

EDAD 5352

HIGHER EDUCATION LAW

DEPARTMENT OF EDUCATIONAL LEADERSHIP AND POLICY STUDIES

UNIVERSITY OF TEXAS AT ARLINGTON

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EDAD 5352: Higher Education Law

Catalogue Course Description

The purpose of this course is to provide students with the fundamental cases of higher education law for administrators. Topics in this course may include the legal structure of higher education, separation of church and state, religion, academic freedom, employment and tenure, due process, computer-related legal issues, copyright, students' rights of speech and expression, search and seizure, desegregation, tort liability, contracts and collective bargaining.

This course will be comprised of units aligned with the catalogue course description and emphasize current issues in higher education law. Students will be assigned one or more journal articles each week and required to complete weekly exercises. Each exercise will consist of a series of short essays which relate to the assigned reading. They will require students to: (1) demonstrate their knowledge of the content of the assigned reading and (2) apply the reading content to problems which arise in higher education practice.

Journal Articles

All journal articles listed in the syllabus are available on-line at the UTA Library Website. To assist the student, the instructor will transmit by e-mail each article as the course unfolds along with the exercise associated with the reading.

Core Legal Terminology and Concepts Attachment

To assist students with their assignments, each will receive with the syllabus an attachment which defines core legal vocabulary and explains concepts you will encounter in the assigned articles and in higher education legal disputes more generally. You should refer to this attachment where appropriate. It will enhance your understanding of the course material.

Purpose of Course

. The principal goals of the course include:

1. understanding the federal and state legal systems and their relationship to the legislative and executive branches in connection with higher education law.
2. expanding students' legal vocabulary and concepts and learning how to apply them.
3. expanding students' understanding of how higher education law intersects with other legal fields and how state and local laws relate to each other and to federal law.
4. learning to distinguish legal from policy, political, or human relations issues which students will confront as higher education administrators.
5. gaining specific knowledge about the principal legal concepts in higher education and their implementation in practice.
7. learning how to use legal principles to resolve disputes.

8. learning when they should consult with the college's or university's lawyer(s) and/or other administrators higher in the chain-of-command.

9. expanding knowledge of sources of law and legal research.

10. developing an understanding of higher education issues from the perspective of both a legal analyst and an educational leader.

Course Plan

The syllabus content will be covered and course purposes achieved through students' reading of recent journal articles, completing the assignments and classroom discussion.

The articles selected examine current controversial issues confronting college and university administrators. This will enable students to learn the basic legal principles covered in standard texts and apply them to recent or current events.

Plagiarism

Class 1 [Monday, June 13]

Ralph D. Mawdsley, *The Tangled Web of Plagiarism: Sorting Out the Legal Issues*, 2009 B.Y.U. EDUC. & L.J. 245.

Student Religious Groups on Campus

Class 2 [Thursday, June 16]

William E. Thro & Charles J. Russo, *A Serious Setback for Freedom: The Implications of Christian Legal Society v. Martinez*, 261 ED. LAW REP. 473 (2010).

College Tuition and Undocumented Students

Class 3 [Monday, June 20]

Debra Urteaga, *California Dreaming: A Case to Give States Discretion in Providing In-State Tuition to Its Undocumented Students*, 38 HASTINGS CONST. L.Q., 721 (2011).

College Students' First Amendment Rights

Class 4 [Monday, June 27]

Kelly Sarabyn, *The Twenty-Sixth Amendment: Resolving the Federal Circuit Split Over College Students' First Amendment Rights*, 14 TEX. J. ON C.L. & C.R. 27 (2008).

NO CLASS ON MONDAY, JULY 4 IN CELEBRATION OF INDEPENDENCE DAY

Free Speech at Private Universities

Class 5 [Monday, July 11]

K. Sarabyn, *Free Speech at Private Universities*, 39 J.L. & EDUC. 145 (2010).

Race-Based Decision Making

Class 6 [Monday, July 18]

Ian Wang, *Finding A Silver Lining: The Positive Impact Of Looking Beyond Race Amidst The Negative Effects Of Proposition 209*, 2008 B.Y.U. EDUC. & L. J. 149 (2008).

Guns on College and University Campuses

Class 7 [Monday, July 25]

Lewis M. Wasserman, *Gun Control on College and University Campuses in the Wake of District of Columbia v. Heller and McDonald v. City of Chicago*, THE VIRGINIA JOURNAL OF SOCIAL POLICY & THE LAW [forthcoming, fall, 2011].

Privacy and Disability Laws and Violence to Others

Class 8 [Monday, August 1]

Mary Fletcher Pena, *Reevaluating Privacy and Disability Laws in the Wake of the Virginia Tech Tragedy: Considerations for Administrators and Lawmakers*, 87 N.C. L. REV. 305 (2008).

Education Finance Litigation

Class 9 [Monday, August 8]

William E. Thro, *Rosencrantz' Constitutional Subjects and School Finance Litigation*, 260 Ed. LAW REP. 1 (2010).

Grading

The weekly written assignments based on the reading will count as 100% of the grade. Students will receive up to 100% as the grade for each assignment. Each assignment will be weighed equally. The assignment of grades will be as follows:

A=90% and above

B=80%-89%

C=70-79%

D=60-69%

F=59% and below.

.Each assignment will be submitted by the instructor to the students by e-mail by Tuesday-midnight before the Monday of each class. Students will submit to me their responses to the questions for each assignment by Saturday 5:00 p.m. before each Monday's class. This will apply to Class # 1 scheduled for Monday, June 6 and means the first written assignment corresponding to that class will be submitted to me by 5:00 p.m. June 4. *This will enable me to read and grade each student's submission during the weekend before Monday night's class.*

In grading each assignment the following factors will be considered: the accuracy, coherence, and completeness of the answer, the quality of the reasoning applied by the student, and where relevant, the force of the argument the student has made, including its implication(s) for higher education leadership practice.

Rules of the Course

You may not under any circumstances confer or seek or render assistance to any person about the class assignments, since they are intended to be a measure of your grasp of

the course content. Such conferral or seeking or rendering assistance about the exams will be treated as a form of academic dishonesty and taken most seriously by the instructor. Such cases will be dealt with according to UTA's rules and regulations concerning academic dishonesty.

If you would like to meet with me in person to discuss any issues related to the course I would be glad to meet with you at the Arlington campus during my regularly scheduled office hours. These are Mondays and Tuesdays between 3:00 and 5:00 p.m. Central Time and other times by arrangement between us.

Note: The UTA Graduate Honor Code establishes a standard of academic integrity. The code demands firm adherence to a set of values and is founded on the concept of honesty with respect to the intellectual efforts of oneself and others. You must read and study the requirements of the Graduate Honor Code as a requirement of this course. Please visit the UTA website for details concerning your obligations in this regard.

Note: If you at any time believe you are a student with a disability who requires a reasonable accommodation, related in any way to this course, please visit the UTA web-site regarding accommodations based on disability so that, where appropriate, such accommodations may be offered to you. Such accommodations may include rights under the Americans with Disabilities Act ("ADA") and the Rehabilitation Act ("Section 504").

Note: If there are any students in the class who are seeking credit for this course in the UTA Educational Leadership doctoral program they will be required to write a ten page research paper concerning a higher education subject approved by the instructor in addition to completing the above referenced assignments. Each such student should arrange to meet with the instructor to discuss the research paper and its parameters.

