

**HIED 721: Law and Higher Education
Bowling Green State University
Spring 2006**

Instructor:

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Catalog description:

This course will emphasize the legal environment of postsecondary institutions, legal processes, analysis, and problems incurred in the administration of colleges and universities. Prerequisite: Consent of the instructor.

Course objectives:

1. To develop a general understanding of the legal system and process in the U.S.
2. To become generally familiar with and to be able to identify general legal principles and current legal issues that affect the administration of higher education
3. To develop a more in-depth understanding of a legal issue of particular interest to the student
4. To develop skills in finding, reading, and understanding statutory and case law pertaining to higher education
5. To become familiar with legal periodicals and resources available to assist the administrator in higher education
6. To enhance the student's ability to work with legal counsel

Required books:

Kaplin, W. A., & Lee, B. A. (1995). *The law of higher education* (3rd ed.). San Francisco: Jossey-Bass.
Kaplin, W. A., & Lee, B. A. (2000). *Year 2000 cumulative supplement to the law of higher education* (3rd ed.). Washington, DC: National Association of College and University Attorneys.

Evaluation:

Research paper proposal	5%
Mid-term examination	25%
Research paper	30%
Oral presentation of paper	10%
Final examination	30%

Although class participation will not be formally graded, informed participation will be considered in cases where the final point total is on the border between two grades.

Research paper:

This paper is intended to provide you with the opportunity to develop and demonstrate an in-depth understanding of a current legal issue in higher education. Students will clear the topic with the instructor via a written proposal of 500–1000 words, not counting references. The proposal should contain a concise statement of your plan for the paper, including the major references (in APA form) you intend to use. A full sentence outline that clearly indicates the organization for the proposed paper is recommended. The proposal should be typed, double-spaced, and stapled (please no paper clips, plastic covers, etc.).

The final paper should be around 5000 words (about 20 pages; not counting references), typed, double spaced, and the pages numbered and stapled. Like the proposal, please no paper clips, plastic covers, etc. Far more important than its length is its quality.

The paper, including all citations in the text and in the reference list, must be in the style prescribed by the *Publication Manual* (5th ed.) of the American Psychological Association. Variations from that style/format will result in deductions in points on the paper.

Papers will be graded on both substance and form. In terms of substance, the paper should demonstrate the relevance of the issue, it should be thoroughly researched, the key concepts and legal principles found in the literature (including important cases) should be well integrated and logically synthesized, and the student's reactions should be thoughtful and demonstrate depth of understanding. In terms of form, the paper should be well organized, written in clear and unambiguous prose, and free of grammatical and typographical errors (proof your paper carefully!). I strongly recommend that you have one or two other people read it for flow or "readability." The harder a paper is to follow, the harder it is to give credit for the ideas it contains. Drafts are encouraged. Good writing is rewriting. I will review and provide feedback on rough/early drafts and on near-final drafts submitted no later than four and two weeks, respectively, before the due date.

I am happy to work with you to help you define/refine your topic. As you think about topics, please consider what is of interest to you, important for higher education, and relevant to the course.

Appropriate sources of a scholarly research paper of this type include legal cases, statutes, journal articles, law review articles, and books. Newspaper and magazine articles and web sites should be used sparingly, if at all. The book required for the course may help you find ideas or entry points into the literature, but it should be only a starting point and not a source a major reliance.

Oral presentation of research paper:

Each student will give an oral presentation to the class that summarizes her/his research paper and engages the class in an exploration of the ideas contained therein. The presentation will be graded on both form/style and content. Handouts are encouraged; reading to the class is not.

Use of audiovisual aids is also encouraged. If you use one (or more), be sure to check it out in advance. Waiting for AV set up (e.g., because of computer-projector interface problems) is wasteful of class time and annoying.

Examinations:

Both exams will be 100% production (short answer and/or essay), in-class, and open book and open notes. They will require identification and application of legal issues and principles, and considerable synthesis and integration.

Grading:

A typical distribution of end-of-course grades in a course such as this, with students who have met the entrance requirements of the HIED program, would be:

A = 45%

B = 45%

C = <9%

D = <1%

F = <1%

Inc. = <1% (This extraordinary grade is reserved for verifiable personal emergencies.)

If a particular class' achievement is atypical, the grade distribution will be adjusted accordingly; i.e., grading is not on a curve and students are not in competition for a limited number of A's or B's.

Attendance and punctuality:

Class attendance is not required and missed classes are not excused, nor are individual tutorials granted to cover missed material. If you miss a class, you are responsible for learning from a fellow student what you missed. Asking the instructor "did I miss anything?" is decidedly poor professor management.

Conversely, being in the classroom at the appointed hour is good professor management. Habitual tardiness may be met with growling, barking, and possibly biting.

About the reading assignments and class discussions:

Please remember that informed participation by all class members is vital to the success of this class. Students will be expected to read and understand the main points of the readings assigned for each class, and come to class prepared to discuss them.

Policy on due dates and times:

All assigned work is expected at the beginning of the class period on the due date. Late assignments will be penalized; i.e., graded down. Exceptions will be granted only in truly extraordinary/emergency cases. Students are urged to plan ahead to offset the seemingly inevitable intrusion of "Murphy's Law." By the way, I consider excuses based on computer or printer problems to be little more than high-tech versions of "my dog ate my paper."

Cell phone and pager policy:

If you must bring a cell phone or pager to class, please insure that it is either off or on silent mode. If you must take a call, please leave the classroom.

Academic Honesty:

From the *2005-2006 Graduate Catalog*: Academic honesty is the central value of an academic community. It is expected that graduate students will neither engage in nor facilitate cheating (using or attempting to use unauthorized materials, information, or study aids), fabrication (falsification or invention of any information or citation), or plagiarism (representing the words or ideas of others as one's own) in their academic work. The Academic Honesty Policy is available at the following address: <http://www.bgsu.edu/offices/sa/judicial/>

Accommodations for persons with disabilities:

If you have a documented disability, are registered with the Office of Disability Services (<http://www.bgsu.edu/offices/sa/disability/>), and are entitled to accommodation, please inform the instructor within the first week of class.

Changes policy:

The class schedule and assignments may change at the instructor's discretion.