

## **CSP 680 Seminar: Legal Issues in Student Affairs**

Spring 2004 — Course Syllabus — Bowling Green State University

Wednesdays 9:30 a.m.-12:20p.m. in 210 Education Building

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Office Hours: Drop in and by appointment

### **Course description:**

This seminar is designed to provide entry-level student affairs practitioners a basic understanding of the legal issues that they may confront in order that they may be able to recognize the issues and act within the parameters of the law.

### **Course objectives:**

1. To develop a general understanding of the legal system and process in the U.S. as they relate to higher education and student affairs
2. To become generally familiar with and to be able to identify general legal principles and current legal issues that affect the practice of student affairs professionals
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 student affairs
5. To become familiar with legal periodicals and resources
6. To enhance the student's ability to work with legal counsel

### **Caveat:**

This is an education course, not a law school offering. It is NOT designed to provide legal training or advice.

### **Texts:**

Kaplin, W. A., & Lee, B. A. (1997). *A legal guide for student affairs professionals*. San Francisco: Jossey-Bass.

Kaplin, W. A., & Lee, B. A. (2000). *Year 2000 cumulative supplement to the law of higher education* (3<sup>rd</sup> ed.). Washington, DC: National Association of College and University Attorneys. (Optional).

### **Course Requirements:**

The objectives of this course will be pursued through required readings, class discussion, written assignments, and presentations. Final evaluation of your work will be based on the quality of your contribution to class discussions and on your performance on all written and oral assignments. Assignments are due at the beginning of class on the dates indicated on the schedule. Late assignments will receive little or no written feedback and a lower grade unless we have made other arrangements prior to class.

You are strongly encouraged to work with a classmate to critique and proofread one another's assignments. Each of you is likely to submit better papers and projects as a result of that process. Excessive typographical and grammatical errors detract from your work and will be reflected in your grade. Written assignments should be submitted in APA Style (5<sup>th</sup> edition) and stapled for submission. (Please no folders, plastic covers, etc.)

If you wish to propose an alternate assignment, please develop a short proposal for discussion.

**\*Class Participation and Attendance:** Informed participation by all class members is vital to the success of this class. Students are expected to read and understand the main points of the chapters assigned for each class and come to class prepared to discuss them. Your attendance for the full class period is expected and you are responsible for everything that is covered, distributed, or announced during class. If an absence is unavoidable, you should arrange with a classmate to receive handouts and announcements. Your attendance strongly influences your grade for class participation. Students with three or more absences are unlikely to earn a grade higher than B.

**\*Case Brief:** Working independently (i.e., collaboration is not permitted), students will write a brief of an assigned case. An example of a brief will be provided. Writing the brief will give you practice in reading cases in the original and in rendering them down to their essence.

Case briefs typically have the following parts or sections:

- Case: Give the name and legal citation of the case.
- Facts: State as succinctly as possible the essential facts of the case. In the case of an appeals court decision, the findings of the trial court are part of the facts.
- Issue: What is the legal question the case presents?
- Answer: What is the court's answer to the issue/question?
- Reasoning: What is the gist of the court's rationale for its decision?
- Comments: What else did the court say that should be noted?

Keep your brief brief! You should be able to fit the above on one page. The case to brief is *Schieszler v. Ferrum College*, 236 F. Supp. 2d 602; 2002 U.S. Dist. (July 15, 2002 decision).

**\*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 of importance to student affairs. You will clear the topic with the instructor via a written proposal of 500–750 words (not including 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 final paper should be around 4000 words (references not included). Please include the word count at the end of the paper.

Papers will be graded on both substance and form. In terms of substance, the paper should demonstrate the importance 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 your reactions and recommendations 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. (It is a good idea to review "Writing Tips" at <http://personal.bgsu.edu/~mewilso/writing.htm> before submitting your papers.) Proofread your paper carefully! I strongly recommend that you have at least one other person 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 and important to the profession.

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 books required for the course may help you find ideas or entry points into the literature, but they should be only a starting point and not a source of 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. Plan for a 20 minute presentation.

**\*Examinations:** The midterm and final exams are in-class (short answer and/or essay) and open book/open notes. They will require identification of legal issues, application of legal principles, and considerable synthesis and integration.

### **Evaluation and Grading:**

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

Your final grade in the course is based on the weighted average of grades received on individual assignments.

About grading: “A” work is excellent—very strong in every sense. It represents a very solid job in addressing all aspects of the assignment, shows complex thinking and insight, and is well-written and generally free from errors (typographical, grammatical, etc.). A “B” paper is good. It has some weaknesses in one of more of these areas but is done well overall. A “B” is a perfectly reasonable grade in graduate school. Lower grades are assigned to papers with more significant weaknesses in the areas noted above.

Incompletes are not given except for major emergencies late in the term and only after consultation and mutual agreement upon a contract specifying when the work will be completed. Incompletes will not be granted simply because more time is desired to complete the assignments or one wishes to complete the course during a subsequent semester.

### **Academic Integrity:**

You will be held accountable to high standards for academic integrity and should read and understand the policy on academic integrity as printed in BGSU’s Student Handbook. Utilizing the ideas, expressions, or words of others without citing the source constitutes plagiarism. Therefore, you must cite sources in your work. Please also note that you may not submit an assignment for this class that has been previously submitted for another course. Please read the Code of Academic Conduct available at <http://www.bgsu.edu/offices/sa/book/>.

### **Students with Disabilities:**

If you have a documented disability, are registered with the Disability Services for Students Office (<http://www.bgsu.edu/offices/sa/disability/>), and are entitled to accommodations, please inform me as soon as possible.

**Recommended Resources:**

- Barr, M. J., & Associates. (1988). *Student services and the law*. San Francisco: Jossey-Bass.
- Bickel, R. D., & Lake, P. F. (1999). *The rights and responsibilities of the modern university*. Durham, N. C.: Carolina Academic Press.
- Bostic, D., & Gonzalez, G. (1999). Practices, opinions, knowledge, and recommendations from judicial officers in public higher education. *NASPA Journal*, 36, 166-183.
- Bowen, W. G., & Bok, D. (1998). *The shape of the river: Long term consequences of considering race in college and university admissions*. Princeton, N. J.: Princeton University Press.
- Brandenburg, J. B. (1997). *Confronting sexual harassment: What schools and colleges can do*. New York: Teachers College Press.
- Bryan, W. A., & Mullendore, R. H. (Eds.). (1992). Rights, freedoms and responsibilities of students. *New Directions for Student Services*, 59 (Fall).
- Court contrasts “official” and “personal” capacities. (1993, August). *Perspective: The Campus Legal Monthly*, 8, 1-3.
- Dannells, M. (1997). *From discipline to development: Rethinking student conduct in higher education*. Washington, D. C.: George Washington University, Graduate School of Education and Human Development.
- Delgado, R., & Stefanic, J. (1993, August 11). Overcoming legal barriers to regulating hate speech on campus. *The Chronicle of Higher Education*, B2-B3.
- Downey, J. P., & Stage, F. K. (1999). Hate crimes and violence on college and university campuses. *Journal of College Student Development*, 40, 3-9.
- Gehring, D. D., Nuss, E. M., & Pavela, G. (1986). *Issues and perspectives on academic integrity*. Columbus, Ohio: The National Association of Student Personnel Administrators.
- Hammond, E. H., & Shaffer, R. H. (Eds.). (1978). *The legal foundations of student personnel services in higher education*. Washington, D. C.: The American College personnel Association.
- Hawke, C. S. (2001). *Computer and internet use on campus: A legal guide to issues of intellectual property, free speech, and privacy*. San Francisco: Jossey\_Bass.
- Ingram, R. T., & Associates. (Eds.). (1993). *Governing public colleges and universities: A handbook for trustees, chief executives, and other campus leaders*. San Francisco: Jossey-Bass.
- Jarrow, J. (1991). Disability issues on campus and the road to the ADA. *Educational Record*, 26-31.
- Kaplin, W. A. (1992). A proposed process for managing the first amendment aspects of campus hate speech. *The Journal of Higher Education*, 63, 517-538.
- Kaplin, W. A., & Lee, B. A. (1995). *The law of higher education* (3<sup>rd</sup> ed.). San Francisco: Jossey-Bass.
- Lampkin, P. M., & Gibson, E. M. (1999). *Mountains and passes: Traversing the landscape of ethics and student affairs administration*. Washington, D. C.: The National Association of Student Personnel Administrators.
- Neiger, J. A., Palmer, C., Penney, S., & Gehring, D. D. (1998). Addressing hate speech and hate behaviors in codes of conduct: A model for public institutions. *NASPA Journal*, 35, 193-206.
- Patterson, B. G. (1996). The communications decency act of 1995: Implications for colleges and universities. *The ASA Newsletter*, 6(3).
- Pavela, G., & Scheuermann, T. (1989). Punishing racist speech. *Synthesis*, 1(1),2.
- Scott, S. S. (1991). A change in legal status: An overlooked dimension in the transition to higher education. *Journal of Learning Disabilities*, 24, 459-466.
- Skrentney, J. D. (2001, February 16). Affirmative action and new demographic realities. *The Chronicle of Higher Education*, B7-B10.
- Stage, F. K., & Dannells, M.(Eds.). (2000). *Linking theory to practice: Case studies for working with college students* (2nd ed.). Muncie IN: Accelerated Development.
- Young, D. P., & Gehring, D. D. (1973-). *The college student and the courts: Basic case book*. Ashville, N. C.: College Administration Publications.
- Zumeta, W. (1992). State policies and private higher education: Policies, correlates, and linkages. *The Journal of Higher Education*, 63, 363-417.

**Course Topics and Schedule:**

<b>Date</b>	<b>Class #</b>	<b>Topic</b>	<b>Assignments</b>
January 14	Class #1	<i>Course Overview</i> <i>Overview of Postsecondary Law</i>	Read* Kaplin and Lee (hereinafter KL) §§ 1.1-1.4
January 21	Class #2	<i>Legal Resources and Research</i> <i>Overview of Postsecondary Law</i> (cont.)  Guest: Ms. Linda Rich, Reference Librarian <b>Meet in the Jerome Library Electronic Reading Room 125</b>	Read: KL 1.5-1.7  View videotape, "Legal Research Made Easy" (call # VC845) in Technology and Resource Center, 215 Education Building 372-7392
January 28	Class #3	<i>The College &amp; Trustees, Administrators, &amp; Staff</i>	Read: KL Chapter 2
February 4	Class #4	<i>The Legal Status of Students</i>	Read: KL Chapter 3  <b>Due:</b> Case Brief
February 11	Class #5	<i>Admissions and Financial Aid</i>	Read: KL Chapter 4
February 18	Class #6	<i>The Campus Community</i>	Read: KL Chapter 5  <b>Due:</b> Research paper proposal due (Be prepared for 1-2 minute report on it.)
February 25	Class #7	<i>Academic Policies and Concerns</i>	Read: KL Chapter 6
March 3	Class #8	<i>Mid-term Exam</i> In Mac Lab – 213 Education	
March 10		<b>Spring Break – No Class</b>	
March 17	Class #9	<i>The Disciplinary Process</i>	Read: KL Chapter 7
March 24	Class #10	<i>Students' Freedom Of Expression</i> <i>Student Organizations</i>	Read: KL Chapters 8-9
March 31	Class #11	<i>The College and Local and State Government</i> <i>The College and The Federal Government</i>	Read: KL Chapters 11-12
April 7	Class #12	<i>Athletics</i>	Read: KL Chapter 10
April 14	Class #13	<i>Student Research Presentations</i>	<b>Due:</b> Research Paper
April 21	Class #14	<i>Student Research Presentations</i>	
April 28	Class #15	<i>Student Research Presentations</i> <i>Course Evaluation</i>	
May 5	Class #16	<i>Final Examination</i> In Mac Lab – 213 Education	

Schedule and syllabus subject to change with notice.

Syllabus adapted from Dr. Mike Dannells