

**AUBURN UNIVERSITY
SYLLABUS**

Course Number: HIED 7240
Course Title: Legal Issues in Higher Education
Credit Hours: 3 semester hours
Prerequisites: None
Corequisites: None

Date Syllabus Prepared: August 22, 2011

Texts: Selected cases in education law, available online at
www.lexisnexus.com/hottopics/Inacademic

Each student should have a copy of the 6th edition of the
Publication Manual of the American Psychological Association.

Course Description: Study of legal system and legal process, torts, contracts, and Constitutional law, and law in a higher education context, especially student affairs and athletics

Course Objectives and Content:

Upon completion of the course, the student will have knowledge of the following content areas in the law.

General: Sources and classifications of the law; The legal system and the legal process; Torts, Contracts, and Constitutional law; Use of technology and library resources in retrieving cases and other legal documents.

Student Affairs: First Amendment issues of religion and speech, Discrimination against students: Race, Tort liability, Family Educational Rights and Privacy Act, Anti-trust law.

Intercollegiate Athletics: Discrimination against students: Gender, Anti-trust law.

Other: Sex harassment, Employment discrimination, Disability discrimination, Labor law, Bankruptcy, Intellectual property law: Trademark, Patent, Copyright.

Course Calendar (TENTATIVE)

- August 23 Introduction
- August 30 Introduction continues
- September 6 Library session
- September 13 Brief Cycle #1, surnames A-F
First Amendment religion clauses, *Rosenberger v. Rector and Visitors of University of Virginia*
First Amendment speech issues, Public forum doctrine, *Tinker v. Des Moines Independent Community School District*, *Bethel School District v. Fraser*, *Hazelwood School District v. Kuhlmeier*, *Board of Regents of University of Wisconsin v. Southworth*, *Pitt News v. Pappert*, *Crue v. Aiken*
- September 20 Brief Cycle #1, surnames G-Q
Discrimination against students: Race, *Regents of the University of California v. Bakke*, *Gratz v. Bollinger*, *Grutter v. Bollinger*
- September 27 Brief Cycle #1, surnames R-Z
Discrimination against students: Gender, *Cohen v. Brown University* and *Pederson v. LSU*
Sex harassment, *Meritor Savings Bank, FSB v. Vinson*
- October 4 Brief Cycle #2, surnames A-F
Employment discrimination, *Griggs et al. v. Duke Power Co.*, *McDonnell Douglas Corp. v. Green*, *University of Pennsylvania v. EEOC*
Disability discrimination, *Board of Trustees of University of Alabama v. Garrett*, *PGA Tour, Inc. v. Martin*
- October 11 Brief Cycle #2, surnames G-Q
Tort liability of institutions, *Bradshaw v. Rawlings*, *Furek v. University of Delaware*, *Hartman v. Bethany College*, *Kleinknecht v. Gettysburg College*
Family Educational Rights and Privacy Act, *United States v. Miami University*, *Gonzaga University v. Doe*
- October 18 Brief Cycle #2, surnames R-Z
Anti-Trust law, *Flood v. Kuhn et al.*, *Hennessey v. NCAA*, *NCAA v. Board of Regents of University of Oklahoma et al.*, *Law et al. v. NCAA*, *Hamilton Chapter of Alpha Delta Phi et al. v. Hamilton College*, *American Needle, Inc. v. NFL*
Labor law, *Clarett v. National Football League*

Course Calendar (TENTATIVE)

- October 25 Brief Cycle #3, surnames A-F
 Bankruptcy
 Intellectual property law:
 Trademark, *University of Georgia v. Laite*; Patent; Copyright,
 Association of American Medical Colleges v. Cuomo et al.,
 Pittsburg State University v. Kansas Board of Regents, *Perfect 10,*
 Inc. v. Google, Inc.
- November 1 Brief Cycle #3 concludes
- November 8 Presentations begin
- November 15 Presentations conclude
- November 22 No class – Thanksgiving holiday
- November 29 Examination

Course Requirements:

Reading all assigned material.

Three briefs of cases in higher education law, written formally and presented informally to the class.

A group project culminating in a formal presentation and paper on some aspect of higher education law. The paper shall be at least 10 pages in length and shall contain references to not less than five (5) education law cases.

An examination covering general principles of law and important matters of case law in higher education.

Grading and Evaluation:

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|----------------------------------|------------------|
| Case briefs (3 @ 20 points)..... | 60 points |
| Class presentation..... | 20 points |
| Project paper..... | 40 points |
| Examination..... | <u>60</u> points |
| Total..... | 180 points |

Grading Scale

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|-----------------|-----|
| 162 and above = | A |
| 144-161 | = B |
| 126-143 | = C |
| 108-125 | = D |
| below 108 | = F |

Class Policy Statements:

Auburn University, Office of the Provost

- A. Attendance: Although attendance is not required, students are expected to attend all classes, and will be held responsible for any content covered in the event of an absence.
- B. Excused absences: Students are granted excused absences from class for the following reasons: illness of the student or serious illness of a member of the student's immediate family, the death of a member of the student's immediate family, trips for student organizations sponsored by an academic unit, trips for university classes, trips for participation in intercollegiate athletic events, subpoena for a court appearance, and religious holidays. Students who wish to have an excused absence from class for any other reason must contact the instructor in advance of the absence to request permission. The instructor will weigh the merits of the request and render a decision. When feasible, the student must notify the instructor prior to the occurrence of any excused absences, but in no case shall such notification occur more than one week after the absence. Appropriate documentation for all excused absences is required. Please see the *Tiger Cub* for more information on excused absences.
- C. Make-Up Policy: Arrangement to make up a missed major examination (e.g., hour exams, mid-term exams) due to properly authorized excused absences must be initiated by the student within one week of the end of the period of the excused absence(s). Except in unusual circumstances, such as the continued absence of the student or the advent of university holidays, a make-up exam will take place within two weeks of the date that the student initiates arrangements for it. Except in extraordinary circumstance, no make-up exams will be arranged during the last three days before the final exam period begins.
- D. Academic Honesty Policy: All portions of the Auburn University student academic honesty code (Title XII) found in the *Tiger Cub* will apply to university courses. All academic honesty violations or alleged violations of the SGA Code of Laws will be reported to the Office of the Provost, which will then refer the case to the Academic Honesty Committee.
- E. Disability Accommodations: Students who need special accommodations in class, as provided by the Americans with Disabilities Act, should arrange for a confidential meeting with the instructor during office hours in the first week of classes (or as soon as possible if accommodations are needed immediately). The student must bring a copy of their Accommodations Letter and an Instructor Verification Form to the meeting. If the student does not have these forms, they should make an appointment with the Program for Students with Disabilities, 1288 Haley Center, 844-2096 (V/TT).
- F. Course contingency: If normal class and/or lab activities are disrupted due to illness, emergency, or crisis situation, the syllabus and other course plans and assignments may be modified to allow completion of the course. If this occurs, an addendum to your syllabus and/or course assignments will replace the original materials.

Auburn University College of Education

- G. Professionalism: As faculty, staff, and students interact in professional settings, they are expected to demonstrate professional behaviors as defined in the College's conceptual framework. These professional commitments or dispositions are listed below:
- Engage in responsible and ethical professional practices
 - Contribute to collaborative learning communities
 - Demonstrate a commitment to diversity
 - Model and nurture intellectual vitality

Instructor:

Olin L. Adams III earned his Ph.D. in Higher Education at Ohio University (Athens, Ohio). He also holds the M.B.A. in Accounting, *cum laude*, from Mount Saint Mary's College (Emmitsburg, Maryland) and the A.B. in History from Centre College (Danville, Kentucky).

Adams joined the faculty of EFLT at Auburn in Fall 2000, following 10 years on the Accounting faculty at Ohio University. Licensed as a C.P.A. by the State of Maryland, he practiced accounting in that state for eight years prior to pursuing an academic career.

Adams' primary research interests are the business affairs of higher education and of intercollegiate athletics. He has conducted two national studies of managerial accounting practices in four-year institutions. Adams also has published research on leading issues in higher education finance, cost control in higher education, the business model in intercollegiate athletics, and the tax exempt status of intercollegiate athletics.

His continuing research includes studies of the changing revenue structure in public higher education institutions, the NCAA system of revenue and cost management, cost control in intercollegiate athletics, conference realignment in intercollegiate athletics, the rise of the Southeastern Conference, pay for play in intercollegiate athletics, startups of small college football programs, and the costs and benefits of college football stadium expansion. Adams serves as chair of the sport management minor at Auburn.

Adams is the son of Juanita V. Adams and the late Olin L. Adams, Jr. His father was a veteran of World War II, with service in the Army Air Corps. He received his doctorate from the University of Maryland and served as a school superintendent for 31 years in five districts across four states. Adams' mother claims past service as president of her community garden and women's clubs. Her second cousin, Fred M. Vinson, was chief justice of the United States from 1946 until his death in 1953.

Adams grew up in the Midwest and Knoxville, Tennessee. At Centre he was a sports writer for the campus newspaper, public address announcer for home football games, and official scorer at home basketball games. Adams' outside interests today include exercise, college athletics, and Thoroughbred horse racing. He enjoys the music of Frank Sinatra and Elvis Presley.

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