Course: ELAD 6273
Legal Aspects of Higher Education
Instructor: Jason Smith, J.D.

Virtual Office
Hours: M – F 8:00 am – 5:00 pm
Email: mjsmith@astate.edu
Class Begins: January 16th
Last Day of Class: May 1st
No class on: Spring Break

The information presented in this syllabus is subject to change without notice. In the case of a change, the current version will be posted online.

Textbook(s) and Materials


Purpose and Goals/Learning Outcomes

Course Description:

ELAD 6273. Legal Aspects of Higher Education A study of the legal aspects of education for the purpose of familiarizing college and university personnel with the legal features of higher education organization and administration. The course will consider constitutional and statutory provisions, but the major emphasis will be directly on the study of court decisions relating to American post-secondary education.

Program Outcome(s):

College Student Personnel Services
Program-Level Student Learning Outcomes

- Students in the A-State CSPS master’s program will be able to acquire, critique, analyze, interpret, and apply pertinent information from the higher education literature; and select tools, methods, and approaches to solving practice based issues.
• Students in the A-State CSPS master’s program will acquire leadership skills and knowledge to lead in diverse settings; function accordingly within a legal and political contexts; design, implement, and evaluate practices; make legally appropriate decisions and choices; understand and manage organizational improvement; and adhere to institutional, state, and national governance models.
• Students in the A-State CSPS master’s program will develop the capability to work effectively with and within diverse groups. Students will develop the skills to evaluate and interpret differing philosophical perspectives, and provide a forum where individuals can discuss and appreciate diverse viewpoints.

Course Level Student Learning Outcomes:

Goals and Objectives

This course is designed to expose the student to the vast range of administrative problems at the college and university level that have legal implications. The information and experiences generated from this course should assist current and prospective college and university faculty and administrators in recognizing the legal parameters around which decisions are made.

No attempt will be made in this course to provide definitive legal answers to particular problems. Such tasks remain within the domain of law schools, institutional attorneys, state attorney generals, and the courts. The overall objective of the course is to provide illustrations of the legal issues involved in academic decision making so that one might be able to recognize a legal problem and seek the necessary assistance and guidance.

Learning Outcomes

During the course, the learner will:

• Be provided the conceptual foundation for study of the subject matter and provided with guidance for students who do not have background or training in the law.
• Address foundational concepts concerning legal liability, preventive law, and the processes of litigation and alternative dispute resolution.
• Be able to provide an understanding of how the statutory and case laws can be applied to case studies that correspond to Faculty Employment Academic Freedom.
• Understand a variety of institutional functions and services related to students, including: Students' constitutional rights, academic freedom rights, and students' legal relationship with other students.
• Understand faculty’s rights and obligations to evaluate students and the academic accommodations for students with disabilities in various academic programs.
• Examine theories used to address student academic issues, including but not limited to sexual harassment of students by faculty members and student challenges to academic dismissal.
• Examine legal guidelines for codes of student conduct, as well as student free speech and protest rights.
Focus on the postsecondary institution’s external relationships with government at the federal, state, and local levels. The learner will also examine broad questions of governmental power and process that cut across all the internal relationships and administrative functions considered in previous chapters.

Address the institution’s external relationships with the private sector rather than with government. The student should have a general understanding of the various national and regional education associations with which postsecondary institutions interact, as well as the various research ventures in which institutions engage with private entities from the commercial world.

Course Requirements

Course Procedures:

The nature of the course requires that it be conducted through the use of ASU’s Blackboard Learn. The instructor will undertake responsibility for outlining reading material and assigning law cases and problems to be discussed. Students will be expected to have completed the readings prior to the assignment of the cases/problems in order to participate actively in the discussion of these matters.

Requirements:

A. The entire course is based on participation on Blackboard Learn.

B. Students will be assigned cases/problems from weekly readings. A Mid-Term and Final Case/Problem will also be assigned. All assignments are due by 11:59 p.m. on the due date of the assignment.

C. Apart from conscientious study of the text, thoughtful participation and interaction will probably contribute more to learning than anything else. Participation is evaluated on quality, which means one substantive contribution per discussion case or problem. Please Limit yourself to one quality, well-documented comment per discussion thread. Each entry should include reference to case law, and/or statutory law. This does not count conversational interactions with others during the course of the discussions. This means that you should be giving the discussions your attention at least daily. The instructor will be observing the discussion. Go to “Discussion Guide” found under the CONTENT navigation button.

D. Mid-term and Final Cases should not be detailed legal briefs, though references to the resources relied on are required. Papers should reflect an understanding of the legal issues and decisions affecting the problem area, an explanation of the current law, as well as discussion of the alternatives available. A recommendation for what action to take is mandatory.
E. Mid-term Case, 2 pages; Final Case 3-4 pages (not including the title page or reference list), double-spaced, one-inch margins, APA citation style, headings and subheadings similar to those in Kaplin and Lee textbook, reference list of all sources.

F. Online proctoring will be required for one case/problem during the semester in order to comply with both Arkansas State University and Federal guidelines. The course will utilize the ProctorU online proctoring service.

ProctorU is a live online proctoring service that allows students to take exams from the comfort of their home. ProctorU provides instructors with options for online proctoring of exams and assignments. Instructors may utilize live proctoring or UCard authentication services. Your instructor will provide specific information as to the services selected for this course.

Students will create their ProctorU/UCard profile at the beginning of the semester. Once completed, students will use this profile to schedule their exams as instructors make the exams available. Please note that UCard authentication checks may occur at any time during the course.

ProctorU is available 24/7, however students will need to schedule a proctoring session at least 72 hours in advance to avoid any on demand scheduling fees.

To create a ProctorU profile visit go.proctoru.com. ProctorU also provides free technical support to ensure students have the best testing situation possible. That is available at www.proctoru.com/testitout. On this page students will be able to test their equipment, learn about what to expect during the proctoring session and ask any questions about the proctoring process with a ProctorU representative. ProctorU technical support is also available via phone at 1-855-772-8678.

In order to use ProctorU you will need to have a high-speed internet connection, a webcam (internal or external), a Windows or Apple Operating System, and a government issued photo id. ProctorU recommends that you visit www.proctoru.com/testitout prior to the proctoring session to test equipment that will be used during the exam session.

**Grading**

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<tbody>
<tr>
<td>Problems</td>
<td>8@50= 400 pts</td>
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<tr>
<td>Mid-term Case</td>
<td>150 pts</td>
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<tr>
<td>Final Case</td>
<td>200 pts</td>
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A = 675 pts  
B = 600 pts  
C = 525 pts