

Graduate
Spring 2021

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

Virtual Office
Email: mjsmith@astate.edu
Class Begins: March 8th
Last Day of Class: April 29th

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

Readings: Higher Education Law in America, 21st Edition: Center for Education and Employment Law

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 CSPPS 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 for solving practice-based issues.

- Students in the A-State CSPA master's program will acquire leadership skills and knowledge to lead in diverse settings; function accordingly within 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 CSPA 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.

Course Level Learning Outcomes

During the course, the learner will:

- (CO1) Conduct basic legal research on higher education topics.
- (CO2) Summarize and interpret basic legal concepts including, but not limited to: due process, negligence, free speech, and general liability.
- (CO3) Articulate basic legal reasoning skills and analysis.
- (CO4) Identify, develop, or enhance policies, procedures, and safeguards to limit institutional liability.
- (CO5) Articulate and defend a legal argument utilizing case law, statutory law, agency law, or common law.
- (CO6) Demonstrate how to effectively brief a law case.

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 prior to the assignment of assessments. Students will be expected to have completed the readings prior to the assignment of the quizzes, problems, or papers.

Requirements:

- A. The entire course is based on participation on Blackboard Learn.
- B. There will be three different types of learning assessments utilized in this course. Students will complete papers, and legal problems quizzes the on the discussion board, and legal case briefs.
- C. All assignments are due by 11:59 p.m. on the due date of the assignment.
- D. On case problems (discussion board) participation is evaluated on **quality**. 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. In summary each student will first answer the questions posed in the problem and post their thread, second the student will make one quality comment on another student's thread. Students will not be able to see other student's threads until they have posted their own answer/thread to the original problem.
- E. The mid-term paper, and final paper 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 if a legal question is posed.
- F. Mid-term paper 5-8 pages; Final 5-8 pages (not including the title page or reference list), double-spaced, one-inch margins, APA citation style, headings and subheadings similar to those in the textbook, reference list of all sources.
- G. Case Briefs are to utilize the IRAC case brief method. Brief should be double-spaced, one-inch margins.

Grading

Assignments	Points
Discussion Boards (3)	3 x 100 points
Case Brief (2)	2 x 100 points
Mid Term Paper	250 points
Final Paper	250 points
Total	1000 points

A = 900-1000

B = 800-899

C = 700 – 799

D = 600 – 699

F = Below 600

Weekly Schedule

Week 1

- Appendix A US Constitution Pages 503-507
- Appendix B The Judicial System Pages 515-517
- Appendix B How to Read a Case Citation Pages 519 – 520
- Chapter 1 Student Rights
- Chapter 2 Discrimination Against Students
- Watch imbedded videos
- ** Weekly Assignment – Get to know you discussion board question.

Week 2

- Chapter 3 Athletics and Student Activities
- NCAA Rulebook (skim)
- Watch imbedded videos
- ** Weekly Assignment – Discussion Board # 1 & Case Brief #1

Week 3

- Chapter 4 Freedom of Speech and Religion
- ** Weekly Assignment – Discussion Board # 2
- ** Weekly Assignment – Mid-term paper

Week 4

- Chapter 5 Employment
- Chapter 6 Employment Practices and Labor Relations

Week 5

- Chapter 7 Employment Discrimination
- Watch imbedded videos
- ** Weekly Assignment – Case Brief #2

Week 6

- Chapter 9 Liability
- Watch imbedded videos
- ** Weekly Assignment – Discussion board #3

Week 7

- Chapter 10 University Relations (limited sections)
 - Sec. I. A – Freedom of Speech
 - Sec. IV Campus Safety and Security 457-475
- ** Weekly Assignment – Final Paper

Required Technology

COVID-19 University Technology Recommendations for Students

Technology (hardware and software) and internet access will be key to course success in Fall 2020. Please check the following list to be certain you have the technology needed to be successful in your courses.

1. *Internet Access—You should make arrangements to have access to the Internet, preferably high-speed Internet, for the duration of this course. A wired, high-speed, Internet connections (ethernet cable), is highly recommended especially when taking a test.*
2. *Computer Operating Systems*
 - *For PCs: Windows 8+*
 - *For MACs: OS 10.13+*
 - *For Cellular Phones: iOS or Android*
3. *iOS Devices, any of these options should work; however, completing most course assignments will need a computer:*
 - *iPhone 6s or later, iPad Air 2 or later*
4. *Android Devices, any of these options should work; however, completing most course assignments will need a computer:*
 - *Samsung Galaxy (S9+, Note 9+), Google Pixel (3A+), OnePlus (7T+)*
5. *Software—You will be the most successful in this course if you have access to a computer with the following software installed:*
 - *Microsoft Office –**Excel, Power Point and Word.** . A-State has secured for you access to the latest MS Office software for both Mac and PC users. For more information, please visit the [software download](#) page where you will find other tools needed to be successful in this course.*
 - *Students are welcome to use Mac Applications such as Keynote, Numbers, and Pages, but please plan to convert these documents to the Microsoft file types prior to assignment submission. This course technology requirement also applies to Google Slides, Sheets, and Docs.*
 - *Browsers, Plug-ins, Players and Viewers—to take full advantage of all the features in this course, be sure you have the right technology at your fingertips. This includes*
 - *Blackboard-supported browser - Firefox 60+, Chrome 74+, and Safari 12+ (Internet Explorer is no longer supported) are compatible with the current version of Blackboard.*
 - *[Acrobat Reader](#)*
 - *It is recommend running the [Blackboard Browser Check](#) to verify installed plug-ins on your computer*

6. *Additional Computer Hardware: web camera, microphone, and speakers (can be internal hardware already available on your computer)*

Course Policies

1. Students with Disabilities

If any student has a disability or problem requiring accommodation in order to succeed in the course, please contact me as soon as possible. Confidentiality will be maintained, and every reasonable effort will be made to meet your needs. Any student requiring accommodation must be registered with A-STATE'S Office of Disability Services, 870-972-3964.

2. Academic Misconduct Policy

Plagiarism: In an intellectual community, information flows freely, but is constrained within the realm of proper citation. Plagiarism is defined as the act of taking and/or using the ideas, work, and/or writings of another person as one's own and will not be tolerated. Plagiarism extends to discussion posts as well as projects and papers in this course. Any questions a student may have relative to what may or may not constitute plagiarism should be addressed to the instructor and framed within the context of University regulations. It is the student's responsibility to familiarize oneself with appropriate definitions and regulations concerning plagiarism or other academic misconduct. Plagiarism is a serious offense against academic integrity, which could result in failure for the paper or assignment, failure for the course, and/or expulsion from Arkansas State University.

Cheating is an act of dishonesty with the intention of obtaining and/or using information in a fraudulent manner.

The instructor will rigorously pursue any incidents of cheating or plagiarism. For further information, including specifics about what constitutes plagiarism or cheating see A-State's Academic Integrity Policy beginning on page 18 of the 2018-19 Student Handbook: https://www.astate.edu/a/student-conduct/files/Student%20Handbook_1819.pdf

3. Bio Sig

Arkansas State University is required by federal law and regional accreditors to confirm the identity of all students who take online courses. Authenticating students' identities throughout their coursework ensures the academic integrity of the institution while also preserving the quality of the online degree you earn. To meet the requirements of federal law and regional accreditation, Arkansas State University requires online students to authenticate their identity through BioSig ID.

BioSig ID requires that you create a biometric password with a mouse, stylus, or your finger on a variety of computers and devices. Your biometric password cannot be replicated by someone else. You will be required to authenticate your identity with BioSig ID prior to completing quizzes and exams as well as periodically throughout each course. All authentications take place within Blackboard. Please see the Create BioSig ID folder in Blackboard for further details.

BioSig ID is a biometric gesture password that is unique to each student. The biometric gesture software measures the unique way every user moves their mouse, finger or stylus when they authenticate with their biometric password. Biometric identifiers such as the length, speed, direction, angle and height of each stroke are collected by the software to create the user's unique biometric profile. In seconds, after drawing only 3-4 characters, BioSig-ID software establishes whether the user who registered is the same person trying to access the account. The password is instantly compared against the previously created enrollment profile and access is only granted if they match.

Students can create their biometric password with a mouse, stylus, or their finger on a variety of computers and devices. The biometric password cannot be replicated by someone else. Students will be required to authenticate their identity with BioSig ID prior to completing quizzes, tests, assignments, and discussion boards. All authentications take place within Blackboard. Click this link to learn more about BioSig ID <https://www.biosig-id.com/solutions/biosig-id>