

HED 6501: The Law and Higher Education

Mississippi College Graduate School

Spring 2010

Prerequisites for the course: Graduate standing

Instructors:	Dr. Todd S. Rose	Dr. R. Brit Katz
	Vice President, Campus Programs and Alumni	Vice President, Student Life and Dean of Students
Offices:	Whitworth-Sanders Hall Suite 203 Millsaps College	Campbell College Center Suite 338 Millsaps College
Phones:	601-974-1111	601-974-1206
E-Mails:	rosets@millsaps.edu trose@mc.edu	brit.katz@millsaps.edu Katz@mc.edu

Course Description: This course will introduce students to state and federal laws as they apply to higher education. The course is designed to enable the students to identify legal issues, define or describe legal principles, and develop legal policies the students will encounter as a college administrator. Topics and subject content have been chosen according to their contemporary relevance to leaders in higher education.

Course Rationale: This course is a requirement for the Masters Degree in Higher Education Administration degree.

Course Objective: The class aspires to provide students with a firm understanding of general legal principles within which the college administrator must execute her/his work.

Learning Outcomes:

- Demonstrate knowledge of legal terms and concepts relevant to higher education
- Gain knowledge on how legal issues affect decision making and policy development in higher education
- Distinguish facts, issues, and rationales in selected judicial opinions
- Use case studies to analyze legal issues in higher education
- Develop analytical skills when recognizing legal issues and their application

- Become acquainted with recent or current judicial cases in higher education

Academic Integrity:

Mississippi College students are expected to be scrupulously honest. Dishonesty, such as cheating or plagiarism, will be regarded as a serious offense subject to severe penalty including, but not limited to, loss of credit and possible dismissal. See the *MC Tomahawk* or University Policy 2.19 for specific information.

Outline of Topics to Be Addressed in the Course: (Note: the syllabus is subject to change at the instructors' discretion, as needed.) Examinations will be scheduled based upon class progression through the topic areas

- A. Overview of Higher Education Law
- B. Legal Authority and Liability
- C. Distinction of Public and Private institutions
- D. Institution Structure/Governance/Operations
- E. Discrimination
- F. Religion and First Amendment to the Bill of Rights
- G. Negligence and Torts
- H. Contracts
- I. Student and Institution Relationships
- J. Student Rights, Responsibilities and Due Process
- K. Faculty Issues – Academic Freedom, Tenure, and Freedom of Speech
- L. Athletics, Student Activities, Fraternities/Sororities

Methods of Instruction:

The instructors will use an on-line format enhanced with articles to read/analyze. Bulletin board discussion and chat room discussion groups will be a required part of the class. Students will complete research assignments including weekly readings, assigned questions and case briefs. Case studies and problem solving exercises will be incorporated into some class time.

Required Text: Kaplin, W.A. & Lee, B. (2007) The Law of Higher Education (Student Version) (4th Ed.). Jossey-Bass.

Course Grading:

- A. Participate in class discussions, asking relevant questions and raising issues during weekly 90 minute chat sessions (20%)

- B. Successfully complete weekly assignments including the readings, assigned questions, and case briefs. (20%)
- C. Research, develop, and write a paper on a legal issue that impacts higher education. (20%)
- D. Complete a mid-term examination (20%)
- E. Complete a final examination (20%)

Attendance: Attendance, participation, and energy are expected. The institution’s established absence policy applies.

Research Paper (see item “D” above)

Each student will select a general administrative area of interest and produce a comprehensive, written survey of a prevailing legal issue within that area. A minimum of six sources will be incorporated and properly referenced according to APA style, along with a minimum of six applicable legal proceedings/cases. The instructors will evaluate the paper, in part, based upon a demonstrated understanding and application of the legal issues addressed, steps suggested to reduce legal risks, and the quality of the written paper. Graduate level work, including appropriate stylistic application, is expected in the paper. The paper should be a minimum of nine (9) typed, double spaced pages, NOT including the title and reference pages, but no more than sixteen (16) typed, double-spaced pages. **A separate reference page(s) will be submitted for the cited sources and cases.**

The research paper should be developed as a Microsoft Word document for simpler attachment to e-mail, then submitted on the announced date.

Grading Scale:	95-100	=	A
	91-94	=	B+
	85-90	=	B
	81-84	=	C+
	75-80	=	C
	71-74	=	D
	70-below	=	F (let’s avoid this grade, okay?)

Technology Requirements:

You are required to have a computer, e-mail, and Internet access to enroll in this course. The course is delivered via online instruction. In addition, you will be required to use Microsoft

Word in completing assignments. Since the instructors will provide comments in an electronic format, the students will be required to participate in a Microsoft Word tutorial at this website:

<http://office.microsoft.com/training/training.aspx?AssetID=RC011600131033&pid=CR061958171033> . Anticipate that 30-50 minutes will be needed to complete this tutorial.

Policy on Instructional Modification for the Graduate School of Education:

Students with disabilities who need reasonable modifications to complete assignments successfully and otherwise satisfy course criteria are encouraged to discuss services needed with the instructors as early in the course as possible to identify and to plan specific accommodations. The instructors are not required to accommodate a disability when it is registered with the College after work is submitted and graded; registration of disabilities should occur prior to the course beginning.