

School of Business and Nonprofit Management

Course Syllabus

Course: SBNM 5746, Law of Higher Education – A12

Academic Year: 2012/13 **Semester/Quad:** Summer A

Prerequisites: None

Instructor: Dr. G. Gary Grace, Adjunct Professor

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Availability:

I will be online in the course on Wednesdays (7-9 pm), Fridays (3-5 pm), Saturdays (11-1 pm), Sundays (7-9 pm), and Mondays (7-9 pm). I also anticipate popping in on an unscheduled basis to read email and to catch-up on the Forum discussions. Please contact me via email, but know that if you need to speak with me don't hesitate to call or leave an email note to request times for returning a call to you.

Course Description:

This course is designed to assist students in becoming knowledgeable about the fundamentals of American law that directly and indirectly impinge on the teaching, learning, and administrative environments of higher education institutions in both the public as well as private sectors. There are diverse sources of law that impact American higher education in numerous ways. This course will enhance student understanding and appreciation for this complexity as well as for the ethical issues which surround the application of law in the college and university setting. This course will consider legal issues within the historical context of higher education and the forces which shaped it. Specific attention will be given to the broader political, social, cultural, and economic context within which higher education was established and continues to develop today.

Introductory Comments:

This course is intended as an introduction to law and policy issues that arise in public that arise in public and private institutions and that help define American higher education in the 21st century. Topics to be explored include historical and legal parameters of the student/university relationship; the growing role of risk management in shaping educational policy; competing claims of academic freedom of faculty and the rights of students and other community members to be free from racial and sexual harassment; the scope and limits of freedom of expression; evolving standards of procedural and substantive due process; and federal legislation pertaining to students, especially affirmative action, Title IX, FERPA, and ADA/Section 504. By the course's conclusion, students will increase their proficiency in knowing how to apply legal resources to identified legal problems.

As one begins this exploration of law, it will become apparent that the law has never been, nor ever will be absolutely black and white. As a result, there is never any one definitive answer to a legal problem. As an online course, discussion will be used, where appropriate, to broaden perspectives of learners and to demonstrate that there are multiple viewpoints on legal principles.

Course Materials:**REQUIRED TEXTBOOKS**

Foundations of Higher Education Law and Policy, Peter F. Lake, Washington, DC: National Association of Student Affairs Administrators, 2011, ISBN 978-0-931654-42-8.

The Rights and Responsibilities of the Modern University, Robert D. Bickel and Peter F. Lake, Durham NC: Carolina Academic Press, 1999, ISBN 0-89089-675-5.

RESOURCES

Please note additional readings of articles or other website material are detailed in both the Schedule of Weekly Activities section later in this Syllabus and included in Weekly Topics and Assignments within the Moodle course.

Essential IDEA Objectives:

There are three essential learning objectives for this course (per the IDEA framework, a nationally recognized assessment tool used by many higher education institutions, including North Park University).

1. State factual knowledge (terminology, classifications, methods, trends).
2. Comprehend fundamental principles, generalizations, or theories.
3. Analyze and critically evaluate ideas, arguments, and points of view.

The Office of Distributed Learning will assess student learning and satisfaction levels at the end of this term. Please keep these learning objectives in mind, as well as your level of achievement of these objectives, for the end-of-term evaluation.

Specific Course Objectives:

This course is not designed to prepare the student as a lay attorney. Rather, its purpose is to introduce the learner to the basic and legal concepts that face American higher education today. To accomplish this end, the course is intended to assist the student to: (1) recognize legal problems and issues (2) develop analytical skills in order to think more clearly and confidently about legal issues, and (3) develop the ability to make administrative decisions from a legal perspective. Ultimately, the course is designed to increase your proficiency in knowing how to apply various resources to identified legal problems within an administrative context.

Content areas selected for study and discussion are contemporary and relevant. Issues pertaining to the various constituencies of colleges and universities—namely students, faculty and administrators—will constitute the major focus of this course. At the center of attention will be such topics as the legal structure of higher education, distinctions between public and private education, student-institutional relationships, faculty-institutional relationships, non-discrimination/affirmative action, and contracts. The number of legal issues we could explore in this course could be easily doubled or tripled, but time restraints dictate a lesser number which can be effectively discussed during a seven week, on-line course. As a content-laden course, strong emphasis is placed on reading, learner reflection and application, and collaboration.

At the completion of the course, it is expected that students will be able to:

1. Articulate and describe major components of legal principles and issues confronting American higher education today.
2. Analyze and interpret case law questions, court findings and legal rationale.

3. Describe important legal concepts, sources, cases and other related issues which face American higher education.
4. Explain important dilemmas facing American higher education.
5. Demonstrate the application of legal concepts to the higher education context.

Course Teaching and Learning Methods:

Taking an online course in seven weeks can be intensive in that there is considerable reading each week as well as class discussions of the readings and corollary assignments. To pass this course, you must complete the assigned readings and participate fully in the class discussions and other assignments as outlined each week. Class discussion should draw directly from the readings and student posts should incorporate important points from the readings to receive maximum points.

Please note that the readings provide the class a common foundation with which to explore our thinking, but the readings in and of themselves do not determine or create thinking—that is your job as the learner. As your facilitator, I encourage you to read critically, reflect on how the readings provoke your thinking based upon your past learning and/or practical experience. Such reflection as you read and participate in the discussions might be influenced by asking several questions: In reading this material, what have I just learned? What difference does it really make? Now what—how will this information impact the way I know, do, or be?

Important Note:

If any of the following circumstances apply, I strongly advise you not to take this course:

- You do not have access to a computer at home.
- You do not have the time to take a face-to-face course. If you do not have the time to take a face-to-face course, you won't have the time to take an online course either. This is not a scheduling issue, but a time issue. Expect to spend 10-13 hours per week towards this course.
- You expect this course to be easier than a face-to-face course—an online course is typically more time-intensive and intense.
- You expect to spend any length of time on a vacation or away from a computer. This is still a class with regular due dates and commitments for which your course facilitator does not make exceptions.

Computer Requirements:

In order to effectively participate in and successfully complete this course, each participant will need to have access to a computer and a high-speed internet connection. Please visit <http://www.northpark.edu/Campus-Life-and-Services/Information-Technology/Network/Minimum-Requirements> for information on computer requirements.

Other Online Skills Required:

Your instructor looks forward to your participation and positive contributions to the class. While there are no technical skills required of a student taking an online course, please be aware that there is a special “netiquette” to follow—for instance don't assume that everyone will understand certain abbreviations and short-hand phrases—we may be coming from all parts of the globe where language practices, sayings, slang, etc. are different. Since most of the time we will be relying on the written word—correct spellings can prevent misunderstandings. Check the following link for more information about netiquette: <http://www.albion.com/netiquette>.

Schedule of Weekly Assignments:

Readings from the texts, provided articles, web links or other interactive activities; and discussions are intended to facilitate student learning. Discussion questions will be posted in the Weekly Assignments/Topics section of Moodle for each week. With the exception of the first two weeks when the first class of the week begins with a Monday and ends on a Sunday, each week follows a similar pattern—a week’s class commences on a Tuesday and ends on a Monday with assignments due at various times at the end of the week. (The only exception to this pattern is Week 1 in which you are asked to submit personal introductions to the class early in the week.) In general, students should use the early part of the week to complete required readings. Written assignments are typically due over the weekend and student responses to the Forum discussions are usually due by 9:00 PM on Saturdays/Sundays/Mondays. See “Weekly Assignments/Topics” on the opening page of the Moodle site for details about the assignments and the various Forums. Make sure that your responses are responsive to what has been presented or discussed. Use of citations from readings and other evidentiary support is a must—in other words, your opinions must be backed up with support from the content of the course. Sharing your work experience is fine, but remember that it must relate to the learning objectives and readings for the week. As a guideline, no single post should be longer than 200 words. While the instructor will make comments from time to time on the Moodle Forum or via e-mail, grades for each course assignment will be given privately through the Gradebook. Check “Course Information” within the Moodle site for the scoring rubrics used for the postings and other assignments.

Check the Moodle course site also for more comprehensive instructions for the case study, the career analysis project and reflection paper. The “Course Expectations” contains background clarification of scoring rubrics, and other advice on student persistence. The following schedule of activities is subject to change depending progress of the class:

Week	Dates	Topics/ Assignments	Reading and Web-based Learning Activities
1	May 13-19	<p>The Nature of the Law: Introductions, evolution of the law relating to higher education, structure and sources of law, relationship between law and policy, and the public-private dichotomy.</p> <p>Introduce yourself via the Participant link within the Moodle course by 9 pm Wed, May 15. Respond to at least 3 student postings by 9 pm Fri, May 17.</p> <p>Read and study the Course Syllabus.</p>	<p>Readings: Lake, Foundations of Higher Education Law & Policy, pp. 1-46. Bickel & Lake, The Right and Responsibilities of the Modern University, Chapters I and II, pp. 3-35.</p> <p>Supplemental Material: Kaplin, William & Lee, Barbara, Law of Higher Education, http://abookmedhin.files.wordpress.com/2010/10/the-law-of-higher-education.pdf, pp. 1-8 and optionally 11-59.</p> <p>Altbach, Philip. “Higher Education in Context,” Education Encyclopedia, http://www.answers.com/topic/higher-education-in-context .</p> <p>Gehring, Donald. “The Frog in the Pot: External Influences on Higher Education.” In <i>Beyond Law and Policy: Reaffirming the Role of Student Affairs</i>, Diane Cooper and James Lancaster (Eds.), New Directions for Student Affairs, No. 82, San Francisco, CA: Jossey Bass, pp. 3-13. http://www.elps.vt.edu/janosik/Law2008/Frog.pdf</p> <p>Janosik, Steven, “Anticipating Legal Issues in Higher Education,” http://www.soe.vt.edu/highered/faculty/janosik/anticipating.pdf</p>

Week	Dates	Topics/ Assignments	Reading and Web-based Learning Activities
		<p>Take the Mini Quiz no later than May 15.</p> <p>Post a Group compilation of administrative competencies by Sat, May 18 at 9 pm. Respond to at least 3 other Group postings by Sun, May 19 by 7 pm.</p> <p>Begin thinking about a legal research paper. Proposed topics for paper due Tues, May 28 at 9.</p>	<p>NASPA Journal, 42(4), 401-414.</p> <p>Leading Cases: Trustees of Dartmouth College v. Woodward, 17 U.S. 518 (1819) – Right to establish a private college.</p> <p>Marbury v. Madison, 5 U.S. 137 (1803) - Separation of powers.</p> <p>Lemon v. Kurtzman 403 U.S. 603 (1971) – Separation of church and state.</p>
2	May 20-26	<p>University and the Faculty: 1st Amendment free speech, non-discrimination, and due process.</p> <p>Using Case Brief Procedure, summarize a selected a Leading Case from Wks 1 or 2 and submit to Forum by Sat, May 25 at 9 pm. Respond to other students' postings by Sun, May 26 at 7 pm.</p> <p>Choose one of the five topics in the Leading Cases (i.e. academic freedom for faculty, due process rights of faculty, etc.) and develop a presentation for new faculty. Submit</p>	<p>Readings: Lake, Foundations of Higher Education Law & Policy, pp. 47-89.</p> <p>Kaplin, William & Lee, Barbara, Law of Higher Education, http://abookmedhin.files.wordpress.com/2010/10/the-law-of-higher-education.pdf, pp. 239-277.</p> <p>Leading Cases: Sweezy v. New Hampshire 354 U.S. 234 (1957) – Academic freedom of faculty.</p> <p>Board of Regents of State Colleges v. Roth 408 U.S. 564 (1972) – Rights of non-tenured faculty.</p> <p>Perry v. Sinderman 408 U.S. 593 (1972) – Due Process rights of tenured faculty.</p> <p>Board of Curators of the University of Missouri v. Horowitz 435 U.S. 78 (1977) – Due process in academic decision making.</p> <p>Faragher v. Boca Raton 524 U.S. 775 (1998) – Harassment and hostile workplace.</p> <p>Note: Remember that your proposed topic for your final legal research paper is due Tues, May 28 by 9 pm.</p>

Week	Dates	Topics/ Assignments	Reading and Web-based Learning Activities
		<p>your presentation to Forum by Sun, May 26 at 7 pm.</p> <p>Respond to other students' postings by Sun, May 26 at 9 pm.</p>	
3	May 28- Jun 3	<p>Institutional Liability: in loco parentis, duty-to-protect, causes of campus risk, and risk management.</p> <p>Post to Forum a reflective inquiry to Bickel & Lake due Sat, Jun 1 by 9 pm. Respond to at least 3 students' postings by Sun, Jun 2 by 7 pm.</p> <p>Case analysis due Sun, Jun 2 by 7 pm. Respond to at least 3 other postings by 9 pm, Mon Jun 3.</p>	<p>Readings: Bickel & Lake, The Rights and Responsibilities of the Modern University, Chapters IV, V, & VI.</p> <p>Lake, Foundations of Higher Education Law & Policy, pp. 91-178.</p> <p>Leading Cases: Gott v. Berea College 161 S.W. 204 (Ky. 1913) – In loco parentis. Bradshaw v. Rawlings 612 F.2d 135 (U.S. App. 1979) – Duty to supervise and control. Furek v. University of Delaware 594 a.2d. 506 (Del. 1991) –Duty to regulate/supervise foreseeable dangerous activities (i.e. hazing).</p>
4	Jun 4- 10	<p>University and Students: student academic rights & responsibilities, student-institutional relationship, student discipline/dismissal, and degree revocation.</p> <p>Using Case Brief Procedure, summarize a selected a Leading Case from Wks 4 or 5 and submit to Forum by Sat, Jun 8 at 9 pm. Respond to other students'</p>	<p>Readings: Lake, Foundations of Higher Education Law & Policy, pp. 179-195.</p> <p>Gehring, Donald, "The Objectives of Student Discipline and the Process That's Due: Are They Compatible?" NASPA Journal. Vol. 38, No. 4, Summer 2001 (available online from Brandel Library).</p> <p>Supplemental Reading: Pavela, Gary. "Understanding Due Process: An Overview for College Administrators, February 2008 (a Google Docs Pavela Report on Law and Policy in Higher Education—link contained in Moodle).</p> <p>Leading Cases: Dixon v. Alabama State Board of Education 294 f.2d. 150 (5th Cir. 1961) – 14th Amendment, Due Process Goss v. Lopez 419 U.S. 565 (1975) – Due Process</p>

Week	Dates	Topics/ Assignments	Reading and Web-based Learning Activities
		<p>postings by Sun, Jun 9 at 9 pm.</p> <p>Reflective Inquiry to Gehring due Sun, Jun 9 at 7 pm. Respond to at least 3 student postings by 9 pm, Mon, Jun 10.</p> <p>By Mon, Jun 10 at 9 pm. Submit to Moodle an anonymous Mini-Course evaluation.</p>	
5	Jun 11-17	<p>University and Students (cont.): free speech, student records, student organizations, student fees and student publications</p> <p>Consultant's report advising a new public institution on free speech and mandatory student fees due Sun, Jun 16 at 7 pm. Respond to other students' postings by Mon, Jun 17 at 9 pm.</p>	<p>Reading: Lake, Foundations of Higher Education Law & Policy, pp. 197-250.</p> <p>Pavela, Gary. "Academic Freedom for Students Has Ancient Roots," <u>Chronicle of Higher Education</u>, May 27, 2005 (a Google Docs Report on The Law and in Academe—link contained in Moodle).</p> <p>Supplemental Reading: Kaplin, William & Lee, Barbara, Law of Higher Education, http://abookmedhin.files.wordpress.com/2010/10/the-law-of-higher-education.pdf, pp. 475-503 and 513-558.</p> <p>Leading Cases: Board of Regents of the University of Wisconsin System v. Southworth (98-1189) 529 U.S. 217 (2000) reversed and remanded.</p> <p>Healy v. James 408 U.S. 169 (1971) - Student Organization/Free Speech.</p> <p>Sword v. Fox 317 F.Supp. 1055 (1970). On Appeal Sword v. Fox 446 F.2d. 1091 (1971) – Time, place and manner restriction on rights of assembly and free speech.</p>
6	Jun 18-24	<p>University and Role of Government: FERPA/student records, civil rights compliance, and state and federal regulations.</p> <p>Respond to specific discussion questions</p>	<p>Reading: Kaplin, William & Lee, Barbara, Law of Higher Education, http://abookmedhin.files.wordpress.com/2010/10/the-law-of-higher-education.pdf, pp. 137-182 and 593-643.</p> <p>"Disclosure of Information to Parents from Educational Records to Parents of Postsecondary Students," U.S. Dept. of Education, ED.gov.</p> <p>McDonald, Steven J. "The Family Right and Privacy Act: 7 Myths and the Truth," <u>Chronicle of Higher Education</u>, April 18, 2009, Vol. 54,</p>

Week	Dates	Topics/ Assignments	Reading and Web-based Learning Activities
		regarding FERPA within the Moodle Forum. Cite relevant and Leading court cases to support your response. Submit summaries to Forum by Sun, Jun 23 at 7 pm and respond to other students' postings by Mon, Jun 24 by 9 pm.	Issue 32, p. 53. Fisher, Marc. "When Privacy Laws Do More Harm Than Good," <u>Washington Post</u> , September 2, 2007. Leading Cases: Gonzaga University v. Doe 122 S.Ct. 2268 (2002) – Use of 20 USC Section 1983 as a mechanism to seek money damages under FERPA. Bob Jones University v. the United States 461 U.S. 574 (1982) – Tax status of private colleges. United States v. the Miami University and the Ohio State University Case no. 00-3158, U.S. App. 6 th Cir. (2002) – Are student records educational records under FERPA?
7	Jun 25 -Jul 1	Bringing It Altogether: Legal Decision-Making Submit research paper draft by Sat, Jun 29 at 9 pm. Select at least one fellow student's draft and provide constructive feedback by Sun, June 30 at 9 pm. Revised papers due Mon, Jul 1 at 9 pm.	Reading: Lake, Foundations of Higher Education Law & Policy , pp. 251-264. All drafts and critiques of student legal research papers.

Grading:

Each assignment will be graded based upon a rubric that specifies what is expected and how the assignment will be scored. Rubrics can be found in the Course Information section as well as within each weekly tab. A student can earn a total of 314 points for all assignments and Forum participation and up to an additional 5 extra credit points for completing the Mini Quiz on the Syllabus. However, because assignments are weighted your grades are based upon a weighted score of 111 points.

Assignment	Points	Grade %
Participation in Class Forum Discussions	8 pts for each of 10 Forum discussions in Wks 1-6 and 16 pts for Week 7 = 96 pts	30% (96 points x .30 = 28.8 weighted pts)
Written Assignments (i.e. Introduction, Administrative Competencies, Faculty Presentation, Reflective Inquiries, Case Briefings, and Case Study Analysis)	18 pts for each of 10 assignments, 9 pts for Pers Intro & 15 pts for Admin. Competencies = 168 pts	40% (168 points x .40 = 67.2 weighted pts)
Final Legal Research Paper	50 pts	30% (50 pts x .30 = 15)

Assignment	Points	Grade %
		weighted pts)
Total	314	100% (111 weighted pts)

Grade Mapping:

Weighted Numeric Grade	Letter Grade	Weighted Numeric Grade	Letter Grade	Numeric Grade	Letter Grade
103.23 – 111	A (95-100%)	92.13 – 96.56	B (83-86%)	81.03 – 85.46	C (73-76%)
99.90 – 103.22	A- (90-94%)	88.80 – 92.12	B- (80-82%)	77.70 – 81.02	C- (70-72%)
96.57 – 99.89	B+ (87-89%)	85.47 – 88.79	C+ (77-79%)	77.6 & Below	F (<60%)

Assignment Grading Policies:

Please be aware that your instructor will not accept late submissions of any papers, projects, assignments, or other forms of assessment for any reason whatsoever without a reduction of points for late submission of assignments.

Student Responsibilities:

1. Your presence online is required for this course. You are expected to log into the Moodle site a minimum of four times per week and post a substantive contribution Forum discussions at least four times each week.
2. Some assignments will be posted for your fellow learners to see. You will be asked to provide feedback to one another on your work. High quality and rich threaded discussion by all students is an ultimate goal for each topic.
3. You are encouraged to bring all questions and concerns up for appropriate resolution online. If you prefer to call or email me directly, please note my contact information and the times I anticipate being available online.
4. Short responses which amount to “I agree” or “good point” are not considered substantive contributions to Forum discussions—you must support your position or begin a new topic or add somehow to the discussion when posting. (Please refer to Guidelines for Writing Good Discussion Comments found in the Course Information folder.) As a guideline, quality of discussion comments is more important than quantity—you should refrain from postings greater than 200 words. In order to receive the maximum points available for each week’s Forum discussion, students should make a minimum of two original posts and two responses to other students’ posts during the week.
5. No matter what the circumstances—personal illness, business trips, family responsibilities, computer glitches, or overload—the learning of your peers will be seriously disrupted by your lateness in posting assignments. Call me as soon as possible if a situation arises which will affect a due date or your peer’s ability to complete an assignment or Forum contribution, and post a message to the group.
6. Ultimately, you are responsible for your own learning in the course. You cannot successfully complete the course without completing the assignments.

Instructor Responsibilities:

1. The instructor’s primary responsibility is to design the course and various learning modules in such a manner that all students have an opportunity to achieve the specified learning objectives.
2. The instructor will provide for group work as well as “hands-on” exercises.
3. The course instructor will provide comments to student responses and discussion as appropriate in order to clarify key concepts and important ideas—the instructor will not necessarily respond to every

student post. The instructor will participate in the discussions when he feels an important point needs to be made or if he feels the discussion needs to be redirected.

4. The instructor will read and critically assess learner assignments and provide feedback within 5-7 days of receipt.

5. Student emails and phone calls will be returned within 48 hours of receipt.

6. The course instructor will provide updated information on relevant resources for the various topics of interest.

7. The instructor will evaluate student progress in the course, provide final evaluation for each student, and assign a letter grade for the course.

ASSIGNMENT SPECIFICATIONS

Overview:

Assignments consist of readings, discussion Forums, case study analysis, a formal reflection paper, and a final legal research paper. Due dates are included in the Schedule of Weekly Assignments as well as in the Moodle course.

Weeks 1 and 2 begin on a Monday and ends on a Sunday. Weeks 3 through 7 begin on a Tuesday and end on a Monday evening. Unless otherwise stated, assignments are due by 9 pm Central Daylight Time.

WEEKLY ONLINE DISCUSSION FORUMS

Discussion Forum Specifications:

Forum discussions are included in all seven weeks of the course. Framed questions related to the topics for the week are provided and students are expected to participate fully by demonstrating understanding of the content of the required and supplemental readings and completion of the structured and web-based learning activities. Forum rubrics ask for responses that reinforce course material or challenges interpretation of material in a concise manner. Any references to external sources must provide page numbers, quoted material or URL addresses which enable fellow students and the instructor to follow the thought process. In the “give and take” discussion engagement with fellow students and the instructor, responses should be reflective, thought-provoking, supportive, and tied to the course material. Students who simply opine on views or issues of the week without citations typically do not receive any points. Responses that boil down to “me too” or “I couldn’t agree with you more” receive little weight in the scoring.

Criteria	3 – Meets Standard 2 points	2 – Approaching Standard 1 point	1 – Below Standard 0 point
Integration of Content	Reinforces course material or challenges interpretation of material, and does so in a concise manner. Any references to external sources provide references (URL links or page number in text) so others can follow thought process.	Refers to lesson content but not integrated effectively.	Does not refer to key points with no evidence student understands the key points. Or posting is excessively long.

Criteria	3 – Meets Standard 2 points	2 – Approaching Standard 1 point	1 – Below Standard 0 point
Relation to Original Response	Responds to the ideas presented in the original post and required number of responses posted.	Responses are loosely related to the ideas of the original post, and/or less than the required number of responses posted.	Responses do not relate to the original post, and/or less than the required number of responses posted.
Constructive Comments	Is characterized by at least 3 of the following: a. supportive b. thought-provoking c. challenging d. reflective e. ties to another course concept	Is characterized by at least 2 of the following: a. supportive b. thought-provoking c. challenging d. reflective e. ties to another course concept	Is characterized by at least one or none of the following: a. supportive b. thought-provoking c. challenging d. reflective e. ties to another course concept
Clear Writing	Organized, concise, grammatically correct, clearly written in understandable language.	Writing is adequate but may include inconsistencies or inaccuracies.	Writing is poor, unclear, disorganized or contains significant grammatical errors.

ASSIGNMENT: Group Compilation of Administrative Competencies in Early 20th Versus Early 21st Century- Week 1

Wk 1, Module 1B: Students will be paired with a fellow student for the purpose of this assignment. Based on your readings, each two-person team will compile a list of competencies for college administrators who might have worked at the turn of the 20th century as compared to the competencies essential to their 21st century counterparts. As you compile your lists of competencies, each two-person team should be cognizant of the circumstances and forces that prompt administrator roles and laws to change over time. Competencies should also reflect the different contexts and philosophies of higher education for the two periods as well as distinctions between law and policy and the life cycles of legal issues contained in the readings.

Group compilations should be posted to the Forum no later than Saturday, May 18 at 9 PM CDT. Respond to at least one group compilations by Sunday, May 19 at 7 PM CDT.

Criteria	3 – Meets Standard 3 points	2 – Approaching Standard 2 points	1 – Below Standard 1 point
List of Competencies	5 or more competencies are listed	3 or 4 competencies are listed	1 or 2 competencies are listed
Evidence of Assigned Readings	Competencies show explicit relationship to assigned reading	Reference to assigned readings but loosely described	Unclear or no evidence of assigned reading
Context of Higher Education	Strong contrast between early 20 th century and	General contrast between early 20 th	Vague or no contrast between early 20 th

Criteria	3 – Meets Standard 3 points	2 – Approaching Standard 2 points	1 – Below Standard 1 point
Distinguishes Between Law and Policy	early 21 st century periods Strong evidence provided that indicates difference between law and policy	century and early 21 st century periods General evidence provided showing difference between law and policy	century and early 21 st century periods Vague or no evidence provided showing difference between law and policy
List of Influences on Administrative Roles and Laws	Identifies at least 3 specific circumstances that influences administrative roles and laws	Identifies 1 or 2 specific circumstances that influence administrative roles and laws	No circumstances provided showing influences on administrative roles and laws

ASSIGNMENTS: Analyzing Court Cases Using Case Briefing Procedure in Weeks 2 and 4

Using the LexisNexis Academic Database at the Brandel Library website (or another publicly accessible legal research database such as FindLaw or Justia often available on the web), students will search for and read original case briefs from the nine Leading Cases contained in the Syllabus for Weeks 1 and 2. Students are to choose two court cases and using the instructor provided illustrative Case Briefing Procedure; summarize the selected cases for due in Week 2. Briefings should be no longer than one page each. Similarly, in Week 4 students will choose two of the five Leading Cases contained in the Syllabus for Weeks 3 or 4 to summarize using the Case Briefing Procedure.

Post your briefing to the forum no later than Saturday at 9 PM for Weeks 2 and 4. Review all student-submitted Case Briefs and critique at least three other students' briefs by posting to the Forum by Sunday at 7 PM (CDT) for Weeks 2 and 4.

Criteria	3 – Meets Standard 18 points	2 – Approaching Standard 12 points	1 – Below Standard 6 points
Follows Case Briefing Procedure	Closely follows briefing procedure by accurately identifying: citation, the facts, legal question(s), judgment of the court and rationale for finding	Follows briefing procedure but inaccurate or missing 1 to 2 of the following: citation, the facts, legal question(s), judgment of the court, or rationale for finding.	Briefing procedure used but inaccurate or missing 3 or more required elements of case briefing procedure.

ASSIGNMENT: Faculty Presentation on Legal/Academic Policy Issues for Week 2

Students will be assigned to prepare a specific presentation on one of four legal issues contained in readings and the Leading Cases for Week 2. Students are encouraged to review the relevant court cases using the Case Briefing Procedure used in the first assignment of Week 2. You are being asked to assume the role of a faculty member being asked to present a session during new faculty orientation on an assigned topic. How you present the topic is entirely up to you. Students may choose to create a PowerPoint presentation and post it to the Moodle Forum. Maybe you would prefer to develop a FAQ format or an orientation handout. Remember you are attempting to teach first time instructors the major concepts, ideas or issues critical to understanding the assigned topic

(i.e. due process rights, rights of non-tenured faculty, sexual harassment, or due process procedures).

Criteria	3 – Meets Standard 6 points	2 – Approaching Standard 4 points	1 – Below Standard 2 points
Context	Shows full understanding of selected topic	Shows good understanding of selected topic	Shows basic understanding of part of the topic, but incomplete
Quality/Creativity of Work	Provided creative presentation of highest quality and complete thoroughness in the material	Provided some creativity and good quality work, but missing some information	Provide average or below average quality in presenting through coverage of the material
Administrative Problem-Solving	Presentation demonstrates new or unique solutions to administrative problems or issues	Presentation refines solutions provided by others to administrative problems or issues	Presentation does not support solutions, but provides solutions suggested by others to administrative problems or issues

ASSIGNMENTS : Reflective Inquiries in Weeks 3 and 4

Students will be asked to respond to specific questions related to weekly readings and/or written assignments. In Week 3, students will focus on issues related to institutional liability in the work of Bickel and Lake from their monograph on the rights and responsibilities of students and the administration in the modern university. The topics for Week 4 require students to ponder issues raised by Donald Gehring and/or Gary Pavela about the student disciplinary process.

Criteria	3 – Meets Standard 9 points	2 – Approaching Standard 6 points	1 – Below Standard 3 points
Focus on Assignment	Clearly discusses a research question in the first paragraph; clearly states a rationale for inquiry and places the research question in the context of relevant textbook material	States the research question and provides a brief rationale for this inquiry; places the research question in the context of relevant material with generality, but with little specificity	Alludes to research question or topics(s) but does not state it clearly; does not state a convincing rationale for the inquiry
Evidence and Use of Assigned Reading	Reflection correlates to reading through explicit reference of authors' ideas concerning in loco parentis, duty to protect, and campus risks	Reflection correlates to reading through general reference of authors' ideas concerning in loco parentis, duty to protect, and campus risks	Reflection correlates in vague or non-existent reference to authors' ideas concerning in loco parentis, duty to protect, and campus risks

ASSIGNMENT: Case Study Analysis in Week 3

Students will be provided a choice of two case studies of campus liability. After reading both of the provided case studies, each student will select one for in depth analysis using provided guidelines. The

guidelines will ask each person to establish known facts, necessary assumptions, major legal or ethical issues, and institutional strengths and weaknesses. Students will be asked to include strategies for preventing or managing crisis using Bickel and Lee's Facilitator University Model from the assignment reading. Students should post their case analyses to the forum by Sunday, June 2 at 7 PM (CDT). By Monday, June 3 at 9 PM, students should post their critiques of other case study analyses, commenting specifically on risk management strategies and appropriate use of the Bickel and Lake's Facilitator University Model.

Criteria	3 – Meets Standard 3 points	2 – Approaching Standard 2 points	1 – Below Standard 1 points
Number of Key Facts	3 or more key facts are identified from case study	2 key facts are identified from case study	1 key fact is provided from case study
Number of Key Decisions Identified	3 or more key decisions to be made are identified from case study	2 key decisions to be made are identified from case study	1 key decision to be made is identified from case study
Explanation of Context	Explain why all issues, problems or decisions are important risk factors	Explain why half of issues, problems or decisions are important risk factors	Doesn't explain why issues problems or decisions are important risk factors
Prioritize Issues, Problems and Decisions	Clearly explains which issues, problems and decisions are critical outcomes as compared to those that are desirable but not necessarily critical	Prioritizes issues, problems and decisions but without clear explanation of why they are critical	Unclear explanation of differences between critical and desirable outcomes
Primary Objectives for Action	Provides 3 or more objectives based upon stated risk factors	Provides 2 or more objectives based upon stated risk factors	Provides 1 or no objectives based upon stated risk factors
Evaluates Recommended Decision	Provides both short and long range consequences for recommended action	Provides consequences for recommended action with either short or long range consequences but not both	Provides consequences for recommended action but with unclear differentiation of short or long range impacts

ASSIGNMENT: Consultant's Memorandum of Understanding on Free Speech/Student Fee Allocations in Week 5

You have been asked to serve as a consultant to a new educational entity funded by public monies. The president of the institution has asked you to recommend policy considerations for campus free speech and mandatory student fees to support student activities. Please develop a one to two page memorandum of understanding based upon court decisions appropriately advising the administration of

legal requirements. You are to post your memorandum of understanding by Sunday, June 16 at 7 PM (CDT). Critique at least one other student's memorandum of understanding by posting to the forum by Monday, Jun3 17 at 9 PM (CDT).

Criteria	3 – Meets Standard 9 points	2 – Approaching Standard 6 points	1 – Below Standard 3 points
Free Speech Defined	Memorandum of understanding describes fully the legal requirements of free speech, citing relevant court findings and rationale	Memorandum of understanding describes general context of free speech with text and case references	Free speech discussed without legal requirements or text/case references
First Amendment Protections Defined	Memorandum of understanding describes fully the First Amendment protections required in mandatory student fee allocations	Memorandum of understanding describes generally the First Amendment protections relevant to student fee allocations with text/case references	Student fee allocation processes discussed without First Amendment protection defined or text/case references

ASSIGNMENT: Reflective Inquiry on FERPA in Weeks 6

Students will be asked to respond to specific questions related to the weekly reading on federal legislation such as the Family Educational Rights Privacy Act. Student responses to the FERPA questions should be posted by Sunday, June 23 at 7 pm and respond to other students' posting as appropriate by Monday, June 24 by 9 pm.

Criteria	3 – Meets Standard 18 points	2 – Approaching Standard 12 points	1 – Below Standard 6 points
Focus on Assignment	Clearly discusses each question in the first paragraph; provides legal rationale for question; and cites relevant text material and case law findings	States general questions in first paragraph and provides brief rationale for the legal issues; places question in the context of relevant text material with generality, but with little specificity	Alludes to legal question but does not state it fully; does not describe legal context or text/case references

ASSIGNMENT: Final Legal Research Paper Due in Week 7

At the outset of the course, students will be provided an outline detailing the major components of a legal research paper at the graduate level and instructions for conducting legal research. In addition, a sample research paper will be provided and suggested topics relevant to the course. Within the first two weeks of the course, students will be asked to propose a topic and the instructor will formally respond with feedback and eventually approval. A draft of their instructor-approved research paper is due on Saturday, June 29 by 9 PM (CDT). The length of the papers should be a minimum of five (5) double spaced type-written pages and include a minimum of five (5) professional/legal references. Students are encouraged to use Internet-based and other technologically obtained references.

Remember to review the rubric for the Week 7 research paper to establish how the paper will be evaluated. Also remember to review the recommended format for a legal research paper. Students

should read and formally critique at least one fellow student's draft by Sunday, June 30 by 9 PM (CDT). Final (revised) papers are to be posted to the Gradebook by Monday, July 1 at 9 PM (CDT).

Criteria	3 – Meets Standard 10 points	2 – Approaching Standard 8 points	1 – Below Standard 6 points
Quality of Information	Information clearly relates to the main topic. Include 3 to 5 supporting details and/or examples	Information clearly relates to the main topic. It provides 3 or less supporting details and/or examples	Information clearly relates to the main topic, but there are 2 or less details or examples provided.
Organization	Information is extremely well organized with well-constructed paragraphs and subheadings	Information is extremely well organized with well-constructed paragraphs	Information is organized, but paragraphs are not well-organized
Paragraph Construction	All paragraphs include introductory sentences, explanation of details and concluding sentences	Most paragraphs include introductory sentences, explanations or details and concluding sentences	Paragraphs include related information but were typically not constructed well
Mechanics	No grammatical, spelling or punctuation errors	Almost no grammatical, spelling or punctuation errors	A few grammatical, spelling, or punctuation error
Sources	At least three legal resources and case briefs are cited and accurately documented in the desired format	Fewer than three legal resources and case briefs are cited, but a few are not in the desired format	Scant legal sources are cited and many are not in the desired format.

POLICY STATEMENTS

Academic Honesty

In keeping with our Christian heritage and commitment, North Park University and the School of Business and Nonprofit Management are committed to the highest possible ethical and moral standards. Just as we will constantly strive to live up to these high standards, we expect our students to do the same. To that end, cheating of any sort will not be tolerated. Students who are discovered cheating are subject to discipline up to and including failure of a course and expulsion.

Our definition of cheating includes but is not limited to:

1. Plagiarism – the use of another's work as one's own without giving credit to the individual. This includes using materials from the internet.
2. Copying another's answers on an examination.

3. Deliberately allowing another to copy one's answers or work.
4. Signing an attendance roster for another who is not present.

In the special instance of group work, the instructor will make clear his/her expectations with respect to individual vs. collaborative work. A violation of these expectations may be considered cheating as well. For further information on this subject you may refer to the Academic Dishonesty section of the University's online catalog.

In conclusion, it is our mission to prepare each student for a life of significance and service. Honesty and ethical behavior are the foundation upon which such lives are built. We therefore expect the highest standards of each student in this regard.

Attendance Policy for Graduate Courses

The graduate courses in the SBNM are all 7 weeks in length. Missing one class session is allowed without penalty as long as all readings and assignments are made up by the student within a reasonable time period (the following week). Failing to log into an online course site for an entire week is allowed, but a penalty may be applied at the instructor's discretion. Missing a second class session is allowed only in unusual circumstances by prior arrangement with the instructor. Since this represents almost 30% of the engagement time for the course, the student runs the risk of receiving a lower overall grade for the class. Faculty are encouraged to drop the course grade by a full letter grade in this situation. A student who misses three classes (or the equivalent two weeks for an online class) will automatically fail the course, unless the student drops the course before the seventh week of class. Students who drop a course will be held responsible for tuition, based upon the current North Park University refund policy outlined in the University Catalog.

Attendance Policy for Undergraduate Courses

Attendance and participation are vital. Thus, students are expected to attend every class session and to arrive on time – tardiness is undesirable and disruptive to your fellow classmates. This course has a strict requirement of documented, advance notification. If you are unable to attend any class session, you are to inform me (preferably by email) **prior to** that session. You need to provide a reason for your absence. Failure to provide advance notification will result in an unexcused absence. Be advised that poor attendance can affect your grade adversely

APA Requirement

The School of Business and Nonprofit Management (SBNM) has adopted the *Publication Manual of the American Psychological Association* (APA) as the standard and required format for all written assignments in SBNM courses.

Our goal in adopting the *APA Manual* is to enhance student learning by:

- 1) Improving student's writing skills.
- 2) Standardizing the required format of all written assignments in all SBNM courses.
- 3) Emphasizing the importance of paper mechanics, grammatical constructs, and the necessity of proper citations.
- 4) Holding students accountable for high quality written work.

If you are unfamiliar with the requirements of the *APA Manual*, we recommend that you purchase the reference manual and/or that you consult one or more of the suggested resources as listed on the Student Resources section of the SBNM website. ***It is your responsibility to learn and ensure that all written work is formatted according to the standards of the APA Manual.***

Students with Disabilities

Students with disabilities who believe that they may need accommodations in this class are encouraged to contact your program's office (Business: 773-244-6270). Please do so as soon as possible to better ensure that such accommodations are implemented in a timely manner. For further information please review the following website: <http://www.northpark.edu/ada>