> • Student Disciplinary Issues (pages 664-701) from <i>The Law of Higher Education: Essentials for Legal and Administrative Practice</i> • <i>Doe v. Valencia College (D2L)</i> • University of Missouri v. Horowitz (link in D2L) (review) • Listen to oral arguments in <i>Horowitz</i> in Oyez (link in D2L) 	<ul style="list-style-type: none"> • Complete readings • Reflections/Questions on Module 4 readings and case briefs • Module Discussion • Schedule optional individual check-in as needed
Class	Topics	Readings/Audio-Visual Materials	Assignments and Activities

<p>Module 5</p>	<ul style="list-style-type: none"> • First Amendment rights of students and student organizations, including legal claims involving religion • Importance of context and role in determining available First Amendment rights for student speech • Students' online speech • Campus Protests • Challenges of hate speech 	<ul style="list-style-type: none"> • Student Protests and Freedom of Speech and Speech Codes and the Problem of Hate Speech (pages 702-740) from <i>The Law of Higher Education: Essentials for Legal and Administrative Practice</i> • <i>Shamloo v. Mississippi State Board of Trustees of Institutions of Higher Learning et al.</i> (D2L) • New Training and Tougher Rules: How Colleges Are Trying to Tame Gaza Protests, <i>The New York Times</i>, Alan Blinder (D2L) • Clips about campus protest rules and guidance, including new rules <ul style="list-style-type: none"> ▪ New protest rules for UC, USC campuses, an approach being followed at multiple campuses https://www.youtube.com/watch?v=B-TZHFijGgk ▪ Univ. of Idaho training video https://www.youtube.com/watch?v=8j8FzXDTonc 	<ul style="list-style-type: none"> • Complete readings • Reflections/Questions on Module 5 readings and case briefs • Module Discussion • Schedule optional individual check-in as needed
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Class	Topics	Readings/Audio-Visual Materials	Assignments and Activities
Module 6	<ul style="list-style-type: none"> • Academic freedom and tenure • Speech rights of university employees, both faculty and staff • Special focus on anti-CRT legislation and academic freedom • Institutional academic freedom /autonomy 	<ul style="list-style-type: none"> • Faculty Academic Freedom and Freedom of Expression (pages 337-388) of <i>The Law of Higher Education: Essentials for Legal and Administrative Practice</i>) • Demers v. Austin (D2L) • <i>Students for Fair Admissions, Inc. v. Presidents and Fellows of Harvard College</i> (link in D2L) (review) • Listen to portion of oral arguments in <i>Students for Fair Admissions</i> (link in D2L) 	<ul style="list-style-type: none"> • Complete readings • Reflections/Questions on Module 6 readings and case briefs • Module Discussion • Schedule optional individual check-in as needed
Module 7	<ul style="list-style-type: none"> • Federal role/legislation, including overview of FERPA and student privacy, Title IX, Clery Act, ADA • Special focus on Student Conduct, Title IX and sexual misconduct 	<ul style="list-style-type: none"> • Federal Government and Civil Rights Compliance (pages 889- 937) <i>The Law of Higher Education: Essentials for Legal and Administrative Practice</i>) • Doe v. Baum (D2L) • <i>Selection on latest status of Title IX regulations</i> (link in D2L) • The End of Chevron Deference, Neal Hutchens, <i>Inside Higher Ed</i> (link in D2L) 	<ul style="list-style-type: none"> • Complete readings • Reflections/Questions on Module 7 readings and case briefs • Module Discussion • Schedule optional individual check-in as needed
Module 8	<ul style="list-style-type: none"> • Course wrap up • Final paper/project 		<ul style="list-style-type: none"> • Final paper/project due • Upload final paper/project to D2L

