**FLORIDA ATLANTIC UNIVERSITY**

**Graduate Programs—COURSE CHANGE REQUEST**

<table>
<thead>
<tr>
<th>DEPARTMENT NAME: DEPARTMENT OF EDUCATIONAL LEADERSHIP AND RESEARCH METHODOLOGY</th>
<th>COLLEGE OF: EDUCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>COURSE PREFIX &amp; NUMBER: EDA 7236</td>
<td>CURRENT COURSE TITLE: LEGAL ISSUES IN HIGHER EDUCATION</td>
</tr>
</tbody>
</table>

**CHANGE(S) REQUESTED**

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<tr>
<th>SHOW &quot;X&quot; IN FRONT OF OPTION</th>
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<tbody>
<tr>
<td>CHANGE CREDITS FROM</td>
<td>TO: N/A</td>
</tr>
<tr>
<td>CHANGE GRADING FROM</td>
<td>TO: N/A</td>
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<td>CHANGE PREREQUISITES TO:</td>
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<td>CHANGE MINIMUM GRADE TO:</td>
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<td>CHANGE CO-REQUISITES TO:</td>
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<tr>
<td>CHANGE OTHER REGISTRATION CONTROLS TO:</td>
<td>N/A</td>
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**RATIONALE:** This course is already approved. This is a course change of the course prefix and course number only.

**CHANGES TO BE EFFECTIVE (TERM): FALL, 2011**

Will the requested change(s) cause this course to overlap any other FAU course(s)? If yes, please list course(s).

**YES**

**NO** XX

**Attach syllabus for ANY changes to current course information.**

Any other departments and/or colleges that might be affected by the change(s) must be consulted. List entities that have been consulted and attach written comments from each. All departments in the College of Education.

**TERMINATE COURSE, EFFECTIVE (GIVE LAST TERM COURSE IS TO BE ACTIVE):**

Faculty Contact, Email, Complete Phone Number:

Dianne Wright, dwright@fau.edu, 954236.1080(o); 954.391.1558 ©

**SIGNATURES**

<table>
<thead>
<tr>
<th>Approved by:</th>
<th>Date:</th>
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<tbody>
<tr>
<td>Department Chair:</td>
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<tr>
<td>College Curriculum Chair:</td>
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<tr>
<td>College Dean:</td>
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<td>UGPC Chair:</td>
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<tr>
<td>Dean of the Graduate College:</td>
<td></td>
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</tbody>
</table>

**SUPPORTING MATERIALS**

Email this form and syllabus to diamond@fau.edu and ejirgo@fau.edu one week before the University Graduate Programs Committee meeting so that materials may be viewed on the UGPC website by committee members prior to the meeting.

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FAUchangeGrad—Revised May 2010
FLORIDA ATLANTIC UNIVERSITY
Department of Educational Leadership

Legal Issues in Higher Education
EDA-7236 – EDH 7405

TIMES, DAYS, LOCATION:
(To be announced)
PROFESSOR INFORMATION:
(To be announced)

COURSE DESCRIPTION (FAU Catalog)

3 semester hours. This course explores, through the problem method, various legal issues related to American higher education and will enable the individual to study and research in-depth selected topics.

COURSE DESCRIPTION (Expanded):

This is an intensive survey course focused on legal perspectives in higher education. Principles of ethics will be explored in the context of the application of principles to the analytical processes of decision-making and the law. The course is intended to prepare prospective and practicing higher education leaders (in public and private sectors of higher education) to think logically, critically, conceptually and analytically about the legal and ethical issues affecting higher education and to understand their role as administrators in the legal process.

REQUIRED TEXT:


San Francisco, CA: Jossey Bass

Students should subscribe to The Chronicle of Higher Education and receive the electronic updates routinely. This is an excellent source for current, weekly information about all sectors of higher education and it is a “must” for all higher education leaders.

Students may wish to bookmark the recommended electronic web sites posted in this syllabus.
RECOMMENDED UPDATES AND SPECIALIZATION TEXTS


ADDITIONAL READINGS AND RESOURCE MATERIALS:


COURSE OBJECTIVES:

Content areas selected for discussion in this course are contemporary and relevant to the everyday concerns of postsecondary education practitioners. The learner is encouraged to read more extensively in the area most related to his/her professional field of interest. Upon completion of the readings and the ensuing class discussion, learners should achieve the following instructional objectives:

1. a basic understanding of the function of law;
2. an appreciation of the nature and scope of law in the organization and management of a college/university.

3. a historical perspective of the involvement of courts in postsecondary education;

4. an understanding of the sources of law as well as the hierarchical legal framework for colleges and universities;

5. an appreciation of the differences in legal requirements for public versus private colleges;

6. an understanding of the relationship of the law to students and student life;

7. an understanding of the relationship of the law to professional personnel;

8. an appreciation of the legal relationships between the college and external forces such as federal, state, and local governments;

9. an awareness of the legal implications of case law and contract law to institutional operations; and

10. an appreciation of potential liability, both institutional and personal, and thus the need to seek professional legal counsel on potentially controversial issues or matters having legal implications.

11. an ability to perform basic legal research and write a legal brief and analysis from the perspective of the higher education leader.

12. an understanding an appreciation for ethical principles and the interrelationships and conflicts that sometimes are a reality in the implementation of the law.

COURSE CONNECTION TO COLLEGE CONCEPTUAL FRAMEWORK

This course is based upon the essential components of the College’s conceptual framework, including the need for high performing educational managers to be capable, informed and ethical leaders and managers, having the ability to build learning organizations based upon a reflective decision-making model for continuous improvement.

COURSE OUTLINE – COURSE SEQUENCE AND TOPICS

This outline is for planning purposes and it is subject to adjustment, depending on the timing and the progress of the course. Major assignment due dates and other necessary details will be clarified on the first night of class. The course is organized into the following major components:

- Overview of the Law and Ethics in American Higher Education
- Terminology, procedures and processes, and doctrines of law
- Basic principles of ethics and their relationship to the law
- Evolution of law in higher education—campuses change and so do the rules of law and ethics
- The Governance of Higher Education: internal and external
- External sources of law, i.e., federal and state constitutions, statutes, state common law, administrative rules and regulations, contracts, academic custom and usage
- The role of case law in college and university decisions
- General preventative law and how to work with legal counsel, litigation management and threats of litigation
- How the law affects public versus private colleges and universities
- Institutional liability for acts of others, including tort, contract, personal liability of trustees and employees, and managing the risk of liability.
- Legal planning and dispute resolution

- College and University Faculty and Employees
  - Constitutional, statutory and regulatory requirements – The Lay of the Land
  - Contract and employment issues
  - Collective bargaining
  - Nondiscrimination in employment (civil rights, ADEA, race, gender, etc.)
  - Affirmative action in employment
  - Standards and criteria for faculty personnel decisions
  - Faculty academic freedom
  - Staff reductions and exigency programs
  - Conflicts of interest and academic scholarship

- Students in Colleges and Universities
  - The legal status of students and contractual rights
  - In loco parentis and the evolution of student affairs issues and roles
  - Admissions issues, including affirmative action programs
  - Financial aid issues, including nondiscrimination programs
  - Student support services issues
  - Disciplinary and grievance systems – judicial codes and systems
  - Disciplinary rules and regulations for public, private institutions
  - Importance of constitutional issues, including right to due process, and procedures for dismissal and disciplinary action
  - Issues of students with disabilities
  - Freedom of speech and student press and demonstrations
  - Student organizations, including fraternities and sororities
  - Residence life and housing issues
  - Student files and records – state and federal laws
  - Campus security and protection
- Historical evolution of the role of institutions and student affairs, including *in loco parentis* and its demise; the rise of the bystander university of the 70s and 80s; and the current and future relationships.

- **College and University Relationships – Communities; State and Federal Government; Business and Industrial Communities; Educational Associations**
  - Zoning and land use regulations
  - Local government taxation and related issues
  - Relations with local police
  - Community access to public property
  - Community activities of faculty, staff, and students
  - State provisions for public postsecondary education
  - State regulations of out of state institutions
  - Open meetings and public disclosure issues
  - Federal Constitutional powers over education
  - Laws governing various aspects of college and university life
  - Federal taxation of higher education
  - Civil rights laws and compliance
  - Relationships with the federal government and the rule-making process
  - Accrediting agencies and how to deal with them
  - Athletic Associations and Conferences - relevance to universities

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**Constitution of the United States**

Provisions of Particular Interest to Post Secondary Education

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**SCHEDULE OF TOPICS:**

Prior to the class the students should read Part I of the Kaplan & Lee text.

**Week One:**
- *Introduction to the Law in Higher Education*
- Course Expectations Outlined
- Legal Planning and Dispute Resolution

**Assignment for Week Two:**
- Part II, 2.1 through 2.3.3
- Review Case Study
- Part II, Chapter III, 3.1 through 3.4

**Week Two:**
- Speaker: FAU Counsel Larry Glick
- Discuss Case Study Methodology
- Discuss Brief Preparation
Assignment for Week Three:
- Part II, Chapter IV, 4.1 through 4.8
- Determine area to be explored in the final paper

Week Three:
- The College and Its Governing Board
- Phone Interview: Attorney Gary Schenk, Former Chair of the Board of Grand Rapids Community College
- The College and Its Employees: contracts, collective bargaining, personal liability, employment discrimination law, affirmative action in employment
- Case Studies

Assignment for Week Four:
- Part III, Chapter V, 5.1 through 5.7.3
- Part III, Chapter VI, 6.1 through 6.4

Week Four:
- The College and Its Faculty: Special Issues in Faculty Employment, Faculty Academic Freedom and Freedom of Expression
- Case Studies
- Phone Interview: Grand Rapids Community College Attorney, Kathy Keating

Assignment for Week Five:
- First Brief Due

Week Five:
- Review of Briefs

Assignment for Week Six
- All of Part IV, Chapters VII, VIII, and IX

Week Six:
- The College and Its Students, including Student/Institution Relationship, Rights and Responsibilities of Individual Students, Rights and Responsibilities of Student Organizations and Their Members
- Case Studies

Assignment for Week Six
- Case Studies For Review

Week Seven:
- Case Studies
- Speaker: Attorney Chantal Sinady, Insights on FERPA

Assignment for Week Eight
- Second Brief Due
Week Eight:
- Review of Briefs
- Review of Problem Solving in Legal Issues

Assignment for Week Nine
- All of Part V, Chapters X and XI

Week Nine:
- The College and the Outside World: government, external private entities, associations, business partners
- Case Studies

Assignment for Week Ten
- Final Briefs Due

Week Ten:
- Review of Briefs:
  - Continued Discussion of Problem Solving in Legal Issues

Assignment for Weeks Eleven and Twelve
- Final Issues Paper
- Final Problem Solving Exercise

Week Eleven:
- Law and Ethics: Dr. Norma Goonen, Author of book Legal and Ethical Issues in Higher Education

Week Twelve:
- Final Issues Paper. Students should be prepared to present an abstract of the major findings to the class. Along with the paper, students will have copies of a one-page synopsis of the paper to give to classmates.

Final Assignment
- Groups prepare for Final Problem Solving Exercise

Week Thirteen:
- Groups Will Present the Final Problem Solving Exercise
- Comments from the Jury

Week Fourteen:
- The Final Summation
COURSE REQUIREMENTS AND ASSIGNMENTS

- **Course Readings and Assignments: (20%)** Students are expected to complete all assigned readings and the assignments designated for that week. Moreover, students are expected to participate in class discussions.

- **Legal Case Briefs and Analysis – Three Cases: (30%)** Students will complete three briefs, one for each area of the three main area of legal study. Students are expected to research and find the cases which should reflect an area of interest for the student.

  Briefs should be prepared in a format that offers the following: citation, topic, facts of the case, definition of the issue, answer to the issue, and reasoning of the court. At the end of the brief, an analysis of the significance of the case to higher education should be included as a student synthesis of the case and the issue. Each brief should be no more than three to five pages in length. Briefs will be shared with the class when each of the particular sections is covered. The due dates will be presented at the first class session.

- **Final Issues Paper: (30%)** This final paper will provide students the opportunity to explore a timely legal issue. An eight to ten page paper reviewing the issue and its legal and ethical implications for your particular institution will be required. Again, specifics on how this paper is to be developed will be provided at the first class.

- **Legal Problem Solving Exercise: (20%)** At the final class, students will be placed in groups and presented with case studies that will require an understanding of the law as it is applied in higher education settings. The group will be expected to answer questions and present responses to the cases, using the knowledge gleaned from the course as a guideline.

GRADING

This course follows FAU’s grading policy. You are expected to complete the assigned pre-meeting assignments and readings and projects on time. You must attend class regularly, contribute to discussions, and bring a willingness to help create a positive, productive learning environments.

No incompletes will be given. You will be graded on the work you turn in and any missing assignments will be counted as an F.

GUIDELINES FOR GIVEN TASKS

Detailed guidelines and due dates for all assignments will be provided at the first class session.
ACADEMIC POLICIES

The following university policies address important classroom practices:

Attendance Policy

Regular attendance is required at all scheduled class meetings. Involvement in collegial exchanges and academic searches throughout the course is essential. Class participation includes active involvement in class discussions, team sessions, and class activities, as well as professional conduct in the class. Some accommodation will be given to doctoral students who are required to attend national seminars/conferences.

Special Needs

It is the policy of the College of Education to make reasonable accommodations for qualified individuals with disabilities and language barriers. If you are a person with a disability and desire accommodations to complete course requirements, please arrange a meeting with your instructor at your earliest convenience.

Please Note: In Compliance with The Americans with Disabilities Act (A.D.A.), students who require special accommodations due to a disability to properly execute coursework must register with the Office for Students with Disabilities (OSD) and follow all OSD procedures. The purpose of this office “is to provide reasonable accommodations to students with disabilities.” Students who require assistance should notify me, as the instructor, immediately by submitting a letter from the Disabilities Office to me, as your instructor, requesting your need of specific assistance. Without such letter, the instructor is not obligated to make any accommodations for students.

Religious Holidays

In accordance with rules of the Florida Board of Education and Florida law, students have the right to reasonable accommodations from the University in order to observe religious practices and beliefs with regard to admissions, registration, class attendance and the scheduling of examinations and work assignments. Students who wish to be excused from course work, class activities or examinations must notify the instructor in advance of their intention to participate in religious observation and request an excused absence. The instructor will provide a reasonable opportunity to make up such excused absences. Any student who feels aggrieved regarding religious accommodations may present a grievance to the director of Equal Opportunity Programs. Any such grievances will follow Florida Atlantic University’s established grievance procedure regarding alleged discrimination.
Academic Misconduct

“All acts of dishonesty in any work constitute academic misconduct. The academic misconduct disciplinary policy will be followed in the event of academic misconduct.” Please note the policy on academic misconduct in your student handbook.

University Honor Code

Students at Florida Atlantic University are expected to maintain the highest ethical standards. Academic dishonesty is considered a serious breach of these ethical standards, because it interferes with the university mission to provide a high quality education in which no student enjoys an unfair advantage over any other. Academic dishonesty is also destructive of the university community, which is grounded in a system of mutual trust and places high value on personal integrity and individual responsibility. The FAU Honor Code requires a faculty member, student, or staff member to notify an instructor when there is reason to believe an academic irregularity is occurring in a course. The instructor must pursue any reasonable allegation, taking action where appropriate. The following constitutes academic irregularities:

(a) The use of notes, books or assistance from or to other students while taking an examination or working on other assignments unless specifically authorized by the instructor are defined as acts of cheating.

(b) The presentation of words or ideas from any other source as one’s own are an act defined as plagiarism.

(c) Other activities that interfere with the educational mission of the university.


Code of Academic Integrity

Students at Florida Atlantic University are expected to maintain the highest ethical standards. Dishonesty is considered a serious breach of these ethical standards, because it interferes with the University mission to provide a high quality education in which no student enjoys an unfair advantage over any other. Dishonesty is also destructive of the University community, which is grounded in a system of mutual trust and places high value on personal integrity and individual responsibility.

The FAU Code of Academic Integrity prohibits dishonesty and requires a faculty member, student, or staff member to notify an instructor when there is reason to believe dishonesty has occurred in a course/program requirement. The instructor must pursue any reasonable allegation, taking action where appropriate. Examples of academic dishonesty include, but are not limited to, the following:

(A) Cheating

1. The unauthorized use of notes, books, electronic devices, or other study aids while taking an examination or working on an assignment.
2. Providing unauthorized assistance to or receiving assistance from another student
during an examination or while working on an assignment.
3. Having someone take an exam or complete an assignment in one’s place.
4. Securing an exam, receiving an unauthorized copy of an exam, or sharing a copy of an exam.

(B) Plagiarism

1. The presentation of words from any other source or another person as one’s own without proper quotation and citation.
2. Putting someone else’s ideas or facts into your own words (paraphrasing) without proper citation.
3. Turning in someone else’s work as one’s own, including the buying and selling of term papers or assignments.

(C) Other Forms of Dishonesty

1. Falsifying or inventing information, data, or citations.
2. Failing to comply with examination regulations or failing to obey the instructions of an examination proctor.
3. Submitting the same paper or assignment, or part thereof, in more than one class without the written consent of both instructors.
4. Any other form of academic cheating, plagiarism, or dishonesty.


BIBLIOGRAPHY


WEB SITES:

http://www.nacua.org
Description: National Association of College and University Attorney’s web site. A “must” for computer book marking. This site includes links to federal court sites, law journals and reviews, legal and general search engines, decisions and case actions of court of appeals by circuit. CourtWeb on line rulings and information, information about federal rules of evidence and civil procedures, and links to basic sites for information about the United States Constitution and Amendments, useful summaries of cases, and links to various university and agency law sites. Most of the information on this site is available free of charge and without an institutional membership.

http://www.jurist.law.pitt.edu//locate.html
Description: The legal education network. A good site for exploration of legal cases with links to legal site and information about educational law.

www.law.cornell.edu/constitution/constitution.
Description: Cornell University site – description of the United States Constitution and Amendments.

http://www.law.emory.edu/FEDERAL/usconst/amend.html
Description: Emory University’s site – description of the United States Constitution and Amendments.

Description: United States Government site for a description of The United States Constitution. Links to other information, such as the United States Constitutional Amendments, are available from this site.
www.access.gpo.gov/congress/senate/constitution/toc.html
Description: Analysis and interpretation of cases decided by the United States Supreme Court. This is a United States Government site with direct links to annotations of cases and supportive documents. The information in this site was prepared by the Congressional Research Service of the Library of Congress.
Rationale - To provide consistency and continuity in terms of the course pre-fix schema with regard to graduate courses offered at FAU in the Higher Education Graduate Program’s professional knowledge requirements. These courses have already been approved. This is a course change of course prefix and course number only.
From: Robert Shockley [mailto:shockley@fau.edu]
Sent: Tuesday, November 23, 2010 11:49 AM
To: Dianne A. Wright; Deborah L. Floyd; Kristy De Meo; Valerie Bryan
Cc: Chantal Sinady; Barbara Ridener; Deena Wener; Irene Johnson; Jim Mclaughlin; Michael Brady; Sue Graves
Subject: Department Responses to Proposed Course Changes - EDA 6540 and EDA 7236

Below are department responses to Department of Educational Leadership course number and pre-fix proposed changes to EDA 6540 and EDA 7236. Responses have been received from ESE, CEI and ESHP. No responses were received from TL, CE or CSD. Please contact me if there are questions. Bob Shockley

The changes you proposed to EDA 6540 and EDA 7236 do not conflict with anything in our program or course inventory.

Michael P. Brady, PhD
Professor & Chair
Department of Exceptional Student Education
Florida Atlantic University
777 Glades Road
Boca Raton, FL 33431
(561) 297-3281
mbrady@fau.edu

Bob:

The Department of Curriculum, Culture, and Educational Inquiry sees no conflict with the course number and prefix changes for your department. Take care.

H. James McLaughlin
Professor and Chair
Department of Curriculum, Culture, and Educational Inquiry
338 Education building
Florida Atlantic University
Boca Raton, FL
561-297-3965

Bob, our department does not have any conflicts with your HE-syllabus and change. Regards,

B. Sue Graves, Ed. D., Department Chair
Exercise Science and Health Promotion Department
Florida Atlantic University
777 Glades Road, Field House 11
Boca Raton, Florida 33431
Department of Exceptional Student Education
Florida Atlantic University

777 Glades Road
Boca Raton, FL 33431

(561) 297-3281
mbrady@fau.edu

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Department of Curriculum, Culture, and Educational Inquiry
338 Education building
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B. Sue Graves, Ed. D., Department Chair
Exercise Science and Health Promotion Department
Florida Atlantic University
Robert Shockley, Chair
Department of Educational Leadership and Research Methodology
Florida Atlantic University
777 Glades Rd.
Boca Raton, FL 33431
561.297.3551
Shockley@fau.edu

From: Barbara Ridener
Sent: Monday, November 29, 2010 9:38 PM
To: Robert Shockley
Cc: Dianne A. Wright; Deborah L. Floyd; Kristy De Meo; Valerie Bryan; Chantal Sinady; Deena Wener; Irene Johnson; Jim Mclaughlin; Michael Brady; Sue Graves
Subject: Re: Department Responses to Proposed Course Changes - EDA 6540 and EDA 7236

Teaching and Learning sees no conflicts.

Barbara

On Nov 23, 2010, at 11:48 AM, "Robert Shockley" <SHOCKLEY@fau.edu> wrote:

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Michael P. Brady, PhD
Professor & Chair